



VOTES, VIOLENCE AND VALIDITY: OUR UNDERSTANDING OF NIGERIA'S 2023 SUB-NATIONAL ELECTIONS





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On 18 March, following a one-week delay by the Independent National Electoral Commission (INEC) to enable it to comply with a Court of Appeal judgement, Nigerians returned to the polls to cast their ballots in governorship and state house of assembly elections. Voters in 28 states had the chance to elect new, or re-elect existing, governors in the March 18th 2023 vote, with the remaining eight states operating off-cycle processes, three of which are scheduled to take place later this year.

This report provides analysis of the conduct of the polls, offers some initial reflection on the drivers behind the outcomes announced so far and discusses what implications the process and results might have for democracy and development in the country. Despite INEC's improved performance during these elections, the perceptible questionable credibility of the conduct of presidential and National Assembly polls in the minds of many voters has shaped how Nigerians viewed the 18 March process and their engagement in it.

The first section discusses the improved performance of key institutions, but also notes how their conduct during the 25 February presidential and National Assembly impacted on perceptions around this performance, identifies the different violent tactics used to disrupt voting in many local government areas (LGAs) across the country and the increased prominence of vote trading by all political party agents. The second section provides some brief reflection and analysis on the outcomes and projections from the elections that have been concluded so far. This analysis informs the final section which explores the potential implications of the electoral outcomes for democracy and development at-large in the country.

TRUST DEFICIENCIES AND ELECTORAL MANIPULATION

Institutional performance

INEC's deployment of materials, more prompt opening of polls and consistent use of BVAS was an improvement on the 25 February election. Notwithstanding sporadic incidents of the late arrival of materials or of ad-hoc staff which resulted in the late opening of polls,



EAC analysts address the press

the majority polling units opened on time or within an hour of the scheduled opening time even in states with complicated logistical operations. In 69.2% of observed polling units across the country INEC officials arrived before 0830 with 93% of observed polling units noted that INEC officials were on site by 0930. In Delta state, for example, voting started on average at 0914 in polling units observed, with 57% of INEC officials arriving before 0830 and just 12% not yet in place by 0930. In Sokoto state, which saw its Resident Electoral Commissioner (REC) suspended following the presidential polls, 70% of polling units observed witnessed the early arrival of INEC officials and sensitive materials, a marked improvement.

BVAS was also largely deployed and functional across the country, with malfunctions reported in 11.5% of polling units linked to battery issues and the non-use of the technology in the accreditation of voters most often in the northwest. Technical issues were resolved promptly on the whole. The non-use of BVAS for accreditation can explain the cancellation of polling units in Bauchi, for example, where overvoting was cited by the INEC collation officer. But in states such as Gombe and Kano no incidents were reported with the accreditation technology by our observers. Linked to the improved deployment of BVAS, the uploading of declared polling unit results to the INECs results viewing platform (IReV) was significantly improved as compared with the 25 February polls, with 23% of declared polling unit results available on the platform by 1810 on election day. By 1400 on 19 March that had increased to an average of 85% and ranged from 98% in Oyo to a low of 68% in Kano. This provided real results for political



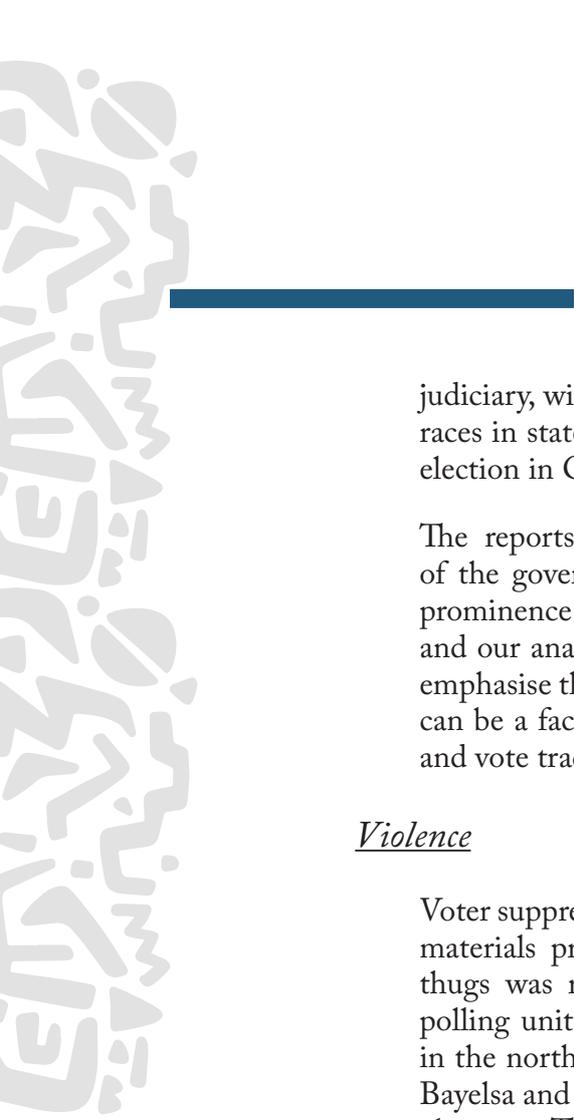
parties and citizens to follow the distribution of votes. However, we noted with concern that voting had been concluded and results uploaded in a handful of polling units where a significant fraction of registered voters have not voted within the time allowed. For instance, results were uploaded from Agbado Hall Edjekota Ogor, Ughelli North, Delta state before 1430, despite only 130 of the 192 voters on the register having had an opportunity to cast their vote.

Diminished trust in the electoral institution will shape wider perceptions when it comes to the acceptance of the results returned, particularly in races where a narrow margin of victory is recorded or where presidential results are not replicated at the sub-national level. Initial indicators point to a quite different electoral map when it comes to the distribution of governors in the 2023 elections. It is important to note however that it is not surprising that local political issues could affect differently from the presidential one.

The conduct of these elections was also impacted by the increased levels of violent incidents and vote trading recorded. The patchy deployment of security personnel in states such as Bayelsa, Enugu and Bauchi reduced the ability or willingness of security agencies to intervene to prevent critical violent incidents has further undermined the credibility of this poll. Across the country 8% of observers noted there were no security personnel at their polling units. Nonetheless, there were actions taking by security agencies including an intervention by agents of the Economic and Financial Crimes Commission (EFCC) in Lagos, the arrest of youths armed with knives captured by an observer in Ondo state and the foiling of an effort to snatch a ballot box in Abia state by mobilised security agents. In Bayelsa, 13 gunmen impersonating security personnel were apprehended by the Operation Delta Safe Nembe JTF Command in Nembe LGA.

In the northwest, in Jigawa observers reported a robust deployment of security agencies while other states like Ekiti, Ebonyi and Imo reported minimal deployment until the start of result collation. But the presence of security agencies was not always a deterrent to political violence or voter trading, with videos of the latter taking place in full view of security agents deployed to polling units in Bauchi, Enugu and Lagos. In some cases, it was citizens themselves who took measures to protect their ballots, with youth setting up a barricade around a polling unit in Ekiti state in response to attempts by political thugs to disrupt the process.

Another institution that will have an important role in determining the outcome and credibility of these elections in the weeks ahead is the



judiciary, with post-election petitions likely to be seen in ‘too-close-to-call’ races in states like Kano and Enugu, taking a cue from the recent off-cycle election in Osun for example.

The reports from our observers deployed nationwide, and our analysis of the governorship and state house of assembly elections emphasise the prominence of local political dynamics in these elections. of the federation, and our analysis of the governorship and state house of assembly elections emphasise the prominence of local political dynamics in these elections. This can be a factor in explaining the higher levels of voter turnout, violence and vote trading observed, despite INECs improved performance.

Violence

Voter suppression, voter intimidation and the destruction or theft of election materials predominantly by political party agents and politically aligned thugs was recorded across all six geopolitical zones. 10.8% of observed polling units recorded violence and/or fighting this was most pronounced in the northwest (19.9%) and south-south (11.6%) geopolitical zones with Bayelsa and Zamfara the two states with the most incidents recorded by our observers. These violent incidents were often focused in political strongholds of opposition or perceived opponents which suggests that the use of BVAS - which limits overvoting when properly used - has resulted in a more concerted effort to stymie citizens casting their votes in opponent’s strongholds than to try and stuff ballot boxes in order to rig the outcome of an election.

The threat or use of violence - not just offline but also online through the use of identity drive misinformation and disinformation on social media - in some polling units to intimidate, suppress and destroy election materials had a multiplier effect, further reducing voters’ appetite to cast ballots, a reality that likely shaped engagement with the process in states like Lagos and Rivers in this election. In the first six hours of polls being open on 18 March CDD’s war room team came across a flurry of voter intimidation videos, particularly from Lagos state where it was ensconced in rhetoric about belonging and ethnic identity, an illustration of the ways that voter intimidation took place both online, as well as offline.

Conventional forms of voter suppression were recorded by observers across the northwest zone, and most apparent in Zamfara where the bandits and vigilante groups, particularly Yan Sakai, were reported to have threatened voters with death if they voted for the incumbent governor. Similar incidents of intimidation were reported in all geo-political zones, and were most pronounced in the southeast zone (9.8% as compared with a nationwide average of 4.7%), with party agents involved. In Lagos, for example, voters



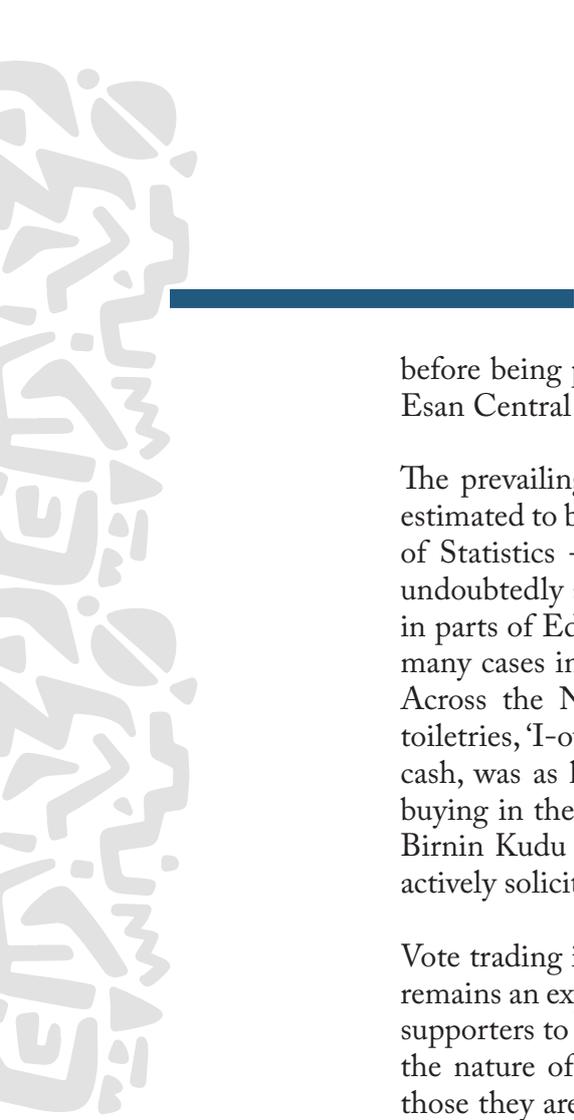
were told to vote for the incumbent or they would be flogged in Lagbasa and Ado primary schools in Ajah LGA. These political thugs, who were working in full glare of the police, disrupted and sent back voters intending to vote for opposition parties. Similar reports were received from Enugu where in Enugu East LGA party agents were reported to be directing people who to vote for while those unwilling to do as directed were denied ballot papers and forced to leave the polling units.

In Sokoto and Zamfara, there were reports of destruction of used ballot papers and vandalism of entire polling units. In Zamfara state's Kaura LGA, when an outcome was close to being determined, party agents destroyed the sensitive materials and carted away the BVAS machine despite the efforts of the security agents to stop them. Inter-party violent clashes were also recorded in Adamawa and Ebonyi states, with a PDP party agent shot dead in Amatu town, Onicha LGA (Ebonyi) in one of the most serious incidents. Incidents of election materials being hijacked at gunpoint were recorded at a polling unit in Emolga LGA (Rivers) and at a collation centre in Ogbia LGA (Bayelsa).

Non-state actors, political thugs and political party agents were the three main groups that sought to disrupt election processes with violence. Victims of this violence were first and foremost voters, some of whom were denied the right to exercise their franchise as a result of polling units cancelling results or having their ballot boxes snatched. Even though some efforts were made, where possible, to hold polls the following day for example. But there were also attacks directed at, or threats made toward, ad-hoc INEC staff with one shot in Cross River and more than ten kidnapped after voting in Imo state; journalists reporting on the election in Lagos, Rivers and Ogun, domestic election observers and other party agents. Violence was also used to target BVAS machines in order to disrupt the process and ensure the cancellation of results, with notable incidents taking place in Warri South West LGA, Delta and Ezza North LGA, Ebonyi state.

Vote trading

In zones across the country vote trading was more pronounced than during the presidential elections, with both cash and goods used by all political parties in an effort to entice voters to cast their ballots at their direction. In total 25.3% of observers noted vote buying at their polling units across the country with the highest figures reported in the southeast (41.4%) and northwest (35.4%). In Anambra state, party agents were observed using materials, phones and other souvenirs to entice voters. In the south-south, multiple party agents reported a desire for voters to show proof of their vote



before being paid, with party agents reportedly compiling a list of their voters in Esan Central LGA, Edo state.

The prevailing economic hardship in the country - 133 million Nigerians were estimated to be multidimensionally poor in 2022 according to the National Bureau of Statistics - and the continued shortages of fuel and particularly Naira were undoubtedly a factor in this. Votes were being traded for between N1,000-2,000 in parts of Edo and Benue states for example, with goods of similar value used in many cases in lieu of cash given the continued currency shortage in the country. Across the Nation, manifestations of vote buying included the use of fabric, toiletries, 'I-owe-you vouchers' and food items. In Kano, the value of goods, if not cash, was as high as N5,000, with 90% of observers reporting incidents of vote buying in the polling units they observed. In polling units in Dutse, Ringim and Birnin Kudu LGAs of Jigawa state observers highlighted that some voters were actively soliciting funds in exchange for their votes.

Vote trading is not a new feature of Nigeria's sub-national electoral process but it remains an expected component of the election day process if you want to mobilise supporters to turn up and vote for your preferred candidate. It further personalises the nature of local political races, as voters are predominantly focused on what those they are choosing to elect can provide for them rather than the ideology or programme of candidates of their parties.

Vote buying was also a source of violent clashes between party agents in the south-south geopolitical zone. In Rivers, agents of the dominant party reportedly paid off other party agents in Obio Akpor LGA. There were also several incidents in Delta state of party agents clashing over disputes related to voter inducement. Interestingly in Mikang LGA, Plateau state, there were reported incidents of the bulk trading of votes, as party agents and voters agreed to split the governorship and state house of assembly seats across parties. Our observer has noted that "APC voters are asking the PDP voters to vote for their governorship candidate and in turn will vote for the PDP house of assembly candidate".

Vote buying, the violence and intimidation that many voters experienced in casting their ballots and the mistrust that many voters have in the capabilities of INEC following the 25 February elections, despite improvements this time, cannot be disassociated from the emerging outcomes from the 28 governorship and 36 state house of assembly races.

ANALYSING OUTCOMES

Despite expectations of prompt result declarations, largely stemming from the high rate of results uploaded to the IReV portal, only eleven of the 28 governorship



elections had declared results by 8am on Monday 20 March. As at 10am, on Tuesday 21 March, 24 states had returned elected governors, two had been declared inconclusive and two more states were yet to declare a result.

APC candidates have been returned in fifteen states: Benue, Borno, Cross River, Ebonyi, Gombe, Jigawa, Kaduna, Katsina, Kwara, Lagos, Nasarawa, Niger, Ogun, Sokoto and Yobe. Their victories in Benue and Sokoto represent pick-ups from incumbent PDP governors. The party was able to return incumbents in seven of these states – Borno, Gombe, Kwara, Lagos, Nasarawa, Ogun and Yobe - and retain control of nine states that it had lost during the presidential election - Gombe, Kaduna, Katsina, Sokoto and Yobe were won by PDP, while Cross River, Ebonyi, Lagos and Nasarawa was won by Labour Party (LP).

PDP candidates have so far been successful in eight states: Akwa Ibom, Bauchi, Delta, Oyo, Plateau, Rivers, Taraba and Zamfara. The party was able to retain six states it held previously, while flipping Plateau and Zamfara – with the latter state being the sole state where a governor who won on the platform of their party was defeated when seeking election after defecting. The party also won in five states that it had lost during the presidential election – with Delta and Plateau won by the LP, and APC winning in Oyo, Rivers and Zamfara.

The New Nigeria People's Party was also able to parlay its strong showing in the presidential election to win the governorship elections in Kano State. With preliminary results showing a strong performance by the LP in Abia and Enugu States, the elections might produce a governorship setup with five parties producing governors (in addition to All Progressives Grand Alliance in Anambra). This mirrors the multi-party configuration in the National Assembly.

Initial analysis of the results reinforces the unique nature of local politics. Available results show a correlation between governorship and state house of assembly results among declared states. Of note is the incumbency factor, with nine of the 11 incumbents seeking re-election already returned elected, one facing an inconclusive election in Adamawa and one defeated in Zamfara. The fact that fourteen states from the twenty-four so far declared have endorsed a governorship candidate from a party different from that of their presidential preference reiterates the importance of local political dynamics and factors in shaping sub-national votes. The argument could also be made that the strong performance of NNPP in Kano could have been determined from its dominant showing during the presidential election - it being the only state it won and had over 25% of the vote in.

Greater interest in state politics is also reflected in emerging data. Turnout for ten states with available full data shows a disparity when compared



to the presidential. In Bauchi (28.2% v 32.1%), Benue (27.7% v 28.7%) and Kwara (27.8% v 29.3%), more citizens turned out for the presidential elections than in the contest to determine governors. However, in Borno (23.9% v 19.8%), Delta (21.3% v 20.3%), Ebonyi (21.9% v 21.1%), Gombe (39.1% v 33.9%), Jigawa (44.8% v 40.6%), Kano (33.9% v 29.5%) and Katsina (39.4% v 31.0%), turnout was higher in the governorship. Most of the states with lower governorship turnout had governors seeking second terms, which could explain citizens expecting their expected re-elections and thus sitting it out. It could also explain why five of the seven states with higher governorship turnout had new governors elected.

While a different average can be expected when all the results have been formally declared, it appears the direct impact of governors on citizens, the high number of term-limited governors and the decision of state party chapters to respond to the presidential result led to an increased turnout.

IMPLICATIONS FOR DEMOCRACY AND DEVELOPMENT IN NIGERIA

In lieu of more detailed and expansive reports that analyses the legacy of the elections, we have identified six areas that the 2023 governorship election has contributed, for better or for worse, to Nigeria's ongoing democratic journey

- Violent conduct around polling units and the collation of results increases the risk of post-election litigation or the prospect of supplementary elections. This has the added effect of seeing courts have a role in determining “elected” officials, further undermining voters’ sense that their vote is valued and has an impact on the outcome of an election process.
- Nigeria’s identity divisions have been more pronounced in these elections, with narratives amplified by online discourse further contributing to accentuating this. Whether to promote conventional zonal arrangements or to whip up ethnic concerns to support voter bases, this has played a part in heightening a sensitive political climate and led to an acrimonious voting process. Instances of systematic disenfranchisement on the basis of ethnicity, and the expectation that will translate into votes for another party, will also lead to more partisanship and division in incoming administrations.
- Nigeria’s political parties are increasingly less relevant, with voters largely



making their choices about who to vote for based on personalities and their perceived ability to deliver, be that in terms of perceived development dividends, or election-day immediate gratification, with regards the provision of inducements to vote. The failure of outgoing governors in Taraba, Abia, Enugu, Plateau, Cross River and Benue to win senatorial seats, despite, in some cases, their party winning the other senatorial seats in the state, suggests that voter's decisions are linked to the performance of individuals rather than parties - none of which have particularly strong ideologies that they adhere to in Nigeria. Similarly, the re-election of governors from parties other than those supported for president speaks to increased perceptions of competence and personality over parties.

- These results should provide momentum to agitators for more party platforms alternatives to the dominant APC and PDP. The success of candidates who have left the party and been able to gain political influence could encourage more splintering and eventual balkanization of the major parties. The performance of elected governors and officials during the coming term will play a part in maintaining this momentum.
- The incorporation of technological innovations such as BVAS and IReV into the election process has had a positive impact on election integrity in spite of the massive disappointment around the failure of INEC to display presidential results on 25th February. Technology use must be made more effective. At the same time, technology in itself cannot solve all election-related problems. There is still a greater need for more resilient and adaptive administration mechanisms to enable the electoral process to build more transparent governance structures and for additional actors involved in the election - security and investigative agencies - to ensure better accountability.
- Ultimately, these elections have shown an electoral environment where violence remains at the fore and where there is citizen uncertainty about the ability of the electoral commission to ensure that ballots cast are reflected in the results. This is reflected in diminished engagement in these elections, mostly through reduced voter turnout, as compared with previous election cycles. Regrettably, it reduces the popular mandate of candidates and parties elected and can further erode trust in their ability to be accountable to all citizens in their state or constituency. It is why all stakeholders in the electoral process must work together to ensure solutions are proffered to ensure sustainable development in the electoral process.



RECOMMENDATIONS

The development of electoral democracy in Nigeria confronts regular and determined efforts by some members of the political class to undermine it for their selfish interests. It therefore requires continuous reforms to strengthen and build its resilience. We recommend the following measures:

- i. A lot of the challenges confronting electoral democracy in Nigeria are the direct result of illegal and often criminal action taken by key members of the political class and their surrogates who violate the Electoral Act and other laws and regulations, engage in violence, murder, fraud, disruption of elections, hate speech and so on. Accountability for such action is important and the long-standing proposal by the Uwais Electoral Reform Committee to establish the Electoral Offences Commission should be implemented as soon as possible;
- ii. Establish a Political Parties Regulatory Commission which will focus on building the strength and capacity of parties so that INEC can focus exclusively on the organisation of elections.
- iii. Strengthen democracy-promoting institutions, including the Independent National Electoral Commission which requires more autonomy, especially in relation to the appointment its members and related support institutions such as the Independent Corrupt Practices Commission, Economic and Financial Crimes Commission and the National Human Rights Commission who serve as guardrails of competitive party and electoral politics:
- iv. Create a National Cohesion and Integration Commission to promote Inter-ethnic and Inter-Religious Understanding with functions and powers modelled on the Kenyan commission with same name;
- v. Establish an independent committee, like the Uwais Electoral Reform Committee to look into improvement of election management in the country.



ANNEX 1 - ZONE-SPECIFIC STATISTICS

	% INEC Arrived before 8:30	% BVAS malfunction	% where violence and fighting was observed	% where vote buying was observed	% where intimidation was observed	Average voting start time	% of observed polling units without security personnel	% not accessible despite voters with accommodation needs
North-central	75.74%	10.24%	7.2%	10.23%	2%	8:49	5.14%	5%
Northeast	76.51%	8.43%	5.7%	15.5%	4%	8:36	3.81%	9.14%
Northwest	72.87%	18.48%	19.88%	35.42%	4%	8:51	4.22%	11%
Southeast	35.72%	7%	8.83%	41.44%	9.8%	9:23	22.37%	4%
South-south	59.34%	7%	11.56%	22.97%	8.5%	9:05	9%	3.3%
Southwest	87.32%	12.2%	5.6%	24.87%	2.4%	8:37	9.1%	6%



ACKNOWLEDGEMENT

This report is a product of the Centre for Democracy and Development Election Analysis Centre (CDD EAC) - a response to the groundswell of citizens demands for credible elections. Through the EAC, CDD has regularly convened experts to brainstorm and interrogate key issues in Nigeria's electoral process. Since 2015, CDD EAC has observed elections general and off cycle elections, just has generated a treasure trove of reports on key aspects of Nigerian elections.

OBJECTIVES OF THE CDD EAC

- CDD's observation of the electoral process is driven by the following cardinal objectives.
- Build confidence in the electoral process as a sure strategy to cope with voter apathy and lack of enthusiasm among the electorate
- Protect the civil and political rights of the electorate as enshrined in the Nigerian Constitution and other international human rights instruments, including the Universal Declaration on human rights and
- To support the Election Management Body in terms of pointing out its flaws and gaps in order to facilitate improvement in the electoral processes and systems.

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