

Democratic Elections in Africa: Popular Sovereignty, Manipulation, Violence and Jurisprudence - A Six-Country Comparative Study with Nigeria as the Primary Case

Ede Sunday Hyacinth ¹

¹ Department of Public Policy and Administration, Miva Open University, Abuja, Nigeria

Email: ede@miva.university

ORCID: 0009-0008-9244-4149

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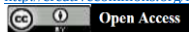
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ABSTRACT

This article examines how electoral administration, violence and judicial intervention shape popular sovereignty in Africa, with particular emphasis on Nigeria's 2023 presidential election. Using a structured comparative approach, it analyses six elections held in Kenya (2022), Nigeria (2023), Zimbabwe (2023), Senegal (2024), South Africa (2024) and Ghana (2024). The study draws on official election results, election observer reports, Afrobarometer surveys, court judgments and official statements on electoral disputes, interpreted through popular sovereignty and principal-agent theory. The findings reveal three major patterns. First, weaknesses in electoral transparency and results management undermined public confidence, particularly in Nigeria, where the implementation of promised electronic results transmission fell short of expectations. Second, fear of intimidation and electoral violence constrained citizens' participation, with reported concerns evident in both Nigeria and Kenya. Third, judicial intervention played a dual role in electoral governance: it protected constitutional democracy in Senegal but also shifted the resolution of numerous electoral disputes in Nigeria from polling units to judicial tribunals. In contrast, Ghana and South Africa illustrate how political concessions and coalition arrangements can support peaceful electoral transitions. The article concludes that Nigeria's electoral governance requires stronger institutional independence, transparent and auditable results transmission, effective prosecution of electoral offences, greater reliance on polling-unit evidence in electoral litigation and safeguards against artificial intelligence-enabled disinformation. It proposes a Five-Pillar Model to strengthen popular sovereignty and advance Sustainable Development Goals 16.3, 16.6, 16.7 and 16.10.

Introduction

Article 21(3) of the Universal Declaration of Human Rights holds that the will of the people shall be the basis of the authority of government, and Section 14(2)(a) of Nigeria's 1999 Constitution declares that sovereignty belongs to the people of Nigeria, from whom government derives all its powers and authority. Elections are the principal institutional mechanism through which that sovereignty is exercised and delegated (Lindberg, 2006; Norris, 2014). When elections are manipulated, marred by violence or settled in court rather than at the ballot box, the chain that links citizens to the authority of government is weakened.

Africa's recent electoral record is mixed. Since 2020 the continent has experienced nine successful coups d'état, six of them in West Africa (Akinocho, 2024). Afrobarometer's Round 9 surveys in 39 countries (2021–2023) found that three-quarters of Africans still prefer elections as the way to choose leaders, but that this support had fallen by eight percentage points over a decade in the 29 countries with comparable data. Only 39% of respondents trusted their national electoral commission, and in 27 countries tracked since 2011/2013 that trust had fallen from 51% to 41% (Akinocho, 2024). Yet the same period produced peaceful alternations in power in Senegal and Ghana in 2024 and the loss of the African National Congress's parliamentary majority in South Africa, evidence that elections can still transfer power and discipline incumbents.

Nigeria is the primary case in this study. Africa's most populous democracy held its 2023 general elections under the Electoral Act 2022, which introduced the Bimodal Voter Accreditation System (BVAS) and the INEC Result Viewing portal (IReV). Turnout in the presidential election was about 27% of registered voters (Independent National Electoral Commission [INEC], 2023). The European Union Election Observation Mission (EU EOM) concluded that failures in the prompt transmission and publication of presidential results had greatly diminished the integrity of the IReV portal (European Union Election Observation Mission [EU EOM], 2023a), and 1,209 election petitions followed (The Guardian Nigeria, 2023a). The Supreme Court affirmed the presidential result on 26 October 2023 (Channels Television, 2023). Nigeria has since enacted the Electoral Act 2026, signed on 18 February 2026 (TheCable, 2026), and its next presidential and National Assembly elections are scheduled for 16 January 2027, with governorship and state assembly elections on 6 February 2027 (Voice of Nigeria, 2026). The questions examined here are therefore of immediate practical significance.

The paper adopts a public administration perspective. Election management bodies (EMBs) are public agencies, and their performance is a matter of administrative capacity, accountability and institutional design (Elklit & Reynolds, 2002; Mozaffar & Schedler, 2002). Sustainable Development Goal (SDG) 16 makes the same connection by committing states to the rule of law and equal access to justice (target 16.3), effective, accountable and transparent institutions (16.6), responsive, inclusive, participatory and representative decision-making (16.7) and public access to information (16.10) (United Nations, 2015).

Three research questions guide the analysis. First, how do administrative manipulation, violence and the judicialization of disputes manifest across six recent African elections? Second, what distinguishes cases in which popular sovereignty was protected from those in which it was eroded? Third, what reforms would most strengthen popular sovereignty in Nigeria? The study contributes a comparative evidence base drawn from primary observer reports, survey data and court judgments; a principal-agent account of how sovereignty is lost along the chain of electoral delegation; and an implementable reform model linked to SDG 16 and to the legal framework now in force in Nigeria.

Literature review and theoretical framework

Electoral integrity and the menu of manipulation

Norris (2014) conceptualises electoral integrity as adherence to international standards across an eleven-stage electoral cycle, from electoral laws and boundary delimitation to the vote count, results and the role of the EMB. Manipulation can occur at any of these stages. Schedler's (2002) "menu of manipulation" describes how incumbents can restrict the range of choice, the formation of preferences and the expression of those preferences without abandoning elections altogether, while Birch (2011) distinguishes the manipulation of rules, of voters and of voting. Cheeseman and Klaas (2018) show that sophisticated actors increasingly favour strategies that are harder to detect than ballot stuffing, including gerrymandering, voter-roll manipulation and the exploitation of digital systems. A common thread is that manipulation migrates from election day towards pre-election rule-setting and post-election results management.

Electoral violence

Electoral violence is a strategic instrument rather than random disorder. Höglund (2009) distinguishes the actors, timing and objectives of violence before, during and after elections, and Birch (2020) argues that violence, intimidation and corruption are alternative or complementary tools in the electoral repertoire, chosen according to their costs and the institutional constraints that actors face. Violence affects outcomes not only through direct harm but also through fear, which suppresses turnout and distorts the expression of preferences.

The judicialization of elections

Hirschl (2008) describes the transfer of "mega-political" questions, including the legitimacy of electoral outcomes, to courts. Judicialization is double-edged. Courts can act as guardians of popular sovereignty, as Kenya's Supreme Court did in annulling the August 2017 presidential election and as Senegal's Constitutional Council did in 2024. Courts can also convert political contests into evidentiary

contests in which strict burdens of proof, short timelines and limited access to electoral materials favour declared winners. In Nigeria, research on the Fourth Republic has documented recurrent electoral malpractice and heavy reliance on tribunals to resolve disputes (Omotola, 2010).

Election management as public administration

Mozaffar and Schedler (2002) distinguish three levels of electoral governance: rule-making, rule application and rule adjudication. Elklit and Reynolds (2002) show that the quality of election administration shapes the perceived legitimacy of emerging democracies. Technology has become central to rule application: biometric registration, electronic voter verification and results transmission are promoted as tools to reduce human discretion, but they create new risks if their legal status, reliability and auditability are unclear (Garnett & James, 2020). Afrobarometer analysis observes that complex control systems such as Nigeria's electronic technologies have raised the per-capita cost of African elections to more than double the global average without ensuring that elections are widely seen as legitimate (Akincho, 2024).

Theoretical framework

This study combines popular sovereignty theory with principal-agent theory. Popular sovereignty locates ultimate political authority in the people (Yack, 2001); in a representative democracy that authority is exercised through a chain of delegation. Principal-agent theory explains why delegation produces agency loss when agents hold more information than principals, when their incentives diverge and when principals cannot easily monitor or sanction them (Miller, 2005). Applied to elections, citizens are the principal; the EMB is the first agent, entrusted with registering voters and counting and declaring their choices; and courts are the second agent, entrusted with adjudicating disputes about whether the first agent did so faithfully.

Figure 1 identifies three breakpoints at which sovereignty can be lost. Manipulation corrupts the first agent's performance; violence distorts the principal's ability to express preferences; and judicialization can either repair agency loss or deepen it, depending on whether courts give primacy to the polling-unit record of the popular verdict. Agency loss is observable through indicators such as turnout, trust in the EMB, perceived freeness and fairness, fear of violence, the volume and outcomes of petitions and the verdicts of election observers.

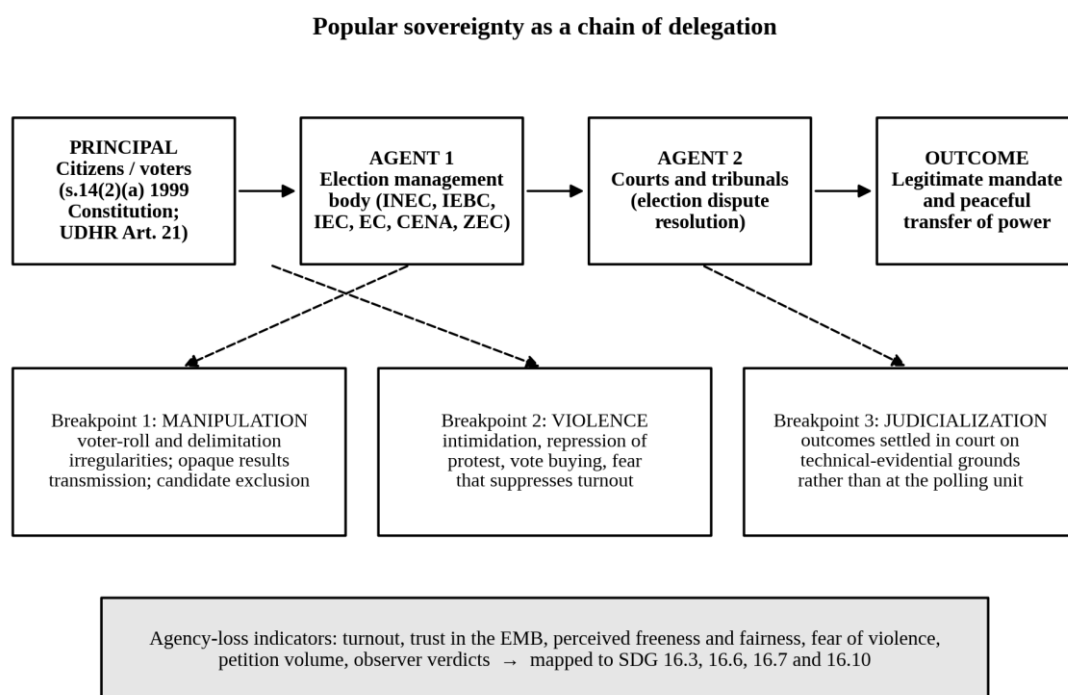


Figure 1. Popular sovereignty as a chain of delegation: principal, agents and breakpoints.

Source: Author's construction.

Research gap

Comparative studies of African elections often treat manipulation, violence and litigation separately, and much of the literature predates the 2022–2024 cycle. Few studies analyse these dimensions together through a public administration lens, connect them to SDG 16 targets, or assess Nigeria’s reforms against the experience of peers. This paper addresses that gap.

Materials and methods

Research design

The study uses a qualitative comparative case-study design (Yin, 2018) and the method of structured, focused comparison (George & Bennett, 2005), in which the same questions are asked of each case to permit systematic comparison. Nigeria is the primary case and is examined in greater depth.

Case selection

Six national elections held between 2022 and 2024 were selected using a diverse-case logic to capture variation in outcomes: Kenya (August 2022), where the outgoing president’s preferred candidate lost and the result was litigated; Nigeria (February 2023), where the ruling party retained power amid extensive litigation; Zimbabwe (August 2023), where the incumbent was returned amid regional criticism; Senegal (March 2024), where an attempted postponement was reversed and the opposition won; South Africa (May 2024), where the governing party lost its majority and formed a coalition; and Ghana (December 2024), where the opposition won and the ruling party conceded. The cases span West, East and Southern Africa and include Anglophone and Francophone legal traditions.

Data sources

Table 1 lists the data sources. Official results were taken from EMB declarations as reported by the EMBs and by international news agencies. Observer findings were taken from EU, Southern African Development Community (SADC) and other mission statements. Survey indicators were taken from Afrobarometer Round 9 publications. Judicial data were drawn from reported judgments and official statements by the President of Nigeria’s Court of Appeal and by INEC. Where a fact was available only from the press, it was verified across at least two outlets.

Table 1: Data sources used in the study.

Source	Content used	Coverage	Limitations
Official results (INEC, IEBC, ZEC, CENA and Constitutional Council, IEC, EC Ghana)	Turnout, vote shares, declaration dates	All six elections	Some results reported through press summaries of official declarations
EU EOM Nigeria 2023 (final report and preliminary statements)	IReV performance, polling-unit observations, recommendations	Nigeria	Sample of observed polling units; findings contested by the Nigerian government
SADC, AU–COMESA, EU and Commonwealth statements, Zimbabwe 2023	Assessment of compliance with constitutional and regional standards	Zimbabwe	Preliminary statements
Afrobarometer Round 9 (Akinochi, 2024; Afrobarometer, 2023)	Trust in electoral commission, perceived freeness and fairness, efficacy of elections, fear of violence	39 countries, 2021–2023	Fieldwork preceded the elections studied; questions refer to the previous election

Source	Content used	Coverage	Limitations
Court judgments and judicial statements	Petition volumes and outcomes; doctrinal holdings	Nigeria, Kenya, Senegal, South Africa	Some judgments accessed through reported summaries
Legislation	Electoral Act 2022 and Electoral Act 2026 (Nigeria); 1999 Constitution	Nigeria	Interpretation of 2026 Act still developing
Fact-checking and civil society sources (CDD, PLAC)	Synthetic media incidents; electoral offences bills	Nigeria	Coverage of incidents not exhaustive

Note: All sources were accessed between September and October 2026.

Analytical procedure

Each case was analysed on three dimensions corresponding to the breakpoints in Figure 1: administrative manipulation (results management, voter registration, candidate eligibility and the electoral calendar); violence and coercion (reported fear of violence, deaths and observer assessments of the climate); and jurisprudence (the route by which disputes were resolved and the doctrine applied). The cases were then positioned in a two-dimensional typology on the basis of the administrative integrity of results management and the institutional protection of the popular verdict by courts, constitutional bodies and losing parties. Table 6 sets out the evidence on which these qualitative codings rest.

Limitations

Four limitations should be noted. First, Afrobarometer Round 9 fieldwork took place between late 2021 and mid-2023, before most of the elections studied; the survey indicators therefore measure the pre-election climate and assessments of the previous national election rather than the elections themselves. Second, observer coverage is necessarily partial, and the Nigerian government rejected the EU EOM's final report on the grounds that its observers visited a small share of the country's polling units (ThisDay, 2023). Third, petition counts include multiple petitions in the same constituency and do not by themselves measure the quality of an election, a point INEC has made forcefully (The Guardian Nigeria, 2023b). Fourth, the typology involves interpretive judgement and is intended as a heuristic rather than a measurement.

Research Findings and Results

Overview of the six elections

Table 2 summarises the six elections. Turnout ranged from about 27% in Nigeria to 68.9% in Zimbabwe, and it fell in every case for which comparable data on the previous election were available (Figure 2): from 66.0% to 58.6% in South Africa, the lowest since the end of apartheid; from 79% to 60.9% in Ghana; from 66.3% to 61.3% in Senegal; and from 85.1% to 68.9% in Zimbabwe (bpb, 2024; CITE, 2023; International IDEA, 2024; The Peninsula, 2024). Nigeria's turnout means that roughly three in four registered voters did not take part in choosing the president.

Table 2. Overview of the six elections.

Country, date	EMB	Turnout	Winner (share)	Response of main losing side	Observer or institutional verdict	Judicial outcome
Nigeria, 25 Feb 2023	INEC	c. 27%	B. Tinubu, APC (36.61%)	A. Abubakar and P. Obi petitioned	EU EOM: failures of prompt transmission and publication greatly diminished IReV's integrity	Tribunal and Supreme Court upheld result (26 Oct 2023)
Kenya, 9 Aug 2022	IEBC	c. 65%	W. Ruto, UDA (50.49%)	R. Odinga petitioned; four of seven commissioners disowned the result	Polling-station Forms 34A published on a public portal	Supreme Court unanimously upheld (5 Sep 2022)
Zimbabwe, 23–24 Aug 2023	ZEC	68.9%	E. Mnangagwa, ZANU-PF (52.6%)	CCC rejected the result	SADC: some aspects fell short of the Constitution, Electoral Act and SADC principles	Result stood
Senegal, 24 Mar 2024	CENA (supervision)	61.3%	B. D. Faye (54.28%)	Accepted	Constitutional Council voided postponement (15 Feb 2024)	Results confirmed (29 Mar 2024)
South Africa, 29 May 2024	IEC	58.6%	ANC largest party (40.18%), no majority	MK filed and then withdrew a challenge	IEC declared the elections free and fair	Challenge withdrawn (Jul 2024); coalition government formed
Ghana, 7 Dec 2024	EC	60.9%	J. D. Mahama, NDC (56.55%)	M. Bawumia conceded on 8 Dec	Declaration on 9 Dec from 267 of 276 constituencies	No presidential petition

Sources: INEC (2023); IEBC (2022); The Namibian (2023); SADC (2023); International IDEA (2024); Constitutionnet (2024); Cape Times (2024); SABC News (2024); Graphic Online (2024); Reuters (2024); The East African (2022); EU EOM (2023a). Abbreviations: APC, All Progressives Congress; UDA, United Democratic Alliance; CCC, Citizens Coalition for Change; NDC, National Democratic Congress; MK, uMkhonto weSizwe Party.

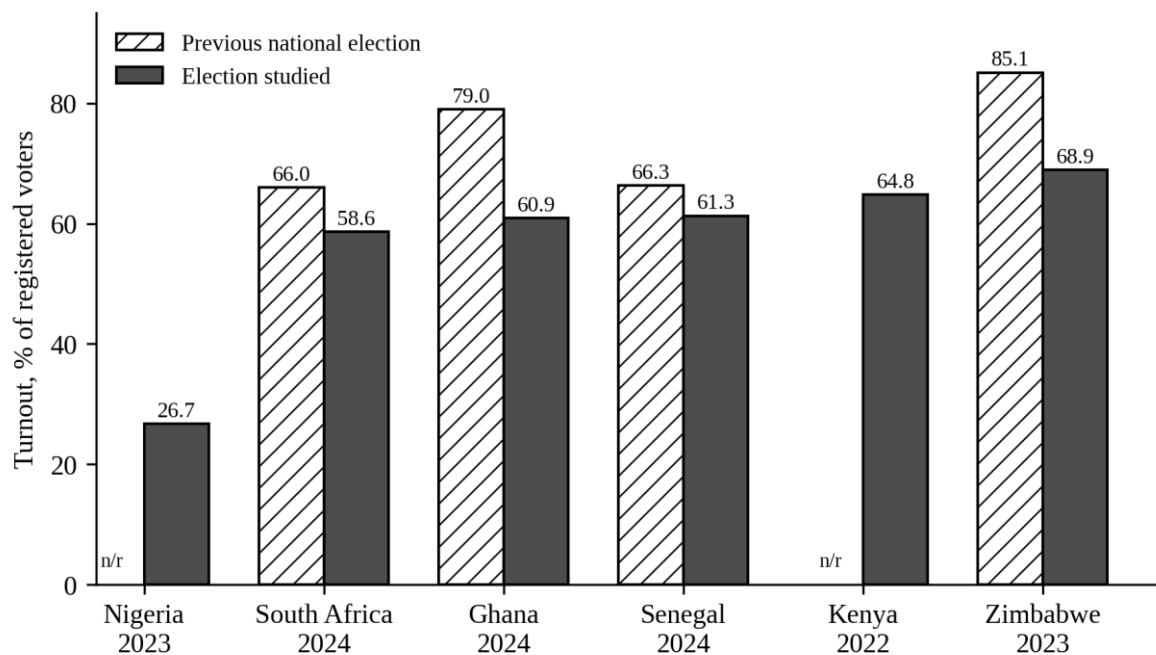


Figure 2. Voter turnout in the six elections studied and in the previous national election.

Source: International IDEA (2024); bpb (2024); CITE (2023); The Peninsula (2024); official declarations. n/r: comparable figure not reported in the sources consulted.

Citizen trust and perceived electoral integrity

Afrobarometer Round 9 data show wide variation in citizens' confidence (Table 3 and Figure 3). Nigeria stands out on two measures. Only 23% of Nigerians trusted INEC "somewhat" or "a lot", among the five lowest of the 38 countries asked, and trust in INEC had fallen by 12 percentage points since 2017 (Afrobarometer, 2023). Only 20% of Nigerians believed that elections enable voters to remove leaders who do not do what the people want, the third-lowest figure of 39 countries, compared with 80% in Ghana, the highest (Akinocho, 2024). Nigeria also recorded one of the higher shares of citizens who feared intimidation or violence during the previous election (32%), exceeded among the six cases only by Kenya (38%) and Zimbabwe (33%).

The figures also caution against simple readings. Zimbabwe records higher trust in its electoral commission (47%) than Ghana (33%) but the lowest perception among the six that the previous election was free and fair (44%). In settings where criticism of state institutions carries risk, survey trust may reflect caution as much as confidence. Ghana's profile, with modest trust in the commission but very high confidence that elections can remove leaders, suggests that what citizens value is the demonstrated possibility of alternation rather than affection for the administering agency.

Table 3. Afrobarometer Round 9 indicators of electoral integrity in the six countries (% of respondents).

Country (fieldwork)	Trust electoral commission	Last national election free and fair	Elections enable removal of non-performing leaders	Feared intimidation or violence in last election
Nigeria (Mar 2022)	23	56	20	32
South Africa (Nov–Dec 2022)	28	49	28	16
Ghana (Apr 2022)	33	64	80	17

Country (fieldwork)	Trust electoral commission	Last national election free and fair	Elections enable removal of non-performing leaders	Feared intimidation or violence in last election
Senegal (May–Jun 2022)	39	68	54	23
Kenya (Nov–Dec 2021)	45	54	55	38
Zimbabwe (Mar–Apr 2022)	47	44	59	33
Average of countries surveyed	39	59	45	21

Source: Akinochi (2024), Afrobarometer Dispatch No. 761, Figures 14, 20 and 24 and Table 1; Afrobarometer (2023). Trust: “somewhat” or “a lot”. Free and fair: “completely” or “with minor problems”. Averages cover 38 or 39 countries depending on the item.

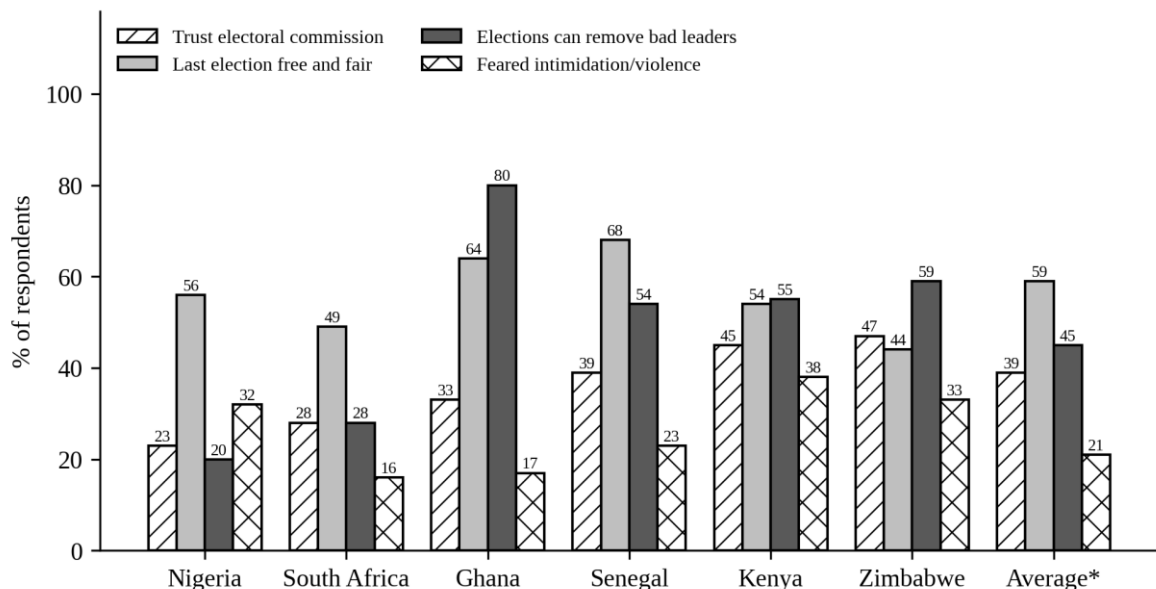


Figure 3. Afrobarometer Round 9 indicators of electoral integrity, six countries and cross-national average.

Source: Akinochi (2024). *Average of 38–39 countries surveyed.

Administrative manipulation and results management

Nigeria. Before the 2023 elections INEC assured observers that polling-unit results would be uploaded to IReV in real time. On 25 February, presidential result forms began appearing only after 10 pm, reached about 20% by noon the following day, and arrived slowly over several days; when the winner was declared on 1 March, more than a quarter of presidential forms were still missing, while Senate and House of Representatives forms were published (EU EOM, 2023a; The Africa Report, 2023). An EU EOM study of a sample of 385 presidential forms found that 91% were available on IReV by 9 March, but only 31% of the uploaded forms were formally and arithmetically correct, reflecting serious deficiencies in the training of polling staff (EU EOM, 2023a). Figure 4 summarises these milestones. INEC attributed the delay to a technical glitch and argued that its overall performance should not be judged on that basis (ThisDay, 2023). At the 18 March governorship elections, observers found that party agents attempted to influence voters in almost 40 of 183 observed polling units and that the layout of 56 did not protect the secrecy of the vote (EU EOM, 2023b).

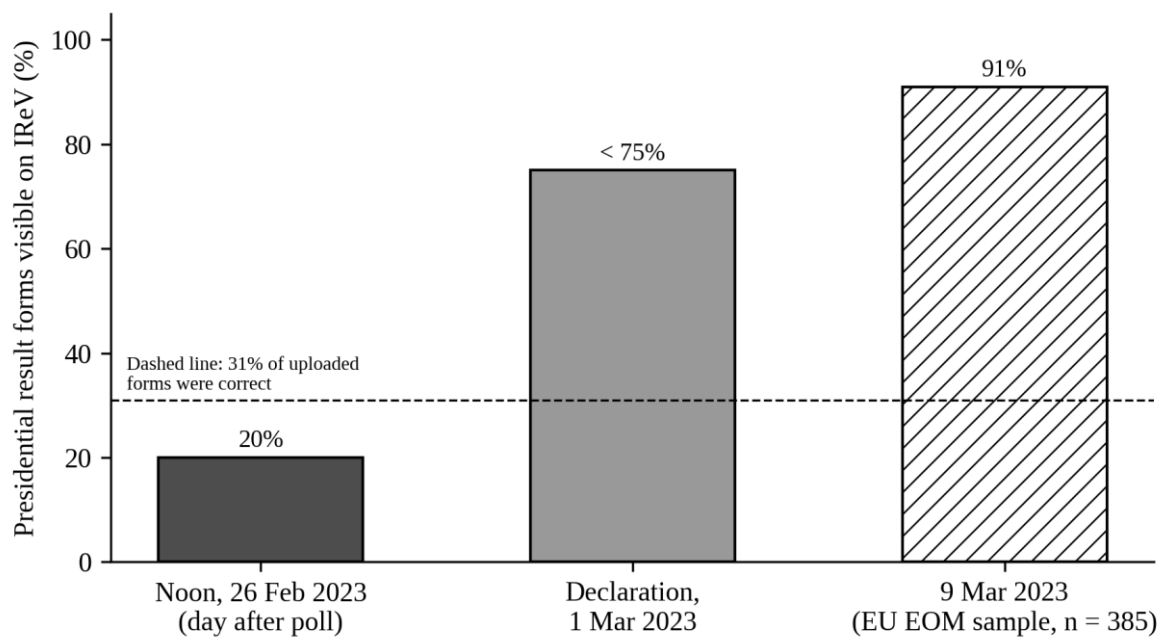


Figure 4. Visibility of Nigeria's 2023 presidential polling-unit result forms on the IReV portal at selected milestones.

Source: EU EOM (2023a); The Africa Report (2023). The declaration-day value is shown as an upper bound because more than a quarter of forms were missing. The dashed line marks the 31% of sampled uploaded forms found to be formally and arithmetically correct.

A common reading of these findings in Nigerian debate is that only 31% of results were uploaded. That reading is inaccurate. The 31% figure concerns the accuracy of uploaded forms, not their availability. The distinction matters for diagnosis: the problem was not only delayed transparency but also the quality of the primary record itself.

Kenya. The Independent Electoral and Boundaries Commission (IEBC) published scanned polling-station Forms 34A on a public portal, allowing parties, media and observers to tally results independently. The Kenya Integrated Election Management System (KIEMS) failed in 235 polling stations, where voters were allowed to vote using the manual register. The Supreme Court's registrar found that the original Forms 34A from contested polling stations were identical to those on the public portal (Nation, 2022). The more serious challenge was institutional: four of the seven commissioners disowned the result shortly before its declaration, which the Court characterised as a last-minute boardroom rupture rather than evidence that the result had been altered (The East African, 2022).

Zimbabwe. SADC's observer mission concluded that some aspects of the harmonised elections fell short of the requirements of Zimbabwe's Constitution, its Electoral Act and SADC's principles and guidelines, a rare public rebuke of a member state (SADC, 2023). Concerns included the delimitation of constituencies, a lack of transparency about the voters' roll, voters missing from the roll at their polling stations, restrictions on opposition rallies and biased state media (Gulf Times, 2023). The ruling party and government rejected the criticism.

Senegal. Manipulation in Senegal operated at the level of the electoral calendar and candidate eligibility rather than the count. On 3 February 2024, President Macky Sall postponed the election scheduled for 25 February, and on 5 February the National Assembly moved it to 15 December (Constitutionnet, 2024). The leading opposition figure, Ousmane Sonko, had been excluded from the candidate list. The count on 24 March 2024 was not contested, and the government's candidate accepted the result.

South Africa and Ghana. In South Africa the Electoral Commission (IEC) declared the 2024 elections free and fair under Section 57(3) of the Electoral Act (Cape Times, 2024). In Ghana, polling-station results recorded on signed forms enabled the parties to run their own collation. The ruling party's

candidate conceded on 8 December 2024 on the strength of his party's figures, before the Electoral Commission declared the result from 267 of 276 constituencies on 9 December (Graphic Online, 2024; Reuters, 2024). Table 4 compares the results-management regimes.

Table 4. Results management and transparency regimes in the six elections.

Country	Primary record of the count	Public visibility of polling-unit results	Key failure or safeguard
Nigeria 2023	Form EC8A (polling unit)	Promised real-time upload to IReV; delayed and incomplete	IReV held not to be a collation system; low accuracy of uploaded forms
Kenya 2022	Form 34A (polling station)	Scanned forms on a public portal	Forms matched originals; KIEMS failed in 235 stations with manual fallback; commission split
Zimbabwe 2023	Polling-station returns	Limited	Concerns over delimitation and voters' roll transparency
Senegal 2024	Polling-station minutes	Count widely accepted	Manipulation attempted through postponement and candidate exclusion; reversed by Constitutional Council
South Africa 2024	Voting-station results slips	IEC results operations centre	Results accepted; one party challenged then withdrew
Ghana 2024	Signed polling-station results forms	Party collation from signed forms	Rapid concession based on parties' own tallies

Sources: EU EOM (2023a); Nation (2022); The East African (2022); SADC (2023); Constitutionnet (2024); Cape Times (2024); Graphic Online (2024); Channels Television (2023).

Violence and coercion

Violence and the fear of violence varied considerably. In Senegal, the political crisis around the postponement produced protests in which security forces used live ammunition, and at least three people were killed in February 2024, following deadly protests during the confrontation between the government and the opposition in 2021 and 2023 (Constitutionnet, 2024). In Zimbabwe, the head of the EU observer mission described a climate of fear resulting from violence and intimidation (Gulf Times, 2023). Even in Ghana, whose election was otherwise widely praised, police reported three deaths and 89 arrests in post-election unrest (Face2Face Africa, 2024). In Nigeria, observers documented attempts to influence voters, breaches of ballot secrecy and violence, particularly around the governorship elections (EU EOM, 2023a, 2023b). Survey data reinforce the pattern: about a third of Nigerians and Zimbabweans, and 38% of Kenyans, reported fearing intimidation or violence during their previous election, against 16% in South Africa and 17% in Ghana (Table 3).

Jurisprudence: courts as guardians and as substitutes for the ballot

Nigeria. The President of the Court of Appeal reported that 1,209 petitions arising from the 2023 elections were heard by 98 tribunal panels: 5 presidential, 83 governorship, 147 senatorial, 417 House of Representatives and 557 state House of Assembly petitions (The Guardian Nigeria, 2023a; New Telegraph, 2023). The total was not the highest in Nigeria's history: about 1,527 petitions followed the 2007 elections, compared with 769 in 2011 and 766 in 2019 (Figure 5). INEC reported that in 891 cases (74.4%) tribunals found no merit in the petitions or they were withdrawn, and it cautioned that multiple petitions are often filed for the same constituency (The Guardian Nigeria, 2023b).

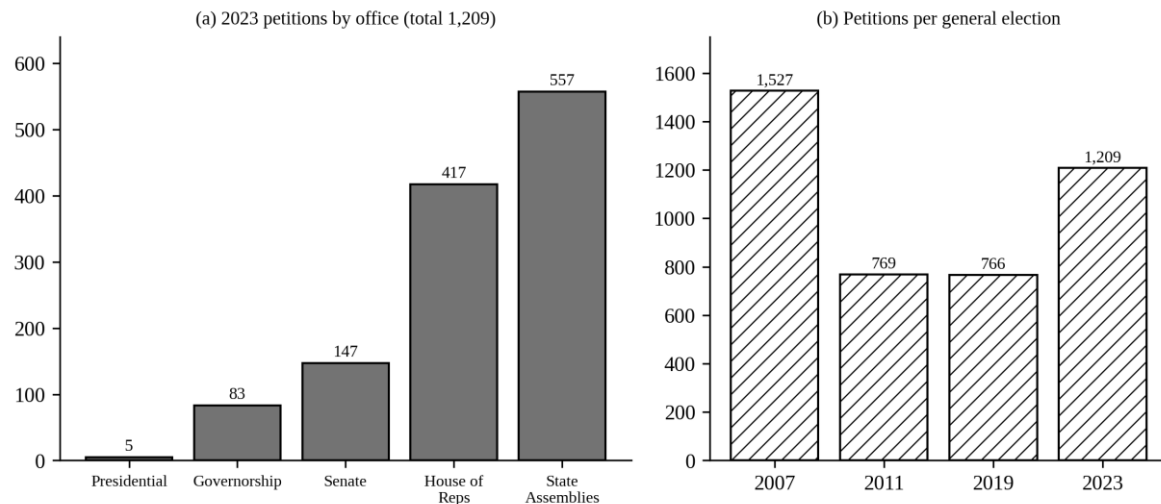


Figure 5. Election petitions in Nigeria: (a) 2023 petitions by office; (b) petitions per general election.

Source: The Guardian Nigeria (2023a); New Telegraph (2023); BusinessDay (2022) for 2007.

Doctrinally, the Supreme Court held on 26 October 2023 that IReV is a result-viewing portal rather than a collation system, that its failure does not stop the collation of results, and that the non-availability of results on IReV was not a ground for nullifying the election, although such failures may reduce the confidence of the voting population in the electoral process (Channels Television, 2023). The Court emphasised that petitioners must prove not only non-compliance but also that it substantially affected the outcome, consistent with the substantial-compliance standard in the Electoral Act. The practical effect is that the integrity of the count is adjudicated through documentary evidence that petitioners must assemble within tight constitutional time limits, while the transparency tool that would have made such evidence public carried no binding legal weight.

Kenya. The Supreme Court unanimously dismissed the consolidated petitions on 5 September 2022. It found that the power to verify and tally results vests in the commission rather than its chairperson, and that the irregularities alleged were not of a magnitude that would have affected the result (Nation, 2022). Because polling-station forms were public and could be checked against originals, the Court could rest its judgment on verifiable records.

Senegal. On 15 February 2024 the Constitutional Council annulled both the presidential decree postponing the election and the National Assembly's law rescheduling it, reaffirming the fixed nature of the presidential term and ordering that the election be held as soon as possible (Constitutionnet, 2024). Here the court acted directly as a guardian of popular sovereignty against the executive and the legislature.

South Africa and Ghana. South Africa's courts resolved disputes about party registration and candidate eligibility before the vote, and the MK party withdrew its post-election application to set aside the results in July 2024 (SABC News, 2024). In Ghana, the losing candidate's concession meant that no presidential petition was filed, in contrast with the petitions that followed the 2012 and 2020 elections. Table 5 summarises the judicial pathways.

Table 5. Judicial and constitutional pathways in the six elections.

Country	Forum	Decision	Effect on popular sovereignty
Nigeria 2023	Presidential Election Court; Supreme Court; 98 tribunal panels	Presidential result upheld; IReV not a collation system; most of 1,209 petitions dismissed or withdrawn	Settlement of mandates shifted to courts; transparency failure not remediable in law

Country	Forum	Decision	Effect on popular sovereignty
Kenya 2022	Supreme Court	Unanimous dismissal; forms verified against public portal	Verdict anchored in verifiable polling-station records
Zimbabwe 2023	None that altered the outcome	Result stood despite regional criticism	Weak institutional remedy
Senegal 2024	Constitutional Council	Postponement annulled; election held 24 March	Court protected the electoral calendar and the people's right to choose
South Africa 2024	Electoral Court and Constitutional Court (pre-election); Electoral Court (post-election)	Pre-election eligibility disputes resolved; results challenge withdrawn	Disputes settled before polling; result accepted
Ghana 2024	None required	Concession by losing candidate	Popular verdict settled at the ballot box

Sources: Channels Television (2023); The Guardian Nigeria (2023a, 2023b); Nation (2022); Constitutionnet (2024); SABC News (2024); Reuters (2024).

Comparative synthesis

Figure 6 positions the six elections on two dimensions: the administrative integrity of results management and the institutional protection of the popular verdict. Table 6 gives the evidence behind each placement. Ghana and South Africa illustrate protected sovereignty, in which a credible count was matched by acceptance of the result or by institutional accommodation of a changed balance of power. Senegal illustrates rescued sovereignty: the executive's attempt to manipulate the calendar was reversed by a constitutional guardian, after which the count itself was accepted. Kenya illustrates contested sovereignty: the count was verifiable and upheld, but the split within the commission left legitimacy contested. Nigeria and Zimbabwe fall in the eroded quadrant, Nigeria because the promised transparency of results was not delivered and disputes were settled on technical grounds, and Zimbabwe because regional observers found that the process fell short of constitutional requirements without any institutional remedy.

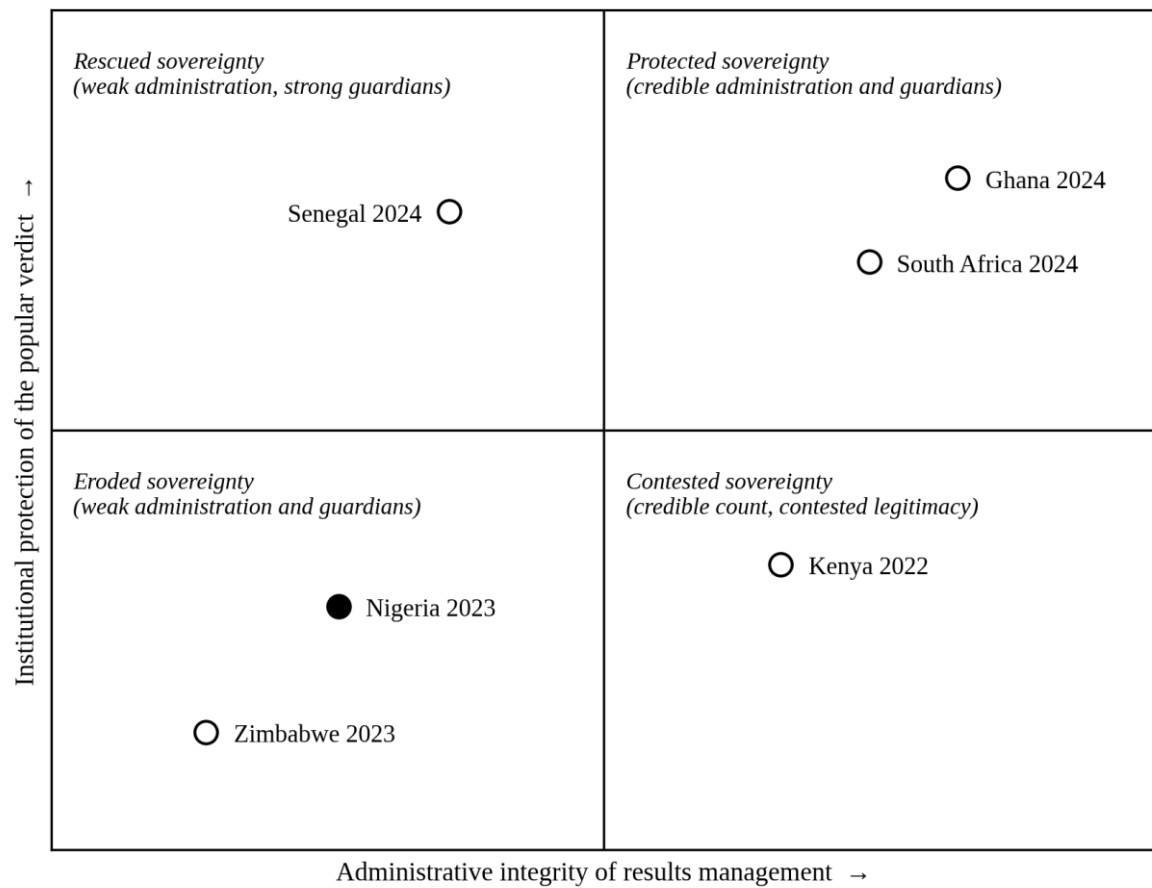


Figure 6. Typology of popular sovereignty outcomes in the six elections.

Source: Author's qualitative coding based on Tables 2–6. Positions are heuristic, not measurements.

Table 6. Evidence underlying the typology.

Country	Administrative integrity of results management	Institutional protection of the popular verdict	Typology
Ghana 2024	High: signed polling-station forms enabled independent party collation	High: early concession; no petition	Protected
South Africa 2024	High: results declared free and fair; challenge withdrawn	High: pre-election judicial resolution; coalition formed	Protected
Senegal 2024	Low before the vote (postponement, exclusion); count accepted	High: Constitutional Council reversal	Rescued
Kenya 2022	Moderately high: public portal; forms verified	Contested: commission split; legitimacy disputed despite unanimous judgment	Contested
Nigeria 2023	Low: delayed and incomplete IReV publication; low accuracy of uploaded forms	Low: disputes resolved on evidential and technical grounds; trust in INEC 23%	Eroded

Country	Administrative integrity of results management	Institutional protection of the popular verdict	Typology
Zimbabwe 2023	Low: SADC found shortfalls against the Constitution and Electoral Act	Low: no institutional remedy	Eroded

Note: Coding by the author from the sources cited in Tables 2–5.

Discussion of Findings

Agency loss along the chain of delegation

The principal–agent framework helps explain why Nigeria’s 2023 elections weakened popular sovereignty even though the result was upheld in law. The first source of agency loss was information asymmetry. IReV was designed to reduce the asymmetry between the agent that counts the votes and the citizens and parties who must trust that count. When presidential forms were not published promptly, the asymmetry returned at the moment it mattered most, between the close of polls and the declaration. The second source concerns the appointment and independence of the agent: the EU EOM listed a publicly accountable process for selecting INEC members among its six priority recommendations (Premium Times, 2023). The third concerns the second agent. Courts that treat the transparency tool as legally peripheral and place the full evidential burden on petitioners, within tight timelines and with limited access to electoral materials, can confirm results without restoring public confidence. The Supreme Court’s own observation that IReV failures may reduce voter confidence acknowledges the gap between legal validity and democratic legitimacy (Channels Television, 2023).

This is the sense in which popular sovereignty in Nigeria has shifted from the polling unit to the courtroom. Petition volume is an imperfect indicator, and INEC is right that it reflects litigation culture and multiple filings as well as electoral quality. But when 1,209 petitions follow an election in which only 23% of citizens trust the EMB and only 20% believe elections can remove non-performing leaders, litigation becomes the default route by which political contests are settled. Judicial settlement provides finality, which has real rule-of-law value, but finality is not the same as the consent of the governed.

What protected popular sovereignty elsewhere

The comparison points to four protective features. First, verifiable polling-unit records that all parties can access: Kenya’s public portal of Forms 34A and Ghana’s signed polling-station forms allowed independent tallies that either confirmed the official result or allowed courts to test claims against originals. Second, norms of losing-side consent, visible in Ghana’s early concession and in South Africa’s acceptance of a reduced vote share and negotiation of a coalition. Third, independent constitutional guardians willing to rule against incumbents, as in Senegal. Fourth, institutional flexibility that accommodates changed electoral balances rather than resisting them. Technology helped where it made records verifiable, but technology alone did not determine outcomes; Nigeria deployed more electoral technology than most of its peers.

Implications for Sustainable Development Goal 16

Table 7 maps the Nigerian findings onto the four SDG 16 targets most relevant to elections. In each case the gap is administrative as much as political, which supports the paper’s premise that electoral integrity is a core public administration responsibility.

Table 7. Nigeria’s 2023 elections and SDG 16 targets.

SDG 16 target	Relevant commitment	Evidence from Nigeria 2023	Implication
16.3	Rule of law and equal access to justice	1,209 petitions; most dismissed or withdrawn; strict evidential burdens and time limits	Access to electoral justice is formal rather than substantive

SDG 16 target	Relevant commitment	Evidence from Nigeria 2023	Implication
16.6	Effective, accountable and transparent institutions	Promised real-time IReV publication not delivered; 31% of sampled uploaded forms correct	Delivery gap in a flagship transparency reform
16.7	Responsive, inclusive, participatory and representative decision-making	Turnout about 27%; 20% believe elections can remove non-performing leaders	Participation and perceived efficacy at critically low levels
16.10	Public access to information	More than a quarter of presidential forms unpublished at declaration	Citizens lacked timely access to the record of their own vote

Sources: United Nations (2015); EU EOM (2023a); Afrobarometer (2023); Akinochi (2024); The Guardian Nigeria (2023a).

The Electoral Act 2026 and the 2027 elections

The Electoral Act 2026 responds partly to these lessons. Its Section 60(3) provides for electronic transmission of polling-unit results to IReV, but it stops short of mandating real-time transmission and provides that the manually completed Form EC8A remains the primary basis for collation where transmission is disrupted by network or communication failure (TheCable, 2026; Vanguard, 2026). Civil society groups and opposition parties protested the removal of a real-time requirement, while supporters argue that the hybrid model reflects the state of Nigeria's connectivity infrastructure (African Business, 2026; Library of Congress, 2026). One assessment concludes that the amendment shifts the burden of electoral credibility from legislative design to institutional execution (SBM Intelligence, 2026).

In principle, the 2026 Act already gives legal recognition to the primacy of the polling-unit record where transmission fails. The remaining gap is auditability: without mandatory upload where networks are available, time-stamped transmission logs and publication of all forms before declaration, the fallback provision could become the norm rather than the exception. With the presidential election scheduled for 16 January 2027, the period for administrative preparation is short.

A new threat compounds these challenges. Days before the 2023 presidential election, an audio recording purporting to capture opposition leaders planning to rig the vote circulated widely; the Centre for Democracy and Development's Election War Room found it to be fake on 24 February 2023 (Centre for Democracy and Development, 2023; Prime Business Africa, 2023). Fact-checkers report that the speed, quality and accessibility of synthetic media have since increased markedly (Techpoint Africa, 2026), and in October 2026 INEC's chairman warned that AI tools, voice cloning and deepfake videos had raised the risk of election-related disinformation (Voice of Nigeria, 2026). The Global Digital Compact adopted by the United Nations in 2024 commits states to promote information integrity (United Nations, 2024), but implementation depends on national institutions.

Alternative interpretations

Three counter-arguments deserve acknowledgement. First, INEC and the Federal Government contest the EU EOM's findings and argue that petition numbers exaggerate electoral failure (The Guardian Nigeria, 2023b; ThisDay, 2023). This study therefore relies on multiple indicators rather than petitions alone. Second, judicial restraint in election cases may protect finality and prevent courts from being drawn into partisan contests; the argument here is not that courts should overturn more elections but that the evidentiary architecture should give primacy to verifiable polling-unit records. Third, survey data collected before the elections cannot measure reactions to them; the Afrobarometer indicators are therefore treated as measures of the baseline climate rather than verdicts on the elections studied.

Conclusion and recommendations

This study has shown that popular sovereignty in Africa's recent elections was eroded where results management was opaque, where fear shaped participation and where disputes were settled by courts on technical rather than substantive grounds, and that it was protected where polling-unit records were verifiable, losing parties conceded and constitutional guardians acted independently. Nigeria's 2023 experience, the primary case, falls short of SDG targets 16.3, 16.6, 16.7 and 16.10. Building on the Electoral Act 2026, the following Five-Pillar Model is proposed (Figure 7 and Table 8).

Pillar 1: Independent and unbundled election administration. Nigeria should adopt a transparent, merit-based and publicly accountable procedure for appointing INEC commissioners, with legislative screening and civil-society participation, as the EU EOM recommended. It should also implement the long-standing recommendation of the Electoral Reform Committee chaired by Justice Muhammadu Uwais (Electoral Reform Committee, 2008) to unbundle INEC by transferring party registration and regulation to a separate body, allowing INEC to concentrate on the conduct of elections.

Pillar 2: Mandatory and auditable results transparency. Section 60(3) of the Electoral Act 2026 should be strengthened through amendment or binding INEC regulations requiring the upload of every polling-unit result wherever a network is available, within a fixed time window, with time-stamped device logs. All result forms at every level of collation should be published in a machine-readable database before the declaration of results, as the EU EOM recommended (Premium Times, 2023). An independent post-election audit reconciling EC8A forms with IReV uploads should be published within 60 days.

Pillar 3: An Electoral Offences Commission and Tribunal. The National Electoral Offences Commission bill, recommended by the Uwais Committee in 2008 and passed by one or both chambers of the National Assembly in several versions since 2018 without becoming law, should be enacted. The Commission should have investigative and prosecutorial powers, a dedicated tribunal with time-bound trials and a public register of convictions, relieving INEC of a prosecutorial role it has acknowledged it cannot discharge effectively (Prime Business Africa, 2022).

Pillar 4: Polling-unit evidentiary primacy in electoral adjudication. Within the constitutional time limits of 180 days for tribunals and 60 days for appeals (Section 285 of the 1999 Constitution), practice directions and legislative clarification should give primacy to certified polling-unit records. Where an EMB fails to comply with its own published procedures for transmission, the burden should shift to the EMB to produce certified polling-unit records for disputed units. Inspection orders should be issued within days of filing, so that petitions are decided on the record of the vote rather than on procedural technicalities.

Pillar 5: Information integrity and AI early warning. INEC should establish an information-integrity unit working with the National Information Technology Development Agency, the Nigerian Communications Commission, the National Broadcasting Commission, platforms and accredited fact-checkers. Campaign regulations should require disclosure of synthetic political content, and a rapid-response protocol should be in place for the 2027 campaign period. Early warning should be linked to ECOWAS mechanisms and supported through UN programmes aligned with the Global Digital Compact.

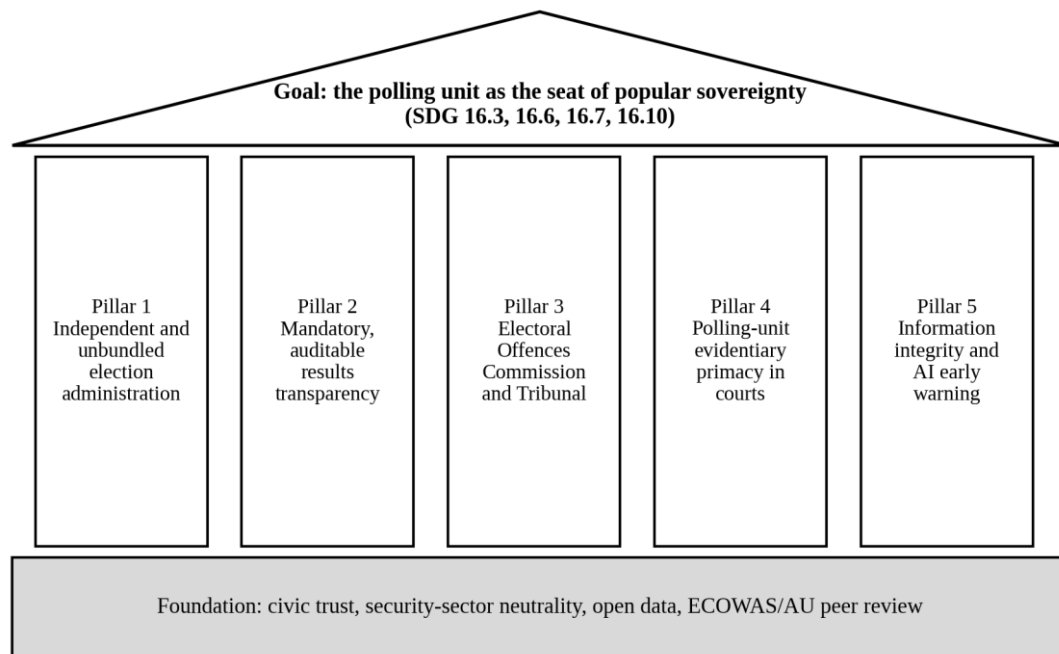


Figure 7. The Five-Pillar Model for protecting popular sovereignty in Nigeria.

Source: Author's construction.

Table 8. Five-Pillar Model: instruments, lead institutions, SDG targets and timing.

Pillar	Key instruments	Lead institutions	SDG 16 target	Timing
1. Independent and unbundled administration	Transparent appointment procedure; party regulation body	Presidency; National Assembly; INEC	16.6, 16.7	Before the 2031 cycle
2. Results transparency	Mandatory upload where networks exist; time-stamped logs; machine-readable publication; independent audit	INEC; National Assembly	16.6, 16.10	Regulations before January 2027; amendment thereafter
3. Electoral Offences Commission and Tribunal	Enactment of the Electoral Offences Commission bill; dedicated tribunal	National Assembly; Federal Ministry of Justice	16.3	2027–2028
4. Polling-unit evidentiary primacy	Practice directions; burden-shifting rule; early inspection orders	Court of Appeal; Supreme Court; National Assembly	16.3	Before the 2027 petition period
5. Information integrity and AI early warning	INEC information-integrity unit; disclosure rules; rapid response with fact-checkers; ECOWAS early warning	INEC; NITDA; NCC; NBC; civil society	16.10	Immediately, for the 2027 campaign

Note: Proposals by the author for deliberation; they are not existing commitments of the institutions named.

These reforms are mutually reinforcing. Verifiable records (Pillar 2) make independent administration auditable (Pillar 1), give courts a reliable basis for decision (Pillar 4), make prosecution of offenders feasible (Pillar 3) and provide an authoritative reference point against which disinformation can be rebutted (Pillar 5). Future research should test the framework against the 2027 Nigerian elections, using post-election survey data, observer reports and the records of the petitions that follow, and extend the comparison to other African elections in the 2025–2027 cycle.

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