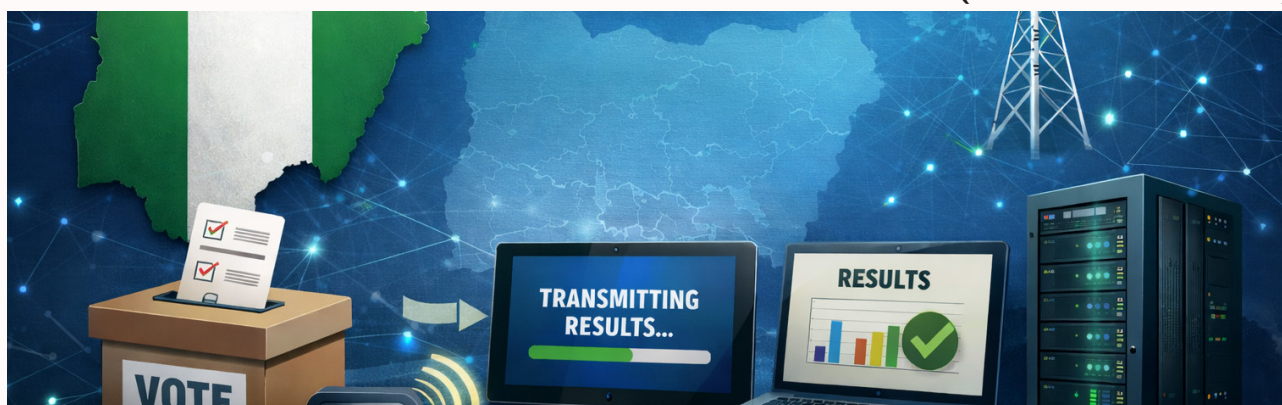


## ELECTRONIC TRANSMISSION OF RESULTS IN NIGERIA: LEGAL FRAMEWORK, LEGISLATIVE CHOICES, AND IMPLICATIONS FOR VOTERS

(ABRIDGED VERSION)



### 1. Introduction

The 2023 general elections raised strong public expectations around electronic transmission of polling-unit results using the Bimodal Voter Accreditation System (BVAS) and the INEC Result Viewing Portal (IReV). While these tools were promoted as game changers for transparency, post-election court decisions showed that the law did not fully protect those expectations.

As the National Assembly reviews the Electoral Act 2022, electronic transmission has returned to the centre of debate. The House of Representatives and the Senate have now adopted different approaches, and these must be harmonised.

### 2. The Legal Baseline

The Electoral Act 2022 recognises technology in elections, including BVAS for accreditation and the transfer of results between collation levels. However, it does not mandate electronic transmission of polling-unit results or elevate electronic records above signed paper result forms.

Section **60(5)** of the Act leaves the manner of transmission to INEC's discretion, a drafting choice that proved decisive in post-2023 election litigation.

### 3. What the Courts Decided Post-2023 Elections

Courts held that only non-compliance with the Electoral Act itself can invalidate an election. Because electronic transmission was not clearly mandated in the Act, failure to upload results to IReV could not by itself nullify an election.

Manual collation remained the first line of result collation, with electronic tools serving a supportive role unless the law clearly states otherwise.

#### 4. Senate and House Positions

**The Senate** retained the Electoral Act 2022 framework, rejecting proposals to mandate real-time electronic transmission or onward transmission by presiding officers. In particular, the Senate:

- rejected a proposal to mandate real-time electronic transmission to IReV after signing Form EC8A;
- rejected a proposal requiring presiding officers to transmit results to the next level of collation; and
- retained Section 60(5) of the Electoral Act 2022 unchanged.

The effect is to preserve the legal framework applied in 2023. While this avoids reopening settled legal positions, it leaves unresolved the ambiguity that undermined public confidence in the 2023 general elections.

**The House** introduced a requirement for real-time electronic transmission of polling-unit results to IReV alongside physical collation. This approach does not displace manual collation, but it significantly strengthens visibility and public oversight.

#### 5. What Citizens Gain and the Core Issue

Electronic transmission improves visibility and public oversight by allowing citizens, parties, and observers to see results at the polling-unit level as collation begins.

When results are uploaded on IReV:

- citizens can see what was counted at the source;
- parties and observers can track discrepancies early;
- transparency and accountability are strengthened.

However, the current Act and proposed amendment bill still does not define the legal consequences of failed transmission on election outcomes nor mandate electronic results collation.

The core choice before harmonisation is whether to preserve the status quo or adopt the House's clearer transparency guarantee while strengthening enforceability in future reforms.

#### Conclusion

Harmonisation presents an opportunity to choose the option that serves citizens better now. The Senate approach preserves the *status quo* but leaves Nigerians where they were in 2023.

The House version aligns more closely with citizens' expectations by guaranteeing visibility at the most sensitive stage of the process.

### About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making process.

The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.

Plot 451 Gambo Jimeta Crescent, Guzape District, Abuja, Nigeria.  
Website: [www.placng.org](http://www.placng.org) \*Email: [info@placng.org](mailto:info@placng.org) \*Phone: 0809 189 9999



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