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ELECTORAL REFORMS AND DEMOCRATIC STABILITY IN NIGERIA: A CRITICAL REVIEW OF THE 2022 ELECTORAL ACT

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Abstract

The paper interrogates the prospects of attaining democratic stability in Nigeria, via the instrumentality of electoral reforms, taking the Electoral Act 2022 into perspective. Electoral reforms have been generally observed to hold mixed (positive and negative) outcomes on the electoral process and democracy at large. Nonetheless, the case of the Electoral Act 2022 has not been examined to ascertain its prospects for improved electoral credibility and democratic stability, or otherwise, in the country. This is the primary objective of this paper. The paper relies on descriptive and explanatory research designs, using document analysis and desk review methods. It relies on secondary data sources. The paper finds, among others, that, the Electoral Act 2022 is capable of guaranteeing stronger financial independence of the Independent National Electoral Commission and addressing logistics challenges; that, by legalising the use of technology, electoral credibility will be improved upon; and that, most of the provisions in the Act, when well implemented, are capable to midwife democratic stability in Nigeria. It concludes that beyond the enactment of the Act, political elites must develop the right attitude and political will to sincerely improve the electoral process, and that, all hands must be on deck to see to the effective implementation of the Act to harness its efficacy towards attaining democratic stability in the country.

Keywords: Democratic Stability, Electoral Reform, Electoral Act 2022, Nigeria, Democracy

Introduction

Electoral democracies the world over, thrive on credible, free, fair, and periodic elections. This is to the extent that, while elections alone do not make democracies (Katz, 1997), there however cannot be democracy in the real sense of the word without clean elections (Levitsky & Way, 2010; Ninsin, 2006; Ojo, 2021). Thus, it is safe to infer that democracy will survive well into the future when there are credible elections. Given the fact that elections are imperfect the world over (Olivia, 2011), democratic states make efforts from time to time to improve the electoral process by way of tinkering with the electoral laws and guidelines. This singular act is what is meant by electoral reforms. It, therefore suffices that electoral reforms not only improve the electoral process but also serve as instruments for attaining democratic stability – an assurance of democratic practice well into the future.

All too often in Africa, Nigeria, inclusive elections are marred by serious irregularities which threaten the continued existence of democracy in such a manner that democratic stability is not assured. Since the democratisation of the continent in the 1990s, several changes have been made on issues relating to gender voting, voter registration, participation of people living with disability, and the participation and inclusion of marginalised groups, etc. (IDEA, 2014). In Nigeria, since its return to democratic rule in 1999, elections have been synonymous with rigging, and antithetical to democratic stability (Ogwu, 2016), with 1999, 2003, and 2007 elections standing out in terms of poorly conducted elections. In 2015, with some measures of electoral reforms (Electoral Act 2010, as amended in 2015), and the deployment of technologies for the conduct of the election, it resulted in one of the best elections in the electoral history of the country (Idowu & Mimiko, 2020). Since 1999, the country has made efforts to improve its electoral process by way of electoral reforms, including the Justice Uwais Commission of 2007/2008, and the Electoral Act 2006, 2010, and 2015. After a few controversies and going back and forth on the Electoral Act 2022, it was eventually assented to by the president on February 25, 2022. Pertinent to add that these reforms were designed to address such electoral malfeasance like ballot snatching/stuffing, over-voting, multiple registration/voting, and lack of confidence in the election management body, among others, which frequently beset the electoral and democratic process in Nigeria.

The impression that has been created in previous studies is the fact that electoral reforms play a critical role in stabilising democratic practice (Diwakar, 2015; Idowu, 2018; Jinadu, 2012; Ogwu, 2021). Nevertheless, electoral reforms do not always guarantee democratic stability, as some are mere façade by the political class to suit their political interests, and do not necessarily with a sincere motive to improve the electoral process (Ojo, 2021; Omotola, 2010, 2021; Stein, Owens & Leighley, 2003), and may yield mixed results (Green & Gerber, 2004). It is however yet to be demonstrated, how the electoral reforms have helped or are helping to stabilise democracy in Nigeria, or otherwise. The critical question thus, is: what are the prospects of attaining democratic stability in Nigeria through the instrumentality of electoral reforms? It is to answer this question that the present paper reviews Electoral Act 2022. This paper relied on secondary sources and was analysed using a desk review.

Literature Review

Electoral reform refers to changes made to electoral laws and processes over some time, often to improve the electoral process. It is a deliberate and conscious attempt by the state to correct loopholes and weaknesses in the electoral process (Ogwu, 2016). According to Butler (2004), electoral reform implies a change in the electoral system to improve efficiency and effectiveness in the election management process. The International IDEA (2014:5) categorized electoral reforms into "Political electoral reform [which involves] changes in the political environment that an EMB operates within…, Administrative electoral reform [which involves] changes that are related more to the day-to-day work of an EMB… [and] legal electoral reform [which involves] changes to the constitution, electoral laws and rules and regulations." Several state and non-state stakeholders have been identified to be working hand-in-hand with the EMBs in the electoral reform process. Table 1 presents some of such stakeholders working with EMBs in the electoral reform process.

Table 1: State and Non-State Stakeholders involved with EMBs in Electoral Reform Process

State Stakeholder	Non-state Stakeholders
Government (Ministry of Finance, Justice, Labour, etc.)	Political parties and inter-party networks
Parliament (various committees in the legislature)	Civil society organisations
Office of the Attorney General	The electorate
The Judiciary	The media
Public commissions (media, gender, human rights, law reform, etc.)	International and domestic observers
International diplomatic community	Regional and International EMB networks
	International assistance providers
	Development partners/donors
	Election experts

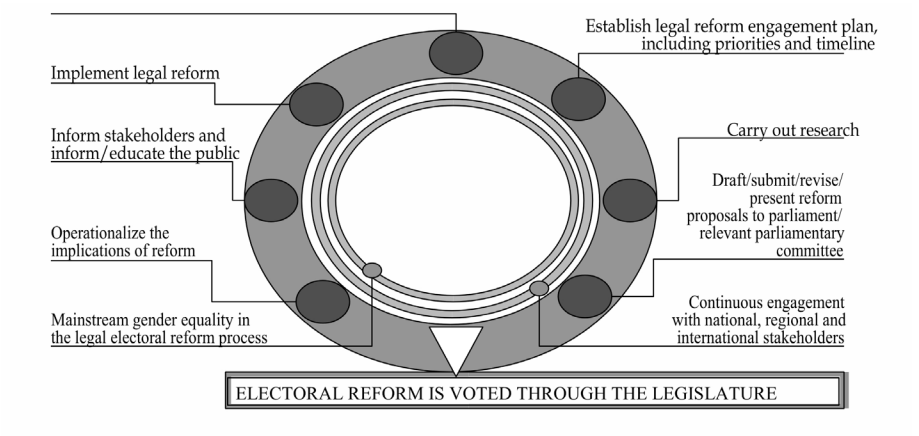
Source: IDEA (2014: 21)

Democratic stability refers to the consolidation of the democratic process, ensuring democracy is secured well into the future. It is the absence of a democratic breakdown. Amersfoort and Wusten (2010) infer that democratic stability is the 'continuity' of the democratic system over time, without disruptions or interruptions.

The literature is replete with the relationship (positive and negative) between electoral reform and democratic stability. Abubakar and Yahaya (2017) argue that electoral reform is sacrosanct for the growth and development of electoral processes, institutions and the attainment of democratic stability. This is so, as electoral reforms provide the opportunity to improve the electoral process and promote citizens' electoral rights. These scholars posit that in most contexts, EMBs do not have the statutory and constitutional mandate of initiating and prosecuting electoral reforms even though they are the executing authority. Despite lacking constitutional backing in most cases to be involved in electoral reforms, EMBs possess the requisite information and practical experience to assist and guide a successful electoral reform process across democracies (National Democratic Institute for International Affairs, 2008). In a related study, López-Pintor (2000), pointed out that EMBs' engagement in electoral reforms is hampered by many factors including the lack of political will, lack of support by the

political elite, procedural difficulties, inadequate funding, inadequate staffing and capacity, technological innovation, etc. Figure 1 shows EMB's involvement in the electoral reform process.

Figure 1: Diagrammatical Presentation of EMB involvement in the Electoral Reform Process



Source: International IDEA (2014: 15).

While the original purpose of electoral reforms is to improve the electoral process and enhance the prospects of democratic stability, evidence has also shown that electoral reforms could be manipulated to bring 'negative' effects on democratic stability (Omotola, 2010; Stein, et al. 2003). In some instances, electoral reforms have, therefore, been observed to have promoted equality at one point, while further dividing the electorate and increasing socio-economic divisions at the same time (Berinsky, 2005; Rigby & Springer, 2001). Also, while some electoral reforms have increased representation of minority groups and citizen participation, and turnout over some time, Henderson (2006) avers that this effect was not always the same, as the reverse was the case at other times. The effectiveness of electoral laws has also been strongly linked with elite behaviour (Hooghe, Maddens & Noppe, 2005). That is to imply that whether electoral reforms will produce the desired positive effects on the electoral system and democratic practice, significantly depends on how the political elites comport themselves and allow full implementation of the electoral laws. In essence, good electoral laws are not enough, political elites must develop the right attitude (European

Union, 2022). This informs Stein, et al's (2003:1) coinage of 'elite strategic behaviour', which they claim is imperative for the effectiveness or otherwise of electoral laws.

Botchway and Kwarteng (2018) emphasised the importance of electoral laws and reforms, which they claim are the determinants of the progress and stability of the democratic process. As such, they recommend the periodic reform of electoral laws in such a manner that they provide a level playing field for all political competitors, and be supportive of citizen participation. This is important as electoral reforms can go a long way to influence participation and voter turnout, etc. (Green & Gerber, 2004; Johnson, Rossiter & Pattie, 2006). Electoral reforms have also been seen to improve the electoral process and further stabilise the democratic process (see, for instance, Agyeman-Duah, 2008; Atuguba, Ansah, Anin-Yeboah, Baffoe-Bonnie & Gbadegbe, 2013; Debrah, 2009; Idowu, 2018; Jinadu, 2012). Diwakar (2015) also notes that electoral reforms invoke higher voter turnout, reduce electoral violence, and invoke a higher level of credibility in the electoral process.

Considering the factors which trigger electoral reforms, Shugart (2018: 29) identifies two prominent factors – inherent and contingent factors. According to him, to trigger electoral reform, the electoral system can produce a systemic failure which differs from general expectations. When this happens, it gives room for an inherent condition for electoral reforms to take place. This inherent condition creates two scenarios which facilitate electoral reform – it allows an anomaly to occur within the political system which results in outright public criticism of the electoral system. Accordingly, Shugart avers that for electoral reform to take place, there must be a systemic failure which Peelish (2016: 30) defines as "a deviation from the expected normative outcome." On the other hand, the contingent factor for electoral reforms refers to anything that stimulates a newly elected party to initiate an electoral reform system. Reed and Thies (2001) categorised these contingencies into two – outcome-contingencies, and act-contingencies. While the former implies incumbent party support for electoral reforms because it feels that the reforms will be in its favour, the latter implies incumbent support for reforms because the reforms enjoy public support, and it can therefore

win public support/sympathy by voting for such reforms. Shugart (2008) however argued that all electoral reforms are driven by a combination of inherent and contingent factors. This is because, there has to be an anomaly in the electoral system (inherent condition), which invokes public pressure against the system, and stimulates the incumbent party to advocate and drive electoral reforms (contingent factor). In all cases, Renwick (2010: 45) makes an important observation, which is that public pressure is a constant factor in all cases of electoral reforms. Kerr (2013) observed that incumbents are more likely to implement significant reforms to improve the electoral process if the costs of maintaining the status quo outweigh the benefits. He identified three factors that influence the cost-benefit calculation of powerholders: The strength of domestic opposition relative to the incumbent and the ability of the opposition to credibly pressure the incumbent; 2. Regimes' vulnerability to external pressure and the commitment of international actors to credibly pressure the incumbent; 3. The extent to which EMB reforms will influence the incumbents' electoral prospects.

Using the veto player theory, Blau (2008: 63) provides an analysis of how electoral reforms are proposed. According to this theory, a rational player, what Blau calls an 'Agenda setter', always pushes for reforms in such a way that causes a change in the electoral system. In this case, the agenda setter (often the incumbent party), not only chooses the reforms to go into the electoral system but also, the legislative path to take to attain success (Peelish, 2016). Blau (2008) argues that beyond interest, the agenda setter also considers attitude (what the individual considers as good or bad, and their impression about how the policy affects their interest), in determining what reforms to propose. It considers self-interest and party interest as the main drivers for the agenda setter in electoral reform proposition. On party proposition, Blau (2008: 75) identifies four major reasons why a party (especially a ruling or major party) may propose an electoral reform. They include the belief that reforms would bring better governance; if it would win the minority party over; if it would be in favour of the party; and if voting for a reform garner more public support for the party. Peelish (2016: 32) posits that in whatever circumstance among the above, being rational players, party leaders will always propose reforms that suit their party interest.

Shugart's outcome-contingency and Blau's veto player theory align with the rational choice institutionalism and partisan interest theory of electoral reforms, which argues that parties have preferences for electoral reforms depending on the expected benefit or payoffs for them, whether in the present or future (Benoit, 2007; Bowler, Denovan & Karp, 2006).

Historical Trajectory of Electoral Reforms in Nigeria

Electoral reforms in Nigeria date back to the period of colonial rule. Following independence in 1960, Nigeria had its first elections as a Republic in 1964. Since then, several other elections have been held amidst intermittent disruptions by military interventions. Many if not all of these elections have been alleged to be marred with different kinds of irregularities and malpractices. Apart from serving as incentives for the military to interrupt the process, these electoral malfeasances have provided justifications for many of the electoral reforms before the return to democracy in 1999. For example, Nigeria practised the proportional representation electoral system under a parliamentary system of government from 1959-January 15th 1966 (Ibrahim, 2007) when the military struck and usurped political powers in a bloody coup d'état. Within this period, parliamentary seats were allocated to political parties based on the number of votes pulled in a poll. However, in 1979, Nigeria not only instituted a presidential system of government but also adopted the *first-past-the-post* electoral system modelled after the United States (Amah, 2017).

To address electoral fraud and irregularities identified in previous elections in Nigeria, the National Electoral Commission (NEC) during the military administration of General Ibrahim Babangida innovated the *Option A-4* system to conduct the 1992/93 General elections (Ojo, Adewunmi & Oluwole, 2013). *Option A-4* is an electoral system which requires voters to queue behind the campaign poster of their preferred candidates until after counting and proper recording. It was *Option A 4* that produced the outcome of the 1993 presidential elections allegedly won by the late Chief M. K. O. Abiola. The election was widely acclaimed by both international and domestic the most credible election ever conducted in Nigeria. Sadly, the election was annulled by the Gen. Babangida-led military government (Balogun

& Ikheloa, 2022). The crisis and controversies generated by the annulment of the June 12 elections are well-known with far-reaching implications for Nigeria's corporate existence. The annulment of the June 12, 1993, elections ushered in yet another military-civilian rule transition programme midwife by the late Gen. Sani Abacha's military regime. During the Abacha regime's military-civil rule transition programme (1993-1998), the *Option A-4* system was replaced with the Open-Secret Ballot system. However, the transition from the military-civil rule programme ended abruptly following the death of Gen. Sani Abacha on June 8 1998 (Ngara & Esebonu, 2012).

In 1999, Nigeria returned to democratic rule after a successful 9-month military-civil rule transition programme administered by Gen Abdulsalami Abubakar. During the military-supervised general election in 1999, the Open-Secret Ballot system innovated by Gen. Sani Abacha's regime was sustained. It must be noted that the 1999 and successive elections in Nigeria have been characterized by varying degrees of malpractice. As Omotola (2011) noted that there is a widely accepted notion supported by undeniable evidence that the quality of elections in Nigeria is progressively compromised at each circle of elections just the same way it happened in the 1999, 2003 and 2007 general elections. He further argued that the major challenge bedevilling Nigeria's democracy is that of "election administration." Indeed, all the stages of the electoral process from voter registration, party primaries, and election campaigns to the conduct of elections and management of post-election issues have remained sources of worry to observers and the international community (Omotola, 2011).

These concerns have often inspired the calls for reforms and accounted for the electoral reforms initiated by the Federal Government since 2003. By the provisions of the 1999 Constitution (as Altered), general Elections have been held every four years since 1999. These elections were held in 2003, 2007, 2011, 2015, and 2019. Before each of these elections, electoral reforms of varying degrees were introduced. Before the 2003 general elections, the Electoral Act 2002 was passed. The Electoral Act covered voter registration, political party operations, area and local government council elections, electoral offences, and election petition tribunals. However, these provisions did not constitute any significant reform to the electoral process (Electoral

Hub, 2020), as the inadequacies of the Electoral Act 2002 resulted in the 2003 elections falling below the minimum standard due to widespread violence.

The deficiencies in the Electoral Act 2002 created the impetus for further reform and culminated in the Electoral Act 2006. The 2006 Act expanded the functions of INEC to include conducting voter and civic education; promoting knowledge of sound democratic electoral processes; and conducting any referendum required by law. In addition, the Electoral Act 2006 closed gaps in the Electoral Act 2002 that makes it possible for political parties to change or replace candidates even during polling; gave supremacy to election tribunal judgments over INEC's certification where election results are contested; introduced campaign funding ceilings; as well as INEC power to appoint its own Secretary (Electoral Reform Committee, 2008). Despite these among other reforms, the 2006 Act had its failings such as ambiguous provisions, poor drafting, and denial of rights of the petition to some stakeholders which adversely impacted the 2007 General Elections. The 2007 General elections were described by observers including President Umaru Musa Yar'adua, who came into office during the same election as one of the worst elections ever held in Nigeria due to widespread irregularities and malpractices that characterized it (Human Rights Watch, 2007). Despite these, the 2007 General Elections gave Nigeria a huge quantum leap in democracy development and tested the resolve of Nigerians to embrace democracy with all its flaws as the preferred system of government.

Having publicly acknowledge the elections that brought him in were fraught with irregularities, President Umaru Musa Yar'adua upon assumption of office on August 28 2007, inaugurated a 23-man Electoral Reform Committee (ERC), led by Justice Muhammed Uwais and drew membership from the CSOs and other critical stakeholders. The ERC was mandated to suggest ways to comprehensively reform and overhaul the country's electoral process. In its recommendations. In its report, the ERC's recommendations include amongst others:

i. The INEC Chairman should be a person with a high level of integrity and credibility;
ii. INEC officials should be nominated by the National Judicial Council (NJC), rather than the executive;

iii. INEC funding should be a first-line charge on the Consolidated Revenue of the Federation;
iv. INEC should be unbundled by creating new commissions: The Political Parties Registration and Regulation Commission, the Electoral Offenses 8 Commission, a Constituency Delineation Commission and the Centre for Democratic studies;
v. Parties should disclose all funding sources to INEC;
vi. There should be donation ceilings for parties and candidates;
vii. There should be a qualifying period for membership of a party, to discourage people from joining parties solely to contest elections;
viii. Voter registration should be fully computerised, with electronic voting introduced gradually;
ix. Internal party democracy should be promoted and monitored by INEC;
x. Election petitions should be resolved before new candidates are sworn in;
xi. Election petitions should be resolved more quickly by reducing the number of judges sitting in each tribunal, to allow more tribunals to hear cases;
xii. An additional 30% of the total seats in the National Assembly, State Houses of Assembly, and Local Government Council should be created. Proportional representation would be used instead of the first-past-the-post system for elections into those seats. Parties would be required to put forward at least 30% female candidates and 2% physically challenged candidates in these elections (Electoral Reform Committee, 2008).

Although not all of the recommendations of Justice Uwais's led ERC were accepted by the Federal Government, about 90% of its recommendations were included in the Electoral Act 2010 and the First Alteration Act 2010 (Election Hub, 2020). It introduced the following among other reforms:

i. To improve the independence of INEC, section 156 of the Constitution was amended to state that INEC members cannot be members of political parties;
ii. Section 84 of the Constitution was amended to state that INEC fund-

ing would come from the Consolidated Revenue Fund, rather than the executive;

iii. Section 160(1) of the Constitution was amended to state that INEC can make its own rules and regulations without the interference of the President;

iv. Section 228 of the Constitution was amended to give more powers to INEC to monitor internal democracy within parties;

v. Election timeframes were amended so that elections would be held not earlier than 150 days and not later than 30 days before the expiration of the term of office of the incumbent official;

vi. The number of judges sitting in election petition tribunals was reduced from five to three, and tribunals were obligated to deal with election petitions within 180 days from the date of filing, and appeals within 60 days;

vii. INEC introduced a new biometric voter registration system;

viii. INEC improved the security of election materials by introducing serial numbering and colour-coding of ballot papers and boxes;

ix. INEC established the Inter-Agency Consultative Committee on Election Security (ICCES) to promote synergy across the security agencies involved in elections; and

x. INEC started the recruitment of National Youth Service Corps members as ad-hoc staff, and university academics as Returning Officers on Election Day (Onapajo, 2015).

It is noteworthy that the successes recorded in the 2011 general elections as one of the peaceful, transparent and credible elections in Nigeria were attributed to the quality of the Electoral Act 2010. Despite the reforms resulting in the Electoral Act 2010, there were still allegations of malpractices and technical hitches during the 2011 general elections. This led to another reform which amended the Electoral Act 2010 to midwife the 2015 general elections. During this election, power alternated from the ruling People's Democratic Party (PDP) to the main opposition, the All Progressives Congress (APC). Although, several attempts to amend the Electoral (Amendment) Act 2010 as passed by the National Assembly couldn't receive presidential assent. Nonetheless, the 2015 general elections were adjudged free, fair and credible as a result of a wide range of reforms introduced including the use

of the card reader in the voter accreditation process. The need for further improvement in the electoral process led to attempts for further reforms, especially in 2018 and 2019, respectively.

Another important reform was in 2018 when the Not Too Young to Run Act was enacted. The Age Reduction Bill popularly known as the Not Too Young to Run Bill was initiated by civil society groups including YIAGA Africa. The Act reduced the age of running for elective positions in the House of Assembly and House of Representatives from 30 to 25 years old, the Senate and Governorship from 35 to 30 years old, and President from 40 to 30 years old. However, the 9th Session of the National Assembly successfully repealed the 2010 Electoral Act in 2022 and enacted the Electoral 2022. The key provisions of this new Electoral Act 2022 as summarized by Ajulo (2022), include:

i. Section 29(1) stipulates that political parties must conduct primaries and submit their list of candidates at least 180 days before the general elections;
ii. Section 65 provides that INEC can review election results declared under duress;
iii. Section 3(3) captures that the funds for general elections must be released at least one year before the election;
iv. Section 51 states that the total number of accredited voters will become a factor in determining over-voting at election tribunals;
v. Section 54(2) makes provisions for people with disabilities and special needs to be given preferential treatment in the management and conduct of elections;
vi. Section 47 provides legislative backing for smart card readers and any other voter accreditation technology that INEC deploys;
vii. Section 34 empowers political parties to conduct a primary to replace a candidate who died during an election;
viii. Section 50 empowers INEC to carry out the electronic transmission of election results;
ix. Section 94 allows for the early commencement of the campaign season. By this, campaign season will now start 150 days before the election day and end 24 hours before the election; and

x. Section 84 provides that anyone holding a political office (such as ministers, commissioners, special advisers, etc. must relinquish the position before they can be eligible to participate in the electoral process either as a candidate or as a delegate.

Since electoral reforms began in 2002, Nigeria's electoral process, administration and jurisprudence have greatly transformed. Of important note was the introduction of electoral technology such as biometric voter registration, and smart card readers which are now replaced with the Bimodal Voter Accreditation System (BVAS). These technological innovations are expected to put an end to age-long electoral crimes like ballot box snatching and stuffing, even though there are public concerns that desperate politicians may work to compromise the INEC server. INEC itself has raised alarm over attempts to clone the BVAS to manipulate the 2023 elections (Ede, Dec. 14, 2022). Regardless of these fears, the ultimate test of the Electoral Act 2022 will be the 2023 general election which will determine whether the Act will stand the test of time or undergo reforms before the 2017 general elections.

The Electoral Act 2022 and Democratic Stability in Nigeria

After much public agitations and goings back and forth between the National Assembly and the Presidency, the Nigerian president finally assented to the Electoral Act 2022 on February 25, 2022. This repeals the Electoral Act of 2010, and it is to be deployed for the 2023 general elections. According to the European Union (2022: 1), "the Electoral Act 2022 comprehensively introduces a range of measures that improve the electoral process." The Act replaces and/or modifies many of the previous provisions in the Electoral Act 2010 (as amended in 2015). It was a product of contributions from civil society, court precedence on previous elections, INEC, and credible election observation reports and recommendations. Among others, the Electoral Act 2022 makes provision for the legal backing for the deployment of technology for elections by INEC, early release of funds to INEC before the election year, improved timelines, enhanced result transmission process, and justification for INEC to cancel results announced under duress (EU, 2022). Table 2 below presents some major provisions/improvements made over the previous Electoral Act 2010 (as amended in 2015) in the present Electoral Act 2022.

Table 2: Some Major Provisions/Amendments to the Electoral Act 2010 on the New Electoral Act 2022

S/N	Previous Provisions under Electoral Act 2010	Modifications of the Electoral Act 2022
1.	Electoral funds are to be released in line with the rules set out by INEC	**Section 3 (3)** provides that electoral funds be released at least a year before the next election date
2.	Submission of political party candidate list to be done at least 60 days before the election date	**Section 29 (1)** provides that party primaries and submission of candidates be done at least 180 days before the election date
3.	Provided no legal backing for E-voting and electronic transmission of results	**Section 47 & 50 (2)** provide legal backing for the use of technology for voter accreditation and electronic transmission of results, while **Section 62 (2)** gives legal backing for INEC to maintain an electronic register of votes
4.	Allowedpolitical appointees to vote and be voted for during political party primaries	**Section 84 (12)** bans political appointees from voting as delegates or standing as aspirants
5.	No adequate provisions were made to assist persons living with physical disabilities and vulnerable populations during voting	**Section 54 (2)** provides that voters with disability, special needs and other vulnerable populations be assisted by someone chosen by themselves, to vote at the polling unit, and INEC is to provide necessary facilities to assist these groups of persons at the polling unit
6.	Number of registered voters used to determine cases of over-voting.	**Section 54** provides that only number of accredited voters be used as a yardstick to determine cases of over-voting
7.	No provision was made with respect to results declared by returning officers under duress	**Section 65** provides that within seven days, INEC can review the results declared by any returning officer under duress, and/or where the declaration is made against the election guidelines and laws

8.	Political parties had only 90 days before the election date for political campaigns	**Section 94** provides that electoral campaigns can now begin 150 days before the election day, and end 24 hours prior to the election date
9.	Did not make provision for the death of a candidate before or during the election, but only empowered the commission to postpone only yet-to-be-commenced elections	**Section 34** provides that at the death of a candidate before the election date, INEC should suspend the process and fix a new date within 14 days. When the candidate dies during the voting process before the final results are declared, INEC should suspend the process for at most 21 days. In the latter case, for legislative elections, a new primary is to be conducted by the party within 14 days of the death, while for presidential or governorship or FCT Area Council election, the running mate to the deceased shall continue with the process, and nominate a new running mate.
10.	Any member of the public could seek judicial review for a candidate with false information or a forged certificate.	**Section 29 (5)** provides that only aspirants who contested against the candidate in the party primaries can seek a judicial review on issues relating to false information or forged certificates
11.	No adequate provision was made for the neutrality of INEC personnel, and no stipulated punishment for partisanship.	**Section 8 (5)** provides that INEC personnel (ad hoc officers inclusive) must be neutral and non-partisan. Such attracts a punishment of 5 million Nairas, and/or two years imprisonment.
12.	Provision for only a national collation centre for the presidential election.	**Section 27** makes provision for a state collation centre for the presidential election.

13.	Political parties' registration could be made at least 6 months before the general election date	**Section 75 (1)** provides that INEC shall only register political parties that submit their application at least a year before the general election date.
14.	Fixed lesser campaign spending limits for political candidates during elections as follows: - Presidential – 1, 000, 000, 000 naira - Governorship – 200, 000, 000 naira - Senatorial – 40, 000, 000 naira - House of Representatives – 20, 000, 000 naira - State Assembly – 10, 000, 000 naira - Chairmanship – 10, 000, 000 naira - Councillorship – 1, 000, 000 naira	**Section 88 (2-7)** increased the maximum amount to be spent on political campaigns by political candidates during elections as follows: - Presidential – 5, 000, 000, 000 naira - Governorship – 1, 000, 000, 000 naira - Senatorial – 100, 000, 000 naira - House of Representatives – 70, 000, 000 naira - State Assembly – 30, 000, 000 naira - Chairmanship – 30, 000, 000 naira - Councillorship – 5, 000, 000 naira

Source: Compiled by the Author from Electoral Act 2010 (as amended), and Electoral Act 2022.

No doubt that the various provisions and amendments to the previous Electoral Act 2010 (as amended in 2015) in the Electoral Act 2022, is in order to improve the electoral process, and midwife democratic stability in the country. A careful study of the Electoral Act 2022 reveals clearly that if it is religiously implemented, it holds the prospects of attaining democratic stability in Nigeria over a period. These prospects are embedded in several aspects and provisions of the Electoral Act 2022. For instance, by making election funds available to INEC one year before the election date, the new law ensures, and further strengthens the financial independence of the commission, and addresses major logistics challenges the commission had

encountered in the past. This is closely followed by the provision, which has fixed the deadline for the registration of political parties to one year before a general election year. This will enable the commission enough time to plan ahead of time with the accurate number of political parties and candidates participating in a general election, thereby, helping to resolve some of the logistics challenges often faced by the commission as a result of hasty preparations due to late comers for registration.

The legalisation of the deployment of existing technologies and new ones, including the electronic transmission of election results, will no doubt, reduce human interference in the electoral process and prevent manipulations and fraud, thereby, improving electoral credibility. Also, the empowerment of INEC to review results declared by returning officers under duress will serve as a deterrent to the practice whereby politicians often hold returning officers to ransom to declare them winners in elections they had not won. The provision for the neutrality of INEC personnel, and an attached punishment, put security personnel, INEC staff, and ad hoc staff on their toes, and serves as a deterrent against their partisanship.

Furthermore, the special provision to assist persons with disability and other vulnerable populations create room for inclusivity in the electoral process. The redefinition of what constitutes over-voting by the use of the number of accredited voters, rather than the number of registered voters, will deal a blow to the rampancy of ghost and foreign voters. The early conduct of party primaries and submission of candidate names to INEC, and the extension of campaign periods, provide enough room for the electorate to familiarise themselves with the candidates, interrogate their policies, and make informed decisions on election day. While the provision which increases political candidates' campaign spending during elections is plausible, given the current economic realities in the country, it is quite debatable, how this move contributes to strengthening democracy in the country. This is so because previous provisions on campaign spending limits in the Electoral Act 2010 have been audaciously flouted by all political candidates in the past, it is therefore yet to be seen whether the present and increased provisions will be adhered to. If adhered to, it could then safely be adjudged to be contributing to the attainment of democratic stability through

adherence to the rule of law, otherwise, the debate on this addendum and its relevance for democratic stability continue. All of these breakthroughs and more invoke so many prospects for the Electoral Act 2022 to birth democratic stability in Nigeria. To this extent, Abati (2022) argues quite correctly that "The amendment of the Electoral Act 2010 [that is the Electoral Act 2022] is the most comprehensive and pragmatic effort that the National Assembly of Nigeria has embarked upon since it was resolved that having a credible electoral framework is crucial for the integrity of elections and the leadership recruitment process."

Despite these prospects, it is pertinent to note that beyond the Electoral Act 2022 coming into force, implementation of the Act to the latter is germane to achieve the desired result of democratic stability. As such, the European Union (2022) shows some concern with respect to the conditions which could undermine the effectiveness and efficacy of the Electoral Act 2022. They include persistent logistics challenges besetting the INEC; the doubt over INEC's total independence; the challenge of electoral security, coupled with the obnoxious role of some security personnel during elections; lack of inclusivity and participation, especially of the women's gender, etc. In the area of technological deployment for election administration, the fact that those technologies are still going to be operated by humans gives a cause for concern about the chances of continuous manipulations. Also, the extension of the campaign period means that political parties and political candidates will now have to spend more resources on political campaigns. While some political parties may be capable to finance a longer campaign window, others may not have the financial wherewithal to do the same. This creates room for some inequality, especially in terms of how well political parties are able to equally sell themselves, their candidates and their policies to the electorate, which in turn, can influence the electoral outcome.

Furthermore, the attitude and behaviour of the Nigerian elites are a cause for concern as far as the effective implementation of the Electoral Act 2022 is concerned (European Union, 2022; Stein, et al. (2003: 1). The desperate tendencies of Nigerian political elites to win an election by all means possible, makes them one of the greatest threats to the effectiveness and efficacy of the Electoral Act 2022. Therefore, while the provisions of the Electoral Act 2022

are good enough to significantly improve the electoral process, the character of the Nigerian political elites to always find means to beat the system may constitute a huge challenge. Albeit, while these challenges call for concern, there is no doubt that indeed, "Notwithstanding 'banana peels' strewn on the path of the electoral process, the 2022 Electoral Act offers a great opportunity and hope in our [Nigeria] quest for free, fair, transparent and credible polls." (Umar, as cited in Olatunji, 2022). The Electoral Act 2022 thus, provides an opportunity, and charts a path towards democratic stability in Nigeria, via its various provisions.

Conclusion and Policy Recommendations

Electoral reforms are credible and essential tools towards attaining democratic stability. This is because they help to improve the electoral process and reduce the possibility of fraud and other manipulations that are cankerworms to democratic stability. Following this, the Electoral Act 2022 has been reviewed to possess the ethos to chart the path to democratic stability in Nigeria; albeit, not without first addressing some critical challenges such as elite behaviour and lack of political will and attitudes towards sincerely improving the electoral process, persistent electoral security challenges, logistics challenges still besetting INEC, etc. If the prospects of attaining democratic stability must be achieved through the Electoral Act 2022, these challenges and others must be nipped in the bud. This paper hereby makes the following policy recommendations:

i. There is a need for INEC to put in place a policy roadmap to guide the strict implementation of the provisions of the Electoral Act 2022. Such policy guidelines will spell out programmatically action-related activities to ensure compliance with the Electoral Act, including conscious efforts to overcome persistent logistics challenges during elections;
ii. INEC should be decentralised to relieve it of some of its responsibilities, as the Commission is presently overburdened. This can be achieved through the Constitutional Alteration to unbundle the Commission to make departments such as Political Party Monitoring, Voter Education and Publicity, Litigation and Prosecution etc., an independent body to enhance the effectiveness and efficiency of

electoral administration as well as improve election planning and operational oversight;

iii. INEC should strengthen collaboration with Civil Society Organisation (CSOs), and institutions such as the National Institute for Legislative and Democratic Studies (NILDS), to develop tailor-made training programmes and sensitisation workshops for election duty workers. Such training and reorientation programmes are especially necessary for the Nigeria Police and other security operatives deployed on election duty to sensitise them on the need to maintain peace and order, civility and neutrality during elections.

iv. Beyond the 2023 general elections, the Electoral Act 2022 requires amendments and innovations that will help to demonetise party primaries. In addition, Section 84(12) which bars political appointees from voting as delegates or standing as aspirants should be amended to protect the political rights of those categories of public officers. Also, Section 94 which provides 150 days for campaigns needs to be amended to reduce the period for the campaign to 90 days. This is because the extended campaign period creates a disadvantage for smaller, newly registered political parties or those with a limited financial capacity to sustain a campaign for a long period of time relative to older, financially stronger and/or more established parties.

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