

Digitization of Electoral Process and Democratic Consolidation: A Case of Ekiti and Osun State, Southwest, Nigeria

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ABSTRACT

Liberal Democratic theorists have established a strong link between Democracy and Election. A high premium is thus placed on the integrity of election in the democratic project. In Nigeria, attempts at strengthening and consolidating democracy have always been frustrated by electoral fraud ranging from rigging, ballot snatching, unauthorized announcement of elections, illegal thumb-printing and most recently, vote buying. To arrest this she nanigan, the Country's electoral rules introduced the use of Smart Card Reader as a technological innovation into the electoral process in 2015. A further step in this initiative was the introduction of the use of Bimodal Voters Accreditation System and Electronic Transmission of Result in the Electoral Act, 2022. This paper examines the use and consequences of the technology on Nigeria's democratic future as demonstrated in the 2022 Ekiti and Osun governorship elections. It relies principally on secondary data generated from documented evidence of local and international election observers, archival materials, journals and texts. The content analyses revealed that there was effective deployment of Bimodal Voters Accreditation System (BVAS) in the conduct of the two 2022 gubernatorial elections with minimal challenges in their functionality. This facilitated prompt release of the election results. Digitization and transmission of election results, if properly administered have the prospect of guaranteeing increased security of election and encouraging increased voters' turnout as a result of perceived guarantee of electoral integrity. This portends good prospect for Nigeria's democratic stability and institutionalization in future polls.

Keywords: Election, Democratic Consolidation, Digitalization of Election, Electronic transmission of Election Results

INTRODUCTION

In the democratic project, elections are considered to be an important element for its installation and institutionalization. Liberal democratic theorists agree that while it is true that elections are not a *sine qua non* to democracy, it remains to be seen if there is any form of democratic rule that does not involve the conduct of election (Bratton 1999, Diamond 2008). Regular conduct of transparent and credible elections has enhanced the institutionalization of democratic governance in advanced capitalist countries of the world (Mozaffar, 2022).

In Africa, elections remain the most popular and peaceful mechanism of enthroning and consolidating democratic rule, not withstanding the accompanying challenges. (Adejumobi 2006). However, for elections to remain an institutional mechanism for democratic installation and consolidation, they should pass the crucible test of being free, fair, transparent and credible.

Nigeria has had a dizzying historical profile of turbulent electoral processes to the extent that the cancer of electoral fraud has made democracy a fading shadow in the Country's political landscape. Rather than elections serving as catalyst, they are becoming devaluated elements of democratic processes (Adesiyan, 2012, Adejumobi, 2000). Attempts at consolidating democracy through the electoral process have always

been frustrated by manipulation of elections, by both the political entrepreneurs and various institutions and agencies of the state.

The first post-independence general elections in Nigeria degenerated into electoral violence that substantially led to the demise of the First Republic (Kuifi and Ojiakwu, 1980). Nigeria's Second Republic could not stand the test of enduring democratic rule due to massive rigging of election that attracted unimaginable violence (Suberu, 1990). An attempt to restore democratic rule through transparent electoral processes in 1993 was frustrated when the presidential election was annulled by the military regime. Since the return to civil rule in 1999, most elections held, especially, the 2003, 2007 and 2011 were characterized by ineffective election administration due to the weak institutions of the country's electoral system (Adesiyani 2012, Suberu 2007).

In an attempt to arrest the menace of election credibility, Nigeria, through the Independent National Electoral Commission, INEC its management body, took a bold step to introduce the use of innovative anti-rigging biometric devices involving the automated fingerprints for identification in 2011 and Smart Card Reader for the confirmation or the validation of biometric permanent voters' cards. This was partly to guarantee free, fair and credible elections (Nwagwu 2015, Azumi 2022). In the new Electoral Act 2022, the issue of digitization of the country's electoral process received further attention with the insertion of the use of Bimodal Voters and Accreditation System and the Electronic Transmission of results for the conduct of future elections in Nigeria. This paper examines the use and consequences of the technological anti-rigging devices in the election management system: using the 2022 gubernatorial elections in Ekiti and Osun states, in South West, Nigeria, as case studies.

The paper is divided into four sections. In the first section is the background to the study, as done above; an attempt to summarize the profile of the country's elections and the consequences on its democratic experiment. The second section focuses on the theoretical/conceptual underpinnings that link the concepts of Elections, Electoral Institutions and Democracy. An assessment of the use and consequences of various anti-rigging devices crafted into the country's electoral system, in the conduct of 2022 gubernatorial elections in Ekiti and Osun states is discussed in the third section. The last section has concluding remarks on the innovative electoral rules of digitization and its implications on the country's future democratic prospect.

Election, Democracy and Institutional Design: The Nexus

Elections remain a major facilitating institution in the democratic institutionalization project. Liberal democratic theorists therefore place a high premium on the credibility of elections to usher in a democratic rule. Democratic society is thus considered to be those where credible, transparent elections are conducted periodically (Adesiyani & Arulogun, 2019).

Given credence to the place of elections in the democratic project, Schumpeter (cited in Adesiyani, 2012) opines that democracy means only that people have the opportunity of accepting or refusing who are to rule them. He thus considers democratic method as institutional arrangements for arriving at political decisions in which individuals have the power to decide by means of competitive elections. Huntington (1991) further pushes forward the link between election and democracy by measuring democratic society on the basis of regularity of elections. To this extent, a political society is democratic when its most powerful decision makers are selected through honest and periodic elections in which, nationally all the qualified voting population is able to vote. Nnoli (2003) also, is of the view that a democratic government is always closely tied to elections to the extent that it is the single most important factor whose absence means absence of such government. From a global point-of-view, Norris (cited in Adesiyani & Arulogun, 2019) argues that of all the strategies adopted by international agencies in accessing and promoting democratic regimes, free and fair election through the ballot box seems to be the most viable option. The rationale is

that only the ballots provide opportunities for the public to select representatives, to hold government to account, and to send out errant representatives out when required. In most parts of the African continent which experienced the third democratic wave, elections have served as the major means of instituting democratic government. It is seen as the most peaceful mechanism of democratic transition and opportunity for larger populace to form and change government (Mozaffar, 2012).

While the foregoing primacy on election to democratic institutionalization cannot be ignored, we should realize that, such argument has its limitations. Elite theorists have faulted the concept of majority rule in democracy. They argue that in any society, it is the minority that always dictates the mode of governance contrary to democratic norms. To them therefore, the organization of society presupposes the rule of the few minorities that control the lives and actions of others in a polity. Representative democracy only provides a legal and political framework to justify minority rule. As Mosca (cited in Adejumobi 2000) would argue, the representative is not elected by the masses, so the notion of competition considered important to elections is superficial and meaningless.

The Marxist school does not consider elections as guarantee to democratic rule; rather, it constitutes a system of political and ideological reification of the hegemony and power of the dominant class. It is therefore the contention of this school of thought that the capitalist or elite class only appeal to the ethnic or religious sentiments of the citizenry during electioneering, only to abandon them after the former have been given the mandate to rule. To that extent, elections hold little hope for accountability, responsiveness and democracy (Adejumobi, 2000).

While the foregoing arguments are important in the consideration of limitations of elections in democratic culture, it still remains a minimum sufficient condition in democratic rule. For while it is possible to have elections without democracy; you cannot have democracy without elections (Bratton 1998).

Institutions play a very important role in influencing policy outcome especially at political level. It is capable of shaping the behavior of the political entrepreneurs and the citizenry alike. North (1990) considers Institutions as the rules or of the game of or regularized pattern of behavior. They consist of formal laws, formal constraints and enforcement characteristic of formal and informal rules. Institutions exist at multiple levels. They include, constitutional choice rules, collective choice rules and operational rules. Rules governing Nigeria's structure of electoral competitions are to be found at two levels: the Nigerian Constitution and the Electoral Act. The constitution covers the broad rules such as; qualification of candidates for election, electoral formulae, district magnitudes, constituency boundaries etc (Aiyede, 2007). The second level is the Electoral Act which deals specifically with rules guiding the conduct of election, and the defined functions and responsibilities of the Electoral Management Body.

Specifically, Section 153 of the 1999 Constitution as amended of the Federal Republic of Nigeria states, among others the functions of the electoral body to include:

- 1) Organise, conduct and supervise the elections and matters pertaining to elections into all the elective offices.
- 2) Register political parties in accordance with provision of the relevant enactment or law,
- 3) Conduct the registration of persons qualified to vote and preparation, maintenance and revision of theregister of voters for the purpose of any election,
- 4) Ensure that all electoral commissioners, electoral and returning officers take to and subscribe to the oath of office prescribed by law (FGN, 1999).Also,
 - Section 41(1) empowers INEC to provide suitable boxes, electronic voting machine or any other voting device for the conduct of the election.

- Section 47(2) of the 2022 Electoral Act empowers the Electoral Management Body to use smart card reader or any other technological devices that may be prescribed for the voters' accreditation, verification and authentication.
- Section 60 (5) of the same Act gives INEC the liberty to determine the transmission of results; including total numbers of accredited voters and the results of the ballot electronically.

The design of electoral systems as an institution has become a popular mechanism for promoting democracy and development all over the world. Norris (2004) informs that the global spread of democracy after the cold war coupled with efforts at consolidating the third wave of democracy has popularized the design of electoral rules (by both the government and international agencies) to promote good governance. This attempt is not limited to the third world as even established democracies have implemented radical electoral reforms with occasional modifications to electoral formula (cited in Adesiyun and Arulogun, 2019).

From Manual to Digitization of the Electoral Process

In the bid to improve its election credibility that facilitates democratic stability, Nigeria attempted a paradigm shift from manual to digitalization of the country's electoral reforms in the Fourth Republic. This attempt started during the preparations for the 2011 general elections with the introduction of biometric registration of voters and advanced finger print identification system by the Independent National Electoral Commission. This was followed by the introduction and adoption of Permanent Voters Card and Smart Card Reader technology in 2015. The Smart Card Reader was an anti-rigging device used to scan Permanent Voters Cards to verify the identity of voters during the 2015 general election (Idowu, cited in Nwangwu, 2015).

The use of Smart Card Reader and the other electronic device contributed significantly to the improvement witnessed in the transparency and credibility of the elections in 2015 (Azumi 2022, Alebiosu, 2015). Both local and international observers acknowledged the effectiveness of these technologically induced electoral reforms. They reduced electoral fraud in the number of votes cast and the accredited number of voters. These also reduced the inducement of ballot snatching (Alebiosu, 2015). To a large extent, it contributed to the transparency of the country's electoral process as demonstrated in the 2015 general elections (Amaechi and Stoker 2022).

However, this technological innovation had its shortcomings. There were cases of (i) delays in the use of card readers in some polling units as a result of network failure, (ii) cases where the voter's pictures did not appear on the card reader (iii) some cases of low battery strength, card readers not sensitive to thumbprints and, (iv) cases of card readers not functioning at all (Election Monitor, 2015). Moreover, the device could not prevent the menace of vote buying that was becoming a major hindering factor in the development of the country's democratic culture.

Arising from the inadequacies associated with the use of Smart Card Reader, a further step was made by amending the country's electoral rules. Consequently, in February 2022, the President of the Federal Republic of Nigeria signed into law a new Electoral Act. that empowers INEC to determine the mode of conduct of voting and transmission of election results. In line with these powers, the Electoral Management Body (EMB) introduced the use of Bimodal Voters Accreditation System (BVAS) and IREV to replace Smart Card Reader in the conduct of future elections in Nigeria.

BVAS captures three stages of voting process. It acts as voter enrollment device during registration, perform the role of voters' accreditation on Election Day and act as INEC's result viewing device to be used for election result upload on Election Day. The electronic device combines fingerprint and facial authentication to confirm the true identity of a prospective voter. It thus combines the work of Smart Card Reader in

addition to the upload of result. It can thus be describe as a three in one device (*Tribune, 2022*).

Mr Okoye, INEC commissioner in charge of voters' education, expresses his optimism that "the device is expected to take care of worrisome incident of multiple voting and identity theft that in the past denied the Country's electoral process, the desired public trust and confidence" (Okoye, cited in *Tribune, 2022*). It was this device that was deployed in the conduct of two governorship elections under study.

BVAS and IREV: 2022 Ekiti and Osun Governorship Elections

Background to Ekiti Governorship Election

Ekiti State is located within the South-West part of Nigeria; it was part of Ondo State, before it was demarcated in 1996 as a separate State. Since its creation in 1996, Ekiti State has witnessed electoral violence as a result of efforts of political entrepreneurs to manipulate the electoral process that has involved bribing of electoral officials, party agents and thugs on the instruction of their principals (Obinna and Daniel, 2022). The election violence was prevalent in 2009, when supplementary election in the State led to the attack of Independent National Electoral Commission Local Government office in Ido-Osi by political thugs. The 2018 governorship, though witnessed an improvement in the electoral process, yet not without corruption especially the incidence of vote buying. In 2021, there were reports of several incidents of political violence and killings leading to the suspension of the Ekiti East State Constituency Bye-Election (YIAGA, 2022).

2022 Ekiti Governorship Election held on Saturday 18th June, 2022 by the Nigeria's Electoral Management body. Sixteen political parties out of eighteen registered political parties fielded candidates for the electoral contest. However, three prominent political parties made their presence known in terms of voting strength. These are All Progressive Congress (APC), the ruling party, People's Democratic Party (PDP), the former ruling party and the Social Democratic Party (SDP) that fielded a candidate who had also been in the other two parties before defecting to his new found Social Democratic Party (SDP).

In the conduct of the election, 3,346 of BVAS machines were deployed in 2,455 polling units in the entire 177 wards in the sixteen Local Governments. Bimodal Verification Accreditation System was found to perform optimally. In the entire 16 Local Governments, there was no report of low battery of BVAS or any malfunctioning of the device (IRI, 2022). Also, there was no case of failed fingerprints and facial authentication during the conduct of the Ekiti governorship election.

On average, accreditation time using BVAS took about three minutes to accredit a voter, indicating a successful accreditation of 20 voters per hour. This was considered to be a bit slow. However, it was an improvement on the use of manual accreditation of voters that had resulted in unending queues for accreditation and sometimes, apathy in past elections. In all, BIVAS was functional in at least 76% of the voting locations (Situation Room, 2022, *Premium Time 2022*, CJID 2022).

INEC Result Viewing Portal (IREV went live on time with 45% of the polling unit results already uploaded as at 5:00pm on election-day. By 9:00pm, the upload was at 98% while collation of results was fully completed in 10 of the 16 LGAs (YIAGA, 2022). This was a significant improvement on previous elections in Nigeria, where it usually took two or three days for announcement of election results.

Osun 2022 Gubernatorial Election: BVAS and IREV

Osun State is one of the States in Nigeria located in the Country's South West geopolitical zone. It has three senatorial districts with 30 Local Government Areas. It was carved out of the present Oyo State in August 27, 1991. Since its creation in 1991, it has had its own share of electoral violence as a result of intense elite

struggles for political power, especially in previous Governorship elections under democratic dispensation. The governorship election of 2007 was marred by unimaginative rigging and electoral violence. It took over three years of litigation before former governor Rauf Aregbesola of the ACN could prove electoral violence and malpractices in 10 out of the 30 local government's areas of the state during the 2007 governorship election (*Premium Time*, 2018).

The 2018 governorship election was one of the most keenly contested elections between two major political parties, the APC and the PDP a strong opposition party. It was an election marred by rigging with the incidents of the voters' intimidation and interference in the electoral process (*Premiums Time*, 2018). The election that was widely believed to have been won by the opposition's party's candidate Senator Ademola Adeleke was declared inconclusive. Results were cancelled in seven polling units for various reasons including malfunction of card reader and disruption of the process. At the end of there-run, INEC declared Gboyega Oyetola, the governor-elect, amidst allegations of harassment and other forms of malpractices (*Premium Times*, 2018).

In the conduct of 2022 gubernatorial election, there was the deployment of BVAS across the polling units of 30 local governments of the State for the conduct of election. Two BVAS machines were deployed per polling unit. On its functionality, the anti-rigging devices functioned properly in at least 92% of the polling units, while it malfunctioned in 7% of the polling units which was immediately fixed (Yiaga Africa, 2022, CDD, 2022). The deployment of two BVAS to a polling unit is an improvement on the Ekiti state election having one in a polling unit. Moreover, the performance of BVAS in terms of an average turnaround time was an average of one minute. There were few cases of harassment and intimidation from both PDP and APC agents threatening the voters not to vote for their opponents. On a general note, the conduct of election was adjudged peaceful with voters coming out to vote with enthusiasm. This was against the backdrop of apprehension and speculations of violence experienced during the 2018 governorship election in the State (*Tribune*, 2023).

The use of BVAS in Osun State is considered the magic wand on the successful conduct of the election in 2022. There was indeed a remarkable improvement compared to previous elections characterized by wide-spread violence that cast doubt on the legitimacy of the former Governor Gboyega Oyetola.

The INEC Results Viewing Portal and Osun Election

The collation process that led to the declaration of the governorship election results by INEC was smooth and free of hitches. The counting process at the units was transparent with representatives of the four political parties that received most of the votes signing results form. The results of about 96% of polling units were posted for the public to see (CDD, YIAGA Africa, 2022). The INEC's IREV portal was in full operation for the transmission of election results. There was quick upload of results. In fact, 99.4% of the election results were already transmitted on the INEC's IREV portal at 11p.m the same day of the conduct of the election (Situation Room 2022, YIAGA Africa, 2022). This was indeed unprecedented in the history of election in Nigeria.

However, the incidence of Vote buying persisted in the two elections under investigation. The phenomenon usually tagged 'Stomach infrastructure' still raised its ugly head with renewed vigor by the political entrepreneurs. This time, with a new nomenclature tagged 'see and buy'. This was more noticeable in the Ekiti State election which spread across the sixteen Local Governments of where in many instances, "voters were induced with money ranging from #4,500 to #10,000 by asking them to flag completed ballot papers as proof of voting in the specified manner in what they termed 'buy and see'" (Situation Room, 2022:23).

This incidence could be attributed partly to the optimal performance of the new anti-rigging device that largely reduced the occurrence of electoral corruption in terms of multiple voting and manipulations of

election figures, usually associated with past elections.

Aside the issue of vote buying, the governorship contests in Ekiti and Osun have increased public confidence in the country's electoral process, as they were the set of first election conducted by the electoral umpire since Electoral Act was passed in February 2022. The adoption and configuration of Bimodal Voter Accreditation System for voters' accreditation has quickened the voting process and reduced tension in polling units (*Business Day*, 2022).

CONCLUDING REMARKS

This paper set out to appraise the use and consequences of the digitization of Nigeria's electoral process with particular attention paid to Bimodal Voters Accreditation System (BVAS) INEC Results Electronic Viewing portal (IREV) as provided for in the Country's 2022 Electoral Act. This was consequent upon efforts at improving the quality of elections in Nigeria which had hitherto been characterized by various electoral shenanigans that have robbed the country of good governance. The study proceeded from appraising the introduction of use of Permanent Voters Cards in 2015 as an effort of digitalizing Nigeria's electoral process. While it is true that the device had its challenges; it nonetheless raised the bar of the integrity of Nigeria's electoral process. As a further step to enhancing fair, free, qualitative and transparent electoral governance, the country witnessed another electoral reform that led to the signing of 2022 Electoral Act.

The 2022 Electoral Act empowered the Country's Electoral Management Body the use of electronic device of BVAS in the conduct of future elections. The adoption of the innovative design had positive impact on the conduct of the two gubernatorial elections in Ekiti and Osun States. The optimal performance in the deployment of BVAS ensured proper identification and accreditations within the average limit of between 1 and 3 minutes. This was unprecedented in the history of elections in Nigeria where voters would be on a queue for a longer period. The timeliness is capable of reducing voter's apathy that characterized past elections as a result of unnecessary delay in the use of manual voting process. The counting and announcement at polling units and transmission of election results took care of trust issue, ensured confidence building and has enhanced transparency during the elections under study. While not discountenancing some emerging challenges like vote buying which was rampant all through the elections, pockets of violence in few polling units, and negligible malfunctioning of some BVAS machines, to a large extent, it can be concluded that Nigeria's democratic future hold much to this innovative electoral design. This therefore calls for concerted efforts both by the Electoral Management Body and other relevant stakeholders in the country's electoral process, to ensure the effective use of the new technology in the quest for transparent electoral integrity in the democratic process. There is also the need to confront directly; the menace of renewed vote buying that persisted during the two governorship elections.

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