IIJP 2026 | Volume 2, Issue 1, pp. 1609-1623 | ISSN: 2636-4484

LEGISLATIVE CONTINGENCY AND ELECTORAL TRANSPARENCY IN NIGERIA: MEDIA FRAMING, THE ELECTRONIC TRANSMISSION PROVISON AND PUBLIC TRUST UNDER THE ELECTORAL ACT 2026

Adeyemi Adegoke Adelowo[1], Olubukola Felicia Alade[2], Dr. Bisi Olawunmi[3], Fadekemi Nimotalahi Adelowo[4] & Peter Abayomi Obateru[5]
[1,2,3&4]*Mass Communication, Adeleke University Ede, Osun State*
[1]*adelowo.adeyemi@adelekeuniversity.edu.ng, adelowoadeyemi6@gmail.com,*
[2]*feliciaalade315@gmail.com*, [3]bisi.olawunmi@adelekeuniversity.edu.ng, [4]*adelabufn9@gmail.com*
[5]*Department of Mass Communication, Federal Polytechnic, Ede, Osun State*
[5]*yomiobateru6@gmail.com*

ARTICLE INFO
Article No.: 0252
Accepted Date: 13/03/2026
Published Date: 30/03/2026
Type: Research

ABSTRACT
Nigeria's Electoral Act 2026, signed on 18 February 2026, introduced mandatory electronic result transmission, statutory recognition of the INEC Result Viewing Portal (IReV), mandatory use of the Bimodal Voter Accreditation System (BVAS), and criminal sanctions for wilful upload obstruction. These reforms responded to structural failures exposed during the 2023 General Elections and subsequent litigation in Obi v. I.N.E.C. (No. 1) (2023). This paper examines the 2026 Act through legislative design analysis and political communication theory. It argues that the Act retains a reconstituted legislative contingency: the mandatory transmission obligation under Section 60(3) is qualified by an undefined "communication failure" proviso that preserves institutional discretion over the very transparency mechanisms the reform was designed to secure. Using doctrinal legal analysis, institutional analysis, and Afrobarometer survey data, the paper identifies three contingency mechanisms carried forward from the 2022 Act, evaluates the 2026 Act's partial remedies, and shows that residual contingency provisions will continue to interact with media narratives and public trust in ways that could undermine the 2027 elections. The paper recommends targeted amendments to close the remaining contingency gaps alongside a proactive political communication strategy to rebuild institutional credibility.

Keywords: Legislative Contingency, Political Communication, Media Framing, Electoral Act 2026, BVAS, IReV, Electronic Transmission, Transparency.

Introduction

Electoral credibility depends on three elements: clear institutional rules, effective enforcement and consistent alignment between what a legal framework promises and what implementing institutions deliver. When these elements diverge, technology becomes evidence of broken promises rather than their fulfilment. Electoral digitisation has advanced rapidly across sub-Saharan Africa (Acheampong, 2023; Omole et al., 2025). Nigeria exemplifies this pattern more clearly than most (Abdulrahman, 2025). Each successive innovation, from the Smart Card Reader in 2015 to the BVAS deployed at scale in 2023, was publicly presented as a definitive remedy to prior integrity deficits. The Electoral Act 2022 generated the strongest expectations: its provisions on electronic result transmission were widely understood as a legal guarantee that polling unit results would be publicly accessible in real time. That understanding was not accurate. The Act's actual statutory language embedded significant institutional discretion and the political communication surrounding its passage raised public expectations well beyond what the text could sustain.

Those expectations were not met. The IReV portal achieved a national average upload completion rate of approximately 78.5%, falling below 65% in the North West geopolitical zone. Collation discrepancies were documented by the EU Election Observation Mission (2023) and the presidential election was litigated to the Supreme Court. The Electoral Act 2026, signed on 18 February 2026, represents the legislative response to those failures.

The central argument of this paper is that the expectation-delivery gap was structural and communicatively amplified, not accidental. The Electoral Act 2022 embedded what this paper terms legislative contingency: statutory provisions whose operation was conditioned on implementing-institution discretion. Three mechanisms are identified. First, INEC was delegated authority to determine which devices are used and under what conditions. Second, INEC was delegated authority to design the transmission procedure, which it used to classify IReV as supplementary rather than primary. Third and most consequentially, the Act contained no sanctions for incomplete or delayed uploads. The Electoral Act 2026 addresses several of these gaps but reconstitutes the problem through an undefined "communication failure" proviso in Section 60(3).

This paper makes three contributions. It develops legislative contingency as an analytical category in electoral law, extending Morley's (2017) work on contingent constitutionality to statutory electoral technology provisions. It applies that concept to systematic legal-institutional analysis of the 2026 Act and the 2023 elections. It then connects legislative structure to public trust outcomes through Afrobarometer data and post-election assessments.

Literature Review and Theoretical Framework

1 Electoral Technology Governance

Research on electoral technology in Nigeria converges on a shared conclusion: technology alone does not produce electoral integrity. What matters is the legal and institutional architecture in which technology operates (Acheampong, 2023). Abdulrahman (2025) provides the most systematic longitudinal account, showing that voter trust has not risen proportionally with

technological sophistication. The credibility of any technology depends primarily on the clarity and enforceability of its governing legal framework.

Studies focusing directly on the BVAS-IReV system support this finding. Cinjel and Bur (2024) concluded that IReV as constituted under the 2022 framework does not guarantee acceptable outcomes without a more prescriptive mandate. Ogbadebo (2025) found that BVAS reduced multiple voting effectively but could not guarantee collation integrity where IReV uploads were incomplete. Ezeigbo (2024) documented declining upload completion rates across successive 2023 cycle elections, consistent with compliance driven by reputational rather than legal incentives. Oladele et al. (2025) linked legal uncertainty about compliance standards to compounded technical risk. This paper builds on these findings by identifying the legislative design features that enabled the institutional behaviour these studies document.

2 Transparency and Public Trust

Transparency refers to the degree to which electoral procedures and results are open to public scrutiny (Diepreye & Jacob, 2025). Trust is the downstream outcome: citizens' confidence that institutions will administer elections impartially (Bouraïma et al., 2025). When transparency mechanisms fall short of their promises, they generate a sharper trust deficit than would have existed without the promise, because the promise itself raised the evaluative standard.

Afrobarometer data from 2021-2023 show that Nigerian respondents who perceived technological manipulation reported lower INEC confidence than those attributing problems to logistical failure (Afrobarometer Project, 2024). Fasakin (2023) demonstrated that the 2023 legitimacy crisis was driven significantly by public perceptions of selective IReV population. Bouraïma et al. (2025) found that media coverage of electoral irregularities significantly predicts reduced institutional trust across sub-Saharan Africa. Isaac and Odugbose (2026) show that transparency failures are especially damaging in high-polarisation contexts, where partisan interpretation amplifies their significance. The 2023 Nigerian election, contested across distinct ethno-regional constituencies, was precisely such a context.

3 Legislative Design and the Concept of Legislative Contingency

Legislative design theory examines how statutory provisions shape institutional behaviour and compliance incentives (National Research Council, 2000). The key distinction is between self-executing provisions, which impose directly enforceable obligations and non-self-executing provisions, which depend on subsequent institutional steps. Morley (2017) identifies contingent constitutionality: legal rules whose application depends on factual conditions external to the text itself.

This paper extends that framework to statutory electoral technology law and develops the concept of legislative contingency, defined as: a statutory provision that conditions the operation, scope, or enforcement of a mandatory electoral transparency mechanism on the discretion of the implementing institution or on prevailing technical conditions, such that the institution retains effective authority to determine when and whether its own conduct is subject to the required level of transparency. This definition captures a structural conflict of interest. Administrative flexibility allows an institution to determine how to pursue a clear mandate. Legislative contingency allows

it to determine whether and how fully the mandate itself applies. In the Nigerian context, where INEC's independence has been sustained subject to contested claims (Centre for Democracy and Development, 2023; Fasakin, 2023), this distinction carries substantial governance consequences.

4 Theoretical Model

The theoretical model advances a five-stage causal argument: legislative contingency creates conditions for institutional discretion; discretion, in the absence of enforcement, produces inconsistent implementation; inconsistent implementation generates transparency gaps; transparency gaps produce a trust deficit; and post-election litigation amplifies the deficit by publicly exposing the initial legislative design failure. Figure 1 presents this model schematically. A sixth element, the political communication environment, operates as a mediating variable between legislative contingency and the trust deficit, amplifying or attenuating trust consequences depending on how media and institutional actors frame implementation gaps.

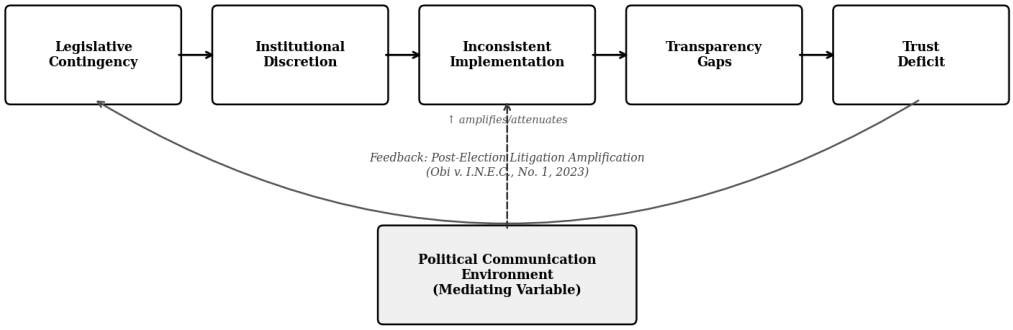


Figure 1 *Conceptual Model: Legislative Contingency and the Electoral Trust Deficit Pathway*

The model depicts the causal chain from legislative contingency through institutional discretion and inconsistent implementation to transparency gaps and the trust deficit. The feedback arrow represents the amplification effect of post-election litigation, as demonstrated by Obi v. I.N.E.C. (No. 1) (2023). Adapted from Morley (2017) and Acheampong (2023).

Legal and Institutional Context

1 The Electoral Act 2026: Scope and Innovations

The Electoral Act 2022 replaced the Electoral Act 2010 and its successive amendments, constituting the most substantial revision of Nigeria's electoral legal framework since 1999. That Act was itself repealed and replaced by the Electoral Act 2026, signed by President Bola Ahmed Tinubu on 18 February 2026 following a legislative process that drew significant public criticism and nationwide protests. Among the 2022 Act's key provisions were Section 47(2), governing accreditation via smart card reader or other prescribed device and Section 60, governing result recording and transmission. Together, these provisions established the BVAS-IReV system as the centrepiece of electoral integrity in the 2023 elections (Policy and Legal Advocacy Centre, 2022). Under the BVAS-IReV architecture, presiding officers record accreditation data biometrically and upload completed result forms to IReV upon result announcement. The system was designed to make polling unit results publicly verifiable before collation at ward, local government and state levels, enabling real-time detection of discrepancies between polling unit totals and collated

declarations. Table 1 presents the evolution of these provisions across successive electoral acts Oyinmiebi and Inokoba (2024) documented the divergence between relatively strong BVAS accreditation performance and materially weaker IReV upload completion in the 2023 presidential election.

Table 1

Evolution of Electoral Technology Provisions in Nigeria's Electoral Acts

Electoral Act	Technology	Transmission Provision	Legal Character
Electoral Act 2006	Manual processes	No electronic provision	Non-contingent (no technology mandate)
Electoral Act 2010 (as amended)	Smart Card Readers (from 2015)	Discretionary deployment by INEC	Contingent: institution determines use
Electoral Act 2022	BVAS and IReV Portal	Mandated with conditional framing	Contingent: institution designs procedure; no sanctions
Electoral Act 2026	BVAS (S. 47), IReV (S. 60(3)), criminal sanctions (S. 60(6))	Mandatory transmission with communication failure proviso; six-month imprisonment or ₦500,000 fine	Partially contingent: mandatory transmission qualified by undefined "communication failure" exception; Form EC8A remains primary source

Data derived from Abdulrahman (2025), Independent National Electoral Commission (2025) and Policy and Legal Advocacy Centre (2022, 2025).

2 INEC's Institutional Role and Technology Programme

INEC is established under Section 153 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and holds exclusive constitutional responsibility for organising and supervising federal and state elections. Its technology programme has advanced across successive electoral cycles, with the 2023 elections representing the first full-scale BVAS deployment (Independent National Electoral Commission, 2025). INEC also issued Regulations and Guidelines governing BVAS and IReV procedures. Critically, these Guidelines operated within the discretionary space the Act created and did not resolve the ambiguities in the transmission provisions.

3 The Electronic Transmission Proviso: Textual Analysis

A close reading of the Act's relevant provisions reveals four categories of contingency language that, taken together, constitute the legislative contingency examined in this paper. Table 2 presents this textual analysis.

Table 2

Key Electronic Transmission Provisions of the Electoral Act 2026 and Identified Contingency Language

Section	Provision (Summarised)	Contingency Language	Type of Contingency
S. 47(2)	Accreditation using smart card reader or other device	"as may be prescribed by the Commission"	Technology selection contingency
S. 60(2)	Presiding officer to use BVAS or other prescribed device	"or any other technological device"	Operational modality contingency
S. 60(5)	Electronic transmission in accordance with INEC procedure	"as determined by the Commission"	Process design contingency
S. 64(4) / 65	Collation and declaration by returning officers	No IReV primacy or non-compliance sanction stated	Enforcement gap

Provisions of the Electoral Act 2022 summarised from Policy and Legal Advocacy Centre (2022). Contingency categories are the analytical product of this paper. S. = Section. The Electoral Act 2026 addresses several of these contingencies: Section 60(3) mandates electronic transmission to IReV, Section 60(6) introduces criminal sanctions and Section 47 gives statutory recognition to BVAS. The "communication failure" proviso in Section 60(3), however, introduces a new form of process design contingency.

No single provision entirely negates the transmission mandate. Collectively, these provisions create a legal environment in which INEC holds enough discretion to determine how fully and under what conditions the mandate operates. The Centre for Democracy and Development (2023) documented that civil society advocates repeatedly attempted to insert more categorical, self-executing language during parliamentary drafting and that those attempts were resisted. The resulting text reflects a deliberate political settlement, not a drafting oversight.

Methodology

This study employed a qualitative doctrinal-institutional research design combining three analytical methods. First, doctrinal legal analysis involved close textual reading of the Electoral Act 2026, INEC's Regulations and Guidelines for the Conduct of Elections and the Policy and Legal Advocacy Centre's (2022) annotated compilation to identify and characterise legislative contingency language. Second, institutional analysis reconstructed INEC's implementation decisions during the 2023 elections using official reports (Independent National Electoral Commission, 2024), independent observer assessments (EU Election Observation Mission, 2023) and peer-reviewed academic literature. This traced the relationship between legislative contingency and documented implementation patterns. Third, trust analysis examined Afrobarometer survey data (Afrobarometer Project, 2024) and post-election scholarly assessments to evaluate whether implementation patterns produced the trust outcomes predicted by the

theoretical model. The 2023 Nigerian General Elections were selected as the analytical case for three reasons. First, they were the first elections conducted under the Electoral Act 2022, making them the necessary empirical test of that Act's provisions. Second, they generated an unusually dense documentary record, including the EU EOM final report, INEC's official post-election report, extensive peer-reviewed literature and Supreme Court proceedings. Third, the contested nature of the election and the volume of post-election litigation produced observable trust consequences at a level of granularity rarely available in comparative electoral research.

Legal-Institutional Analysis

1 Three Mechanisms of Legislative Contingency

The doctrinal analysis identifies three mechanisms through which legislative contingency operated in the 2023 elections. The technology selection contingency arises from Section 47(2), which vests INEC with regulatory authority over which devices are used and under what conditions, without defining performance standards, deployment thresholds, or failure protocols. When BVAS devices failed during polling, INEC made ad hoc decisions that were later contested in petitions. Because the Act provided no statutory benchmark, petitioners had no legal standard against which to hold INEC accountable.

The process design contingency arises from Section 60(5), which delegates to INEC the authority to determine how electronic transmission is conducted. INEC used this delegation to classify IReV records as supplementary transparency tools rather than legally primary records. Because the Act assigns no evidentiary primacy to electronically transmitted results, collation officers were not required to reconcile declarations with IReV records and discrepant result sheets could be declared without triggering any statutory obligation.

The enforcement gap is the most consequential mechanism. The 2022 Act prescribed no sanction for incomplete or delayed uploads. An INEC official who failed to upload faced no civil penalty, no administrative consequence and no criminal liability. Without sanctions, the transmission mandate was legally indistinguishable from a best-efforts aspiration rather than a binding legal duty. The Policy and Legal Advocacy Centre (2025) identified this as the single most significant structural deficiency in the framework.

2 Implementation Outcomes in the 2023 Elections

The three contingency mechanisms translated directly into documented implementation gaps. Figure 2 presents BVAS accreditation and IReV upload completion rates across Nigeria's six geopolitical zones for the 2023 presidential election.

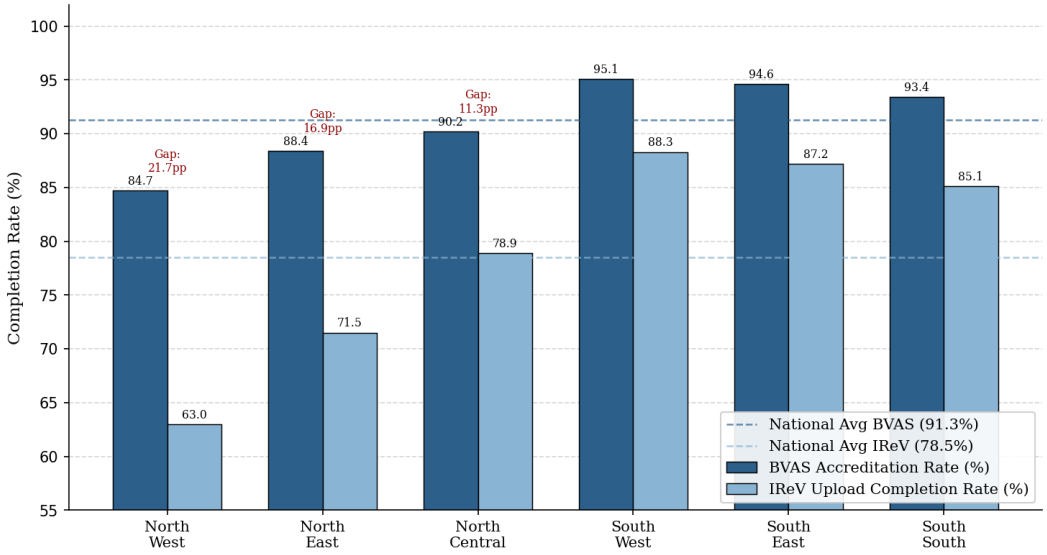


Figure 2 *BVAS Accreditation and IReV Upload Completion Rates by Geopolitical Zone, 2023 Nigerian Presidential Election*

Note. Data derived from Independent National Electoral Commission (2024) and EU Election Observation Mission (2023). The national average BVAS accreditation rate was approximately 91.3%; the national average IReV upload completion rate was approximately 78.5%. Zone-level figures are estimated from official and observational reports.

BVAS accreditation exceeded IReV upload completion in every geopolitical zone. The gap was widest in the North West (21.7 percentage points), North East (16.9 points) and North Central (11.3 points). These differentials are inconsistent with a purely technical connectivity explanation, since BVAS devices also depend on network connectivity and operated at higher completion rates in the same zones. They are consistent with the institutional discretion account: in the absence of legal sanctions, INEC officials in lower-connectivity areas had less incentive to prioritise IReV completion over other procedural demands. Oladele et al. (2025) attribute the discrepancy to a combination of network problems, device malfunctions and selective non-compliance exploiting the enforcement gap. Saheed (2025) further documents that in several states in the North West zone, fewer than 65% of polling unit results were uploaded within the expected timeframe.

3 The Obi v. INEC Litigation and the Judicial Exposure of Contingency

The presidential election petition constitutes the most significant judicial elaboration of the legislative contingency. The proceedings raised foundational questions about the legal weight of IReV-posted records, the legal status of BVAS accreditation data as evidence and INEC's compliance with its own Regulations and Guidelines.

In Obi v. I.N.E.C. (No. 1) (2023), the court confronted the distinction between mandatory and directory statutory obligations. Because the Act delegates procedure design to INEC and specifies no sanctions for non-compliance, the court could not characterise INEC's IReV obligations as absolute legal mandates. Oyiwona (2024) argues that the court, by validating the election result despite documented IReV incompleteness, effectively confirmed that the legislative contingency provides INEC with judicial protection against accountability for operational non-

compliance. The litigation, by placing the Act's contingency language before a national audience, amplified the trust deficit in precisely the manner the theoretical model predicts. Sibe and Kaunert (2023) had anticipated this outcome in their pre-election analysis, warning that the uncertain legal status of electronically transmitted results created conditions for post-election contestation that would damage institutional credibility regardless of the outcome.

4 Collation Integrity and the Geographic Pattern of Gaps

Implementation gaps are visible across the broader 2023 electoral cycle. Ezeigbo (2024) documents declining IReV completion rates across successive elections in the cycle, consistent with compliance driven by reputational rather than legal incentives. Figure 3 presents the relationship between IReV upload completion rates and collation discrepancy scores across selected states.

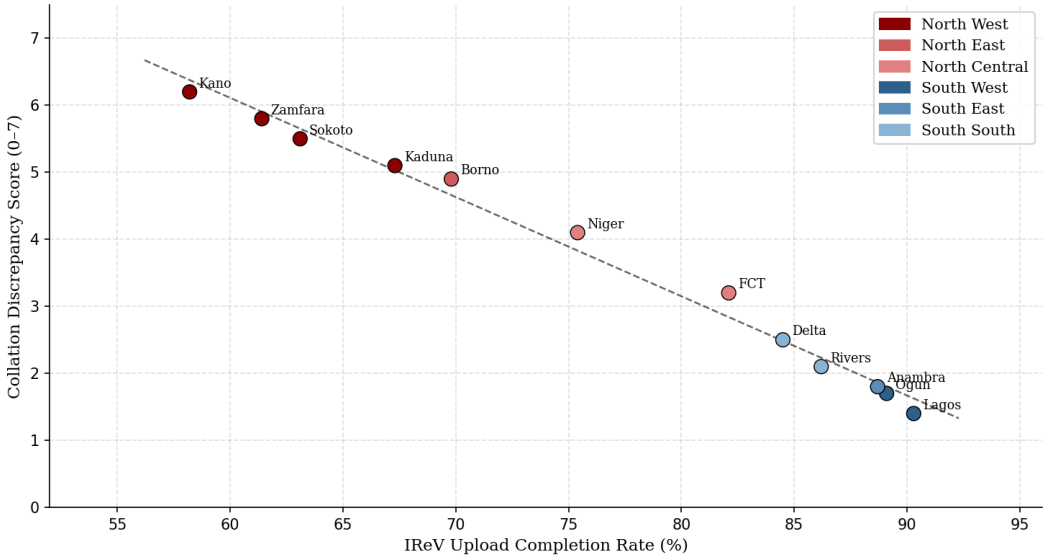


Figure 3 *IReV Upload Completion Rates and Collation Discrepancy Scores, Selected States, 2023 Nigerian Presidential Election*

Note. Discrepancy score is a composite index (0-7) derived from EU Election Observation Mission (2023) and Saheed (2025). State-level upload rates are estimated from Independent National Electoral Commission (2024). Higher discrepancy scores reflect greater observed divergence between polling unit result sheets and collated declarations.

The inverse relationship is consistent across the sample: states with lower IReV upload completion rates show higher collation discrepancy scores. This supports the theoretical model's core proposition: transparency gaps created by legislative contingency are associated with reduced result integrity at the collation stage. Table 3 summarises all three contingency dimensions.

Table 3

Three Dimensions of Legislative Contingency in the Electoral Act 2026: Structure, Manifestation and Consequence

Dimension	Statutory Basis	2023 Manifestation	Trust/Transparency Consequence
Technology selection contingency	S. 47(2): INEC determines device	BVAS malfunctions resolved by ad hoc INEC decisions with no statutory standard	Perceived inconsistency; selective deployment; no legal remedy for affected voters
Process design contingency	S. 60(5): INEC determines procedure	IReV classified as supplementary; no IReV-collation reconciliation required	Result verification undermined; evidentiary ambiguity exploited in litigation
Enforcement gap	Absent: no sanction in the Act	IReV completion below 65% in parts of North West; no legal consequence for INEC	Deepened public distrust; legal challenge basis removed; litigation amplification

Dimensions derived from textual analysis of the Electoral Act 2026 (Policy and Legal Advocacy Centre, 2022) and post-election assessments (EU Election Observation Mission, 2023; Policy and Legal Advocacy Centre, 2025; Saheed, 2025). S. = Section.

Discussion

The evidence confirms the causal pathway proposed in the theoretical model. Legislative contingency in the Electoral Act 2022 created conditions for institutional discretion, which produced inconsistent IReV implementation, which generated the transparency gaps documented in Figures 2 and 3 and which contributed to the trust deficit visible in post-election survey data. The Obi v. INEC litigation amplified this deficit by confirming publicly that INEC's legal obligations were weaker than political communication had implied. Existing accounts of electoral technology failure in Nigeria have emphasised institutional capacity deficits, political interference and resource constraints (Acheampong, 2023; Godwin, 2025). These accounts are accurate but incomplete. The institutional behaviour that produced the 2023 implementation gaps was not simply a failure to comply with a clear legal duty; it was the predictable exercise of discretion the Act itself authorised. Treating the outcome as institutional failure without addressing the legislative conditions that enabled it will produce reform proposals that change personnel while leaving the structural problem in place. The Electoral Act 2026 represents progress through its statutory recognition of IReV, mandatory transmission under Section 60(3) and criminal sanctions under Section 60(6). However, the undefined "communication failure" proviso and the rushed, contested legislative passage have complicated the political communication environment and introduced a new form of contingency. Shaibu and Olu-Adeyemi (2024) are right that making votes count in

the technology era requires fundamental rethinking of the institutional framework, but legislative contingency must be addressed first, or procedural reforms will fail.

Legislative contingency limits the transparency dividend of BVAS-IReV at two levels. Directly, it permits selective implementation: when IReV is incompletely populated, its verification function fails for the absent polling units. Citizens who consulted IReV and found blank records received less information than promised. Consulting a transparency portal and encountering missing data is itself a trust-relevant event. Indirectly, contingency enables legally defensible institutional opacity. INEC did not need to claim authority to be opaque; it needed only to exercise its delegated authority to classify IReV as supplementary rather than primary. The Policy and Legal Advocacy Centre (2025) identified this framing as the point at which the Act's transparency promise was operationally narrowed. Comparative evidence supports this analysis: Mosero (2022) shows that Kenya's 2022 KIEMS operated under more prescriptive legislative requirements with clearer upload standards, making the evidentiary status of electronically transmitted results less contested. Adebiyi et al. (2025) observe that where electoral technology legal frameworks are contingent or unclear, disinformation about those systems spreads more readily, compounding direct transparency losses.

The trust implications of the 2023 elections are best understood through the lens of communicated expectations and their subsequent disappointment. The Electoral Act 2022 was publicly presented as a transformative commitment to technology-verified elections. Media coverage, civil society campaigns and official communications framed BVAS and IReV not as conditional tools but as definitive integrity guarantees. When the IReV completion rate fell to 63.9% in the North West, the public evaluation was not that an operational target had been missed; it was that a legal promise had been broken. Afrobarometer data (2024), read alongside Bouraïma et al. (2025), support this interpretation. Extensive media coverage of IReV failures in a high-polarisation context produced trust losses that were more rapid and durable than ordinary operational shortfalls would generate. Isaac and Odugbose (2026) document the amplification effect of polarisation: in environments with strong partisan priors, evidence of transparency failure confirms existing distrust rather than updating neutral expectations. South African comparisons offer a useful contrast: Booysen (2024) and Sekamogeng and Egbude (2024) document that relatively clearer and more consistently enforced technology regulations in the 2024 South African elections maintained more stable institutional credibility, even amid significant political disruption. The Nigerian case demonstrates what happens in the absence of such clarity.

Conclusion and Recommendations

Nigeria's Electoral Act 2026 represents genuine legislative progress over the 2022 Act it replaced, but it contains a reconstituted legislative contingency in its electronic transmission provisions. Under the 2022 Act, contingency operated through three mechanisms: delegation of technology selection authority to INEC, delegation of procedure design authority (used to classify IReV as supplementary) and the complete absence of compliance sanctions. The 2026 Act addresses the third mechanism through Section 60(6) criminal sanctions and gives statutory recognition to IReV. However, the undefined "communication failure" proviso in Section 60(3)

preserves institutional discretion over precisely the transparency mechanism the reform was designed to secure and the rushed legislative process has itself become a site of political communication contestation. Four targeted reforms follow from this analysis.

Recommendations

In line with the discussion above, the following are hereby recommended:

1. The National Assembly should amend Section 60(3) to define the conditions constituting "communication failure," specify mandatory documentation requirements for invoking the exception, establish an independent verification mechanism and prescribe a maximum two-hour timeframe from result announcement for completing electronic transmission.
2. While the 2026 Act gives statutory recognition to IReV and makes electronically transmitted results admissible, Form EC8A is explicitly designated the "primary source of collation." The National Assembly should reverse this hierarchy, requiring any party relying on manual results inconsistent with IReV records to bear the legal burden of explaining the discrepancy.
3. Section 60(6) currently targets only presiding officers who "wilfully frustrate" electronic transmission. Additional civil and administrative sanctions should extend accountability to collation officers and returning officers who accept results without verified electronic transmission. Strict liability provisions should supplement the "wilfulness" requirement for systemic upload failures.
4. A statutory independent electoral technology oversight body should be established with a mandate to monitor BVAS-IReV performance in real time and to publish a compliance report within 72 hours of each polling day, providing an external check on INEC's residual discretion.
5. These four reforms would substantially reduce the residual legislative contingency embedded in Nigeria's electoral technology framework, aligning the legal structure of the BVAS-IReV system with its stated transparency and trust objectives.
6. INEC and the National Assembly should develop a proactive, evidence-based public communication strategy that accurately represents the capabilities and limitations of the electoral technology framework. The trust deficit documented in this paper was amplified by a communicative environment in which legislative promises exceeded statutory realities. Future research should examine the political economy of the 2026 reform process and apply the legislative contingency framework to electoral technology law in other African jurisdictions.

References

Abdulrahman, A. (2025). Comparative analysis of electoral technology deployment and voter trust in the 2015, 2019 and 2023 general elections in Nigeria. Kashere Journal of Politics and International Relations, 3(4), 23–35. https://journals.fukashere.edu.ng/index.php/kjpir/article/ view/795

Acheampong, M. (2023). Overpromising and underdelivering? Digital technology in Nigeria's 2023 presidential elections. GIGA Focus Africa, (2). https://doi.org/10.57671/gfaf-23022

Acheampong, M. (2025). Smart tech, old tricks: Digital tools and Africa's electoral flaws. GIGA Focus Africa, (5). https://doi.org/10.57671/gfaf-25052

Adebiyi, O. M., Abubakar, A., & Hassan, A. K. (2025). Fake news, election-related disinformation laws and citizen's rights in African political ecology. Journal of African Elections, 24(1).

Afrobarometer Project. (2024). Afrobarometer 9 merged 39 country survey 2021–2023 [Dataset]. DataFirst. https://doi.org/10.25828/bs9k-zy70

Booysen, S. (2024). Accountability and representation in South Africa's 2024 elections: A reshaping of the political landscape. Journal of African Elections, 23(2).

Bouraïma, N. A. O., Diallo, M. A., & Hekponhoue, S. (2025). Determinants of institutional trust in sub-Saharan Africa: Does media exposure matter? (Working Paper No. 210). Afrobarometer.

Centre for Democracy and Development. (2023). Reviewing the Nigerian 2022 Electoral Act. CDD-West Africa.

Cinjel, N. D., & Bur, A. (2024). Does the use of IReV guarantee an acceptable election's outcome? Evidence from Nigerian 2023 presidential election. International Journal of Scientific Research in Humanities, Legal Studies and International Relations, 8(1).

Diepreye, F. P., & Jacob, O. (2025). Voter education and electoral integrity in Africa: Insights from Nigeria and Kenya. Journal of Political Science and Leadership Research, 11(9), 44–54. https://doi.org/10.56201/jpslr.vol.11.no9.2025.pg44.54

EU Election Observation Mission. (2023). European Union Election Observation Mission Nigeria 2023: Final report; General elections 25 February and 18 March 2023. https://www.eeas.europa.eu/sites/default/files/documents/2023/EU%20EOM%20NGA%202023%20FR.pdf

Ezeigbo, M. E. (2024). The role of BVAS in 2023 general elections in Nigeria and its implications to national development. International Journal of Public Administration, 3(2).

Fasakin, A. (2023). Nigeria's 2023 presidential elections: The question of legitimacy for the Tinubu administration. Journal of African Elections, 22(2). https://doi.org/10.20940/JAE/2023/v22i2a5

Godwin, D. (2025). Technology, electoral malpractice and the crisis of election administration in Nigeria. The Thinker, 101(4), 20–30. https://doi.org/10.36615/5vax9q80

Independent National Electoral Commission. (2024). Report of the 2023 general election.

Independent National Electoral Commission. (2025). Innovations in electoral technology 2015–2025.

Isaac, M. K., & Odugbose, R. O. (2026). Beyond left and right: What polarizes African politics in Nigeria, Ghana and Kenya. African Research Reports, 2(1), 35–43. https://doi.org/10.65221/0108

Morley, M. T. (2017). Contingent constitutionality, legislative facts and campaign finance law. Florida State University Law Review, 43(2). https://ir.law.fsu.edu/lr/vol43/iss2/9

Mosero, R. (2022, August 8). In Kenya's 2022 elections, technology and data protection must go hand-in-hand. Carnegie Endowment for International Peace.

Mr. Peter Gregory Obi & Anor v Independent National Electoral Commission (INEC) & Ors. (2025, March 9). Legalpedia. https://legalpediaonline.com/mr-peter-gregory-obi-anor-v-independent-national-electoral-commission-inec-ors/

National Research Council. (2000). Electoral systems and conflict in divided societies. In International conflict resolution after the Cold War. The National Academies Press. https://doi.org/10.17226/9897

Obi v. I.N.E.C. (No. 1). (2023). Nigerian Weekly Law Reports, 19.

Ogbadebo, A. (2025). The role of BVAS in safeguarding electoral integrity: An evaluation of the 2023 general elections in FCT, Abuja. Journal of Social Political Sciences, 6(1), 1–14. https://doi.org/10.52166/jsps.v6i1.251

Oladele, F. S., Adamu, R. O., & Salahu, M. O. (2025). Technology security and electoral credibility in Nigeria: A national security review of BVAS and IReV in the 2023 general elections. International Journal of Intellectual Discourse, 8(3), 13–26.

Omole, T., Manoba, D. E., & Okoi, O. (2025). Democracy, technology and electoral violence in Africa: Lessons from Nigeria, Ghana and Kenya. Journal of Peace and Diplomacy, 6(1), 114–128. https://doi.org/10.59111/JPD.006.01.0123

Oyinmiebi, P. T., & Inokoba, P. K. (2024). Electoral technology and credible elections in Nigeria: A study of the 2023 presidential election. Kenneth Dike Journal of African Studies, 2(1), 56–71.

Oyiwona, G. (2024). The decision of the Supreme Court of Nigeria in Peter Obi v INEC & Ors: Are there crocodile tears? African Journal of Law, Ethics and Education, 7(3).

Policy and Legal Advocacy Centre. (2022). Electoral Act 2022: Including INEC regulations and guidelines for the conduct of elections.

Policy and Legal Advocacy Centre. (2025). Assessing the Electoral Act 2026: Implementation and gaps after the 2023 elections.

Saheed, O. (2025). Electoral reforms, technological innovation and the conduct of Nigeria's 2023 general elections. International Journal of Advanced Research in Global Politics, Governance and Management, 5(1).

Sekamogeng, N., & Egbude, C. B. (2024). Votes, voices and views: A review of the management of the South African 2024 national and provincial elections. Journal of African Elections, 23(2).

Shaibu, M. T., & Olu-Adeyemi, L. (2024). Making votes count in election technology era: A proposed framework for Nigeria's future elections to enhance global standing. Wukari International Studies Journal, 8(1), 242–254.

Sibe, R. T., & Kaunert, C. (2023). Technology, cyber security and the 2023 elections in Nigeria: Prospects, challenges and opportunities. Journal of African Elections, 22(2), 68–97. https://doi.org/10.20940/JAE/2023/v22i2a4