

# THE INTRODUCTION OF TECHNOLOGY IN THE CONDUCT OF ELECTIONS IN NIGERIA: A BLESSING OR A CURSE?

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## ABSTRACT

*Electoral democracy in most post-colonial countries such as Nigeria has not been successful in terms of reducing the incidence of electoral malfeasance. Thus, electoral democracy in these countries is inseparable from monumental and brazen electoral manipulations. To surmount these challenges successive governments in Nigeria have launched various innovative ideas and most recently is the introduction of information communication technology (ICT) in the conduct of elections in Nigeria. This paper examines the relevancy of the integration of ICT in the conduct of elections in Nigeria. The paper finds that the integration of ICT in the conduct of elections in Nigeria, instead of rekindling the confidence of most Nigerian voters and international partners in Nigerian democracy, has rather dwindled their confidence, as electoral stakeholders now use ICT as a new tool in perpetrating electoral fraud. The paper therefore recommends that the scope of utility of ICT in the conduct of elections in Nigeria should be clearly defined in the electoral laws, INEC officials adequately trained on the use of these modern technologies and electoral stakeholders should avoid sabotaging the technologies.*

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## 1.0 Introduction

**In today's globalization, ICT has taken the centre stage as nothing can be organized and executed with greater success without its use. The use of ICT in election management has witnessed an upsurge in the last two decades. Countries are adopting electronic voting (e-voting) in a bid to address electoral malfeasance and improve efficiency and credibility in the administration of the electoral process. One of the advantages of the use of ICT in the conduct of elections is that "e-voting lessens the chances of electoral officials changing the votes count, thus reducing election officials' direct interaction with ballots or counts and other forms of voter fraud". It also allows "larger voter participation especially as the process is faster, less cumbersome, reliable and promotes more trust in the system among others".**

In the 2015 general elections, the Nigerian government introduced the use of ICT in its election management system. The 2015 general election marked a new era in the deployment of sophisticated Information Communication technologies in the history of Nigeria elections. The **"Improved Automated Fingerprints Identification System (AFIS) was introduced to identify similar fingerprints on the register used for the 2011 election"**. Temporary voter cards (TVC) which were used for the 2011 elections were replaced with permanent voter cards (PVC). For the first time, the Independent National Electoral Commission (INEC) adopted technology for the accreditation of voters with the aid of the INEC Voters Identification System (IVAS) popularly called the Smart Card Reader (SCR). **The card reader keeps a "tally of all cards read, comprising the details of all voters verified as well as those not verified, and transmits the collected information to a central INEC server via GSM data service"**. Information transmitted to the server enabled INEC to **"audit results from polling units, as well as do a range of statistical analysis of the demographics of voting"**. Furthermore, collation officers were **"able to use information**

transmitted by the card reader to audit polling unit result sheets and determine whether **accreditation figures have been altered.”**

**In the 2019 general elections, the use of permanent voter’s card and smart card reader readers were** retained. Ahead of the 2023 general election, the Electoral Act 2010 was repealed by the Electoral Act 2022, the Electoral Act 2022 and the Regulations and Guidelines for the Conduct of Elections 2022 introduced the INEC Result viewing Portal (IReV) in addition to the smart carder readers. Sections 47 and 50(2) of the Electoral Act 2022 legalised the use of smart card readers, electronic accreditation of voters and any other voter accreditation technology that the INEC may deploy. Also, the Act empowers the INEC to determine the manner(s) of transmission of results. Relying on this section, the INEC in its Regulation created room for the electronic accreditation of voters and electronic transmission of the result. The Act also made provisions for the use of either electronic voting machines or any other voting device for the conduct of elections. Section 62(2) of the Act empowered the commission to maintain a centralised electronic register of elections for e-collation. The introduction of electronic voting devices has been seen as one of the innovative provisions of the Electoral Act 2022 and also one of the most contentious issues arising from the just conducted 2023 general election, particularly, the February 2023 Presidential Election. IReV was first used in the conduct of the Osun State Governorship election in 2022 and thereafter in the conduct of the general elections in 2023.

It is pertinent to note that despite the copious provisions of the laws and the promises of INEC to utilise ICT in conducting the 2023 general election, there were still widespread electoral malpractices and ineffective utilisation of ICT in the conduct of the election.

This paper examines the impact of technology on the electoral system, the outcomes of elections and the issues associated with the use of ICT in the conduct of elections in Nigeria. It concludes by proffering salient recommendations that will help foster democratic government in Nigeria.

## 2.0 Issues arising from the Application of ICT in the Conduct of Elections in Nigeria

The introduction of **ICT in the conduct of elections in Nigeria has been seen as a “game changer”**. However, this innovative step in our electoral system has been bedevilled by some challenges which has made it a curse rather than a blessing.

### 2.1 Technical Issues

The adoption of ICT in the conduct of elections in Nigeria is laced with a lot of technical issues. Despite the guarantees by INEC that the BVAS and the IReV will be applied in such a manner that will eliminate or even significantly limit human interference in the electoral process and reduce the rate of electoral malpractices in the 2023 general elections, the actual **implementation/use of these electoral devices on election day was “grossly ineffective and greatly undermined the credibility of the electoral process and its outcome”**. A good number of BVAS devices broke down or outright malfunctioned across different polling units in the country. The IReV which was designed to kick into action immediately after voting ends was, however, marred by a lot of challenges that tainted the result transmission process. At the end of the voting, many INEC officials claimed not to remember their passwords to the IReV portal. For those who could recollect theirs, many complained the passwords were wrong and that they could consequently not upload the polling unit results in real-time. Those that could transmit the results of elections, **delayed in transmitting the results to the INEC’s portal, even 24 hours after voting had ended** results from several polling units were yet to be uploaded to the INEC portal. INEC attributed this **“time-lapse to the routine glitches common to technical platforms like the IReV”**. At the close of

polls, therefore, the INEC portal “failed to disclose the results obtained from all of the country’s total 176,000 polling units as expected” due to the various technical issues that bedevilled the use of IReV. While these technical issues might be genuinely born out of a lack of proper training for the ad hoc staff responsible for operating the BVAS, or technical failure, the possibility that these tactics were implored by INEC officials to deliberately sabotage the elections’ outcome cannot be ruled out as they provided the opportunity for the manipulation of the elections.

## 2.2 Ambiguous Provisions of the Law

The adoption of ICT in the electoral management system raises a lot of legal issues and there is a need for clear entrancement in the relevant legislative instruments such as the Constitution, Electoral Act and INEC Guidelines and Regulations, detailed procedures to be followed at each stage of adoption of ICT in the electoral process and remove ambiguities that can constitute legal landmines.

It is no doubt that technology offers great opportunities for strengthening the transparency, credibility and integrity of elections, however, its adoption must be based on well-defined policies and appropriate implementation. Such policies would have to be designed with appropriate safeguards and governed by appropriate legislation to promote the opportunities and address the challenges. Otherwise, the use and deployment of technological applications in elections can lead to an exponential increase in the cost of elections and even erosion of public confidence in electoral processes, contrary to what the use of technology is supposed to bring to the electoral process.

In Nigeria, the provisions of the law on the adoption of ICT in the conduct of elections in Nigeria are quite ambiguous and perpetrators of electoral fraud are hiding under this ambiguity in committing electoral fraud and circumventing the use of ICT in the conduct of elections.

The introduction of electronic voting devices has been seen as one of the innovative provisions of the Electoral Act 2022, however, due to the ambiguity in the law, the adoption of ICT has become one of the most contentious issues arising from the just conducted 2023 general election, particularly, the February 2023 Presidential Election.

Notably, one of the grounds relied on in challenging the result of the 2023 presidential election in the case of *Mr Peter Gregory Obi & Anor v. Independent National Electoral Commission & 3Ors* was the issue of the INEC not transmitting the election results in real-time via INEC Result viewing Portal (IReV). In delivering the judgement of the Tribunal, Justice Tsammani **held that “there is no provision for the electronic transmission of election results in the Electoral Act 2022, it is at best, optional.” He continued that the only technological device** that is mandatory for the INEC to use for the election is the Bimodal Voters Accreditation System (BVAS) and nothing in the INEC regulation shows that the Bimodal Voters Accreditation System (BVAS) must be used to electronically transmit polling unit results. The decision of the court has been adjudged by commentators as being unjust, given the circumstances surrounding the case and the conduct of the election.

It is therefore imperative to review the Electoral Act 2022 to remove the deliberate loopholes inserted by INEC to evade the absolute use of technology to conduct and declare election results in Nigeria. The use of technology should ensure not just the accreditation of voters and the transmission of results to the IReV portal but also eliminate all forms of overvoting. The ballot papers should also be made electronic so the votes are cast electronically and the collation is done via electronic devices.

### 2.3 Corruption and Electoral Malpractice

To a very large extent, technology has eliminated the incidence of electoral malpractice. Despite the benefits associated with the introduction of ICT into the conduct of elections in Nigeria, these **technologies have also been used for negative political purposes. Fundamentally, Nigeria's** political culture is embellished with political corruption which manifests itself in the use of and negative influence of money in politics, election rigging and thuggery. Electoral corruption is **embedded in Nigeria's electoral processes, not just a "feature of the voting process on election day** but also of other pre-election day processes and activities, such as party primary and election nomination processes". **Before the 2023 elections, INEC announced comprehensive measures to** enhance its integrity and consequently restore popular confidence in the electoral process. One of such measures was the substantial investment in digital technology. However, technology is a tool **and not an end in itself. The extent to which "technology is deployed in an electoral process in a** given country at a given time is perhaps directly related to the perceived level of trust and independence enjoyed by the **Electoral Management Body". It is this level of trust and** independence that in the end determines the acceptance of electoral outcome by the various stakeholders and the general public.

On the day of the 2023 general election, just like the previous general elections, political thugs disrupted the election process across the country. From Borno, Kebbi, Sokoto, Kano, Kaduna, Nasarawa, and Kogi to Rivers, Enugu, Abia, Edo, Delta, Ogun and Lagos States among others, the story is the same. There was widespread electoral violence ranging from voter intimidation, and suppression to physical attacks, carting away ballot boxes and electoral materials, disruption of the voting process, as well as holding hostage electoral officers. Furthermore, there were several cases

of manipulation of the BVAS and IReV by INEC officials to deliberately sabotage the electoral process. Also, INEC failed to deliver on their promises and changed the rules in the middle of the exercise.

#### 2.4 Inefficiency of Some Electoral Officials

Before the conduct of the 2023 general election, INEC trained some of its officials on the use of **the BVAS and the IReV, and “conducted mock voter-accreditation exercises at designated polling units across the country’s 36 states using the BVAS”, as well as assured the citizens of the effective utilization of these technologies in the general elections. However, “despite these assurances, actual implementation on election day was ineffective” as it did not take long after the opening of some polling units on election day for observers to spot difficulties with the BVAS. In some polling units, it was reported that some INEC officials struggled with the voter-accreditation process based on using the BVAS. The training given to the INEC officials and ad-hoc staff was inadequate. A good percentage of the “Presiding Officers and Assistant President Officers I in the polling units were not intensively trained on the proper use and handling of these new technologies”. During the election, some officials claimed they could not remember the password to the IREV portal. Perhaps well-trained persons were sabotaging the elections this way.**

#### 3.0 Conclusion/Recommendations

There is no doubt that ICT may ensure greater efficiency in the management of elections and enhance overall popular trust in the electoral process, however, it is susceptible to newer forms of vulnerabilities and disruptive attacks too. Additionally, technical hitches do arise and equally, compromise the credibility of the electoral process and undermine public confidence in democracy. This was exactly the case in the just conducted 2023 general elections in Nigeria.

For effective utilisation of ICT in the conduct of elections in Nigeria, it is recommended that INEC should undergo restructuring, especially in areas such as staffing and staff development. Also, INEC should provide adequate training for its staff on how to use these new technologies in the conduct of elections in Nigeria and these technologies should be made available during the training session. Each of the trainees should undergo a mock test during the training.

Furthermore, the Electoral Act 2022 should be amended to properly provide for the scope and limit of the use of ICT in the conduct of elections in Nigeria, and lastly, all the electoral actors/stakeholders should allow the electoral process to naturally run its course to bring about free and credible elections in Nigeria that will reflect the actual choice of the citizens, who are the ultimate determinant of electoral outcomes.