

## INEC AND CREDIBLE ELECTIONS IN NIGERIA.THE 2023 GENERAL ELECTION: CHALLENGES AND PROSPECTS

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### **Abstract**

*The Independent National Electoral Commission (INEC) is responsible for conducting elections in Nigeria. It is guided by the Electoral Act (2022 as amended) to ensure that the conduct of the exercise is hitch-free as much as possible. Past elections conducted in Nigeria have not been without some problems, and these malpractices disturb the stability of order in the polity. The just concluded 2023 general elections witnessed some of these electoral malpractices. Despite efforts to review the Electoral Act, the process was not free from malpractices, which has made many question the results of the elections and led to several election litigations. This paper seeks to examine the causes of the problem encountered by the electoral umpire in the conduct of the just concluded elections. The study will adopt the structural-functional theory to explain the electoral processes as they are linked and have various functions. Secondary qualitative data will be sourced and will be analyzed narratively. The study suggests that INEC needs to increase security at polling units during the period electorates cast their votes. When these votes are counted, the credibility of future election exercises will be improved.*

**Keywords:** Credible Elections, Electoral Commission (INEC), Election, Voting, Nigeria

### **INTRODUCTION**

An election, being the only acceptable and credible way of choosing leaders in every democratic society, is of utmost importance. Every electoral body, therefore, is entrusted with the responsibility of conducting credible, accessible, and fair elections. These elections must be based on the principles of accountability, transparency, and the rule of law. The National Electoral Commission, to fulfill its mandate, must always ensure that these principles are upheld during elections. This is crucial for peaceful and legitimate power transitions, and for maintaining citizens' trust in the electoral process.

To ensure the credibility of the just concluded 2023 general elections, sections 47 and 50 (2) of the new Electoral Act 2022 provided for the digitalization of the election by introducing the Bimodal Voter Accreditation System (BVAS) and INEC Request viewing (IREV) Portal.

Despite the introduction of these technologies and the assurance from INEC to conduct a free and fair election, the General Elections were not without challenges ranging from vote buying, fraud, snatching of ballot boxes, suppression of people's right to vote, breakdown of the BVAS, violence, and so on. Once again,

INEC failed to deliver a credible and fair election as promised earlier, which raised uncertainty about its credibility and the sustenance of representative governance.

The lack of credibility in the past election has caused many Nigerians to lose faith and confidence in the government and their interest in continuing to participate in elections. Over the years, Nigeria has continued to witness growing disappointments and apprehension about the inability of INEC to conduct peaceful, free, fair, open elections whose results are widely accepted and respected across the country. (Igbuzor, 2010) (Osumah, and Aghemelo, 2010). Ekweremadu, (2011). All the polls ever conducted in Nigeria since independence have generated increasingly bitter controversies and grievances on a national scale because of the twin problems of mass violence and fraud that have become central elements of the history of elections and the electoral process in the country.

According to Gberie (2011), over the years, electoral processes in the history of Nigeria's democratic governance have continued to be marred by extraordinary displays of rigging, thuggery, "do or die" affairs, ballot snatching at gun points, violence and acrimony, boycotts, threats and criminal manipulation of voters' list, brazen falsification of election results, the use of security agencies against political opponents and the intimidation of voters Omotola (2010), Bekoe, (2011). Elections remain one of the leading notable sources of conflict, which often result in confrontations that continue to threaten the political stability and peace of the nation, as opined by Hounkpe & Gueye (2010).

Elections in African countries have been riddled with violence and misconduct, which has raised questions about their relevance and importance in sustaining democracy on the continent. Agbaje and Adejumobi (2006) have observed that elections conducted by civilian regimes have been the most problematic.

## **CONCEPTUAL ISSUES / CLARIFICATION**

### **Elections**

Elections generally refer to choosing people for particular jobs by voting. Elections are mandatory and are essential in every democratic system. With election comes voting, and together, they become crucial attributes of democracy, according to Genyi (2015), who went further to say that "elections and voting are an indispensable aspect of political engagement." According to Nnoli (2003), the election is also defined as the process of choice-making that is agreed upon by a group of people in a state. This process allows them to select one or a few Representatives out of many persons to occupy positions of authority.

The significance of credible, accessible, and fair elections to democratic consolidation cannot be overemphasized. According to Animashaun (2010:3), "Elections represent the lifeblood of modern democracy, and the frequency, fairness, and openness of elections are crucial to the political stability of the polity. The extent to which elections advance democratic order depends mainly on the existing electoral system, its nature, and its acceptance by the stakeholders in the electoral process.

According to Lopez-Pintor (2000:65), one of the most critical ways elections can be legitimate is by developing credible election administration institutions. Electoral management bodies (EMBs) that are independent of interference by other government institutions and political interests, impartial in their decision-making, and professional in their make-up are considered crucial for conducting free and fair elections in newly democratic states. On the contrary, Wall et al. (2006:12) say EMBs with excessive partisan influence or exclusive commissions that limit political input in the administration of elections may lead to a perceived lack of professionalism and impartiality that leads citizens to question the fairness of the electoral process. Kerevel (2009:3) further argued that citizens may also ask about the validity of election results due to a perceived lack of professionalism in elections or perceived bias in electoral administration. He, therefore, concluded that individuals who have little confidence in the EMBs may have reduced confidence in the accuracy of how ballots are counted. Such lack of confidence in election results may have additional consequences, such as reduced electoral participation or an increased propensity to protest. Kerevel, (2009; 3)

## **Electoral Process**

According to Elekwa (2008; 30), the electoral process relates to the entire cycle, from the provision of voter education to the dissolution of the National Assembly. Akamere (2001) went further to say that the electoral process refers to all the activities and procedures involved in the election of representatives by the Electorate. It also refers to all the pre-election and post-election activities without which an election is meaningless. This includes the registration of political parties, review of voters' registers, delineation of constituencies, resolution of electoral disputes, return of elected representatives, and swearing of elected representatives. In addition, the electoral process includes the rules that guide the conduct of the elections and essential activities that make up an electoral process. Any conduct that threatens the electoral process is a subversion of the people's sovereignty, Akamere; (2001)

## **THEORETICAL FRAMEWORK**

The framework of analysis for this study is Structural Functional Theory, also called Structural Functionalism. This theory was chosen because it is a framework for understanding societies and their focus on their structure. It sees society as a complex system whose parts work together to promote solidarity and stability.

Emile Durkheim (1858 – 1917), as a significant contributor to this theory, examined how social institutions and human beings interact with each other and influence each other,

Almond and Powel (1966) introduced structural functionalism into policy services to compare political systems. The political science approach to structural functionalism is probabilistic because it assumes that if one structure within the system changes, there is a high probability that other structures in the system will also adjust to accommodate for the change (Almond & Powell, 1966). Structural functionalism provides a good insight into how it might be applied to describe the structures and functions of complex public or bureaucratic organizations. Structural functionalism uses systems theory to explain the interrelations within the social system; Alrnoldi (, 2001). Structural Functionalism, therefore, conceptualizes society as a system of inter-relationships and interactions that promote stability or transformation within the whole system. This conceptual approach suggests that to understand social systems, it is crucial to look at the parts of the system that substantiate particular activities and their interactions (Chilcott, 1998).

### **Relevance of the Theory**

The conduct of the 2023 general elections was appraised to have some flaws and objectives, though INEC's responsibility is to conduct free and fair elections that would produce representatives of the people based on the electorates' decisions.

Peaceful political transition is achieved through the credibility of the INEC's election conduct, and the electoral body helps to maintain the system because it performs its tasks. This, therefore, means that different structures and government agencies are created to handle specific functions to achieve stated objectives. The performance of these functions by these agencies determines their outcome and the public's general perception of whether or not they are credible.

The duty of electoral administration is mainly the function of INEC. It is expected that INEC performs its duties judiciously so as to align public opinion and perception of its credibility. INEC is a social structure like other government organizations that maintains the stability of the whole system (Nigeria).

## **LITERATURE REVIEW**

Elections are the heartbeat of every democratic setting and among the most ubiquitous contemporary political institutions. At the same time, voting is the single act of political participation undertaken by a majority of adults in a majority of nations in the world today (Rose and Mossawir, 1967). Elections encapsulate the mediating institutional and psychological process and anchor citizens, as adults, in an

organized and routinized manner to express their choice among those who seek public political office (Jinadu, 2005:3).

The conceptualization of elections in the political realm rests squarely on the concept of liberal democracy (Nohlen, 1996:1). It is almost impossible to comprehend the theory and practice of democracy without linking it to the process of elections. In the view of Lindbergh (2004:6), every modern vision of representative democracy entails the notion of elections as the primary means of selecting political decision markers.

As rightly observed by Ojo (2007; 5), an election is qualified as the process of choosing people for particular jobs by voting. He argues further by giving examples of two major types of elections, which are direct and indirect. The former emphasizes direct participation of a voter going to the poll and recording a vote in favor of one candidate or another and

the candidate with the maximum number of votes is declared elected.

This method is said to be the most popular, and it is used in all democratic countries. On the other hand, indirect elections do not allow voters to directly elect their representatives but elect an intermediary body that makes the final decision. The final choice of electing the representative is not the general mass of voters but of the intermediary body of electors whom the general mass of voters had elected in the first instance. Kapur & Vaishnav (2006:15).

Elections, as a symbol of sovereignty, investigate governments with political authority and legitimacy. Laakso (2007:224) says, “They ensure citizens retain the power to hire and fire political leaders. To achieve this, an election must be free and fair, or at least perceived as so.

Elections provide the medium by which the different groups within the bourgeois nation-state can peacefully stake and resolve their claims to power. Iyayi (2005:1) Elections, therefore, determine the right way to ensure responsible leaders take over the mantle of power.

An election is a procedure by which the Electorate, or part of it, chooses the people who hold public office and exercise some degree of control over the elected officials. It is the process by which the people select and control their representatives. The implication is that without elections, there can be no representative government.

Election helps institutionalize the process of democratic succession by creating a legal administrative framework for handling interrelated rivalries and providing a medium for popular backing for the new leaders (Hughes and May, Omotola, 2009; 8).

Liberal democracy is sometimes equated with the election phenomenon, but democracy should not be reduced to the process of elections only. They are nevertheless acclaimed as “the heart of democratic order,” Chiroro (2005; 38) and a hallmark of democracy Ojo (2007; 6) To buttress this view, Bratton (1998; 52) aptly captured the significance of election to democracy while recognizing the fact that “elections do not, in and of themselves, constitute a consolidated democracy, but they remain fundamental, not only for installing democratic governments but as necessary requisite for broader democratic consolidation.

### **Methodology**

This paper adopted the qualitative content analysis method to interpret data sourced from different materials related to the study. It explains some of the challenges witnessed during the elections and then suggests measures that could be taken to avoid some of the challenges in future elections in Nigeria.

### **Elections in Nigeria’s Fourth Republic**

The process of choosing representatives in an organized manner at a particular period has been part of Nigerian democracy since 1999. The country has witnessed a four-year selection process whereby citizens can choose candidates they feel will protect their interests. The selection platform, which INEC permits, is done through registered and recognized political parties. Election has gradually formed part of the nation’s political history.

The return of Nigeria to democracy in 1999, after many years of autocratic governance, was with much hope and positive expectation from its citizens. The people hoped that after long exclusion from government affairs, a period of an ‘all-inclusive’ government was heralded. This governance style provides an opportunity for interested citizens, meeting the age requirement, to vote and to be voted for at all levels of

government: federal, state, and local government. Elections are vital in democracy because the people have the ultimate say in governance.

However, elections since 1999 have brought various ignominious reactions. Elections in the nation have been marred with irregularities and malpractices. This has become a common phenomenon. The 2003 and 2007 general elections demonstrated a high level of election irregularities perpetuated by the ruling party, the Peoples Democratic Party. Intrigues and weapons such as thugs, money, underage voters, inflation of registered voters, and votes cast, among other vices, determined the results that were presented by INEC in those election years.

However, the 2011 elections showed a turn of events. Some civil society groups got involved in the pre-election activities to check future election fraud and malpractice. For instance, the Presidential Committee on Electoral Reform (PCER), led by Justice M. Uwais, received suggestions from these groups. This helped the Federal Government re-organize the Independent National Electoral Commission, making it fully independent (Aderonmu, 2013). Other efforts made by the government included educating voters, sensitizing the citizens, creating awareness among them of the need to perform their civic duty to society, and registering voters for citizens who were up to the constitutional voting age of 18.

Security agents from various law enforcement agencies to be used in the elections exercise, the Nigeria Police Force, Civil Defence Corp, EFCC, ICPC, etc., were trained in the duties they were expected to render during the polls. All these and the final turnout during the 2011 general elections made international observers rate the 2011 general elections as the ‘most open, transparent, and credible in Nigeria’s democratic history (Election Observers Mission, 2023).

The agitation for a change in government, particularly changing the ruling party, the People’s Democratic Party (PDP), turned the tide in the polity in the 2015 General Elections. However, notable improvement was recorded in the pre-election preparations with the introduction of card readers by INEC to help detect fake voters’ cards during the polls. Despite this, irregularities were noted, especially in the inflation of votes cast in parts of the country. This was majorly prevalent in the northern region. Here, the electoral umpire was accused of accepting results that clearly showed that the number of votes cast exceeded the number of accredited votes.

Sadly, these allegations didn’t ‘hold water’ at that time because many Nigerians were clamoring for a change in the ruling party, which they perceived was no longer capable of stirring the boat of governance in the right direction. Secondly, the 2015 election was held amidst tension between southern and northern Nigeria. Here, the North had decried marginalization and felt power should shift to the North. This created regional, ethnic, and, to some extent, religious fractures in the 2015 election (Orji, 2015). For the first time in the history of Nigeria’s democracy, the results of the 2015 presidential elections declared the opposition party’s candidate, All Progressive Congress (APC), as the winner.

In 2019, the seeming improvement witnessed in the conduct of the 2015 election was eroded. The commission battled with many administrative inadequacies, which it only admitted were present once it had to postpone the Presidential and Senatorial election, which was earlier scheduled to be held on the 16th of February 2019 to the 23rd of February 2019. The change in dates did not bring the required positive impact on the conduct of the elections that the Commission promised. The postponement was allegedly engineered by the ruling political class – although with no substantial proof (Onapajo & Babalola, 2020). All these indicate that the Independent National Electoral Commission needs to re-strategize to conduct credible elections in the future.

### **Challenges of the Conduct of 2023 General Elections in Nigeria**

As the election umpire prepared for the recently conducted elections, the citizens already had mixed feelings about the turnout, even though the umpire and the former administration had promised to ensure a ‘free and fair’ election. Positively, candidates and parties disputing outcomes took their complaints to the courts, although the number of such cases was extensive.

#### **1. Election Organization**

Towards an election year, the electoral body draws out a budget, which it presents to the Federal Government on its estimated expenditure for the upcoming elections. The same was done in the just-concluded polls. Despite the planning, the Commission encountered many hitches during voters’ registration and distribution

of permanent voters' cards up to the day of the polls. For instance, a few weeks before the 2023 general election, several attacks were carried out by hoodlums in INEC offices and their staff (EU Election Observation Mission, 2023). In addition, insufficient cash flow that was bedeviling the economy also affected the Commission's operations.

#### 2. Under-equipped and Shortage of Security Personnel

Elections in Nigeria since 1999 have witnessed various levels of violence from agitated members of political parties or their mercenaries. This has necessitated the government and INEC to engage all national security agencies by recruiting their personnel to ensure order during the polls. The just concluded elections showed that security personnel in the many remote areas in the country were not sufficient where they were available; they were not adequately armed to handle any uprising or crisis that might have ensued before and during the polls. For example, during pre-election campaigns in some parts of the country, a lot of violent cases were recorded, and there was no security workforce to control the activities of the rioters. This inevitably resulted in low voter participation in those areas (EU Election Observation Mission, 2023).

#### 3. Loss of Public Trust

The general turnout of voters during the 2023 presidential election was relatively low. The Commission recorded a total of 93,469,008 eligible registered voters. However, only 25,296,616 votes were recorded nationally, which is 26.72% of the registered voters (EU EOM, 2023). This was masterminded by the violence that erupted in some parts of Lagos, Abia, Rivers states, etc., during the polls. This indicates the people's faith in INEC and its electoral process. Their hope was further dampened by the turnout of the presidential elections, which gravely affected the turn-out of voters for the Gubernatorial and State House of Assembly Elections. There was no longer cooperation between the mass and INEC. Aside from the citizens, political parties, and their candidates who participated in the elections were also dissatisfied with the results that the Commission was rolling out from parts of the country, alleging that they were flawed and contrary to the people's will.

#### 4. Poor Technological Management

The Bimodal Voter Accreditation System (BVAS) was introduced to ascertain valid voter accreditation and to ensure the online transmission of results directly from the polling unit to be uploaded to the INEC website. At least, this was the public's understanding when the machine was introduced. However, after the presidential and senatorial elections, it was discovered that the BVAS was configured only to record the number of registered voters and accredited voters. It didn't have the function of identifying the number of votes cast for each political party registered by the Commission. INEC instructed each polling unit staff member to snap the results sheets they recorded and upload them to the Commission's website. Unfortunately, many polling units in several areas complained of network issues when uploading the information and could not send the results. The electorates faulted this process as a deliberate technological mishap of the Commission manipulated the entire electoral process.

### **Prospects for Future Elections in Nigeria**

The 2023 general showed some improvement compared with previous elections the independent national electoral commission has conducted in Nigeria. Yet, more can be done to improve the commission's effectiveness and efficiency in the future.

- i. Preparing for the election should be continuous, and we should not wait until the election. Events such as voters' registration, distribution of permanent voters' cards, training, and re-training of INEC staff/ad hoc staff should be ongoing in the use of advanced election technologies and voting and counting procedures at the polls. Furthermore, the commission needs to strengthen its security in protecting election materials, especially permanent voters' cards. This will aid in reducing such occurrences that took place in the South-Eastern part of the country.
- ii. Similarly, the recruitment of more security personnel in future elections is non-negotiable. They need to be trained and well-equipped to tackle any security issues that may arise before, during, and after the election.

- iii. INEC needs to be more transparent in its operations by organizing orientations and workshops. Civil societies and the media can achieve this, which will allow the public to understand its procedures clearly.
- iv. INEC needs to enforce campaign rules and regulations to curb the activities of miscreants during political party campaigns. This may help restore citizens' confidence and enhance voters' participation.

### **Recommendations**

1. While preparing budget for elections, the Nigerian election umpire, INEC should prepare a financial backup plan considering the nation's fluctuating economy. This will be used for any financial emergency the commission may encounter during future conduct of election.
2. Federal Government of Nigeria in collaboration with INEC need to conduct a comprehensive training of adequate man-power for future elections this should comprise of all group of individuals needed; INEC tenure staff, INEC ad-hoc staff and security personnel from various security agencies around the country.
3. The Federal Governments needs to carry out an overhauling of the nation's election umpire, INEC. It can source ideas from countries with more transparent and accountable election umpire on how to improve on INEC's operations during elections.
4. With the numerous recorded failures of the BVAS, there is need for INEC to upgrade its technologies used during the 2023 general elections. Also, new and more sophisticated technologies need to be employed to increase the credibility of future election in the opinion of the citizens

### **Conclusion**

As expected, many citizens felt the conduct did not ensure a well-run, transparent, and inclusive democratic process as predicted by the Independent National Electoral Commission (INEC). Public confidence and trust in INEC were significantly harmed during the presidential poll, nor was it restored in state-level elections, leading civil society to call for an independent audit of the entire process. The pre-poll environment was volatile and challenging, affected by economic crises. Fundamental freedoms of assembly and movement were broadly respected, yet the full enjoyment of the latter was impeded by insecurity in some parts of the country. Abuse of incumbency by various political office holders, especially state governors, threatened the playing field, and the continual menace of vote buying detracted from the appropriate conduct of the elections. Incidents of organized violence shortly before and on election days in several states created an environment deterring voter participation. The media raised voters' awareness, fact-checkers stood up against disinformation, and civil society demanded INEC's accountability (EU EOM, 2023). The overall outcome of the polls indicates the views of insignificant percentage of the national population. This poses a question on the future of democracy in Nigeria if urgent measures are not implemented to address all forms of electoral fraud.

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