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ANALYSIS OF THE NEW INNOVATIONS IN THE ELECTORAL ACT, 2026

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Abstract

Since the transition from military rule to democracy in 1999, Nigeria has witnessed numerous elections with attendant challenges, making electoral reform a recurring feature of its democratic development. Concerns regarding electoral transparency, political party internal democracy, the deployment of technology, and the independence of the Independent National Electoral Commission (INEC) have prompted successive amendments to Nigeria's electoral legal framework. The most recent reform is the Electoral Act, 2026, enacted to address some of these challenges and improve electoral administration. This article highlights the major innovations introduced by the Electoral Act, 2026 and critically examines their implications for Nigeria's electoral process. Employing the doctrinal research methodology, the article analyses key provisions of the Act relating to election result transmission, political party primaries, reduction of electoral timelines, and the expanded regulatory authority of INEC. It argues that while the Act introduces significant reforms aimed at strengthening electoral administration and improving the conduct of elections, certain provisions raise concerns regarding electoral transparency, accountability, and stakeholder participation. The findings reveal that the provisions on election result management, compressed electoral timelines, and broad discretionary powers vested in INEC may undermine public confidence in the electoral process if not properly implemented. The article further finds that the success of the reforms depends largely on the institutional capacity and independence of INEC as well as the commitment of political actors to democratic norms. It recommends clearer safeguards for election result transmission, greater transparency in party primaries, periodic review of electoral timelines, and stronger accountability mechanisms for INEC.

Key Words: Democracy, Electoral Reforms, Elections, Election Result Transmission

1.1 Introduction

In any democratic setting, the government is saddled with the responsibility of conducting credible, free and fair elections. In particular, in modern constitutional democracies, elections serve as the primary means through which citizens exercise their right to choose political

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leaders.¹ Having donated their mandate to these elected political leaders, it is expected that the said leaders are accountable to the people who elected them into office. Nigeria's democratic development since the return to civilian rule in 1999 has utilised elections as a tool to replace elected political leaders whose term(s) in office have elapsed. Despite numerous electoral reforms, the electoral process in Nigeria is characterised by numerous challenges which often affects the outcome of the elections. Some of these challenges include electoral violence, vote buying, logistical failures, technological limitations, and widespread allegations of electoral manipulation, etc. These challenges have clearly undermined public confidence in electoral process and further weakened our democratic institutions. From inception of the Fourth Republic in 1999, the National Assembly has enacted several Electoral Acts aimed at improving the electoral process. These include the Electoral Acts of 2002, 2006, 2010, 2015, 2022 and 2026. Each of these statutes sought to address specific deficiencies identified in previous electoral cycles. With each of these Electoral Acts, we have seen a number of innovations notably the prescription of time within which to litigate pre and post-election matters, secondly the introduction of technology such as the Smart Card Reader² that uses biometrics to authenticate voters and the Bimodal Voter Accreditation System (BVAS) which goes beyond facial and biometric authentication to electronic transmission of election results. The obvious improvements have all been aimed at reducing the amount of human interference in the electoral process with the aim of achieving free, fair and credible elections. While these innovations were widely applauded, their implementation during elections generated mixed reactions due to operational challenges and controversies regarding result transmission and the final results announced by the Independent National Electoral Commission (INEC). In response to these challenges and concerns raised thereafter, the National Assembly after a nationwide consultation enacted the Electoral Act, 2026 (Amendment). The new legislation introduces further significant reforms in order to strengthen general electoral administration, boost transparency, and improve the operational efficiency of INEC. This article examines some of the key innovations introduced by the Electoral Act, 2026 and evaluates their impact on governance in Nigeria.

1.2 Conceptual Clarification of Terms

1.2.1 Concept of Democracy

Democracy was simply defined by a former U.S president, Abraham Lincoln (1809 to 1865) as "a government of the people, by the people and for the people."³ This type of government is typically a product of the freewill of the people in the first instance; and the activities of government are collectively run by them through their elected representatives for their collective good. This definition appears to not be totally in sync with our current reality and has raised questions based on the complexity of its implementation. This has led to other attempts at the definition of democracy like Merriam-Webster dictionary which defines democracy as "a government in which supreme power is vested in the people and exercised by

¹ In Nigeria, elections are conducted after a period of 4 years as prescribed by the Constitution of the Federal Republic of Nigeria, 1999, as amended.

²Section 49(2) of the Electoral Act, 2010 (as amended).

³<https://fctemis.org/notes/21241_1.%20DEMOCRACY.pdf> accessed on 12 March 2026.

them directly or indirectly through a system of representation, usually involving periodically held free (and fair) election.”⁴ It must be noted that there are a plethora of definitions of democracy, as no one definition can exhaustingly capture its full essence.

1.2.2 Electoral Reforms

Reform simply means to change something for the better. It also means to “to improve a system, law, organisation, or behaviour by removing faults, abuses or errors”.⁵ It signifies making changes to create a better, fairer, or more effective condition.⁶ Reforms are necessary for the positive growth and development of every society. Reforms also mean deliberate change, modification or restructuring of existing legislation and this is done through legislation by the house of assembly (national or state depending on the legislation in view) by way of amendments, policy change, or administration direction. The aim of reforms include correcting defects, removing sections which are not in tandem with the tenets of justice and the promotion of human rights. Law reform is the process of examining existing laws, and advocating and implementing change in a legal system, usually with the aim of enhancing justice or efficiency. Law reform bodies carry out research and recommend ways to simplify and modernize the law. The four main methods in reforming law are repeal (get rid of a law), creation of new law, consolidation (change existing law) and codification.⁷

Electoral reforms are legal, institutional and administrative measures introduced to improve the conduct of elections, strengthen democratic governance, enhance electoral integrity, and ensure that electoral outcomes reflect the genuine will of the electorate.⁸

1.2.3 Elections

Elections refer to the “constitutionally and legally regulated process through which members of a political community periodically select representatives or decide public issues by voting, thereby translating the sovereign will of the electorate into legitimate governmental authority.”⁹ Elections constitute the central mechanism through which democratic representation, political accountability, and popular sovereignty are institutionalized within modern constitutional systems.¹⁰ They serve not only as a method of leadership selection but also as a means of conferring legitimacy on public institutions and ensuring the responsiveness of government to the electorate.¹¹ Elections are also viewed as “institutionalized procedures governed by constitutional norms, statutory provisions, and administrative regulations designed to guarantee fairness, transparency, equality of suffrage, and the orderly transfer of political power.”¹²

⁴ <<https://www.merriam-webster.com/dictionary/democracy>> accessed on 12 March 2026.

⁵ Dictionary.com < <https://www.dictionary.com> > accessed on 14 March 2026.

⁶ Ibid.

⁷ Ibid.

⁸ A. Ellis, A. Reynolds, A. Reilly and B. Grofman, *Electoral System Design: The New International IDEA Handbook* (International IDEA 2005) 3–5.

⁹ Ibid

¹⁰ Joseph A. Schumpeter, *Capitalism, Socialism and Democracy* (Harper & Brothers 1942) 269.

¹¹ Robert A. Dahl, *on Democracy* (Yale University Press 1998) 37-43.

¹² Electoral Systems and Party Systems Arend Lijphart, *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990* (Oxford University Press 1994) 1-5.

1.2.4 Election Result Transmission

Election result transmission simply refers to the process or procedure by which election results earlier recorded at polling units are communicated, conveyed, or transferred from the polling units to designated electoral officials for further collation, verification, announcement, and declaration. The transmission may be carried out manually through physical result sheets or electronically through technological platforms established by the electoral management body or both.¹³In Nigeria, election result transmission is a crucial aspect of electoral administration because it promotes transparency, accuracy, accountability, and public confidence in the electoral process. The introduction of electronic transmission of results seeks to reduce opportunities for manipulation, alteration, or tampering with election results during the collation process.¹⁴

1.3 Legal Framework of Elections in Nigeria

Electoral legislation constitutes the legal framework governing the conduct of elections in democratic societies. In Nigeria, electoral laws have undergone several reforms since the advent of the Fourth Republic in 1999. These reforms were aimed at strengthening electoral credibility, improving voter participation, and enhancing the transparency of election administration.¹⁵The Electoral Acts enacted between 2002 and 2026 represent successive attempts by the legislature to address deficiencies in earlier electoral regimes. Despite successive significant innovations introduced in these Acts, several loopholes have persisted, hence the electoral disputes which have characterized periods before and after every election. This has ultimately led to persistent calls for electoral reforms.

The Electoral Act 2002 was one of the earliest legislative efforts to regulate elections during Nigeria's Fourth Republic. It provided the statutory framework for voter registration, candidate nomination, election conduct, and electoral dispute resolution.¹⁶A major innovation introduced by the Act was the establishment of a centralized voter registration system, which aimed to create a uniform national voter register and reduce multiple registrations.¹⁷The Act also codified procedures for election petitions and defined electoral offences such as vote buying, ballot box snatching, and intimidation of voters.¹⁸Furthermore, the Act attempted to regulate the nomination of candidates by political parties and provided basic guidelines for the conduct of party primaries.¹⁹Despite these innovations, the Act contained several loopholes. First, the provisions regulating internal party democracy were weak, allowing party leaders to manipulate candidate selection processes.²⁰Secondly, the Act lacked clear timelines for certain electoral activities, creating opportunities for disputes and judicial interpretation.²¹Thirdly,

¹³M. A. Mohammed, 'Electronic Transmission of Election Results and Electoral Integrity in Nigeria' (2023) 14(1) *Nigerian Journal of Electoral Law* 67, 71.

¹⁴ *Ibid*

¹⁵Attahiru M Jega, 'Electoral Reforms in Nigeria: Challenges and Prospects' in H Mohammed and A Jega (eds), *Nigeria's Reform Agenda and the Electoral Process* (Centre for Democracy and Development 2011) 1-15.

¹⁶Electoral Act 2002 Sections (1-3).

¹⁷*Ibid*, Section (5).

¹⁸*Ibid*, Sections (45-47).

¹⁹*Ibid*, Section (6).

²⁰A.Ojo, *Electoral Law and Politics in Nigeria* (University Press 2004) 52.

²¹Electoral Act 2002 Section (4).

enforcement of electoral offences was largely ineffective due to the absence of an independent prosecution mechanism.²²

The Electoral Act 2006 was enacted to address some of the shortcomings of the 2002 Act. It expanded the regulatory powers of the electoral management body and provided clearer procedures for the conduct of elections.²³ One important innovation was the introduction of stricter guidelines for political party primaries, requiring parties to adhere to democratic procedures when selecting candidates.²⁴ The Act also improved provisions relating to voter registration and attempted to modernize aspects of electoral administration through limited use of electronic data systems.²⁵ However, the Act still suffered from significant weaknesses. It did not adequately regulate campaign financing, leaving room for excessive and unregulated political spending.²⁶ Additionally, the sanctions for electoral offences were rarely enforced due to institutional weaknesses and lack of prosecutorial capacity.²⁷

The Electoral Act 2010 represented a major reform of Nigeria's electoral legal framework. It introduced several important innovations designed to enhance the credibility of elections.²⁸ One key feature was the introduction of Permanent Voter Cards (PVCs) and improvements in voter registration processes.²⁹ The Act also strengthened the independence of the electoral commission and established clearer timelines for electoral activities.³⁰ Furthermore, the Act imposed stricter rules governing party primaries and candidate nominations.³¹ Despite these improvements, the Act retained several weaknesses. The regulation of internal party democracy remained problematic, and political parties continued to manipulate primary elections.³² Moreover, technological innovations such as electronic voting and electronic result transmission were not fully recognized by the Act, limiting the effectiveness of electoral reforms.³³ We also ran encountered a constitutional quagmire when the then-President, Umaru Musa Yar'Adua passed away, and it was ultimately found that the calculation of presidential tenure, where a Vice-President completes the unexpired tenure of a deceased President was not clearly provided for by the constitution. At that time, the Constitution contained provisions regulating succession under section 146³⁴ but did not expressly state whether the period served by a Vice-President completing another President's tenure would count as a full constitutional term for the purpose of the two-term limit. This ambiguity generated significant constitutional and political debate regarding whether Jonathan could legitimately contest subsequent presidential elections after completing the remainder of Yar'Adua's tenure and winning the

²²Akintunde, I, "Electoral Offences and Enforcement in Nigeria" *Journal of Law and Public Policy* (2005) (12) 55.

²³Electoral Act 2006 Section (15).

²⁴Ibid, Section (34).

²⁵Ibid, Section (10).

²⁶E Nwosu, *Electoral Reforms in Nigeria* (Abuja Legal Press 2008) 88.

²⁷ Ibid

²⁸Electoral Act 2010.

²⁹Ibid, Section (9).

³⁰Ibid, Section 26.

³¹Ibid, Section 87.

³²Ojo A, (n 6) at 59.

³³Balogun, O, "Technology and Electoral Integrity in Nigeria" *Nigerian Law Journal* (2012) (14) 201.

³⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 146

2011 presidential election. In response to this constitutional lacuna, the National Assembly introduced amendments through the Fourth Alteration to the Constitution of the Federal Republic of Nigeria 1999. The Fourth Alteration inserted section 137(3) (for the President) and section 182(3) (for Governors), which provide that a person who assumes office to complete the tenure of a President or Governor shall not be elected to that office for more than one additional term. Section 137(3)³⁵ of the Constitution provides that “a person who was sworn in as President to complete the term for which another person was elected shall not be elected to such office for more than a single term.”

Similarly, section 182(3)³⁶ establishes the same rule for Governors who assume office after the death, resignation, or removal of a Governor. These provisions were introduced as part of constitutional reforms signed into law in 2018 and were designed to prevent situations where a Vice-President or Deputy Governor could potentially remain in office beyond the intended constitutional limit of two terms. However, the amendment sparked significant legal debate because it was enacted after Jonathan had already left office in 2015, raising the question of whether the provision could apply retrospectively to his tenure. Many have argued that the provision could not be applied retroactively because constitutional amendments generally operate prospectively unless expressly stated otherwise.

The Electoral Act 2022 introduced some of the most significant innovations in Nigeria’s electoral history. One major reform was the legal recognition of electronic transmission of election results, which aimed to improve transparency and reduce electoral fraud.³⁷ The Act also authorized the use of the Biometric Voter Accreditation System (BVAS) for voter verification at polling units.³⁸ Additionally, the Act strengthened provisions relating to political party primaries, giving clearer legal guidelines on candidate selection and enhancing judicial oversight of internal party disputes.³⁹ The Act further introduced stricter timelines for electoral activities and increased penalties for electoral offences.⁴⁰ Despite these innovations, the Act contained certain ambiguities. For example, the definition of political appointees who must resign before contesting elections generated significant controversy and litigation.⁴¹ Similarly, the provisions governing electronic result transmission left room for administrative discretion, raising concerns about implementation.⁴²

1.4 The New Innovations in the Electoral Act, 2026

The Electoral Act 2026 represents an amendment to the Electoral Act 2022. The legislation aims to refine the legal framework governing elections and address the practical challenges encountered in previous electoral cycles. The Electoral Act 2026 was borne out of the need to reform our electoral process and to modernize Nigeria’s electoral system. The Act strengthened the legal framework for provisions affecting the electronic election management, providing clearer guidelines for the transmission and storage of election results, grounds of filing election

³⁵ Ibid, Section 137 (3)

³⁶ Ibid, Section 182(3)

³⁷ Electoral Act 2022 Section 60.

³⁸ Ibid, Section 47

³⁹ Ibid, Section 84.

⁴⁰ Ibid, Section 114.

⁴¹ Ibid, Section 84(12)

⁴² Ibid, Section 60 (5)

petition, punishment for frivolous and baseless petitions, e-register for members of political parties, recognition of manual result sheets as the primary electoral material used for result collation, reduction in the statutory notice period for elections, harmonization of electoral timelines with constitutional provisions to reduce pre-election disputes, reforms of political party primaries etc.,

The paper shall now delve into the details of some of the notable innovations of the Electoral Act, 2026.

1.4.1 Grounds of Petition

Under the 2022 Electoral Act, the Act provided for three specific grounds under which an election petition can be filed before the tribunal which includes non-qualification of candidates, invalid elections due to corrupt practices or noncompliance with provision of the Electoral Act and that the respondent was not duly elected by majority of lawful votes cast at the election.⁴³ The Courts, times without number, in a plethora of judicial decisions, gave effects to the stated grounds under the Electoral Act, 2022. For example, according to the 2022 Electoral Act, a person is deemed to be qualified for an elective office and his election shall not be questioned on the grounds of qualification if, with respect to the particular election in question, he meets the applicable requirement of sections 65, 106, 131 or 177 of the Constitution and he is not, as may be applicable, in breach of section 66, 107, 137 or 182 of the Constitution. The implication of this is that where it is satisfactorily proven that the winner of the election is not, *ab initio*, qualified to so contest the election, the candidate who came second will have to be declared the winner of the election. In a similar vein, a petitioner who pleads corrupt practices and non-compliance with the Electoral Act must establish by evidence their effects on the outcome of the election. That is to say that for a petition to succeed under these grounds, it must be proven that there was non-compliance and that the non-compliance substantially affected the result of the election.⁴⁴

For the purpose of reducing the complexity encountered in elections generally, and particularly in election petitions, the Electoral Act, 2026, now makes provision for two grounds only. Under the 2026 Electoral Act, an election may be questioned on the grounds that the —

- (a) election was invalid by reason of corrupt practices or non-compliance with the provisions of this Act; or
- (b) respondent was not duly elected by majority of lawful votes cast at the election.⁴⁵

It is clear, from the two grounds provided by the Electoral Act, 2026, that the ground of non-qualification is no longer a ground for presenting an election petition. The Act goes ahead to add a new clause punishing parties and their counsel who file an election petition outside the grounds provided for by the Act. The new addition provides that;

Where the court makes a determination that an election is being questioned by a political party or candidate on grounds outside of those provided for under Grounds of petition subsection (1),

⁴³ Electoral Act, 2022 Section 1 (a), (b) and (c)

⁴⁴ *Iniama v Akpabio* (2008) 17 NWLR (Pt. 116) 225; *Oke v Mimiko* (2014) 12 NWLR (Pt. 1388) 322.

⁴⁵ Electoral Act, 2026 Section 138 (1) (a) and (b)

the court shall impose penalties of not less than ₦5,000,000 on the counsel and not less than ₦10,000,000 on the petitioner.⁴⁶

It is believed that the rationale behind this addendum is to regulate situations where parties who loose elections go about filing frivolous applications which, in the end, wastes the time and resources of the Tribunal and the litigants. With this provision, it is likely to see only petitions filed on the merit which will decongest the Tribunals and ensure speedy hearing of petitions.

1.4.2 Notice of Election

Under the 2022 Electoral Act⁴⁷, INEC is mandated to issue notice of Election as follows;

The Commission shall, not later than 360 days before the day appointed for holding of an election under this Act, publish a notice in each State of the Federation and the Federal Capital Territory:

- (a) stating the date of the election; and
- (b) appointing the place at which nomination papers are to be delivered.
- (2) The notice shall be published in each constituency in respect of which an election is to be held.
- (3) In the case of a by-election, the Commission shall, not later than 14 days before the date appointed for the election, publish a notice stating the date of the election.
- (4) There shall not be substitution of candidates in a by-election except where a candidate of a political party in a by-election dies, the party shall submit to the Commission the name of its substitute candidate within seven days of the death of the candidate in the Form prescribed by the Commission.

The 2026 Electoral Act has, indubitably, reduced the timeframe for the notice of election by 60 days but every other provision under section 28 of the old and new Acts are materially the same. The new Act⁴⁸ provides as follows;

The Commission shall, not later than 300 days before the day appointed for holding of an election under this Act, publish a notice in each State of the Federation and the Federal Capital Territory - Notice of election

- (a) stating the date of the election; and
- (b) appointing the place at which nomination papers are to be delivered.
- (2) The notice shall be published in each constituency in respect of which an election is to be held.
- (3) In the case of a by-election, the Commission shall, not later than 14 days before the date appointed for the election, publish a notice stating the date of the election.
- (4) There shall not be substitution of candidates in a by-election except where a candidate of a political party in a by-election dies,

⁴⁶ Ibid, Section 138 (3)

⁴⁷ Electoral Act, 2022 Section 28 (1-3)

⁴⁸ Electoral Act, 2026 Section 28 (1-4)

the party shall submit to the Commission the name of its substitute candidate within seven days of the death of the candidate in the Form prescribed by the Commission.

Preparation for elections can be very demanding gulping huge funds and time consuming as well. One would have thought the 360 days should have been maintained but for political expediency and on religious grounds, this amendment became necessary. The Speaker of the House of Representatives in response to the question as to the rationale for amendment on the time of notice, was quoted to have said, “Now we have seen the wisdom to reduce it to 300 days, and this will inadvertently translate to holding the presidential and National Assembly elections in January 2027. That will technically avoid conducting elections during the month of Ramadan in 2027, and I think this is another piece of ingenuity that the National Assembly has introduced to avoid voter apathy in the next general election.”⁴⁹ The question here is should Nigeria which claims to be a secular state be amending its laws on such religious grounds?

1.4.3 Internal Party Affairs

Section 83 of the Electoral Act, 2026, generally empowers INEC to have regulatory oversight of political parties. This oversight function empowers INEC to ensure that political parties comply with lawful directives of the Commission failure to do so attracts sanctions. This section strips the Courts of the powers or jurisdiction to hear any matter pertaining to the internal affairs of political parties, particularly in subsection 5⁵⁰ where it states;

Subject to the provision of subsection (3), no Court in Nigeria shall entertain jurisdiction over any suit or matter pertaining to the internal affairs of a political party.

Where a party or parties disobey the above clear provisions, Section 83 (6) (a) and (b)⁵¹ spells out the heavy monetary sanctions that shall befall such erring parties as well as their counsel. It states that;

(6) Where such action is brought in negation of this provision –
(a) no interim or interlocutory injunction shall be entertained by the Court, but the Court shall suspend its ruling and deliver it at the stage of final judgment and shall give accelerated hearing to the matter.

(b) the Court shall, at the conclusion of the matter, impose costs of not less than ₦10,000,000.00 on the counsel who filed the action and not less than ₦10,000,000.00 on the Plaintiff/Applicant and in addition to payment to the Commission of any cost, including solicitors' fees incurred by it where joined as a party.

Clearly, this provision is meant to punish lawyers who know the position of the law on the issue, yet go ahead to file a matter that borders on internal affairs of political parties. It must be noted that this provision was not captured under the 2022 Electoral Act.

⁴⁹<<https://www.channelstv.com/2026/02/18/electoral-act-abbas-explains-reduction-of-election-notice-period-to-300-days/>> accessed on 15/3/2026

⁵⁰ Ibid, Section 83 (5)

⁵¹ Ibid, Section 83 (6) (a) and (b)

1.4.4 Transmission of Election Results

At the close of casting of votes by the electorates, votes are counted by the Presiding officer and votes scored by each political party are entered in a form prescribed by the Commission for onward transmission. See Section 60 (1) of the 2022, Electoral Act where it provides that:

The Presiding officer shall, after counting the votes at the polling unit, enter the votes scored by each candidate in a form to be prescribed by the Commission as the case may be.⁵²

Under the old Act the form prescribed by the Commission is not expressly stated unlike the 2026 Electoral Act which clearly states the Form EC8A as the prescribed form for entering results of the election. Section 60 (5) of the 2022 Act, went ahead to also leave the issue of transfer a matter of discretion of the Commission without expressing prescribing any means of transfer. Providing thus:

The presiding officer shall transfer the results including total number of accredited voters and the results of the ballot in a manner as prescribed by the Commission.⁵³

The 2026 Act improved on the old Act providing under Section 60 as follows:

(1) The Presiding Officer shall after counting the votes at polling unit, enter the votes scored by each candidate in a form prescribed by the Commission.

(3) The Presiding Officer shall electronically transmit the results from each polling unit to IREV portal and such transmission shall be done after the prescribed Form EC8A has been signed and stamped by the Presiding officer and/or Counting of votes and forms countersigned by the candidates or Polling agents where available at the Polling Unit: Provided that if the electronic transmission of the result fails as a result of communication failure and it becomes impossible to transmit the result contained in Form EC8A signed and stamped by the Presiding Officer and countersigned by the candidates or polling agents where available at the polling unit, the Form EC8A shall at all times remain the primary source of collation and declaration of the result.

(4) The Presiding Officer shall count and announce the result at the polling unit.

(5) The Presiding officer shall transmit the results including total number of accredited voters to the next level of collation.

From the above, it is pertinent to note that the new Act clearly recognizes the use of the INEC review Portal (IREV portal) which was not in the old Act and was only part of the election guidelines released by INEC. It went ahead to prescribe the means of transmitting results to be done electronically from the polling unit to the IREV portal but where there is communication failure or network failure, the Presiding officer is not mandated to transmit the result electronically as the prescribed Form EC8A shall at all times remain the primary source of collation and declaration of the result. This clearly places the evidential value of the Form

⁵² Electoral Act, 2022 Section 60 (1)

⁵³ Ibid, Section 60 (5)

EC8A over and above the results posted on the IREV portal. This provision of the Act has been received with mixed reactions as most civil society groups and opposition political parties see the reliance on the Form EC8A as the primary source of collation as a ploy by the ruling party to manipulate the outcome of the elections if they don't get the desired results at the polling units and this defeats the rationale behind the introduction of electronic transmission of results which was brought to reduce the level of human interference in the electoral process in a bid to curb acts like ballot snatching and tempering with entries made on the Form EC8A.

1.4.5 Nomination of Candidates

The requirement for the conduct of political party primaries which is the event used to nominate candidates of political parties for their members who are vying for various elective offices. Under the 2022 Electoral Act, political parties may nominate candidates through three methods namely; direct primaries, indirect primaries and consensus.

84(1) A political party seeking to nominate candidates for elections under this Act shall hold primaries for aspirants to all elective positions which shall be monitored by the Commission.

(2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct, indirect primaries or consensus.⁵⁴

The three options allowed for political parties to choose from we believe was introduced to allow flexibility for political parties choosing their candidates and so far political parties have successfully made their choice from these three options. In some cases the method adopted and the outcome of the process is often challenged in court and the courts have always decided these pre-election matters one way or the other.

Under the 2026 Electoral Act, the options as it relates to political party primaries were reduced from three to two. Section 84 of the Electoral Act provides thus;

84. (1) A political party seeking to nominate candidates for elections under this Act shall hold primaries for aspirants to all elective positions which shall be monitored by the Commission.

(2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct primaries or consensus.⁵⁵

The reduction of the procedure of nomination from three to two has been one of the heated debates following the passage of the Act into Law. Most political parties particularly the opposition political parties have argued that the initial three procedures were conducive and adequate. The adoption of direct primaries for opposition political parties may impose significant logistical and financial burdens on political parties, particularly those with large membership bases. In a twist even some of the members of the ruling party particularly primary election delegates and prospective delegates have challenged the removal of indirect primaries this is so because the indirect primaries have been characterized by all manner of vote buying where aspirants share huge sums of monies to the delegates in exchange for their votes. Seeing that the option which favours them has been expunged, their hopes of making millions at the primaries have been extinguished.

⁵⁴ Ibid, Section 84 (1) and (2)

⁵⁵ Electoral Act, 2026 Sections 84 (1) and (2)

1.4.6 Political Party Register

With regard to political party register and the time of submission to INEC, some alterations have been made. Under the 2022 Act, political parties are mandated to maintain a register of members in either hard or soft copy. And the Party is mandated to submit the register to the Commission not later than 30 days before the date fixed for the party primaries, congress or convention.⁵⁶

Under the 2026 Electoral Act, political parties are now mandated to maintain a digital register of its members containing the name, sex, date of birth, address, State, Local Government, ward, polling unit, National Identification Number and photograph in both hard and soft copies. The Party is mandated to submit the register to the Commission not later than 21 days before the date fixed for the party primaries, congress or convention and only registered members can vote and be voted for in party primaries, congress or convention.⁵⁷

1.5 Conclusion

The evolution of our electoral legislation from 2002 to 2026 demonstrates a gradual progressive attempt to strengthen the credibility of the country's electoral process. We have witnessed consistent growth and new innovations with each successive Act aimed at addressing the shortcomings of previous laws. However, this has not come without challenges around issues relating the Act granting broad discretionary powers to electoral authorities in certain circumstances, particularly regarding election postponements and emergency procedures to internal party democracy, enforcement of electoral offences, and administrative discretion. For us to achieve a more robust and sustainable electoral integrity, future reforms must move beyond the focus on legislative innovation to also looking to strengthening institutional capacity, improving enforcement mechanisms, and ensuring greater transparency in the electoral process.

In the light of the foregoing, this article finds as follows:

1. The Electoral Act, 2026 has significantly advanced Nigeria's electoral jurisprudence through the incorporation of electronic technologies into the electoral process. However, the absence of a comprehensive and mandatory legal regime for real-time electronic transmission of election results from polling units continues to undermine electoral transparency and leaves room for human interference during the collation process.⁵⁸
2. The study found that although the Electoral Act recognizes the use of technology in voter accreditation and election management, it does not prescribe adequate statutory sanctions against electoral officials who deliberately fail or refuse to upload polling unit results where such facilities are available electronically. This legislative gap weakens accountability and diminishes public confidence in the electoral process.⁵⁹
3. It was further found that the legal framework governing electoral technology remains

⁵⁶ Electoral Act, 2022 Section 77 (1-3)

⁵⁷ Electoral Act, 2026 Section 77 (1-7)

⁵⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended), S 78; Electoral Act 2026; Oyetola v INEC (2023) 11 NWLR (Pt 1894) 125.

⁵⁹ Electoral Act 2026; Buhari v Obasanjo (2005) 13 NWLR (Pt 941) 1.

inadequate in relation to independent certification, periodic auditing, cybersecurity standards, and verification of electronic electoral devices. Consequently, the integrity and reliability of technological innovations employed by the Independent National Electoral Commission (INEC) remain susceptible to legal and technical challenges.⁶⁰

4. The study equally found that the existing system of constituting ad hoc Election Petition Tribunals from the regular judiciary has adversely affected the administration of justice in Nigeria. The deployment of judges and judicial personnel to election tribunals often results in prolonged adjournments and delays in the determination of ordinary civil and criminal cases, thereby impairing access to justice and increasing judicial backlog. Establishing specialized electoral courts would enhance the speedy determination of election disputes while allowing the regular courts to continue their constitutional functions without interruption.⁶¹

Flowing from the above finding, we recommend that:

1. Technological infrastructure should be strengthened to make possible and mandatory real-time electronic transmission of election results from polling units to central collation servers to enhance transparency and reduce result manipulation. The Electoral Act should be amended to make the real-time electronic transmission of election results directly from every polling unit to the INEC central results viewing and collation portal mandatory. Furthermore, the electronically transmitted results should constitute the primary record of the election, while the manually completed result sheet would serve only as a backup and complementary document in the event of verifiable technological failure. This reform will substantially reduce opportunities for result alteration during transportation and collation and strengthen public confidence in the electoral process.
2. Failure to upload results electronically by electoral officials should attract statutory penalties; The Electoral Act should expressly prescribe criminal, civil and administrative sanctions against electoral officers who deliberately fail, refuse or manipulate the electronic transmission or uploading of election results without lawful justification. Such sanctions could include imprisonment, substantial monetary fines, dismissal from public service, and disqualification from participating in future electoral assignments. Other persons who induce or aid such violations should equally be subjected to severe penalties.
3. The legal framework for the use of electoral technology should be strengthened, including periodic independent audits of biometric and electronic voting systems; the legal framework regulating electoral technology should be expanded to provide for mandatory independent certification, periodic technical audits, cybersecurity assessments, data protection compliance, and public verification of all electronic electoral devices before and after every general election. The law should also establish minimum technological standards and require continuous testing of biometric accreditation systems and

⁶⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), S 160; Electoral Act 2026; LPELR authorities on electronic accreditation and electoral technology.

⁶¹ Constitution of the Federal Republic of Nigeria 1999 (as amended), Ss 6 and 285; *ANPP v Goni* (2012) 7 NWLR (Pt 1298) 147.

- electronic voting technologies to guarantee their integrity, reliability, and public acceptability.
4. Specialized electoral courts or divisions should be created to handle election petitions more efficiently rather than converting the regular courts and judicial staff for the purpose of election tribunal. This system has stalled a lot of court cases due to the absence of the Judges and other staff of the courts. The Constitution should be amended to establish permanent specialized Electoral Courts with exclusive jurisdiction over pre-election and post-election disputes. These courts should be staffed by judges specially trained in electoral jurisprudence and should operate independently of the regular High Courts and appellate divisions. This reform would facilitate expeditious resolution of election disputes, eliminate the disruption caused by constituting ad hoc election tribunals, reduce judicial backlog, and improve the overall administration of justice in Nigeria.