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Collective Welfare and Political Interests in Electoral Policy: A Utilitarian Analysis of Nigeria's Electoral Act 2022

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Abstract

General Background Electoral rules structurally dictate political competition, establishing institutional arrangements that determine voter participation, technological integration, result verification, and public confidence. **Specific Background** Nigeria's Electoral Act 2022 introduced critical statutory innovations, particularly mandatory technological accreditation and electronic result transmission, to counteract historical electoral manipulations and declining citizen trust. **Knowledge Gap** Although legal analyses assess the formal provisions of the Act, current literature frequently isolates statutory reform from the practical realities of administrative capacity, political incentive structures, and the equitable realization of collective welfare during implementation. **Aims** This study examines the tension between collective welfare objectives and political interests in Nigeria's electoral policy by analyzing the policy-utility gap between statutory intent and practical implementation during the 2023 general elections. **Results** Utilizing utilitarianism and Public Choice Theory alongside Aristotle's concept of the common good, the analysis reveals that progressive legal features were significantly undermined by logistical failures, discretionary ambiguity in result management (specifically regarding the IReV portal), and political violence. These implementation deficits generated high social costs and disparate access to electoral safeguards across regions, failing to translate statutory progress into universally accessible democratic welfare. **Novelty** The research uniquely synthesizes utilitarian evaluation and Aristotelian equity to demonstrate that the democratic value of electoral reform lies not in statutory language but in strictly limiting institutional discretion and neutralizing adverse political incentives during implementation. **Implications** Future electoral reforms must legally formalize specific institutional accountability mechanisms, mandate nationwide technological stress-testing prior to elections, and systematically restrict administrative discretion to shield execution from particularistic political manipulation..

Highlights:

- Progressive statutory provisions do not guarantee collective welfare if implementation suffers from logistical failures and discretionary ambiguity.
- Public Choice Theory explains how political incentives actively distort the execution of well-designed electoral technology and rules.
- Electoral policy must integrate strict institutional accountability and mandatory technology testing to close the policy-utility gap.

Keywords: Electoral Policy, Collective Welfare, Political Interests, Policy Implementation, Utilitarianism

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Introduction

In representative democracy, elections are a key element in enabling citizens to engage in the process of choosing political leaders and in the regular rotation of political power. However, the democratic value of their elections is not just in the fact of the elections but results from the rules and institutions under which the elections are organised. Electoral laws affect who can vote, how votes are counted, how the results are processed, how election controversies are settled, and how electoral institutions are monitored and punished. Electoral policy is hence at once a legal, institutional and political process.

Nigeria's electoral experience illustrates the challenges of credibly putting the electoral rules into practice. Electoral reforms have been introduced several times due to worries of manipulation, poor administration, violence, failing transparency and lack of trust in the electoral process by the public. The Electoral Act 2022 is the most significant piece of legislation in the statutory framework for the past decade covered in the scope of this paper. It was passed on 25th February 2022 to replace the Electoral Act No. 6, 2010 with a new law to guide the conduct of federal, state and Federal Capital Territory elections [1].

Central to this paper is not the question of desirability of electoral reform. Instead, it is about the public good of electoral reform and the political agenda that drives its design and application. The law can be drafted with transparency, participation, and a public interest, yet the actual practice of the law can take place in a setting where the incentives for political actors are strong to maintain control, take advantage of ambiguity, and evade institutional boundaries. This poses a dilemma between collective welfare and political interest.

Collective welfare is defined as general enhancement of the circumstances surrounding citizens' involvement in politics and enjoyment of democratic benefits. In electoral governance, such welfare includes meaningful opportunity to vote, credible voter accreditation, transparent and verifiable results, protection from intimidation and violence, institutional accountability and reasonable public confidence in electoral processes. Political interests, by contrast, refer to the strategic interests of actors who seek to obtain, retain or influence political power. These interests are not necessarily illegitimate. Political competition is an ordinary feature of democracy. The problem arises when particular political advantage becomes more important than the general conditions required for credible and inclusive elections.

The Electoral Act 2022 contains provisions that can reasonably be interpreted as welfare enhancing. Section 47 provides for technological voter accreditation, while section 60 regulates the counting, recording and transfer of polling-unit results. Section 62 establishes a National Electronic Register of Election Results. The Act also provides for an INEC Fund and contains provisions intended to improve electoral planning and administration [1]. The provisions established expectations of increased electoral integrity with technology, clearer rules, and increased institutional capacity.

However, the general elections of 2023 revealed that statutory innovation for the public outcome is not a given. The European Union Election Observation Mission found a lack of adequate laws and electoral administration which affected the way well-run and inclusive elections were conducted, and raised concerns about public confidence in INEC. It also pointed out that the delay in uploading the results of presidential elections to IReV was a factor that undermined people's trust in electoral technology [2]. Likewise, the mission by the International Republican Institute (IRI) and National Democratic Institute (NDI) noted some positive developments and also pointed out significant logistical, technological, and communication failures, political violence, disparities and vote manipulation [3].

The paper thus makes a very basic, but important, claim: The welfare merits of electoral legislation can be assessed at various stages of the policy chain: design, implementation, and institutional enforcement. A reform may not be considered collectively welfare-enhancing simply because its language in the statute is progressive. Its true value will depend on the citizens' perception of the protections and the extent of the institutional structures needed to minimise opportunities for political manipulation. The paper is not an empirical survey but a theoretical and policy analysis. It first explains the main concepts and then it explores utilitarianism, Public Choice Theory and the Aristotelian concept of ‘common good’. It examines pertinent literature, formulates the main theoretical thesis, and then utilizes this thesis in the context of the Electoral Act 2022 and the general elections of 2023. The last part addresses the policy-utility gap and implications for electoral reform in the future..

Literature review

Collective welfare: Welfare typically means people's welfare and the circumstances which allow individuals and communities to live secure and meaningful lives. For utilitarians, welfare is tied closely to the effects of actions and institutions on individuals who are impacted by such actions and institutions. The transition from individual welfare to collective welfare thus requires that the sum of public decisions made on behalf of the inhabitants of a political community be taken into account. It is not collective welfare, however, which is limited to mere material satisfaction. Welfare in democratic politics has institutional and civic dimensions. Citizens rely on institutions to ensure their rights to participate, voice preferences, and to gain access to accurate information and hold public officials accountable. Electoral integrity can then be seen as a component of collective welfare since it is elections that establish the means of allocating political power and transforming public opinion into government.

Collective welfare in this paper refers to a relatively equitable and general enhancement of citizens' conditions of political participation and democratic protection. It covers credible participation, transparency, inclusion, security, accountability and electoral institutions with confidence. This definition also acknowledges that the overall welfare gains can mask inequities. Any reform which benefits a majority numerically but systematically ignores a minority cannot be properly evaluated simply by the net increase in overall welfare. For this reason utilitarianism is introduced into the conversation with Aristotle's conception of justice and equity in the analysis later.

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Political interests: Political interest is the interests that political actors are interested in obtaining, holding or using political power. Institutional and electoral incentives exist for elected officials, political parties, candidates, legislators and executives, among other political actors. Some of these incentives can provide assistance to public welfare. Electoral reforms can strengthen the legitimacy of political institutions and alleviate conflict because political actors might support the reforms if they believe they will create more durable legitimate institutions. Other incentives may lead to opposition to reforms that increase the uncertainty of political competition or limit incumbents and party elites from shaping outcomes. Political interest should not, therefore, be confused with selfishness. A key analytical issue is if the policy incentives are in line or counterproductive to the broader public interest in electoral governance. In situations where rules should be applied equally, it becomes more apparent when they are applied or interpreted differently to benefit specific actors.

Policy design and Policy Implementation: Policy design involves the development of policy goals, policy instruments, policy rules and policy institutional arrangements for solving a public problem. Hogwood and Gunn [4] place policy analysis in a process that includes problem definition, goal setting, and choice of policy tools to achieve goals. It will not only involve the content of electoral law but also institutional responsibilities, technological systems, enforcement mechanisms, timetables and accountability mechanisms in electoral policy design. One notable consequence is that the quality of the design can't just be judged by the intent of legislation. A policy can have desirable goals and responsibilities or procedures or sanctions left open. These gaps may start to matter when implementing the rules, as it requires political and administrative figures to interpret and operationalise the rules.

Implementation of policy is, however, the process of making policy decisions come alive in administrative action and results. The importance of the implementation process was proven by Pressman and Wildavsky [5] who found that, for the policy to produce its desired effect, there must be a formal policy that has been agreed to. Implementation requires institutional capacity, resources, coordination, communication, discretion and compliance. Electoral governance implementation entails voter registration and accreditation, recruitment and training of officials, procurement and installation of technology, management of polling units, result recording, result transmission, collation, publication of results, dispute resolution and enforcement. The implementation question is then at the heart of the question of whether the expected welfare gains from an electoral reform are observed in practice.

Electoral policy: Electoral policy is the collection of laws, institutions, administrative processes and technological structures that constitute the mechanisms by which the act of electing is organised and regulated. It encompasses voter registration, candidate and party nominations and participation, polling processes, counting of the votes, management of the results, electoral offences and dispute resolution. The Electoral Act 2022, therefore, should not be seen merely as a piece of legislation, but as one element of a policy system that extends beyond it, to include the National Assembly, INEC, political parties, candidates, security institutions, and courts, as well as observers and citizens.

Concurrently, the existing literature on the Electoral Act 2022 in Nigeria can be categorized into three main categories. This first considers the legal and institutional aspects of the Act. This literature highlights the move towards stronger statutory recognition of electoral technology, improved electoral planning and greater institutional regulation. The Act itself provides for technological accreditation and result-management procedures, while INEC's explanatory materials identify sections 47, 60 and 62 as important parts of the legal basis for technology-assisted electoral administration [1].

The second strand evaluates the implementation of the Act through the 2023 general elections. Tsokwa and Nwanegbo [6] argue that the reform created opportunities for improved accreditation, result transmission and public viewing but did not, by itself, guarantee credible elections. Their analysis points to implementation weaknesses and grey areas that could be exploited in practice. Their later study similarly identifies logistical failures, technological problems, voter suppression, insecurity and concerns about electoral administration as barriers between electoral reform and electoral credibility [7]. Election-observation reports provide additional evidence. The EU EOM [2] found that shortcomings in law and electoral administration hindered well-run and inclusive elections and damaged trust in INEC. It also observed that failures relating to election technology, including delayed publication of presidential results on IReV, contributed to reduced public confidence. The IRI and NDI [3] similarly reported incremental improvements but identified logistical, technological and communication failures, political violence, regional disparities and instances of vote manipulation. These findings indicate that the introduction of technology was an important institutional change, but its welfare effects depended on reliable implementation.

The third strand concerns continuing reform after the 2023 elections. The Policy and Legal Advocacy Centre [8] identifies implementation gaps in the Electoral Act 2022 and points to areas requiring clarification or amendment. This post-election literature is important because it demonstrates that electoral reform is not a single legislative event. It is an ongoing policy process in which weaknesses exposed through implementation feed back into subsequent reform.

Despite these contributions, much of the literature treats electoral credibility, legal reform, technology and political behaviour as separate problems. The analytical gap addressed by this paper is the need to connect them through the relationship between collective welfare and political interest. A statutory provision may be welfare-oriented in design, yet its effect may be reduced by political incentives, institutional discretion or weak implementation. Conversely, political interests are not necessarily incompatible with public welfare. The analytical task is therefore to identify the conditions under which political incentives reinforce or undermine the welfare purpose of electoral policy.

The paper contributes by developing a policy-utility framework in which electoral reform is assessed across three connected stages: the normative objective of the policy, the institutional design through which that objective is pursued, and the implementation process through which citizens experience the policy. The framework also introduces justice and equity as safeguards against treating aggregate welfare as sufficient evidence of democratic success.

Theoretical Context

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The arguments of this paper is situated within: utilitarianism, public choice theory and Aristotle's theory of common good. This paper's main normative approach is utilitarianism. Jeremy Bentham and John Stuart Mill are related to classical utilitarianism. The principle of Bentham is based on the consequences of the conduct which is measured in terms of pleasure and pain, and Mill expands the principle in terms of happiness and the prevention of suffering [9], [10]. When applied to public policy, it is the simple question of whether the policy has enough positive side effects for those who will be affected by it.
The main benefit of utilitarianism for electoral policy is the requirement to measure the impact of public institutions based upon their effects upon human welfare at the end of the day. Electoral rules, per se, are not valuable. Their democratic character is dependent on what they allow citizens to feel: to feel meaningful participation, being protected from manipulation, credible outcomes, and accountable government. There are four propositions that are relevant. The first guideline for policy evaluation is to take into account policy consequences, not just policy intent. Secondly, in the consideration of collective welfare, the interests of the affected persons are taken into account. Thirdly, public policy must be about the welfare of the community but not the benefit of a privileged minority. Fourth, policy decisions should be evaluated against viable options and not be made separately.

The utilitarian approach thus offers the clear test to the Electoral Act 2022. The issue is not just whether the Act has progressive provisions, but whether the Act and the arrangements for their implementation are likely to achieve better democratic results for citizens. However, there is a recognised limitation of utilitarianism. If the benefits to the majority are great enough, then serious burdens can be placed upon the minorities without overtly violating their rights.If the welfare of the majority is sufficiently great, then the rights of minorities may be seriously compromised. This would be a problem in electoral politics, as democracy is not just about numbers. It is also about equal political citizenship and protection from being excluded. Thus, the paper does not consider utilitarianism as a comprehensive moral theory of electoral governance. It is based on utilitarianism as the main evaluative criterion and on justice and equity as the criterion for the limits of aggregation.

Utilitarianism is the explanatory supplement of public choice theory. The public choice approach draws on the logic of individual incentives to the politics process, as it has been developed by such scholars as Buchanan and Tullock [11]. It poses a question to the assumption that there is a public interest that is automatically served by public officials. Institutions provide institutional structures that encourage and restrict the actions of politicians, bureaucrats, voters and organised interests. The importance of this angle should not be underestimated, given that actors who design and implement the rules are part of political competition. Legislators could have an interest in the electoral impact of legislation they pass. Political parties might want to negotiate something that will benefit them strategically. Depending on the rules' impact on the ability to maintain power, it may be advantageous for incumbents to support or oppose the rule. Similarly, electoral officials can have discretion within the institutional and political boundaries.

Public choice theory does not make the assertion that political actors will consistently seek private gain at the expense of the public good. Instead, it focuses on the incentive system in which political decisions are taken. This enables the analysis to focus upon who will gain from a specific rule, who will be paying its costs and where discretion is to be found and what mechanisms are available to prevent the 'public authority' becoming a particularistic advantage.

The other level of normativeness that we add is that of Aristotle's political philosophy of common good: Aristotle starts out his Politics with the statement that every political community is founded on the basis of some good, and that the state exists for the sake of not just life but the good life [12]. Politics is thus related to the moral goal of establishing circumstances in which people can live together in a good way.

The relevance of Aristotle's understanding of the common good is that it is not limited to the term "public interest" as simply being the gratification of the wishes of the majority. Political authority must be exercised for the common good; justice must be apportioned wisely and not simply subject to the whims of their own preferences. Aristotle [13] connects justice with giving people their due and separating it from what is only advantageous to one party at the expense of another in his Nicomachean Ethics. This view enhances the contents of this paper in two respects. First, it situates electoral policy in a larger framework of political morality: elections are not just processes for choosing office-holders, but are processes in which citizens participate in the quest for the shared political life. Secondly, equity gives a fairing to the potential excesses of aggregate welfare. A reform that improves overall benefits should not be judged as a success simply because the overall benefits are high if some citizens are systematically excluded from meaningful political participation. The three theory perspectives have thus different functions. Utilitarianism questions whether the policy of the election is advancing general welfare; Public Choice Theory seeks to understand the political motivations that can hinder that goal; and Aristotle's notion of common good, justice and equity raises the question of whether the policy of the election is pursuing welfare in a just and equitable way.

Our Argument
The main thesis of this paper is that these two dimensions of welfare – the intention and the effect are not the same. This gap can be referred to as the policy utility gap. The difference occurs if the public benefits of a policy are not enjoyed because of inadequate institutional design or implementation, political incentives, administrative discretion and differential access to the safeguards provided by a policy.

In the first step, the government recognizes a public issue and sets a goal. For Electoral Act 2022, the goal was to enhance the electoral administration system, increase transparency and minimize the chance of electoral malpractice. In the second phase, these goals are clarified in legal rules and institutional structures. In the third stage, the rule, or rules, would need to be carried out by the responsible institutions. The fourth phase is about citizens' realities. The wider impact of the reform is only really measurable at this stage. This is important due to the fact that failure at any step can compromise the end result. Ambiguous legislation can have a negative impact on a well-intentioned objective. Institutional capacity can be a problem with a clear law. Good capacity can lead to substandard results when political actors use the rules to their own advantage, or when there is weak enforcement. Likewise, citizens' trust in a technologically advanced system can be undermined if they cannot see how it works or if the outcomes are not provided as promised.

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This argument also sheds light upon the connection between utilitarianism and public choice theory. Utilitarianism provides a normative rule: Electoral rules should aim to maximise the total overall utility for the society as a whole. Public choice theory provides a reason to why that is not to be assumed. Political actors act and react to incentives. Reacting to perceived threats to current advantages, actors might reason about and/or manipulate institutional features. It's not just a matter of the good intentions but the structure of incentives in which implementation takes place. Aristotle puts another condition. Collective welfare cannot be confused with the welfare of an abstract majority, apart from the issues of justice and equal citizenship. The common good is linked to the quality of life in community and equity is an awareness of relevant difference and an absence of arbitrary exclusion in public arrangements. Therefore, electoral reform should be evaluated not just on the basis of its overall impact but also through its ability to ensure fair opportunities for citizens to participate and vulnerable groups and minorities are not systematically excluded.

The theoretical position suggested by that is that there are three elements to a welfare-oriented electoral policy. The first is that the goals should be oriented towards the general welfare of all the citizens of any democracy. Secondly, those goals need to be broken down into clear, enforceable and accountable rules in the context of institutional design. Thirdly, implementation needs to be sufficiently shielded from particularistic political manipulation so citizens can feel the benefits of implementation. If any of these conditions are lacking, then a policy-utility gap is likely to occur.

The Electoral Act 2022 includes a number of provisions, which align with the goal of achieving collective electoral welfare. Technological accreditation of voters provided for under Section 47. Section 60 mandates the results to be recorded and announced in the polling units and specifies how the results are to be transferred according to INEC's instructions. A National Electronic Register of Election Results is set up under Section 62. The Act also sets up INEC Fund, which is supposed to be used to fund the financial needs of the Commission [1]. The provisions are an attempt to counter negativity of manual electoral administration.

Technological accreditation has the potential to help verify voters and minimise voting in multiple or impersonated votes. The electronic publication of polling-unit results could help improve transparency by making it easy for stakeholders to compare the results of the polling units with later collation steps. An electronic national register can also help in the institutionalization of electoral records and in their verification. These provisions have a relevance to welfare based on their possible implications. When technology is reliable and properly administered and is public, it can help to diminish uncertainty and increase transparency and citizens' confidence. What is essential, however, is that these are welfare gains which could be realised. They are only realized as means of welfare if they are implemented well.

Of course electoral policy is always bound up with political interests since it sets a pattern for the way in which political competition operates. This results in a tension in the structure. While elections must be sufficiently legitimate to give authority to political actors, there may be incentives for individual actors and parties to wish that the rules or meaning be interpreted in a way that gives them a competitive edge. Political interests don't mean electoral reform is not legitimate. Competing interests are an intrinsic aspect of democracy. The issue lies where the basis for decision making in institutions is supposed to be neutral, but in fact is biased by specific interests. The use of public choice theory here is beneficial because it takes people's focus away from abstract institutional intention and on to the incentives confronted by the actors. This view is especially pertinent when there is discretion involved in the law. Section 60(5) for instance stipulates that results must be transferred in a fashion laid out by INEC. In the course of the discussion of the 2023 election litigations, there was some question about whether the provision was an absolute requirement for electronic collation or only allowed procedures as determined by the Commission. PLAC's analysis of section 60 also highlights its importance and details the court's interpretation that the section did not require electronic collation [8].

The problem is that discretion isn't always a bad thing. Some discretion is needed in electoral administration as elections are conducted in different geographical, technological and logistic situations. The worry is that key protection is overly reliant on the discretion of the individual or groups involved with no statutory responsibilities and enforceable sanctions. In contexts where there is uncertainty about how to handle the results of the reform, the gap created can undermine the welfare goal of the reform.

There is no doubt that, the 2023 general elections provided the first nationwide test of the Electoral Act 2022. The experience showed the positive and the high degree of weaknesses. The IRI and NDI observation mission identified some incremental progress in the electoral administration, and BVAS and IReV were seen as having potential, but significant logistical, technological and communication failures and other issues that negatively impacted the electoral process were also observed [3]. Similarly, the EU EOM noted that the establishment of BVAS and IReV provided new opportunities for biometric verification and for transparency regarding the results, but also recorded a lack of public trust due to the shortcomings of election technology implementation and the lack of timely upload of the results of the presidential elections to IReV [2]. The difference between the potential good of a technological reform and the citizens' experience when the reform is not completed is important to the utilitarian argument.

The issue was not only that technology failed, but also that it failed! Instead, the technology was integrated into a larger process of procurement, testing, training, network access, data dissemination, publicization, management of the results, and accountability of the institution. If there is a problem in one link in the chain, the whole chain may be compromised on the credibility level. The evidence also highlights the importance of not assessing electoral reform from a technologic lens. Having a system that is technically working is not enough to ensure citizens are able to participate freely, when they are facing intimidation or violence. The same goes for the availability of an online results portal – if results are not available, not complete or not easily verified, it does not create transparency. These aspects should be integrated in collective welfare.
In the 2023 general elections, there are tangible examples of the disconnection between the welfare goals of electoral reform and real-life consequences for voters.The 2023 general elections offer examples of the disconnect that can occur between what

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is meant by electoral reform and what voters experience in practice. The cases are not submitted as a test of the Act in itself but rather are being provided as examples of cases that are commonly encountered in this jurisdiction. Instead, they are analytical examples of the working of specific provisions and their impact on their welfare.

This is one of the most apparent examples that relates to the electronic transfer and display of the polling-unit results. The Electoral Act 2022 and INEC rules established the occasion that results of the election would be sent electronically and uploaded to the IReV website.The Electoral Act 2022 and INEC rules set the expectation that election results are to be transmitted electronically and posted on IReV website. In 25 February presidential and National Assembly elections, however, the EU EOM reported delays and incompleteness of uploading of result forms was observed. It examined the result forms from some of the presidential elections and reported that 91 per cent of the result forms were available on IReV by 9 March, suggesting the technology has been used by a considerable number of them, but the delayed availability of results decreased the immediate transparency that the technology promised. The EU EOM then recognised in its future work programme the need to publish and make results readily available in real-time [2].

From a utilitarian perspective, the issue is not simply whether IReV existed or whether many forms were eventually uploaded. The relevant question is whether the system generated the expected social benefit at the time when citizens, parties and observers most needed reliable information. Delayed access can increase uncertainty, encourage competing interpretations of results and weaken confidence in the electoral process. The case therefore illustrates the policy utility gap: a technology designed to increase collective welfare may produce a lower welfare effect when implementation does not meet the transparency expected by citizens.

Rivers State provides a particularly useful illustration of the interaction between electoral rules, security conditions and institutional capacity. The EU EOM reported that, in some locations, ward-level collation procedures were completed at LGA level because of security concerns, including in Rivers. It also reported that technical support staff were not always present at observed collation centres, including in Rivers, with the consequence that verification of original result sheets against those uploaded to IReV was not regularly conducted [2]. The importance of this case lies in the interaction of otherwise distinct policy objectives. The law may prescribe a transparent chain of result management, while insecurity can alter where collation takes place and institutional limitations can reduce verification. For collective welfare, the relevant cost is not confined to the immediate inconvenience of election officials. Reduced verification can affect the confidence of voters and candidates in the accuracy and traceability of results. The Rivers case therefore demonstrates that electoral technology cannot substitute for secure institutions, competent personnel and effective verification mechanisms.

The Lagos experience is an example of another aspect of the policy-utility problem. Outbreaks of fighting, thuggery and other security issues occurred on election day in Lagos, which disrupted election day procedures, according to the EU EOM. During the course of its observations, the mission also noted that voters were targeted in various ways and instances of undue influence by party agents. It reported in the vicinity of some polling units [2] the use of vote buying by or for APC and PDP teams. The observations are related to the mission and cannot be extrapolated to all polling places, parties or voters. The public cost of such behavior is that the public must pay if citizens are subjected to threats, bribes or tampering in elections. This behavior can generate specific benefits to political actors, although it can also lead to a decrease in equality of political participation, and a loss of trust in electoral competition. The case brings to life the dichotomy between political interest/Collective welfare. Political competition is a healthy thing but when it undermines the circumstances where citizens can participate freely and securely, then it becomes welfare-destroying.

The 2023 elections cycle also shows the effects resulting from a disorganized electoral process, as there were inconclusive elections and additional elections. The EU EOM said in its statement that the INEC declared the governorship elections inconclusive in 20 LGAs in both Adamawa and Kebbi states while supplementary elections were held in 57 constituencies in 17 states. Electoral administration is not limited to the day of polling: that's just part of it. In such cases, when voting is hindered and the results are not declared, citizens are exposed to further uncertainty, political parties are exposed to an increase in campaign and mobilisation expenditures and electoral institutions invest more resources in the electoral process [2]. The costs created in the process of conducting an election are a part of the welfare effect of an election and are therefore important in a utilitarian analysis. Even in these cases where there is a legal process, it is possible for the social costs to be significant, due to insecurity, logistical issues or other disruptions that necessitate further electoral activity. The issue is not only one of the legality of holding a supplementary election, but also of whether institutional arrangements can minimize the social cost and frequency of disruption and maintain the integrity of the vote.

What does the result for 2023 tell us about the reform? Altogether these cases give an ambiguous picture of success and failure. INEC's own post-election report shows a number of significant advances in the new law, and notes that there was a very high rate of successful BVAS accreditation. The report also notes the timely conduct of the presidential and National Assembly elections as well as the increase in the number of political parties contesting executive and legislative positions compared to past elections [14]. Meanwhile, an independent observation found major gaps in the logistics, technologies, security, result management and electoral accountability. The NDI/IRI mission found a national elections turnout of approximately 27 per cent of registered voters, the lowest for national elections since Nigeria established democracy and was the lowest so far in Nigeria's modern democratic history [3].

The result thus warrants a more nuanced assessment of the issue of electoral reform. The Electoral Act 2022 formalised the rules and procedures and provided measures that could yield welfare gains, but the 2023 electoral experience has demonstrated that these gains would not be realised without the capacity of implementation, security, transparency, institutional coordination and the behaviour of political actors. The policy lesson here is that the act is not valueless, but rather the welfare value of the Act depends on the quality of the institutional environment in which it played.

The Electoral Act 2022 may thus be seen as having a good amount of convergence with respect to its policy design and

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collective welfare goals. It focuses on the process of technological accreditation, system of results management, institutional financing and electoral planning, which all contribute to the objective of enhancing electoral administration. However, in implementing the policy, there is a policy-utility gap. The gap is not an indication of the lack of benefit of the Act. Nor does it prove that none of the political actors were against reform. Instead, it suggests that the impact of the reform on welfare was limited by institutional weaknesses, the legal uncertainty, the technological and logistical issues and the political incentives, as well as the lack of public confidence. This interpretation is consistent with research identifying political interference, weak institutional independence and non-compliance with electoral rules as constraints on electoral integrity in Nigeria [15]. This is a distinction to make. If it had been decided either the Act was successful or it was unsuccessful, this would have clouded the mixed nature of the reform. More helpful is an assessment that acknowledges that there are some gains and there are some outcomes that have not been achieved. The Act established institutional building blocks for electoral administration, but experience from 2023 demonstrated that more robust institutional support and robust safeguards are needed for this. The policy-utility gap is also responsible for the need for further reform. Implementation gaps identified by PLAC in 2025 have yet to be resolved and legislative reform programs have been initiated to clarify some of the provisions of the Act. This supports the idea that electoral policy is an on-going process of learning from institutions, and not just a product of a legislative event.
So far, the analysis yields three general results: First, collective welfare is more viewed as a result rather than a legislative purpose. The Electoral Act 2022 sets out several goals; these goals are in line with better democratic welfare, but that does not mean that they are met. Consequences must be taken into account when using utilitarian analysis. Those effects in electoral policy are the actual capacity of citizens to vote, the trustworthiness of the accreditation process, the openness of how the results are managed, and the prevention of intimidation and the credibility of institutions' dispute resolution processes.

Secondly, there has to be a significantly greater focus on political interests than just to demonise them as mere private motivations. Public Choice Theory demonstrates that the politicians act upon incentives. Political actors might have incentives to exploit election rules if they provide them strategic interpretations, rules of selective enforcement or institutional capture. The correct policy solution is thus to create institutions that facilitate welfare improving behavior, but do not make it easy to engage in particularism.

Thirdly, the requirement for a utilitarian aggregation is a qualification based on justice. Promoting welfare is not the only function of a democratic system that can be measured by simply adding up the number of benefits. A principle that exemplifies the importance of equal political membership is Aristotle's focus on the needs of the community and equity. The effect of such harm when some citizens are prevented from participating, scared, systematically excluded or denied meaningful access to electoral safeguards shall not be ignored simply because for other citizens there is a higher number of successful participations. This is the point at which public interest and political interest becomes more clearly defined. It is legitimate and necessary to have political competition. The issue is not that there are political interests, it is that general principles of the electoral process are put aside for some specific political purpose. A viable electoral system should enable political actors to contest with each other in a vigorous fashion, and to do so within a framework of rules that ensures that everyone has access to the integrity of the electoral framework. The analysis also shows that it is important for institutions to be autonomous. Electoral bodies need adequate legal, financial, technological and administrative capacities to carry out their duties. Autonomy, however, should be accompanied by accountability. An institution that is not directly under political control, but is transparent and well monitored, could cause another governance issue. Appropriate objective is then autonomous institutional responsibility.

Lastly, the paper shows that electoral technology is not a tool for replacing democratic governance but one that can be used as a tool of governance. Electoral administration can be strengthened with BVAS and IReV, but not technology alone to address issues of political violence, weak enforcement, poor logistics, and lack of public communication and political incentives. Collective welfare can only be enhanced through technology when it is part of a larger institutional framework of rules that are clear and readily enforced, and that are public and transparent.

Policy Implications: The analysis has several implications for the electoral reform in Nigeria going forward. In the first place, the important protections for elections ought to be precisely legalized. Legislation ought to specify clearly the duty, who is responsible, the relevant procedure, and what the consequences are where electronic transmission, publication or verification is intended to be mandatory. Vagueness in key parts of the election process opens space for contestation and harms people's trust in the electoral process.

Second, designs should take implementation capacity into account from the outset. Before any significant elections, electoral technology needs to be tested in a realistic environment on a national scale. The procurement process, training, network capacity, equipment availability, cyber security, technical support and contingency plans should not be considered as 'election day improvisation' but should be part of the policy design.

Thirdly, there should be a chain of accountability throughout the electoral process. The responsibility of the voter must be traceable from the voter accreditation to result recording, result transmission, result collation and result declaration. Establishing clear accountability will enable more access to identifying failure and use of sanctions and learning from implementation.

Fourthly, electoral reform should rely on the indicators of policy performance that are centred on the citizen. They should encompass the availability of access to voting, reliability of accreditation, timely results, and protection from intimidation, inclusiveness, institutional responsiveness, effective dispute resolution and public confidence. It is easy to overlook failures in reform when seeing it just as a result of legislation or technology.

Fourthly, electoral policy should include measures to prevent the accumulation of discretionary power. Decision making around issues of discretion is sometimes necessary, but in the context of critical electoral decision making, it should be supported by clear standards, procedural documentation and transparency of review processes. This would limit the opportunity for “selective reading” and make things more predictable.

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Last but not least, future reforms should be conducted in a general consultation. Citizens, political parties, civil society organisations, professional associations, election-management officials, legal practitioners, academics and electoral observers have different types of knowledge regarding electoral issues. Designing inclusive policies early on can help to uncover implementation challenges before they turn into election-day failures. These measures don't set aside political interests. They instead want to bring the political competition within the institutional framework where the incentives of political actors more closely match the general demands of credible elections.

Conclusion

Generally, the Electoral Act 2022 is an important initiative to enhance the electoral system with better rules, technological innovations and institutional structures to aid electoral credibility. There are a number of features which are consistent with a concern for collective welfare in its design. However, the general elections of 2023 have shown that welfare-oriented policy design do not necessarily lead to welfare-enhancing outcomes.

This paper's main thesis is that electoral reform is a process that must be evaluated from policy goal to the citizens' experience. Utilitarianism can be used to answer the question of whether or not electoral institutions are doing what is best for the citizens as a whole. Public Choice Theory is the theory that, political incentives can conflict with that goal. A further protection is Aristotle's idea of common good, justice and equity which requires that democratic welfare also be just in terms of political membership and that it not mask the presence of significant exclusions through the prism of collective advantages.

So the story of the Electoral Act 2022 is not a mere tale of success or failure, but a tale of policy-utility gaps. Although the Act laid the groundwork for a more efficient electoral administration, gaps in implementation, technical and logistical issues, legal ambiguity and political pressures restricted the delivery of some of its potential outcomes. The lesson is that progressive electoral legislation needs to go hand in hand with institutional capacity, rules, duties, sanctions, technology and implementation transparency, and accountability.

Finally, it is not the complexity of language that gives electoral reform its value to the public; it is how good the democratic experience is that it provides. Electoral policy serves collective welfare when it allows citizens to engage in a meaningful way; when it is possible to reliably attribute and tally votes; when it is possible to verify results openly and transparently; when there is an unfettered competition for public office; when the institutions and processes are held accountable for exercising public power. The question for future reform is how to bring the distance between the democratic intent of electoral law and citizens' experience to a minimum.

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