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Electronic Transmission of Election Results: A Tool for Free and Fair Elections In Nigeria.

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Abstract

This paper highlights the critical importance of ensuring the integrity of results collation process for the credibility and success of elections. The main problem identified is the lack of transparent mechanisms, allowing electoral officials to manually collate, count and announce election results without adequate oversight. This manual process is prone to human error and deliberate manipulation, enabling corrupt officials and their accomplices to rig elections undetected. To address these issues, the paper explored the introduction of electronic transmission of results as a means to ascertain the authenticity of election outcomes. Employing the doctrinal research methodology, the study emphasized the significance of electronic transmission of results for promoting free and fair elections in Nigeria. The research findings revealed that the capacity deficits of electoral officials have led to the upload of incorrect or incomplete forms and blurry images of results sheets. Furthermore, the lack of electoral officials with impeccable character creates an environment susceptible to various forms of rigging, undermining confidence and integrity in the electoral process. Some recommendations for enhancing the transparency of the collation process and the overall integrity of elections are an upgrade of the BVAS software to improve picture quality, electronically transmitting and publishing the number of accredited voters and collated results sheets at different stages of collation on the INEC Result Viewing Portal. It is also recommended to employ individuals with unquestionable character as electoral officials via a thorough vetting process. By enabling citizens and stakeholders to monitor and track the collation process, these recommendations aim to restore confidence in the electoral system and promote transparent and credible elections in Nigeria.

Keywords: *BVAS, electronic transmission, election, free and fair, IREV, Nigeria.*

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1. Introduction

Elections in Nigeria have almost always been dogged by allegations of rigging, vote-buying, and ballot box snatching amongst a myriad of issues that have bedeviled the electioneering process since the return to civilian rule in 1999. For over a decade of democratic experience in Nigeria, there is hardly one national election that is entirely devoid of allegations of rigging. Election as an essential component of democratization process remains weak and undeveloped in the country with the huge challenge of establishing a transparent electoral system. The desire for an effective method of election result management has been a clarion call that sets in motion one electoral reform after the other and most recently the adoption of electronic devices for results collation. Indeed, consequent to the dilemma and in the quest for an effective system of result management, policy makers in Nigeria began to advocate for the adoption of electronic transmission of results as an alternative to lack of transparency, loss of confidence and trust in the electoral process. The inadequacy of transparent mechanism is the problems of the existing electoral system in Nigeria in which electoral officials enjoy the excessive and unsupervised privilege of manually collating, count and announce election results. Hence, the method is prone to danger of human error and deliberate manipulations. The susceptible nature of the method allows electoral officials with corrupt motives and their accomplices to easily rig election at every stage of the process without being detected (Ahmada*et al*, 2015). The above circumstances inspired the adoption of Information Communication Technology (ICT) in electoral processes such measures as electronic voting and electronic transmission of results. These electronic systems have been proven to diffuse the enormous power erstwhile wielded by collation officers, leading to significant improvement of democratic practices in various democracies around the globe.

Moreover, Nigeria is not unaware of the impact of technology, as it has become the norm in various sectors of the country such as banking and education. The latest is technology in the election process of Nigeria, particularly as it is to be utilised as a means of transmitting election results

from various polling units in the country to a known centre (*Premium Times*, 2023). The electoral body, in the exercise of its discretion through its regulations, adopted the electronic means of transmitting the results of election. It is against this backdrop that this paper examines the impact of electronic transmission of election results on elections in Nigeria and whether it is a tool for free and fair elections in Nigeria.

2. Electronic Transmission of Election Results

The electronic transmission of results adopted in the Electoral Act of 2022 and the INEC Regulations and Guidelines for the Conduct of Election, 2022, is a departure from the old Act, which lacked provision for the electronic transmission of results. The lack of provision for electronic transmission of results was further reiterated by the Court of Appeal in the case of *Abubakar & Anor v INEC &Ors*(2019), where the Court stated that there is no provision for the transmission of election results electronically either by the use of smart card reader or other means. Thus, the electronic transmission of the results therefore entails the transmission of election results to the INEC server, after which it will be displayed on the INEC Result Viewing Portal (IReV). This is to ensure the integrity of results collation process which is fundamental to the overall success and credibility of elections. The electronic transmission of an election result is indeed an indispensable part of the election results collation, with the primary aim of preventing or reducing allegations or incidents of results manipulation (The Nigeria Lawyer, 2023). The INEC Guidelines therefore provides that the results held as part of INEC Election Result Viewing Portal and the number of accredited voters in the Bimodal Voter Accreditation System (BVAS) should be compared with what is recorded in the manually-delivered results to effect collation (section 64 (2) Electoral Act 2022; Clause 48(a) of the INEC Regulations and Guidelines for Conduct of Election, 2022) and recourse by the electoral body to the electronically transmitted copies, where it is inconsistent with the results that are physically collated (section 64 (5) Electoral Act, 2022). The electronic transmission of results and publishing of same are effected through the BVAS and IReV. Both tools perform mutually reinforcing and critical functions in election results

transmission. The BVAS is an electronic device that is used to electronically accredit registered voters within a polling unit and also transmit election results from polling units to an INEC server. The Court of Appeal in *Adeleke Nurudeen v Oyetola* (2023), stated:

> BVAS is a device used to register voters. It accredits voters before voting on Election Day and is used for transmitting results to the INEC viewing portal after voting. Thus, it helps to scan the barcode or QR on the PVC or voter register before voting. Note that BVAS does not require internet connectivity during voting but it requires internet when transmitting results to the INEC portal….

BVAS is therefore used for both voter accreditation and electronic transmission of results for collation, with the dual capacity for fingerprint capturing and facial authentication. It is a replacement for the smart card reader, which was used in the 2015 elections. IReV on the other hand, is a web application that is used by the public to view polling unit election results transmitted to the INEC server (Leadership Newspaper, 2023). The electronic transmission of results must be done on the Election Day, in addition to manual transmission (Clause 38, INEC Regulations and Guidelines for Conduct of Election, 2022). The Court of Appeal with respect to the material time for transmission of election results also stated:

> It is correct to say that there is a dual mode of transmission of results under the extant Electoral Act, 2022. After the close of the poll at the level of various units where the presiding officer would enter the scores of various political parties in Form EC8A (Polling Unit Result) in which he signs that particular result and counter-signed by party agents, the result will then be scanned and uploaded to the INEC result viewing portal for public viewing (*Adeleke Nurudeen v Oyetola,supra*).

Thus, after the close of the polling unit voting and results procedure, the result of the polling unit will then be scanned, transmitted and uploaded to the INEC result viewing portal for public viewing. Indeed, the electronic transmission of results makes results management more efficient and increase public confidence in the electoral process. It also improves the accuracy,

transparency and credibility of the results collation process (Obun-Andy & Aluko, 2021). Moreover, the reduction of negative human intervention in determining the outcome of elections to the barest minimum is a major goal of electoral reform in Nigeria.

3. Statutory Provisions on Electronic Transmission of Results

Nigeria's journey to the inclusion of the electronic transmission of results in the election process began with the enactment of Electoral Act of 2022 (*Premium Times*, 2023). **Section 60(5) of the Electoral Act 2022** provides that the presiding officer shall transfer the results including total number of accredited voters and the results of the ballot in a manner prescribed by the Commission. Thus, legislators through the aforementioned provision gave the discretion to the Independent National Electoral Commission to establish the method that will be applicable as a mode of transmitting election results. As such, the INEC on 3rd June, 2022, released the Regulations and Guidelines for the Conduct of Elections, 2022. The exercise of the power conferred on them to make rules guiding its actions, therefore birthed the 2022 Regulations, which amongst others provided for the electronic transmission of the results by the presiding officer, stated in **Clause 38 of the INEC Regulations and Guidelines for the Conduct of Elections of 2022.**Clause 38 of the Regulations and Guidelines provides:

> On completion of all the Polling unit voting and results procedures, the Presiding Officer shall: (i) electronically transmit or transfer the result of the polling unit, direct to the collation system as prescribed by the Commission. (ii) Use the BVAS to upload a scanned copy of the EC8A to the INEC Result Viewing Portal (IReV), as prescribed by the Commission. (iii) Take the BVAS and the original copy of each of the forms in tamper evident envelope to the Registration Area/Ward Collation Officer, in the company of Security Agents. The Polling Agents may accompany the Presiding Officer to the RA/Ward Collation Centre.

Clause 38 of the INEC Regulations and Guidelines therefore requires the presiding officer to electronically transmit the election results direct from the polling units, after which the results would then be taken manually to the Registration Area/Ward Collation Officer. The electronic transmission of

results in **Clause 38 of the INEC Regulations and Guidelines** is therefore in exercise of the discretion given under **Section 60(5) of the Electoral Act, 2022** which stipulates that the presiding officer at the polling unit, after counting votes and declaring the number, is to transmit the results in accordance with the manner prescribed by INEC. Perhaps, a presiding officer who willfully contravenes the provision of **Section 60(5) of the Electoral Act** commits an offence and is liable on conviction to a fine not more than ₦500, 000 or imprisonment for a term of at least six months (section 60 (6) Electoral Act). However, **Section 60(6) of the Electoral Act** fails to expressly include that the sanction also pertains to the disobedience of the presiding officer to observe the provisions of **Clause 38 of the INEC Regulations**.

3. The Requirement of the Mandatory Electronic Transmission of Election Results

There have been arguments that electronic transmission of election results directly from the polling units upon completion of the polling unit voting and results procedure is not mandatory. Some have argued that the language of **Clause 38** only shows that while the draftsman intended that technology be entrenched in the elections process, where such is not practicable, another mode of transfer has to be put to use. This is due to the statement 'electronically transmit or transfer…' as opposed to the statement 'electronically transmit or electronically transfer…' To them, the use of 'or' in **Clause 38 of the INEC Guidelines** denotes the existence of an alternative and therefore would only amount to overreaching to attach the word 'electronically' to the interpretation of the word 'transfer' in the process of construing the intentions of the draftsman when the word 'or' appears to separate 'electronically transmit' from the word 'transfer'. As such, the electronic transfer does not exist to completely rid the manual transmission or other means of transfer of result from existence. Instead, it places the manual transmission in the position of an alternative, pending the time it will be utilised as the best practicable means (*Premium Times*, 2023).

Indeed, there is no ambiguity in the provision of **Clause 38 of the**

INEC Guidelines and the usage of 'or' has not created any ambiguity as to the mandatory electronic transmission of results. Be that as it may, the divergent views expressed in regard to the mandatory electronic transmission of results should not have emerged. Thus, the writers are therefore of the view that the electronic transmission of results is mandatory by virtue of the purport of **Clause 38**. The said clause requires that when voting and announcement of results have been completed at a polling unit, the Presiding Officer must electronically transmit the result of the polling unit to INEC's collation system; must use the BVAs to upload a scanned copy of the EC8A result sheet to the IReV; and must thereafter take the BVAS and the original copies of all forms in a tamper evident envelope to the RA/Ward Collation officer in the company of security agents. Polling agents may also accompany the Presiding Officer to the RA/Ward Collation Centre. Thus, the presiding officer must electronically transmit the results direct from the polling unit, after which the results would then be taken manually to the collation centre. Again, in support of the mandatory electronic transmission of results, **Clause 48 (a) and (b) of the INEC Regulations and Guidelines** provides thus:

> (a) An election result shall only be collated if the Collation Officer ascertains that the number of accredited voters agrees with the number recorded in the BVAS and votes scored by Political Parties on the result sheet is correct and agrees with the result electronically transmitted or transferred directly from the Polling Unit as prescribed in these Regulations and Guidelines. (b) If a Collation or Returning Officer determines that a result from a lower level of collation is not correct, he/she shall use the result electronically transmitted or transferred directly from that lower level to collate and announce the result.

The provision of **Clause 48(a)** is therefore the yardsticks for measuring the authenticity of the results before collation. The collation officer at the collation centre must be afforded the opportunity of measuring the authenticity of the votes recorded on the result sheet by matching them against the electronically transmitted results. This opportunity may only exist where there has been direct electronic transmission of results from the polling units before the manual collation, so that both must be present to enable the collation officer to measure the authenticity of the result on the hardcopy result sheet before collation. Indeed, failure to transmit the results electronically direct from the polling units

is a fatal violation of the law because Clause 48 (a) made it a condition precedent for collation of results. Such failure therefore denies the collation officer the mandatory opportunity to verify the authenticity of the votes recorded on the result sheet by matching them against the electronically transmitted results before collation.

Moreover, **Clause 48(b) of the INEC Regulations and Guidelines** reveals the status of the electronically transmitted election results, where incorrectness is identified by the collation officer. The Clause stipulates that discrepancies in a result submitted by the presiding officer to the Ward Collation Officer will be resolved using the result electronically transmitted to identify the source of the discrepancy and the result that is electronically transmitted will be employed for the purpose of collation and announcement of result. Therefore, in a situation of incorrectness or suspicion of manipulation, the electronically transmitted results supersede other forms of result appearing before the collation officer. The writers are therefore of the view that in order to determine whether such a conflict exists, there must have been direct electronic transmission from the polling units.

Similarly, Collation Officers or Returning Officers are required by the Electoral Act 2022 under **Section 64 (4)** to verify and confirm that the votes stated on the collated result are correct and consistent with the electronically transmitted results before collation and announcement of the result of an election. Along the same line, **Section 64(5) of the Electoral Act, 2022** provides that where the manually-collated results are at variance with the **votes or results transmitted directly from polling units,** the Collation Officer must use the electronically transmitted version for Collation. In addition, **section 64(6) of the Electoral Act 2022** expressly provides that where the election/results are disputed during **collation,** the Collation Officer (whether at the Ward level, LGA level, State level or the Federal level) must refer to the **votes or results as recorded and transmitted directly from the affected polling units, among other items** for the purpose of resolving the disputes. **Section 64(6) (d)** clearly refers to the electronically transmitted results while **Sections 64 (4) & (5)** direct that the

original hard copy of the results must be compared with the results transmitted directly from the polling unit. Thus, from the aforementioned provisions, it is undoubtedly clear that electronic transmission of results is mandatory and a necessary part of the collation process. Nothing in the aforementioned provisions gives INEC any discretion to make a decision whether or not to transmit election results directly from the polling units. Thus, failure to transmit results electronically direct from the polling units is more than a substantial non-compliance with the law (Law Parliament, 2023). As such, the foundation of the authenticity of the entire electoral process in Nigeria, under the Electoral Act 2022 and INEC Regulations and Guidelines is hinged on electronic transmission of the results direct from the polling units. Where this fails, the affected election fails because its credibility has been completely lost on account of absence or failure of direct electronic transmission of results from the polling units; direct electronic transmission of results being the surest safeguard provided by the Electoral Act and INEC guidelines for determining the authenticity and credibility of the results of the elections. This conclusion therefore becomes inevitable having regard to the use of the word 'shall', in **both Section 64(4)** and **Clause 38 of the INEC Regulations and Guidelines** which, by literal interpretation, imposes an obligation on the presiding officer to comply with the said provisions (*Onochie & Ors v Odogwu & Ors,* 2006; *Amokeodo v Inspector General of Police & 2 Ors*, 1999). Moreover, the INEC Regulations and Guidelines, though a subsidiary legislation, by judicial authorities, had been accorded a place of prominence as part and parcel of the Electoral Act (*Faleke v INEC & Anor,* 2016; ***APP v INEC*, 2019**; *Hon. James Abiodun Faleke v INEC & Anor*, 2016; *Amusa v The State* , 2003).

3. Electronic Transmission of Election Results as a Tool for Free and Fair Elections in Nigeria

Free and fair elections are the foundation of democracy. For elections to express the will of the electorate, they must be free and fair. Free and fair election therefore involves political freedoms and fair processes leading up to the vote, a fair count of eligible voters who cast a ballot and acceptance of election results by all the parties. The effect of electronic transmission of election results is

significant, as it has the potential to ensure that the elections are free, fair and credible. The advantages of electronic transmission of results are obvious. Using electronic transmission of results ensures that the results were a true reflection of what actually transpired at the various polling units across the country and thus serve as a booster of confidence in the electorate who trooped out to perform their civic duty by voting, believing and convinced that their votes would count, an important requisite for constructive democratic process. The electronic transmission system has some inherent advantages in that besides being robust, secured and safe, it would deter collation officers and politicians from altering or manipulating election results at different collation levels. Manipulation of election results is a great security threat that could compromise the integrity of an election in Nigeria. This includes among others the alteration of results, defacement of result sheets, outright vanishing of result sheets, as well as manipulation of outcomes of elections. Thus, with electronic transmission, manipulation of election results will be eliminated and the integrity of election process in general will be improved. Perhaps, electronic transmission of results is the surest safeguard for the determination of the authenticity and credibility of the results of an election. Any discrepancy in the results between that electronically transmitted and that contained in the manual result sheets automatically raises red flags for interrogation (*Thisday*, 2023). The electronically transmitted results will in such circumstance prevail in line with **Section 64(5) of the Electoral Act** and **Clause 48(b) of the INEC Guidelines**. Electronic transmission system also increases voters' confidence in the electoral process, and is capable of improving decline of voters' turnout and perceived political apathy. Moreover, the capacity of returning officers to influence the outcome of elections will fully or by coercion would be diminished if voting results were to be transmitted through electronic means. Electronic transmission of results is therefore a tool for free and fair elections in Nigeria.

4. Impediments for Electronic Transmission Practice in Nigeria

In Nigeria, electronic transmission of results is likely to face some impediments that are considered crucial for successful practice. Understanding these

impediments would aid the effective implementation of electronic transmission practice in Nigeria. Some of these impediments are:

Legal Framework

The legal framework for the electronic transmission of election results in Nigeria is fraught with several key impediments that complicate its effective implementation. One of the primary obstacles lies in the contradictory clauses within the INEC Guidelines. **Clauses 48(c) and 93**, for instance, conflict with other sections such as **clauses 38 and 48(a)**, which mandate the electronic transmission of results. While **clauses 48(c) and 93** appear to offer some discretion in the transmission process, the requirement set by **clauses 38 and 48(a)** to make electronic transmission mandatory creates confusion. This inconsistency allows for selective interpretation of the guidelines, which in turn undermines the clarity and consistency required for proper electoral administration. When the legal framework is not coherent, it becomes difficult to enforce rules uniformly, which opens the door for potential manipulations and disputes during and after the elections.

Additionally, the lack of specific time limits for the electronic transmission of results is another critical barrier. The absence of a clearly defined timeline permits INEC to delay the transmission of results electronically, potentially until after manual collation or even after the declaration of a winner. This loophole creates opportunities for manipulation and reduces the overall credibility of the election outcomes. The 2023 presidential election, for example, saw delayed transmission of results, raising significant concerns and suspicions among stakeholders who feared that such delays could be exploited to alter or tamper with the results.

Furthermore, the ambiguity in the regulatory framework impacts the enforcement and interpretation of the electronic transmission process. Without clear regulatory authority or consistent guidelines, various stakeholders, including political parties and observers, may challenge the legitimacy of the election results. This issue was evident during the 2023 presidential election

when conflicting interpretations of the INEC guidelines led to disputes and calls for legal redress. Such ambiguities highlight the need for a more robust and coherent legal framework to ensure transparency and trust in the electoral process.

Capacity Deficits of Polling Unit Officials

The capacity deficits of polling unit officials present significant challenges to the effective use of electronic transmission systems in Nigeria's electoral process. These deficits primarily stem from inadequate training and a lack of familiarity with the technology required for uploading election results correctly. This lack of capacity often leads to the incorrect or incomplete uploading of result forms and the submission of blurry images that are difficult to verify. When polling officials are unable to effectively use the Biometric Voter Accreditation System (BVAS) and other electronic tools, the integrity of the data transmitted is compromised, casting doubt on the accuracy of the election results.

One major issue resulting from the capacity deficits of polling unit officials is the frequent uploading of incorrect or incomplete forms. Due to insufficient training or understanding of the electronic transmission process, many officials fail to properly capture or input the required information, which can result in discrepancies between the electronically transmitted results and the manual counts. These discrepancies can lead to disputes and challenges from political parties and other stakeholders, who may perceive these errors as intentional manipulations. The capacity gaps among polling officials make it easier for human errors to occur, thereby reducing trust in the electronic transmission process.

Additionally, the problem of poor picture quality of the forms uploaded through the BVAS exacerbates the situation. Blurry images or poorly scanned documents uploaded to the INEC Results Viewing Portal (IReV) can make it difficult for stakeholders, including political parties, observers, and the public, to scrutinize and verify the results. Poor image quality often arises due to a lack

of understanding by polling unit officials on how to properly use the technology or equipment at their disposal. The inability to provide clear and accurate visual evidence of the results further undermines transparency and fuels suspicions of foul play.

Moreover, there are significant issues related to public access to the results uploaded on the portal. In many cases, the results may not be promptly or correctly uploaded, or they may not be accessible in real-time, limiting the public's ability to independently verify the outcome of the elections. This lack of timely access to reliable information reduces public confidence in the electoral process and diminishes the perceived fairness and credibility of the elections. The delayed or restricted access to results data also allows for the spread of misinformation and unverified claims, which can further inflame tensions and disputes among stakeholders.

Poor Information and Communication Technologies

Poor Information and Communication Technologies (ICT) infrastructure is a significant challenge to the electronic transmission of election results in Nigeria. As an inherent characteristic of many developing countries, Nigeria's ICT infrastructure lacks the robustness required to support advanced technologies effectively. This deficiency poses a serious impediment to the electronic transmission process, as the necessary foundational infrastructure such as reliable internet connectivity, adequate power supply, and secures communication networks remains underdeveloped or unevenly distributed across the country.

One of the main problems with poor ICT infrastructure is the inconsistency in network coverage and internet access. Many polling units in rural or remote areas suffer from limited or no internet connectivity, making it difficult, if not impossible, to transmit election results electronically in real-time. Even in urban centers, network reliability can be inconsistent due to bandwidth limitations, high latency, or frequent network downtimes. These connectivity issues can cause significant delays in the transmission of results or result in

failed uploads, leading to gaps in data and raising concerns about the transparency and credibility of the election process.

Moreover, the inadequacy of complementary infrastructure such as a reliable power supply further exacerbates these challenges. Many parts of Nigeria suffer from frequent power outages, which can interrupt the electronic transmission process or cause equipment failures. In polling stations where backup power sources, such as generators or battery packs, are unavailable or insufficient, electronic devices used for transmission, such as the Biometric Voter Accreditation System (BVAS), may not function optimally or may fail altogether. This lack of reliable power infrastructure not only hampers the timely and accurate electronic transmission of results but also undermines confidence in the system's ability to deliver credible election outcomes.

Additionally, the decision to adopt advanced electronic transmission systems without considering the existing ICT infrastructure has compounded these challenges. As Ahmada (2015) notes, the implementation of advanced technologies in developing countries often overlooks the prerequisite complementary infrastructure needed to support them effectively. This oversight leads to a mismatch between the technological capabilities of the systems deployed and the infrastructure available to support them. In the case of Nigeria, adopting an electronic transmission system without adequately assessing and addressing infrastructure gaps has resulted in numerous operational challenges, including slow transmission speeds, incomplete data uploads, and equipment malfunctions.

Dishonest Electoral Officials

Honest as well as transparent and effective electoral officials are preconditions for credible election that can enhance public confidence in the electoral process. In Nigeria, general problems of election manifest by the manipulation of the election results, violation of electoral provisions and corrupt inducement of officials and electorates emanate as a result of ineffective electoral management body. Moreover, weak institutional capacity of INEC, which can be traced to

lack of independence and financial autonomy, inadequate technical and logistic preparation, lack of appropriate organizational and managerial capacities to handle the elections are also responsible for electoral flaws in Nigeria (Adetula, 2008). Furthermore, corrupt tendencies and unethical behaviour of electoral officials and other stakeholders involved also constitute a barrier to free and fair elections in Nigeria. Sheer lack of electoral officials with impeccable character predisposes elections to numerous rigging techniques and consequent loss of confidence and integrity (Business Day NG, 2023). It is evident that honest, independent and effective electoral officials responsible for enhancing public confidence in the electoral process is lacking in Nigeria.

Security and Reliability of the Technology

One of the risks of electronic transmission is software attack or system hacking. Electronic transmitted results are a digital document that is residing on a server that could be accessible to cyber criminals. Caution must therefore be applied in designing the technology to ensuring security, confidentiality and convenience to avoid losing public confidence in the technology. (Femandez*et al*, 2013). There could also be potential misuse or abuse of the electronic transmission system. Situations abound where politicians would abuse the electronic transmission system and ask the opposition to go to court.

5. Conclusion and Recommendations

The adoption of electronic transmission of results is therefore the most effective solution to the problems of weak democratic institutions in Nigeria. It is the surest safeguard for accuracy and authenticity of election results. Thus, there can hardly be any talk of free and fair elections under the Electoral Act 2022 without direct electronic transmission of results from the polling units. As such, electronic transmission of results is a tool for free and fair elections in Nigeria. However, despite the potentials of electronic transmission of results to address problems of alteration of results, defacement of result sheets, outright vanishing of result sheets, as well as manipulation of outcomes of elections in

Nigeria, numerous factors continue to pose serious challenges for transition to electronic transmission of results. To address these challenges, the BVAS software should be modified and upgraded to improve picture quality. Provisions should also be made for advanced network monitoring capabilities to determine with some degree of certainty, the nature of events that occur in its systems and adoption of error detection software. INEC should embark on training of polling unit officials, with a special focus on results transmission as well as the capturing of polling unit results using the BVAS. This will address the capacity deficits resulting to upload of incorrect or incomplete forms and blurry images. To deepen the transparency of the collation process, INEC should electronically transmit and publish the number of accredited voters on the results viewing portal and collated result sheet at different stages of collation on the IReV. This serves as an oversight on ward collation, which is the weakest link in the election results value chain. Uploading the collated results sheet will facilitate monitoring and tracking of the results collation process by the electorate. Again, the Electoral Act should be amended to specifically provide for the mandatory electronic transmission of results direct from the polling unit and the conflicting provisions such as Clause 48(c) and 93 of the INEC Guidelines should be amended.

References

Adebola, A.J. & Adebowale, O. (2022). Analytical Review of E-Commerce Business Models.

African Journal of Accounting and Financial Research 5 (2), 48-60.

Adetula, V A O. *Money and politics in Nigeria* (Abuja, Nigeria: Petra Digital Press, 2008).

Ahmada, S, Abdullahb, B & Arshad, R B. (2015). Issues and Challenges of Transition to e-Voting Technology in Nigeria. *Public Policy and Administration Research* 5 (4), 95 -102

Busness Day NG. (2023). 'INEC Fails Nigeria on E-Tansmission of Results.

Retrieved from <https://www.businessday.ng/technology/article/inec-fails-nigeria-on-e-transmission-of-results/> accessed 11 May 2023.

EFemandez E B, La Red, D L. &Pelaez, J. I. A Conceptual Approach to Secure Electronic Elections Based on Patterns. (2013) *Government Information Quarterly* 30, 64-73.

Law Parliament. (2023). Direct E-Transmission of Election Results from the Polling Units Is Mandatory, Not Directory, Under Nigeria's Election Laws; Non-Compliance May Be Considered Fundamental, Fatal. Retrieved from <https://thenigerialawyer.com/direct-e-transmission-of-election-results-from-the-polling-units-is-mandatory-not-directory-under-nigerias-election-laws-non-compliance-may-be-considered-fundamental-fatal/> accessed 12 May 2023.

Leadership Newspaper.(2023). 2023 Election: e-Transmission Of Results And Possibility Of Rigging. Retrieved from <https://leadership.ng/2023-election-e-transmission-of-results-and-possibility-of-rigging/>accessed 6 May 2023.

Obun-Andy, M K & Aluko, T A.(2021). Portrayal of Electronic Transmission of Election Results in Selected Media Outlets in Nigeria. *International Journal of Women in Technical Education and Employment 2(2).*

Premium Times. (2023). INEC, Electronic Transmission of Results, Eectoral Act and Matters Arising. Retrieved from <https://www.premiumtimesng.com/opinion/589746-inec-electronic-transmission-of-results-electoral-act-and-matters-arising-by-whab-shittu> accessed 12 May 2023.

The Nigeria Lawyer. (2023). Place of Clauses 48(c) and 93 of the INEC Guidelines 2022 in Light of Provisions of the Electoral Act 2022 on Use of E-Transmission Results During Election-Result Collation in Nigeria. Retrieved from <https://www.thenigerialawyer.com/place-of-clauses-48c-93-of-the-inec-guidelines-2022-on-use-of-e-transmitted-results-during-election-result-collation-in-nigeria/> accessed 12 May 2023.

Statutes

Electoral Act 2022

INEC Regulations and Guidelines, 2022

Case Laws

Abubakar & Anor v INEC & Ors[2019] LCN/12799 (CA)

Adeleke Nurudeen v Oyetola, unreported Appeal No:

CA/AK/EPT/GOV/01/2023.

Amokeodo v Inspector General of Police & 2 Ors [1999] 6 NWLR (pt 607) 467.

Amusa v The State [2003] LPELR – 474(SC)

APP v INEC [2019] LPELR-48465 (CA)

Faleke v INEC & Anor [2016] **18 NWLR (pt 1543) 61**

Hon. James Abiodun Faleke v INEC & Anor. [2016] 18 NWLR (pt 1543) 61

Onochie & Ors v Odogwu & Ors [2006] LPELR – 2689 (SC)