A CRITICAL EXAMINATION OF THE RIGHT TO VOTER EDUCATION AND SENSITIZATION UNDER THE ELECTRONIC ELECTORAL PROCESS IN NIGERIA

Adekunle Taiye Falola
Department of Social Sciences and Administration,
School of Continuing Education, Bayero University Kano
Email: Dkln_falola@yahoo.com

Abstract
Nigeria's post-2023 electoral reforms introduced technological innovations such as the Bimodal Voter Accreditation System (BVAS) and electronic transmission of election results to enhance electoral integrity. However, the transition toward an electronic electoral process raises significant concerns regarding voter inclusion, particularly in a country characterized by literacy and digital literacy disparities. This article examines whether voter education and sensitization constitute an implied constitutional right within Nigeria's evolving electronic electoral framework. The study adopts a qualitative methodology combining doctrinal legal analysis with secondary empirical data derived from literacy statistics, INEC publications, and election observer reports. It analyses relevant constitutional provisions, the Electoral Act 2022, democratic theory, and international human rights standards relating to political participation. The study finds that neither the Constitution of the Federal Republic of Nigeria nor the Electoral Act 2022 expressly guarantees voter education as a justifiable right. Nevertheless, through purposive constitutional interpretation, the article argues that voter education may be regarded as an implied constitutional entitlement derived from the right to vote, access to information, and the principle of popular sovereignty. The paper concludes that the absence of institutionalized voter education within Nigeria's electronic electoral system risks deepening democratic exclusion and participatory inequality. It therefore recommends statutory reform, strengthened voter sensitization mechanisms, and the integration of digital civic literacy into Nigeria's electoral governance framework.

Keywords: voter education, electronic electoral process, implied constitutional rights, electoral governance, democratic participation

1. INTRODUCTION

The vitality of constitutional democracy depends not merely on the conduct of periodic elections but on the meaningful participation of citizens in the electoral process. Elections constitute the institutional mechanism through which popular sovereignty is expressed and governmental authority is legitimised. However, democratic participation presupposes informed choice. Where citizens lack adequate knowledge of electoral procedures, voting technologies, or their participatory rights, the legitimacy and inclusiveness of democratic governance become

significantly weakened (Dahl, 1989; Habermas, 1996).

Nigeria's electoral system has undergone substantial transformation in recent years, particularly following the enactment of the Electoral Act 2022 and the deployment of electronic electoral technologies such as the Bimodal Voter Accreditation System (BVAS) and electronic transmission of election results. These reforms were introduced to address persistent concerns relating to electoral fraud, over-voting, ballot manipulation, and result tampering (INEC, 2023). Although these innovations represent important steps toward electoral modernisation, their implementation has also generated significant constitutional and governance concerns regarding accessibility, inclusion, voter preparedness, and public trust in the electoral process. Furthermore, debates surrounding the implementation and scope of electronic transmission of election results, including controversies arising from legislative and institutional developments after the 2023 general elections, demonstrate that Nigeria's transition toward electronic electoral governance remains both politically and legally contested. Consequently, technological reform alone cannot guarantee democratic legitimacy without corresponding mechanisms for voter inclusion and civic preparedness.

As of 2026, Nigeria's estimated population stands at approximately 242.6 million. According to the National Bureau of Statistics (NBS, 2024), the country's literacy rate is estimated at approximately 69%, implying that about 31% of the population remains illiterate or functionally unlettered. Importantly, literacy levels are regionally uneven, with several northern states recording significantly lower literacy rates compared to many southern states. These disparities have profound implications for electoral participation within an increasingly digitised electoral system.

The challenge extends beyond traditional illiteracy to include digital illiteracy. Electronic electoral technologies such as BVAS, electronic accreditation systems, and digital result-viewing platforms require varying levels of technological familiarity and procedural understanding. In the absence of adequate voter education and sensitisation, technologically driven reforms may inadvertently deepen existing inequalities by disproportionately disadvantaging rural, poor, elderly, and digitally marginalised voters.

The central inquiry of this article is whether voter education constitutes an implied constitutional right within Nigeria's constitutional and democratic framework. Specifically, the study examines whether existing constitutional provisions and electoral laws impose an implied obligation on the state particularly the Independent National Electoral Commission (INEC) to ensure that citizens are adequately informed and empowered to participate meaningfully in the electoral process.

The study adopts a qualitative methodology combining doctrinal legal analysis with secondary empirical inquiry. The doctrinal component examines constitutional provisions,

statutory frameworks, democratic theory, and relevant international human rights instruments relating to political participation and voter inclusion. The empirical dimension relies on secondary data obtained from the National Bureau of Statistics (NBS), UNESCO literacy reports, INEC publications, and election observer reports concerning Nigeria's electronic electoral processes. This article argues that although Nigerian law does not expressly codify voter education as a fundamental or statutory right, a purposive and teleological interpretation of constitutional provisions relating to political participation, equality, democratic governance, and access to information supports the conclusion that voter education constitutes an implied constitutional entitlement. The article further contends that democratic participation within technologically mediated electoral systems cannot be meaningful where significant segments of the electorate lack the informational and digital capacity necessary to engage effectively with the electoral process.

2. Conceptual And Theoretical Framework

2.1 Conceptualising the "Right to Voter Education"

Voter education extends beyond merely informing citizens about election dates or voting procedures. It encompasses continuous civic and democratic engagement aimed at equipping citizens with the knowledge, skills, values, and capacity required for meaningful participation in the electoral process. It includes awareness of voter registration procedures, accreditation requirements, ballot casting, electoral technologies, electoral dispute mechanisms, democratic rights and responsibilities, as well as the ability to critically understand and engage electoral institutions and processes.

Within contemporary electoral governance, voter education also includes digital civic literacy particularly in jurisdictions where technological innovations such as biometric accreditation and electronic transmission of results form part of the electoral process. In this regard, voter education involves not only access to electoral information but also the practical capacity to understand and utilise electoral technologies effectively and independently. Traditionally, voter education has been treated as an administrative or policy responsibility of electoral management bodies, political parties, civil society organisations, and the media. However, in constitutional and democratic discourse, voter education may also be conceptualised as a democratic entitlement closely linked to the effective enjoyment of political participation rights.

International human rights law increasingly recognises that political participation involves more than the formal right to cast a vote. Article 25 of the International Covenant on Civil and Political Rights (ICCPR) guarantees citizens the right and opportunity to participate in public affairs and vote in genuine periodic elections. The United Nations Human Rights Committee, in General Comment No. 25 (1996), further emphasises that states are under a positive obligation to adopt measures

that enable citizens to exercise electoral rights effectively.

Accordingly, voter education may be understood as an enabling or facilitative right that gives practical meaning to the broader right to political participation. Without adequate voter sensitization, particularly within technologically mediated electoral systems, the exercise of voting rights may become merely formal rather than substantive. Citizens who lack sufficient understanding of electoral procedures or technologies may experience indirect exclusion from democratic participation despite possessing formal voting rights.

2.2 Democratic Participation Theory

Democratic participation theory underscores the relationship between informed citizenship and democratic legitimacy. Democratic governance presupposes not only electoral participation but also the capacity of citizens to participate meaningfully and independently in political processes. Dahl's (1989) theory of polyarchy argues that democracy requires effective participation, enlightened understanding, and political equality. Citizens must possess adequate opportunities to formulate preferences, understand political processes, and participate on relatively equal terms. This necessarily presupposes informational access and civic awareness.

Similarly, Habermas (1996) contends that democratic legitimacy derives from communicative participation among informed citizens. Democratic institutions function effectively only where citizens possess sufficient knowledge to engage electoral and governance processes rationally and meaningfully. In contexts characterised by procedural complexity or technological electoral systems, lack of voter education may weaken participatory equality and democratic legitimacy.

Applied to Nigeria's evolving electronic electoral process, democratic participation theory suggests that technological reforms must be accompanied by corresponding informational and civic empowerment. Electronic accreditation systems, biometric verification technologies, and digital result transmission mechanisms require varying levels of procedural understanding and digital literacy. In the absence of adequate voter education, technological innovation may unintentionally deepen existing inequalities between literate and illiterate citizens, urban and rural populations, and digitally connected and digitally marginalised voters. Thus, democratic participation theory provides a normative basis for arguing that voter education is not merely an administrative convenience but an essential component of inclusive democratic governance.

2.3 Implied Constitutional Rights Doctrine

Constitutional jurisprudence recognises that not all constitutionally protected rights are expressly enumerated within constitutional texts. Courts across jurisdictions have frequently adopted purposive and liberal interpretative approaches to identify implied rights necessary for the effective enjoyment of express constitutional guarantees. The

doctrine of implied constitutional rights operates on the principle that where a constitution guarantees a substantive right, it also protects conditions necessary for the meaningful exercise of that right (Ely, 1980). Consequently, rights may be inferred where their recognition is indispensable to the realization of constitutional democracy, equality, or participatory governance.

Under the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 14(2)(a) provides that sovereignty belongs to the people, while Sections 39 and 40 guarantee freedom of expression, access to information, assembly, and association. Section 42 further guarantees equality and freedom from discrimination. Although the Constitution does not expressly provide for a "right to voter education," these provisions, when read together with electoral and democratic objectives under Chapter II, may support a purposive interpretation that meaningful political participation necessarily requires access to voter education and sensitisation.

This argument becomes particularly compelling within the context of electronic electoral processes. Where electoral participation increasingly depends upon technological understanding and procedural literacy, the absence of voter education may substantially impair citizens' ability to exercise voting rights effectively. In such circumstances, voter education may reasonably be construed as constitutionally incidental to the effective enjoyment of political participation rights. Furthermore, Nigerian courts have historically adopted broad and purposive approaches in constitutional interpretation, particularly where democratic values and constitutional objectives are implicated. Therefore, although voter education is not expressly codified as a constitutional right, the structural logic of participatory democracy, political equality, and popular sovereignty may support its recognition as an implied constitutional entitlement within Nigeria's democratic framework.

3. The Electronic Electoral Process In Nigeria

3.1 Evolution of Electoral Digitisation

Nigeria's electoral system has evolved through persistent institutional and operational challenges, including ballot snatching, over-voting, result manipulation, voter intimidation, and logistical inefficiencies (Omotola, 2010; Jega, 2017). In response to these recurring problems, successive reforms have sought to enhance electoral credibility, transparency, and efficiency. A major milestone in this reform trajectory is the Electoral Act 2022, which provides the statutory basis for the introduction of technological innovations in election administration, particularly electronic accreditation and result management systems. Contrary to earlier manual processes, the 2022 framework formally accommodates electronic components in election logistics and transmission architecture, subject to the discretion and regulations of the Independent National Electoral Commission (INEC).

Accordingly, INEC introduced the Bimodal Voter Accreditation System (BVAS), which utilizes fingerprint and

facial recognition technology for voter authentication. The Commission also operationalized the INEC Result Viewing Portal (IREV) for real-time public viewing of polling unit results, while Section 60(5) of the Electoral Act 2022 provides for the electronic transmission of results where practicable. However, it is important to note that the implementation of electronic transmission remains legally and politically contested. Following the 2023 general elections, legislative debates within the National Assembly and institutional interpretations of Section 60(5) generated uncertainty regarding the mandatory or discretionary nature of electronic result transmission. This ongoing contestation highlights that Nigeria's electoral digitisation remains a developing and institutionally negotiated process rather than a fully settled legal regime.

In comparative terms, the shift toward digital electoral governance reflects global trends aimed at improving transparency and reducing human interference. Nevertheless, such technological reforms also introduce new layers of procedural complexity that require adequate voter preparedness and system comprehension to ensure inclusivity.

3.2 Technological Reform and Voter Vulnerability

Electronic electoral systems such as BVAS and digital result platforms like IREV require voters to interact with procedures that are significantly more complex than traditional paper-based voting systems. This creates new categories of vulnerability, particularly among illiterate, semi-literate, elderly, rural, and digitally excluded voters.

These challenges include difficulties in:

1. Understanding biometric accreditation procedures;
2. Identifying and responding to system malfunctions;
3. Distinguishing between official assistance and undue influence; and
4. Interpreting electronic result transmission and verification processes.

It is important to clarify that Nigeria's literacy rate is not uniform across regions. While national estimates place functional literacy at approximately 69% (NBS, 2024), substantial disparities exist, with several northern states including Kano and others recording significantly lower literacy levels compared to southern regions. This means that national averages conceal deep regional inequalities in educational attainment and civic capacity. Therefore, the challenge is not only illiteracy in the traditional sense but also digital illiteracy, which affects citizens' ability to effectively engage with technology-driven electoral systems.

As Norris (2014) argues, electoral modernisation without corresponding civic capacity development risks producing a democratic gap between formal access and substantive participation. In this context, voter education becomes an essential corrective mechanism to prevent informational exclusion in technologically mediated elections.

4. Statutory Framework: The Electoral Act 2022

4.1 Does the Electoral Act Recognizes a Right to Voter Education?

A close doctrinal reading of the Electoral Act 2022 reveals that while it provides comprehensive provisions on voter registration, political party regulation, election offences, and result management, it does not expressly recognise voter education as a justiciable right. INEC derives its authority under Section 153 of the 1999 Constitution (as amended) and the Third Schedule, which empowers it to organise, undertake, and supervise elections. Within this mandate, voter sensitisation is conducted as part of administrative and operational functions.

However, a critical distinction must be made between: Administrative voter education (policy-based discretion), and Legally enforceable voter education (rights-based entitlement). Currently, voter education in Nigeria falls within the first category. It is implemented through civic outreach programmes, media campaigns, and stakeholder engagements, but without statutory language that creates enforceable obligations or rights for citizens. This creates what may be described as a normative gap in electoral governance: voter education exists in practice but lacks formal legal entrenchment, limiting accountability and judicial enforceability.

4.2 International Legal Standards and Nigeria's Obligations

Nigeria is a state party to key international and regional instruments that expand the meaning of political participation beyond mere formal voting rights.

Under Article 25 of the International Covenant on Civil and Political Rights (ICCPR), citizens have the right to take part in public affairs and to vote in genuine elections. The United Nations Human Rights Committee, in General Comment No. 25 (1996), further clarifies that states are required to adopt positive measures to ensure that citizens can effectively exercise their political rights, including access to necessary electoral information.

Similarly, Article 13 of the African Charter on Human and Peoples' Rights guarantees the right of citizens to participate freely in government. The African Commission has consistently interpreted this provision to include practical conditions necessary for meaningful participation, including civic awareness and access to electoral information. While these instruments do not explicitly use the term "voter education," they collectively support a broader normative framework in which informational empowerment is integral to effective political participation. Therefore, even in the absence of explicit domestic codification, Nigeria's international obligations reinforce the argument that voter education is a necessary condition for the meaningful exercise of electoral rights in a democratic society.

5.1 Administrative Practice versus Legal Obligation

The Independent National Electoral Commission (INEC) currently undertakes voter sensitisation through

media campaigns, stakeholder engagements, community outreach programmes, and partnerships with civil society organisations. These activities, although recurrent, are largely operational and administrative in nature, deriving from institutional practice and discretionary policy choices rather than from any explicitly codified constitutional or statutory duty to provide voter education as a right.

The critical legal question, therefore, is whether INEC bears an enforceable public law obligation to ensure voter education, particularly within the context of increasingly complex electronic electoral systems. Under established public law theory, administrative agencies possess not only express powers but also implied incidental powers necessary to give effect to their statutory mandate (Craig, 2016). INEC's constitutional responsibility under Section 153 and Paragraph 15 of the Third Schedule to the 1999 Constitution (as amended) is to organise, undertake, and supervise elections in Nigeria. The effectiveness of this mandate presupposes meaningful participation by the electorate. However, whether "meaningful participation" legally extends to a duty to provide structured voter education remains uncertain in Nigerian jurisprudence, as courts have not directly pronounced on this issue.

This doctrinal silence creates an important governance gap: voter education is practically recognised but not legally enforceable.

5.2 Constitutional Interpretation and Democratic Necessity

A purposive interpretation of Section 14(2)(a) of the 1999 Constitution, which declares that sovereignty belongs to the people, suggests that democratic participation must be substantive rather than merely formal. Where citizens lack adequate knowledge of electoral procedures—especially within technologically mediated voting environments—the exercise of sovereignty becomes functionally constrained. Furthermore, Section 42 of the Constitution, which prohibits discrimination, raises important questions regarding indirect exclusion. If electoral technologies disproportionately disadvantage citizens with limited literacy or digital competence, and no compensatory educational framework exists, such exclusion may amount to structural inequality in political participation.

Comparative constitutional jurisprudence supports a more expansive reading of political rights. For instance, the Constitutional Court of South Africa has consistently interpreted political rights in a manner that promotes substantive inclusion and accessibility, particularly where procedural barriers threaten democratic equality (Klare, 1998). Accordingly, while Nigeria's constitutional framework does not expressly impose a duty to provide voter education, a teleological reading of democratic provisions suggests an emerging normative expectation of informational facilitation in electoral governance.

6. Constitutional Silence and Democratic Exclusion

The absence of explicit constitutional or statutory recognition of voter education generates significant governance implications for Nigeria's democratic process. In the first instance, it weakens institutional accountability because, without a clearly defined legal obligation, INEC cannot easily be compelled through judicial or administrative mechanisms to provide standardised, measurable, and inclusive voter education across diverse demographic groups. The absence of enforceable legal standards allows voter sensitisation initiatives to remain largely discretionary and unevenly implemented.

Furthermore, the lack of institutionalised voter education contributes to structural and digital inequality within the electoral system. In technologically mediated elections, citizens with limited literacy or digital competence may become dependent on third parties for assistance during accreditation, voting, or interpretation of electoral procedures. Such dependence increases vulnerability to misinformation, undue influence, coercion, and the possible compromise of ballot secrecy and electoral autonomy. The challenge is particularly pronounced among rural populations, elderly voters, and economically disadvantaged groups who may lack both formal education and technological familiarity.

The absence of robust voter education frameworks also poses broader concerns for democratic legitimacy. Elections may satisfy procedural and technological requirements while still failing to achieve substantive democratic inclusiveness if significant segments of the electorate are inadequately prepared to engage with electronic electoral systems. As Sen (1999) argues, development should be understood as the expansion of substantive freedoms and capabilities. Consequently, technological modernisation without corresponding enhancement of citizens' informational and participatory capacities may reproduce or even deepen existing social inequalities.

7. Empirical Context: Literacy, Electoral Participation, And Digital Transition

7.1 Literacy Statistics and Electoral Demography in Nigeria

Nigeria presents a complex empirical environment for electoral governance. According to the National Bureau of Statistics (NBS, 2024) and UNESCO Institute for Statistics (2023), Nigeria's adult literacy rate is estimated at approximately 69%, implying that about 31% of adults are functionally illiterate or possess limited literacy skills. This translates into a substantial population segment—estimated at over 60–70 million citizens—who may face difficulties engaging with information-intensive governance systems. However, this national average masks significant regional disparities. Northern Nigeria, including states such as Kano, consistently records lower literacy rates than southern regions, reflecting longstanding educational inequality (NBS, 2024). Therefore, the distribution of literacy is not uniform, and electoral

vulnerability is correspondingly spatially differentiated.

When aligned with electoral statistics, INEC (2023) reports over 93 million registered voters in the 2023 general elections. While literacy data is not disaggregated within the voter register, the proportional overlap suggests that a significant segment of voters may experience challenges interacting with increasingly digital electoral systems. The empirical implication is clear: Nigeria's electoral modernization is occurring within a context of uneven civic capability distribution, thereby intensifying concerns about inclusion and electoral equality.

7.2 Digital Electoral Infrastructure and Voter Preparedness

The 2023 general elections represented a major milestone in Nigeria's electoral digitisation, particularly through the deployment of the Bimodal Voter Accreditation System (BVAS) and the INEC Result Viewing Portal (IReV), designed for electronic transmission and public viewing of election results (INEC, 2023). However, empirical election observation reports by Yiaga Africa (2023) and the Centre for Democracy and Development (CDD, 2023) documented significant voter unfamiliarity with BVAS procedures, particularly at polling unit level. In many instances, voters relied heavily on polling officials or party agents for procedural guidance.

Although electoral law permits assistance for persons with disabilities and other vulnerable voters, systemic dependence arising from lack of voter information raises distinct concerns about autonomy and informed participation. Importantly, digital literacy must be distinguished from basic literacy. As van Dijk (2020) argues, access to technology does not automatically translate into effective usage capacity. Even literate voters may lack familiarity with biometric authentication processes, electronic result transmission systems, or digital verification platforms.

Accordingly, Nigeria's electoral challenge is best understood as a dual-layered exclusion problem: traditional literacy inequality and emerging digital literacy inequality.

8. INSTITUTIONAL GAPS IN THE VOTER EDUCATION FRAMEWORK

8.1 Absence of Legal Codification

Despite INEC's ongoing voter sensitisation efforts through media campaigns, civic engagements, and public outreach, there is currently no binding statutory framework that defines voter education as an enforceable right or imposes minimum standards for its implementation. A doctrinal review of the Electoral Act 2022 shows that while it regulates voter registration, accreditation procedures, political party conduct, and election administration, it does not:

1. Define voter education as a legal entitlement
2. Establish minimum national standards for voter sensitisation
3. Create a dedicated institutional framework for civic or electoral literacy

4. Provide enforceable accountability mechanisms for voter information dissemination

This creates a clear institutional gap between electoral administration and voter capability development.

From a governance perspective, institutional theory suggests that rights or public functions not embedded in formal legal architecture tend to suffer from inconsistency, uneven implementation, and funding uncertainty (Peters, 2019). Consequently, voter education in Nigeria remains episodic rather than systemic, often intensifying only during election cycles.

8.2 Budgetary and Structural Limitations

INEC's budgetary allocation is predominantly directed toward logistics, procurement of sensitive electoral materials, technology deployment, personnel training, and general election administration. Although voter sensitisation activities form part of the Commission's operational responsibilities, such activities are not ordinarily structured as ring-fenced, rights-based expenditure items accompanied by enforceable performance benchmarks or long-term implementation frameworks. Consequently, voter education programmes often depend on administrative discretion, available funding, and election-cycle priorities.

In addition, Nigeria presently lacks a permanent and institutionalised civic education framework specifically dedicated to electoral literacy and democratic participation. Comparative evidence from more established democracies demonstrates that voter education is frequently embedded within structured civic education institutions or supported through sustained collaboration among electoral commissions, political parties, civil society organisations, educational institutions, and the media, rather than treated merely as an auxiliary responsibility of election management bodies (Norris, 2014). In many democratic systems, political parties also play a central role in political mobilisation, voter awareness, and democratic socialisation, particularly during electoral transitions involving new voting technologies.

The practical implication of Nigeria's current institutional arrangement is that voter education tends to be reactive, unevenly implemented, and largely concentrated around election periods. Such an approach limits the capacity of electoral institutions and democratic stakeholders to address long-standing literacy deficits, digital competency gaps, and informational inequalities within the electorate. As a result, technologically driven electoral reforms may advance more rapidly than the civic preparedness required for inclusive and meaningful democratic participation.

9. Voter Education as an Implied Constitutional Right

9.1 Doctrinal Foundation: Implied Rights in Constitutional Law

Contemporary constitutional jurisprudence recognises that constitutional rights are not always exhaustively enumerated within written texts. Courts in both comparative and domestic settings have, in appropriate

circumstances, inferred implied rights where such recognition is necessary to give practical effect to express constitutional guarantees. This interpretive approach is grounded in purposive and teleological constitutionalism and is reflected in the doctrine of implied rights (Barak, 2006).

Within the Nigerian constitutional framework, several provisions provide the normative basis for such implication. Section 39 of the 1999 Constitution (as amended) guarantees freedom of expression, which has been judicially and doctrinally extended to include the right to receive and disseminate information. Section 22 further imposes a constitutional responsibility on the media to uphold accountability and transparency in governance. In addition, Section 14(2)(a) establishes that sovereignty belongs to the people, thereby locating democratic authority in citizen participation.

When these provisions are read holistically, they suggest that democratic sovereignty presupposes informed citizenship, particularly in relation to electoral participation. The right to vote under Section 77, although procedurally framed, implicitly assumes that citizens possess sufficient information to meaningfully exercise that right. From this perspective, voter education may be conceptualised not as an ancillary administrative function, but as a necessary enabling condition for the effective enjoyment of constitutional political rights. Accordingly, an electoral process that is technologically sophisticated but informationally inaccessible risks undermining the substantive content of suffrage, rendering participation formal rather than meaningful.

9.2 Democracy Theory and Informational Equality

Democratic theory further reinforces the normative foundation for recognising voter education as an implied constitutional necessity. Dahl's theory of polyarchy (1989) emphasises that effective democratic participation requires not only formal equality but also practical opportunities for citizens to understand and engage with political processes. This includes access to relevant information, clarity of procedures, and equal capacity to make informed electoral choices.

Where significant segments of the electorate lack literacy or digital competence, a condition of informational asymmetry emerges, undermining the equality of participation upon which democratic legitimacy depends.

Habermas (1996), through his theory of deliberative democracy, similarly argues that legitimate democratic outcomes depend on communicative processes grounded in rational and informed participation. Applied to electoral governance, communicative competence entails understanding electoral procedures, voting technologies, and result collation mechanisms. In technologically mediated electoral systems such as Nigeria's BVAS and electronic result transmission architecture, the absence of structured voter education intensifies participatory inequality. Consequently, voter education becomes not merely administrative facilitation but a

constitutive requirement of democratic legitimacy.

9.3 Institutional Trust, Perception, and Electoral Legitimacy

Beyond normative theory, institutional trust literature also provides an important explanatory dimension. Kirchler et al. (2008) argue that trust in public institutions is shaped by perceptions of transparency, authority, and procedural fairness. In electoral contexts, where technological systems mediate voting and result transmission, citizens' understanding of such systems becomes crucial to sustaining confidence in electoral outcomes. Where voters lack adequate information, technical glitches or procedural delays may be misinterpreted as manipulation or fraud, even in the absence of misconduct. This perception gap has significant implications for electoral legitimacy and compliance behaviour, as trust erosion may occur independently of actual system integrity. Accordingly, voter education functions not only as a rights-enhancing mechanism but also as a preventive safeguard against institutional distrust and electoral misinformation.

10. Comparative Perspectives

Comparative electoral governance demonstrates that voter education is widely recognized as an integral component of democratic consolidation, particularly in technologically evolving electoral systems. In South Africa, the Electoral Commission Act explicitly mandates the Electoral Commission to promote voter education and civic awareness as part of its statutory responsibilities. This institutionalization ensures continuity, accountability, and nationwide coverage of civic literacy programmes. Similarly, in India, the Election Commission implements the Systematic Voters' Education and Electoral Participation (SVEEP) programme, which integrates civic education into electoral cycles through sustained outreach, digital campaigns, and grassroots engagement.

These comparative experiences indicate that electoral modernization is typically accompanied by institutionalised voter education frameworks, particularly where technological complexity increases. In contrast, Nigeria's electoral framework places greater emphasis on technological reform and administrative innovation, without equivalent statutory entrenchment of voter education as a structured and enforceable obligation. This divergence highlights a critical governance imbalance between electoral technology and civic capacity development.

11. Findings of the Study

The combined doctrinal and empirical analysis undertaken in this study reveals that Nigeria has significantly modernised its electoral system through the introduction of the Bimodal Voter Accreditation System (BVAS) and the framework for electronic transmission of election results under the Electoral Act 2022. However, available national data from the National Bureau of Statistics (2024) and UNESCO (2023) indicate that approximately 31% of the population remains functionally illiterate, with additional layers of digital literacy deficits, particularly among rural and socio-economically

disadvantaged populations. The study further finds that neither the Constitution of the Federal Republic of Nigeria 1999 (as amended) nor the Electoral Act 2022 expressly recognises voter education as a justiciable constitutional right or statutory entitlement. Although the Independent National Electoral Commission (INEC) engages in voter sensitisation and civic awareness programmes, such activities remain largely administrative and discretionary, lacking enforceable legal obligations, institutional permanence, or measurable performance standards. The study additionally demonstrates that democratic theory, comparative constitutional practice, and international human rights standards support the position that meaningful political participation in technologically mediated electoral systems requires not merely formal suffrage but also substantive informational and civic empowerment. Collectively, these findings support the central argument of this article that voter education may properly be regarded as an implied constitutional requirement necessary for the effective and meaningful exercise of the right to vote within Nigeria's evolving electronic electoral framework.

12. Reform Proposals: Constitutionalizing and Institutionalization of Voter Education

In light of the doctrinal, theoretical, and empirical findings of this study, there is a compelling need for constitutional, statutory, and institutional reforms aimed at strengthening voter education within Nigeria's evolving electronic electoral framework. A major recommendation of this article is the explicit constitutional recognition of voter education as a justiciable democratic right. This may be achieved through an amendment to Chapter IV of the Constitution of the Federal Republic of Nigeria (1999, as amended) to provide that every eligible citizen shall have the right to accessible, adequate, and continuous voter education necessary for informed participation in the electoral process. Such constitutional entrenchment would transform voter education from a discretionary administrative activity into a legally enforceable entitlement, thereby imposing a positive obligation on the state to design inclusive and sustained voter education programmes. It would also enhance democratic inclusion by requiring targeted interventions for vulnerable groups, including rural populations, persons with limited literacy, elderly voters, and digitally marginalised citizens. Comparative constitutional practice demonstrates that democratic consolidation is often strengthened through the formal recognition of participatory and enabling rights (Barak, 2006; Klug, 2010), and constitutionalising voter education would align Nigeria with emerging global democratic standards.

Beyond constitutional reform, the Electoral Act 2022 should be amended to operationalise voter education as a statutory obligation within Nigeria's electoral governance framework. Such amendments should clearly define voter education as a legal duty of electoral institutions, establish minimum standards for voter sensitisationprogrammes, mandate

multilingual and accessible dissemination of electoral information, integrate digital literacy components into electronic electoral processes, and provide measurable indicators for monitoring and evaluating voter education initiatives. These reforms would strengthen institutional accountability and create a clearer legal basis for assessing the adequacy of voter education efforts within technologically mediated elections.

The study also recognises that voter education should not be viewed as the exclusive responsibility of INEC alone. In many democratic systems, political parties play a central role in political socialisation, civic mobilisation, and voter awareness. Consequently, a more collaborative framework involving INEC, political parties, civil society organisations, educational institutions, community leaders, and the media is necessary to ensure wider civic inclusion and democratic literacy. Rather than creating an entirely separate electoral bureaucracy, institutional reforms should focus on strengthening coordination among these stakeholders while enhancing the capacity of existing civic education structures.

Furthermore, Nigeria's transition toward electronic electoral governance requires the integration of digital civic literacy into voter sensitisationprogrammes. Voter education initiatives should therefore include practical demonstrations of BVAS usage, community-based simulation exercises, simplified audiovisual materials for illiterate voters, local language guides, and mobile sensitisation campaigns targeted at rural communities. As van Dijk (2020) argues, digital inclusion requires not merely access to technology but also the skills and capacity to use such technology effectively. Consequently, electronic electoral reforms must be accompanied by sustained investments in digital voter literacy to prevent technological innovation from reinforcing existing social inequalities.

The study additionally emphasises the importance of voter education in strengthening public trust and democratic legitimacy. Institutional trust literature suggests that confidence in electoral processes is significantly enhanced where citizens understand electoral procedures and technological systems. Effective voter education can therefore reduce misinformation, minimise suspicion during technological failures, improve perceptions of transparency and fairness, and strengthen post-election legitimacy. In this regard, voter education functions not only as a democratic entitlement but also as an important instrument for promoting institutional trust, electoral stability, and participatory democracy within Nigeria's evolving digital electoral environment.

13. Conclusion

This study critically examined the right to voter education and sensitization under Nigeria's evolving electronic electoral framework. Through a combined doctrinal and empirical analysis, it established that although Nigeria has undertaken significant technological reforms in its electoral system since 2023, the legal architecture does not expressly recognize voter

education as a fundamental or statutory right. Given Nigeria's demographic realities including approximately 31% illiteracy and substantial digital literacy gaps the absence of enforceable voter education protections creates structural inequality within electoral participation. Democratic theory, constitutional interpretation principles, and comparative practice support the conclusion that voter education is an implied constitutional right derived from: the right to vote, the right to receive information, The sovereignty of the people principle, and the broader architecture of participatory democracy.

Without voter education, electoral participation risks becoming formal rather than substantive. Electronic innovation, though commendable, must not outpace citizen preparedness. Accordingly, this article recommends constitutional entrenchment of voter education, statutory codification within the Electoral Act, establishment of a dedicated voter education commission, and integration of digital literacy programs into electoral governance. Ultimately, the legitimacy of democracy lies not merely in technological sophistication but in informed citizen participation.

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