



**SECOND PRELIMINARY STATEMENT
Abuja, 20 March 2023**

***Obstruction and organised violence limited the free expression of the will of the voters,
despite efforts by civil society to promote democratic standards***

This second preliminary statement of the EU Election Observation Mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages of the state elections remain, including collation of results and adjudication of petitions. The EU EOM is now in a position to comment only on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.

Summary

This governorship and State House of Assembly elections, postponed from 11 to 18 March 2023, followed the presidential and National Assembly elections held on 25 February. This second EU Election Observation Mission preliminary statement supplements the first issued on 27 February.

Elections for 36 State House of Assembly (SHoA) and 28 Governors took place on 18 March after contentious presidential polls. Opposition parties had gone to court to seek access to key election technology linked presidential data, precipitating a chain of events that led to the postponement of state elections by one week. The postponement was observed to have a calming effect on the highly charged political environment, shifting public attention to gubernatorial polls. Low-key canvassing replaced costly large-scale rallies, but some incumbents used their powers to tilt the playing field. Civil society called for INEC's accountability; media fostered voter awareness, while fact-checkers stood up against disinformation. Shortly before, and on election day, incidents of organised violence in several states created an environment of fear for voters.

Public confidence and trust in INEC were severely damaged on 25 February due to lack of transparency and operational failures in the conduct of the federal level polls. Up until the postponement, INEC continued to abstain from providing information, limiting its communication to a few press releases and ceremonial statements and hence failing to address public grievances and rebuild confidence in the electoral process. From 11 March onwards, despite compressed timeframes, INEC introduced various corrective measures to render a timely delivery of electoral materials, efficient use of election technologies, and ensure prompt publication of result forms, some of which were effective.

Overall, on election day, multiple incidents of thuggery and intimidation interrupted polling in various locations, primarily across the south but also in states in the central and northern areas. There were reportedly some 21 fatalities. In polling units in several states, violent incidents targeted voters, INEC personnel, citizen observers and journalists. Most polling units opened with materials and personnel deployed on time, although a dismal level of voter participation meant less pressure on INEC operations throughout the day. Vote-buying, also observed by EU EOM observers, further detracted from an appropriate conduct of the elections.

The 18 March elections did not face the same problems with the use of the Bimodal Voter Accreditation System (BVAS) as on 25 February. Result forms for the gubernatorial races were uploaded and displayed for public scrutiny. At the time of the declaration of presidential results only

one quarter of result forms were visible; by midday 19 March, gubernatorial race result forms available online ranged from 62 to 97 per cent depending on the state.

There were some 11,000 candidates competing for state elections, among whom a bare 10 per cent were women. Notably, leading political parties fielded only two female candidates for highly prized governor seats. This demonstrates a radical underrepresentation of women in political life and lack of internal party policies to support constitutionally prescribed inclusion and is contrary to Nigeria's international commitments to eradicate discrimination against women.

Intraparty conflicts, compounded by protracted legal deadlines for solving candidacy disputes, created uncertainty for voters and electoral contestants alike. Some court decisions were taken only a few days before the polls, effectively reducing candidates' prospects to meaningfully campaign.

The campaign for state-level elections was highly competitive and interlinked with parties' canvass for votes at the federal level. Fundamental freedoms of assembly and movement were largely respected, with the latter being impeded in some states by insecurity and state executive actions. There were defections and switching support by state branches of parties, especially in the aftermath of the federal-level results. EU EOM observers noted that in several states the abuse of incumbency gave an undue advantage to the party in power.

Voters in 15 out of 28 states benefited from professionally organised media debates, during which journalists questioned leading gubernatorial candidates on issues of local concern, while fact-checkers probed their responses for accuracy. It helped voters make a better-informed choice on election day even if most incumbents rebuffed media offers, showing a disregard for an inclusive political debate. Attacks, harassment of journalists that occurred on 25 February went unprosecuted.

Gubernatorial candidates' online communication was more issue focused than that of presidential contestants. However, disinformation contaminated the online information space and contributed to confusing voters, with some dangerous rhetoric aiming to foment ethnic divisions also being observed. Positively, fact-checking initiatives continued to debunk such content and strived to preserve the integrity of the online space.

Between the elections, civil society played a crucial positive role in raising awareness and providing electoral information of public interest to voters. Their statements highlighted INEC's failures, while their leadership actively participated in online and offline discussions, calling for greater transparency and accountability of INEC ahead of the state elections. After the polls, CSOs raised further concerns for the conduct of polling and collations, but with a clear focus on the impact of thuggery, violence and intimidation.

The European Union Election Observation Mission (EU EOM) has been in Nigeria since 11 January 2023. The mission includes a core team of 11 experts and 40 long-term observers deployed to 20 locations on 29 January. The EU EOM issued its first preliminary statement on 27 February after the presidential and National Assembly elections. On 18 March, the EU EOM deployed 63 observers from 25 EU member states, Canada, Norway and Switzerland across 20 states. On election day, observers visited 183 polling units in 20 states. Observers assess the whole electoral process against international obligations and commitments for democratic elections to which Nigeria is signatory, as well as the laws of Nigeria. The EU EOM is independent from EU institutions and member states. EU EOMs adhere to the Declaration of Principles for International Election Observation endorsed at the United Nations in 2005.

Findings

CONTEXT

On 18 March, State House of Assembly (SHoA) elections held in all 36 states, while there were 28 governorship elections as eight others follow different timelines due to various court rulings. The elections took place against a backdrop of economic hardship exemplified by sharpened fuel and cash shortages and a volatile security environment in a number of states across the country with cases of violence resulting in multiple fatalities. A widespread sense of expectation for well managed elections ahead of the 25 February polls had been dashed by failures leading to a tangible public disappointment and concerns about increasing voter disillusionment. The dramatically decreased trust in and mounting public criticism of INEC led to calls, including by civil society, for the resignation of its Chairman.

The results process leading to the declaration of Bola Tinubu as winner were disputed by the opposition Peoples Democratic Party (PDP), the Labour Party (LP) and the New Nigeria Peoples Party (NNPP). PDP and LP headed to the Court of Appeal (CoA). Acting expeditiously, the CoA on 8 March granted the PDP and LP access to certified copies of INEC materials and technological data used in the 25 February elections. It also enabled INEC to prepare its election technology for the 11 March polls. However, the timelines were too tight and resulted in the postponement. INEC communicated the postponement via a press release, without offering the opportunity for a press conference where media and stakeholders could ask questions. Nevertheless, stakeholders considered the postponement as an unavoidable outcome.

Meanwhile, LP and PDP continued to allege INEC was not complying with court orders made in their favour, raising concerns for further court interventions. PDP returned to the CoA but, on 15 March withdrew again, stating that INEC had started to provide the materials sought. However, as late as 16 March the LP was still alleging non-compliance by INEC, despite getting assurances that the requested information would be provided. LP also stated that the lack of information was impeding their ability to conclude the preparation of their petition.

The 25 February post-election environment was largely peaceful, with parties appealing to supporters for calm. However, a few days before the 18 March elections, violence abruptly increased with more than a dozen attacks and abductions of candidates by thugs and unidentified gunmen, some of which resulted in fatalities. Violence shortly before and on election day appeared to strategically suppress voter participation.

For voters, state elections are particularly important, especially as governors hold extensive executive powers and influence over state resources and development. Prior to these elections, PDP held 11 of the 28 contested governor seats and APC 17 governors.

PRESIDENTIAL AND NATIONAL ASSEMBLY RESULTS

On 1 March, INEC declared that Bola Tinubu (APC) obtained 8,894,726 votes (36.61 per cent), Atiku Abubakar (PDP) came in second with 6,984,520 votes (29.07 per cent), and Peter Obi (LP) came third with 6,101,533 votes (25.40 per cent). Rabiun Kwankwaso (NNPP) was declared to have obtained 1,496,687 votes (6.23 per cent). The results showed that among some 93.5 million registered PVC card holders, only some 25 million (27 per cent) had cast their vote. Based on its parallel vote tabulation, YIAGA Africa found that presidential results for Imo and Rivers states were not consistent with its findings.

On 7 March, the INEC published the lists with winners of 428 out of 469 National Assembly seats on its Twitter account. Results in seven senatorial districts and 32 House of Representatives (HoR) constituencies were declared inconclusive and supplementary elections will be held after the state-level polls. Following the killing of the LP senatorial candidate in Enugu-East on 22 February, INEC postponed the elections in this district to coincide with the state-level polls.

Announced results showed that APC were returned with a majority 55 Senate seats and 160 HoR. PDP obtained 33 and 105, respectively, LP was returned with 7 Senate and 35 HoR seats, while the NNPP won two senatorial and 18 HoRs seats. In total, eight parties are now represented in the National Assembly. Only three senatorial and 14 HoR seats were won by women, the lowest female representation in the National Assembly since Nigeria's return to democracy in 1999.

Without a specific timeline, the law mandates INEC to publish the names of candidates elected and their scores. So far, INEC has not published the manner of calculation of the declared presidential and National Assembly winners, the turnout per state, number of accredited voters, total votes cast, rejected ballots, votes attributed to each party, as well as the list of polling units where elections were cancelled, postponed, or not held. The absence of this information undermines the possibility for independent verification of the outcome.

LEGAL FRAMEWORK AND ELECTORAL SYSTEM

According to the Constitution, governors are elected based on the highest number of votes cast and a minimum 25 per cent of the votes cast in two-thirds of the Local Government Areas (LGA) in a state. However, the two-thirds requirement is not clearly articulated in law, and thus leaves scope for arbitrary interpretation.

If no governor candidate is deemed a winner in a first round, the law foresees a run-off between the two leading contestants, with the winner then decided based on the same threshold as the first round and, failing that, only then a third round based on the highest vote. Governors emerging victorious from the 2023 election are expected to take the oath of office on the same date as the new president.

State assembly seats are elected based on the first-past-the-post in single seat constituencies. Larger populated states such as Kano and Lagos have assemblies with 40 seats, while lesser populated states, such as Bayelsa, Yobe and Ekiti, among others, have 24 seat assemblies. The first sessions of the newly elected houses of assembly of the states, will be proclaimed by the governor elect.

CANDIDATE REGISTRATION

Inconsistent party oversight of candidate selections, weak political loyalties, and bitter rivalries between aspiring candidates were demonstrated by the many legal disputes following candidate selection primaries held in mid-2022. The submission of candidate information to INEC by parties was at times inaccurate and thus contributed to uncertainty for candidates at both governorship and SHoA level. Many losing aspirants lodged legal challenges against registered candidates and, in various courts, judges subsequently ordered re-runs of party primaries, threw out vexatious legal challenges or directed INEC to list or de-list specific candidates. Such orders were often appealed and, in sometimes reversed, leaving uncertainty for candidates seeking to get on with campaigning.

Eighteen political parties sponsored candidates for the 18 March polls, with approximately 11,000 candidates registered with INEC to compete for state elections. These included some 1046 women candidates in the running for seats in the 36 state assemblies. Out of a total 419 contestants for 28 gubernatorial posts, 25 were women. All governorships posts are presently and have always been

occupied by men. In the original list of 837 governor and deputy governor candidates published by INEC, only 53 were of the minimum legal 35 years of age. Almost half of candidates for the SHoA, where the minimum age to contest is 25, were aged between 25 and 34 years, showing a clear appetite among young people to be to take an active part in state level decision-making.

The extremely low level of women's candidacies and consequent concerns for an expected low return of female representatives follows dismal outcomes for women in the national assembly elections. The lack of representation highlights an abject failure of political parties and lawmakers in the states, contrary to international commitments and the Constitution, to confront obstacles to meaningfully progress equal representation for an entire half of the population of Nigeria.

ELECTION ADMINISTRATION

In the aftermath of the presidential and National Assembly elections, EU EOM observers witnessed trust in the electoral process decrease significantly due to a lack of transparency and operational failures on and after election day and INEC's delayed and insufficient explanations for those failures. INEC stated that some logistical and technological problems were unforeseen. It also blamed party agents, party supporters and lower level election personnel for shortcomings.

Resident Electoral Commissioners (RECs) operating at state level were mandated by INEC to bar all staff found to be negligent from conducting the state-level elections. However, only a few key electoral officials were held accountable, despite the scale of election day failings across the country, as observed by the EU EOM in particular in the South-East, the South-South, Kano and Lagos. The RECs in Abia and Sokoto were suspended without clear public explanations and their role filled by administrative secretaries. INEC has the power to delegate to and withdraw powers from the RECs but cannot legally dismiss these presidentially-appointed officers. This exposes systemic weakness in the electoral institutional design that obstructs fostering of professionalism and trust.

Overall, stakeholders were observed to welcome the postponement of the state elections as it provided a window of opportunity to INEC to deliver a better managed election. INEC invested some efforts in addressing the failures of the 25 February elections, but communications to the public on these initiatives was limited and came too late to regain stakeholders' full confidence in the electoral and results processes. Most polling staff who participated in the federal level elections were re-deployed for the 18 March whereas, positively, some ad hoc staff who performed poorly on the 25 February were replaced. According to EU EOM observers, INEC conducted refresher trainings in some states, including for Registration Area Technicians (RATECHs), poll workers, and collation officers. The trainings were focused on the use of BVAS, as well as on procedures for efficient and timely distribution of materials to polling units. In some states, sensitive materials had already been transported to the LGAs before the postponement but were then returned to the Central Bank of Nigeria offices in state capitals. EU EOM observers reported very little voter education devoted to the state elections.

Election Technology

The certainty and integrity of the INEC Result Viewing (IReV) portal, promoted as a real-time public viewing platform for results transmitted directly from polling units, was greatly tarnished due to failures of prompt transmission and publication of presidential results. In the run-up to the state elections, information about the functionality and specifics of the use of BVAS and transmission of the result forms remained unclear and non-transparent. INEC missed the opportunity to adequately inform the public on these aspects, although stating in the media that it had reviewed its technology to guarantee that issues with the upload of results on 25 February would not be repeated.

The BVAS machines deployed on 25 February were used in the same polling units on 18 March. BVAS were reconfigured, during which accreditation and results data from the previous polls was deleted. Following the 8 March CoA ruling, INEC stated that data from the presidential elections were being backed-up to a back-end server, however it is not publicly known what were the exact elements of the data deleted from BVAS and which data were stored on the back-end server.

The EU EOM noted that re-transmission of the corrected polling unit result forms from collation centres led to replacement of originally uploaded result forms on IReV, contrary to the expectations and information from INEC that both results forms would be visible.

THE CAMPAIGN

The official campaign period for governorship and SHoA elections lasted from 12 October 2022 until 16 March, including the one week postponement. Throughout the 156-day period, freedoms of assembly and movement were broadly respected. However, EU EOM observers reported campaigning was constrained by insecurity in some parts of the country, the deepening fuel crisis, and a continued Naira cash shortage. Additionally, executive decisions by some governors negatively impacted the level playing field and the campaign environment. For example, in Adamawa and Zamfara, based on accusations of interference in the election or posing a security risk, all CSOs were barred from all activity including campaign observation and voter education.

With 17 out of 28 governors completing their second and final term, the elections were very competitive in most states. All 18 parties participated, with the APC, PDP, and NNPP fielding governorship candidates in all 28 states, and the LP in all states but Ogun. From the outset, the EU EOM observed significant interaction between the state-level and federal campaigns, with the governorship and SHoA candidates actively participating in national-level electioneering and presidential rallies. Closer to 18 March, political parties across all states re-aligned to support leading gubernatorial candidates, with defections exposing weak party loyalties. In Lagos, nine opposition parties formed a coalition to back the incumbent APC governor.

Following the announcement of the 25 February results, EU EOM observers reported that visibility of campaign activities significantly declined, and campaigns continued mainly in the form of door-to-door canvassing, small gatherings and townhall meetings. However, the campaign environment remained tense in many states, particularly in the highly contested Lagos, Kano, Rivers and Kaduna. There was less inter-party fighting than in the run-up to national-level elections, except for some isolated cases, for example the clash between APC and PDP supporters in Bauchi on 8 March, occurring hours after a peace accord between the gubernatorial candidates was signed, and on 16 March in Oyo, resulting in three fatalities. However, in the last few days before the elections, targeted attacks on candidates resumed with abductions and killings reported in Lagos, Ebonyi, Kaduna, Zamfara, Rivers and Delta. Police investigations often did not lead to arrests and prosecution and impunity for electoral offences was widespread throughout the campaign period.

In the last three weeks, the campaigns were overshadowed by reactions to the contested results of 25 February elections, including some protests against INEC, for example in Abuja and Abia. EU EOM observers reported increased divisive campaign rhetoric exploiting ethnicity, for example in Lagos, and religion, particularly in Kaduna and Nasarawa, to mobilise voters in a number of states. Online political campaigns included videos using inflammatory language, also by clerics, and targeted intimidation of particular groups. The National Peace Committee and a number of religious leaders condemned the use of religious and ethnic labels in the campaign.

EU EOM observers also received credible reports of pressure on civil servants by governors, for example in Katsina state, where several high level officials were dismissed after a disappointing outcome for APC in the 25 February presidential elections and LGA officials were threatened to lose their jobs if they did not ensure victory in the upcoming polls. In the last week before 18 March, the governor of Rivers authorised the promotion of civil servants at all levels in the state and announced the recruitment of 10,000 youth employment positions in the administration.

Misuse of state resources was evident, primarily through the promotion of social benefits and relief programmes, which significantly intensified between the polls. As noted by EU EOM observers and reflected in media reports, governors publicly provided inducements to voters, including significant grants for traders, distribution of vehicles, buses, and motorcycles (Yobe, Gombe, Adamawa); issuing cheques to different beneficiary groups (Nasarawa, Yobe, Kwara); inaugurating infrastructure projects and for campaign purposes (Ogun, Katsina); and the payment of 1.2 billion Naira in backlogged pensions to civil servants and the release of impounded vehicles to owners free of charge days before the elections (Lagos).

Campaign finance

In governorship races, high expenditure on publicity and use of state resources was evident, but in SHoA campaigns, spending was less obvious due mainly to the low key and less visible nature of campaigns. The ongoing shortage of cash was generally perceived as reducing the scope for vote buying, but other inducements to voters were observed. The Supreme Court on 3 March ruled that the old Naira remain in circulation for the remainder of 2023, however by 15 March, EU EOM observers noted little direct impact and that overall hard currency remained in short supply. However, EU EOM observers noted the distribution of food and other goods and incentives in several states around the country including Kaduna, Katsina, Benue, Adawama and Akwa Ibom. Such expenses are not recorded, and EU EOM observers noted an apparent decrease in oversight activity by INEC and anti-corruption state agencies.

Candidates in state elections were, according to EU EOM observers, largely self-funded and received limited or no support from national or state party structures. Simultaneously, incumbent governor candidates enjoyed access to much greater financial resources, including state resources. Governor candidates from APC, LP and PDP paid significant fees to be considered for election in party primaries. The larger political parties charged tens of millions of Naira for the possibility to be considered for candidacy, evidencing political participation based on the influence of money and obstruction of genuine representation, including of young persons, contrary to core principles of the International Covenant on Civil and Political Rights.

Between the polls, several candidates in the state elections used paid advertising in traditional media and online, with most ads placed during the week following the postponement. According to Ad Library, the total cost of advertising on META platforms did not exceed EUR 1,300. In national broadcasters, the share of political advertising ranged from four to 20 per cent of media prime-time programming, with the APC gubernatorial candidate in Lagos and NNPP's in Kano jointly placing some 70 percent of all campaign ads, as monitored by the EU EOM.

MEDIA

Between the elections, media played a critical role in probing INEC's conduct and calling to rectify failures observed during 25 February elections. Echoing public disillusionment, the tone of news was primarily negative towards INEC. Notably, until the postponement, INEC's leadership did not respond to interview requests and most RECs followed the same approach. Media interlocutors in

16 states, all of which experienced serious disruption to voting on 25 February, informed EU EOM observers that key election officials did not grant interviews, hence effectively disregarding voters' right to access election related information of public interest.

After the postponement, the national media focus shifted from the disputed presidential election to gubernatorial races in a few pivotal states. Only contests for Lagos, Kano and Rivers got significant news coverage, while some lead candidates from other states were invited to interviews. Other races were primarily covered by state-level radio stations, where the incumbent or his party often benefited from favourable reports, as noted by EU EOM media monitoring. Consequently, gubernatorial debates and townhalls were the most effective way for the audience to compare lead candidates directly. Positively, several debates were in local languages and were factchecked and published online, helping many voters to make a well-informed choice on election day.

Only in 15 out of 28 states with gubernatorial elections could voters benefit from professionally organised media discussions and only three of 11 governors seeking re-election accepted media's offer to debate on issues of local relevance. Other incumbents opted for paid media coverage. EU EOM media monitoring showed that at least 16 state governments sponsored "documentaries" that were aired on national TV stations, praised the respective governor and his party, and featured openings of new infrastructure and social benefit projects. Such broadcasts blurred the line between governing and campaigning and gave the incumbent party an undue advantage.

Law enforcement agencies failed to prosecute persons who attacked, intimidated, or harassed journalists during or after the presidential polls in at least five southern states with fiercely contested state-level races. In two further states, police arrested two journalists on bogus charges. EU EOM observers confirmed 10 incidents involving media; only in one instance police opened a case. Impunity encouraged by police inaction is detrimental to freedom of expression, particularly as independent and trusted outlets are targeted. This does not accord with Nigeria's regional and international commitments for protection of the media.

On 15 February, the National Broadcasting Commission (NBC) sanctioned 41 media outlets, with excessive fines on 25 radio and TV stations for vaguely defined breaches. The NBC did not publish its decisions nor grant due process, effectively subduing critical reporting prior to the state elections.

SOCIAL MEDIA

Eroded confidence in the technological elements of the elections, and in INEC in general, largely defined online discussions, particularly in the first half of the period between the polling days, with signs of youth voter disillusionment regarding their participation in the March elections. However, the extension of the process allowed for greater online engagement by contestants in the context of the state-level polls, also benefitting voters through a greater variety of information about candidates. Online discussions were shaped by gubernatorial debates and townhall meetings; overall, gubernatorial candidate's communications were more focused on specific agendas and development projects as compared to the presidential race.

Although there was high engagement among social media users in the context of the Lagos elections, hateful discussions and remarks based on the ethnicity of the lead candidates resonated in this space, especially related to the gubernatorial contest. Strong user engagement was also noted in relation to the Rivers and Adamawa races, with the online space being marred by confusing campaign-related information. Popular female gubernatorial candidates running in these states were subject to discriminatory comments based on their gender.

The EU EOM social media monitoring revealed a large amount of false content appeared online, related to both the presidential and state-level elections. The latter was marked by false news of candidates withdrawing, non-existent endorsements, the use of audio-visual material taken out of context to discredit candidates, among others. In Kano, a false report against one of the leading gubernatorial candidates led his party to debunk it with paid ads on the state-level radio station. Fact-checking continued in the run-up to the 18 March election in efforts to weed out such content, with some civil society groups also operating at the state level.

PARTICIPATION OF WOMEN AND OTHER MARGINALISED GROUPS

Throughout the electoral process women faced multiple challenges including the lack of genuine opportunities to compete within parties for the possibility to stand as a candidate. EU EOM observers noted they also faced obstacles to fund campaigns as they received limited or no financial support, as well as a campaign environment where they were frequently subjected to abuse and denigration. Such circumstances run contrary to Nigeria's international commitments to eradicate discrimination against women.

Internally displaced women were often affected by a lack of PVCs, disproportionately impacting their right to vote according to civil society. EU EOM observers also noted that women voters, particularly in economically deprived circumstances, were vulnerable to targeting by contestants using inducements to obtain their votes, thereby skewing the free expression of the will of the voters.

There is need for a comprehensive, well-defined, and auditable framework for IDP participation. EU EOM observers reported IDP interlocutors expressed a keen desire to participate in political life, also stressed by various CSOs. However, EU EOM observers noted evidence of poor strategic engagement on IDP action from INEC to state level, and there was a lack of data on IDP voter registration and PVC distribution, thus impeding adequate protection of the right to vote in line with Nigeria's commitments under the Kampala Declaration. There was also inconsistent provision of voter education at IDPs camps and seeming varied criteria for polling unit location. The cash crisis and lack of access to transportation also impacted participation, while election day incidents of violence and intimidation hampered voting at IDP polling units in Edo, Benin City.

CSOs representing persons with disabilities in several states expressed to the EU EOM a high level of dissatisfaction with INEC's efforts at inclusivity, due mainly to absence or inadequate supply of assistive materials. Ahead of the 18 March polls, EU EOM observers noted limited evidence of efforts to enhance or promote participation of Persons with Disability (PwDs). While PwDs were able to participate in INEC trainings for ad-hoc staff, very few were actually selected to serve.

Young voter apathy, perceived as a knock-on effect of disappointment with the conduct of the 25 February elections, signalled concerns for participation in the state elections. Universities, which closed to enable young voters travel to exercise their vote, extended their closures to cover the postponed elections.

ELECTORAL DISPUTE RESOLUTION

Various recent Federal High Court (FHC) rulings underlined systemic weaknesses in election processes, entailed specific remediating orders, and pointed to areas for potential legal reform. For example, an FHC in Lagos directed INEC to ensure real time results uploading in the state elections and a similar order was made elsewhere with respect to elections in Akwa Ibom. The INEC is appealing another decision where an FHC directed that two voters could vote in the state elections without a permanent voter card.

Almost all states were implicated in legal cases challenging state-level candidacies all the way to the Supreme Court, among them several groundless cases in which the representative lawyers were fixed with high penalties for abuse of process. Legal timelines for the resolution of candidacy disputes, most stemming from allegations around the conduct of party primaries, left room for adjudication unduly close to elections and entailed uncertainty for voters and candidates. For example, only on 7 and 8 March respectively, the Supreme Court was able to deliver decisions, finally clearing gubernatorial candidates in Akwa Ibom, Abia and in Taraba. With only a few days to the elections, several pre-election petitions related to SHoA elections were still not resolved.

Lengthy timelines for hearing and resolving challenges to results can run beyond the date for inauguration of newly elected governors and commencement of new SHoAs, potentially leaving uncertainty for newly declared elected officials who face disputes. After results declarations, petitions challenging results may be made within a legal time limit of 21 days. The tribunals and appeals courts have up to 240 days to finally determine disputes. Where an election is annulled, new elections must be held within 90 days thereafter. EU EOM observers noted that in most states the state-level election tribunals for handling results challenges were set up in a timely manner, although in some instances judges had yet to be assigned within the prescribed timeframe. Positively, the EU EOM also noted that women were well represented among Tribunal panels including as chairpersons in several cases.

CITIZEN AND INTERNATIONAL OBSERVATION

Generally, civil society played a crucial role in raising awareness and providing electoral information of public interest to voters. After the 18 March polls, CSOs raised concerns regarding the conduct of polling and collation, but on this occasion pointed to the impact of thuggery, violence and intimidation. Yiaga deployed around 1,500 observers and conducted a parallel vote tabulation in Benue, Kano and Delta. The Situation Room and the Centre for Democracy and Development (CDD) deployed some 2,000 observers in selected states. Connected Development (CODE) deployed some 7,000 accredited observers. The EU and ECOWAS were the only international observation missions on the ground for the state-level elections.

POLLING, COUNTING AND COLLATION

On election day, security agencies, traditional and social media reported violent attacks on polling units, as well as intimidation and harassment of voters and polling staff by thugs in 21 states, resulting in some 21 fatalities. At least five incidents were reported of journalists from well-established media houses being attacked or obstructed from their duties. Most incidents were recorded in Lagos and Kano, but also other parts of southern states and in the central area. In Imo 19 INEC officials were abducted, resulting in postponed elections. Voting also was postponed to 19 March in 10 polling units in Lagos, while various reports from Lagos indicated a much larger scale of disruption of voting. In at least two other states voting also continued in some LGAs on 19 March.

Opening and voting

Most polling units observed by the EU EOM opened on time with materials and personnel deployed, although a strikingly low level of voter participation meant less pressure on INEC operations throughout the day. EU EOM observers as well as citizen observer groups reported vote buying.

Among 27 polling units observed for opening, 19 opened on time whereas five started voting slightly ahead of schedule. Delays in opening were reported mainly in Lagos, Delta and Cross Rivers, primarily due to the late deployment of materials and the polling staff. In ten polling units, EU

EOM observers noted that the ballot boxes were not exhibited with seals affixed before polling began. In approximately a tenth of cases, opening procedures were not followed entirely or at all.

Among the total 183 observed, the layout of 56 polling units did not protect the secrecy of the vote and in 77 observations, voters did not always mark the ballot in secrecy. There were attempts to influence voters in almost 40 of polling units observed. Party agents were seen by EU EOM observers to unduly interfere in the polling process in 20 observations and in Sokoto, Kano, and Akwa Ibom this led to interruption of voting. Vote buying by or on behalf of APC and PDP was also observed by five EU EOM observer teams within the vicinity of polling units, including by the distribution of goods and money.

More than a third of polling units observed during voting were inaccessible for persons with reduced mobility, while in almost all polling units there were no assistive devices for visually impaired voters. Similarly, the protocols for prioritising vulnerable persons, including pregnant women, were not followed in more than a quarter (43) of observed cases. There were no significant irregularities observed related to underage voting, presentation of PVCs, and the accreditation of voters with BVAS. The BVAS was not functioning properly only in two of 183 observed polling units.

Closing, counting and collation

By the official 2.30pm close of polling, most EU EOM observers reported that no voters were waiting to vote. In five of 27 polling units observed at closing, voters in the queue were not allowed to vote. There was a crowded environment in ten out of 26 observations and, in four cases pressure was placed on polling staff. In 12 of 27 observed cases results forms were not transmitted via BVAS. In Lagos and Rivers, closing procedures were impacted by outbreaks of fighting, thuggery, and other security issues. These lead to the closing procedures sometimes being completed at ward collation centres. EU EOM observers noted that, in some cases also ward collation procedures were completed at LGA level for security reasons. For example, in Cross Rivers, Enugu, Rivers, Delta, Lagos and Kano. During collation, an INEC premises in Abia was attacked by thugs. In nine of 27 of observed units at closing, the results were not posted publicly as required by regulations. In one observed polling unit in Delta, EU EOM observers reported a significant change of the results without justification.

Despite various approaches to the training around the country, there were no noteworthy reports of the issues with accreditation of voters during the elections. Uploading of the results worked significantly better than after the presidential elections with the first results appearing on IReV in the afternoon of the election day. Technical support staff were not always present at the collations centres observed by the EU EOM, for example in Rivers, so verification of original result sheet against the one uploaded to IReV was not regularly conducted.

An electronic version of this Preliminary Statement is available at nigeria2023.eueom.eu.

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