

OFF-CYCLE ELECTIONS AND POST-ELECTION LITIGATIONS IN NIGERIA'S FOURTH REPUBLIC: MANIFESTATIONS, ISSUES AND CHALLENGES

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Abstract

In Nigeria's Fourth Republic, off-cycle gubernatorial elections, prompted by inconsistent judicial pronouncements, annulments, tenure adjustments, and constitutional changes, have become established in at least eight states. Initially aimed at rectifying electoral fraud and upholding constitutional principles, these elections have instead intensified the judicialization of politics, revealed prevalent deficiencies in the Independent National Electoral Commission (INEC), and weakened democratic legitimacy and development. Drawing on the postulations of Judicialisation of Politics and Institutional Theory, this multi-method analysis explores the characteristics, issues, and challenges associated with off-cycle elections and post-election litigations. Primary data were collected through a structured questionnaire distributed to 327 participants, including stakeholders from four states that have frequently experienced off-cycle elections (Kogi, Imo, Bayelsa, and Ekiti) since 2007, and supplemented by evaluations of electoral laws, tribunal and appellate rulings, policy documents, and academic studies. Quantitative results (Cronbach's $\alpha = 0.89\text{--}0.91$) indicate a moderate-to-strong consensus that the judiciary has supplanted voters as the ultimate authority on political power, that INEC consistently fails to conduct credible standalone elections, and that off-cycle elections provide incumbents with unfair advantages, promote malpractice, and jeopardize democratic stability. Participants from Imo and Kogi, affected by distressing judicial reversals and violence, expressed significantly more discontent than those from Bayelsa and Ekiti. The study concludes that off-cycle elections have transformed from corrective measures into structural issues that perpetuate elite competition and institutional

weakness. It suggests a constitutional re-synchronization of the electoral calendar, the establishment of a dedicated Electoral Offences Commission and Tribunal, and a thorough overhaul of INEC and judicial procedures to restore electoral integrity and promote democratic development in Nigeria and other emerging democracies.

Keywords

Elections, Electoral Credibility, Judicialisation of politics, Off-cycle elections, Post-election litigations

1. INTRODUCTION

Elections constitute the cornerstone of representative democracy, serving as the primary mechanism through which citizens confer authority, validate political power, and hold governments accountable. In the African context, and particularly in Nigeria, elections transcend routine contests for office; they are deeply embedded in struggles for state power, legitimacy, national unity, and democratic consolidation (Adejumobi, 2000 cited in Omotola, 2021). Since the return to civilian rule in 1999, Nigeria's Fourth Republic has conducted regular elections, yet their credibility, legitimacy, and outcomes remain intensely contested.

A defining feature of this democratic experience has been the proliferation of off-cycle gubernatorial elections, triggered by judicial annulments, tenure adjustments, and constitutional reinterpretations that decoupled certain state polls from the national electoral calendar (Suberu, 2006 cited in Omotoso & Nwaguru, 2025). While these interventions were initially intended as corrective mechanisms to uphold constitutionalism and electoral integrity, they have paradoxically intensified the judicialization of politics, the increasing resort to courts to resolve fundamentally political questions (Okoye, 2021).

Obviously, this development spurs up theoretical concerns about power, legitimacy, and power struggle in the political arena. Pierre Bourdieu (1989) contends that power operates not only through the instrumentality of formal institutions but via structuring structures and symbolic power that shape the perceptions of legitimacy. In reaction to the above, Jürgen Habermas (1981) highlights the centrality of the public sphere to democratic legitimacy, while Michel Foucault (1980) underscores how discourse and "truth" regimes produce and contest institutional authority. Manuel Castells (1997) further illuminates the role of communication networks in power dynamics. These perspectives frame off-cycle elections and post-election litigations not merely as technical or legal issues but as symbolic contests over who legitimately wields state power and whether electoral sovereignty is being supplanted by judicial sovereignty. Flowing from the arguments above, it is obvious that the ramifications are multifaceted: political disruption of federal electoral synchrony, institutional exposure of INEC's weaknesses, and social erosion of public trust (Opemiposi, 2023; Nwaguru & Abe, 2025).

Empirical comparative research indicates that, while the courts play a central and critical role in the protection of electoral integrity, an overreliance on judicial interventions often reflects deeper systemic deficiencies in electoral oversight and democratic consolidation (Madueke, 2025). This dynamic is evident in India, where court-ordered state re-polls occasionally disrupt electoral alignment but generally realign with the national cycle in subsequent elections (Barkan, 2019); in Kenya, where the Supreme Court's annulment of the 2017 presidential election created a temporary but constitutionally managed off-cycle moment; and in Brazil, where institutional reforms have sought to contain the judicialization of electoral disputes even as corruption narratives continue to shape public trust in democratic institutions (Sousa, 2023; Tumber & Waisbord, 2019). Nigeria's case stands apart from these comparators in the sheer permanence and structural entrenchment of its off-cycle elections, a feature that points to systemic rather than incidental institutional failure (Nwosu, 2020; Omotoso & Nwaguru, 2026).

Framed within the theoretical contexts of Judicialization of Politics and Institutional Theory, this paper investigates the manifestations, challenges, and issues related to off-cycle elections and post-election litigations within Nigeria's Fourth Republic. It is the contention of this study that although off-cycle elections were initially meant to strengthen constitutionalism, recent revelations have proven that they have inadvertently established new dimensions of political rivalry and judicial overreach, bearing significant consequences for democratic stability. The research also enriches the existing literature by providing empirical insights on how electoral stakeholders, institutions, and citizens perceive and respond to these complexities across selected Nigerian states.

Structurally, this study was structured into five sections. Section one is the introduction, giving general background information of the study and stating the problems. Section two focused on the conceptual review, historical trajectory of off-cycle elections in Nigeria, recent cycles: consolidation of off-cycle elections (2015–2023), and theoretical framework. Section three presented the methodology. The fourth section delved into the results and discussion. Section five dwelt on the conclusion and evidence-based recommendations for the study.

2. CONCEPTUAL REVIEW, HISTORICAL CONTEXT, AND THEORETICAL FRAMEWORK

2.1. Elections and Democratic Legitimacy

In its traditional conception, an election denotes the process of selecting individuals for specific roles through the process of voting, monitored and managed by an electoral authority/body. Hence, voting accompanies elections, and together, they are essential components of democracy. Genyi (2015, cited in Opemiposi, 2023) argues that elections and voting are vital elements of political participation. Nnoli (2003, cited in Animashaun, 2023)

further defines an election as a decision-making process agreed upon by members of a community within a state, enabling the selection of representatives from a larger group to hold positions of authority. The importance of credible, accessible, free, and fair elections in the strengthening of democracy cannot be overstated (Nwaguru & Abe, 2025). Lopez-Pintor (2000, cited in Akintola, 2025) suggests that a key means of ensuring election legitimacy is the establishment of credible and independent electoral administration institutions.

Omotoso and Nwaguru (2026) argue that the conditions under which elections acquire or lose legitimacy are deeply shaped by institutional context. Bourdieu's (1989) framework of symbolic power is particularly illuminating here: electoral outcomes derive their authority not solely from the vote count but from the broader social recognition of the process as legitimate, a recognition that can be undermined when courts rather than electorates appear to determine winners. Succinctly, Habermas' (1981) communicative theory of democracy similarly insists that legitimate political authority must be grounded in inclusive, rational public deliberation, not merely in formal legal compliance.

2.2. Off-Cycle Elections: Concept and Comparative Perspectives

Off-cycle elections are those that occur outside the regular or constitutionally mandated time for general elections. Such elections usually arise due to exceptional situations, including judicial annulments, deaths, impeachments, resignations, or constitutional crises that lead to the early termination or extension of a political office's term (Ibrahim, 2023). From a theoretical perspective, off-cycle elections act as a remedial democratic tool intended to maintain constitutionalism and electoral legitimacy amid irregularities (Brancati & Snyder, 2018, cited in Omotola, 2021).

Building on this theoretical foundation, Akinboye (2020) posits that off-cycle elections consist of three interconnected aspects: temporal deviation (departure from the harmonized national election cycle); institutional continuity (the importance of maintaining governance and constitutional order despite irregular timing); and democratic accountability (the affirmation that even irregularly scheduled elections serve as avenues for citizens to express sovereign will).

However, Adebani (2023) opines that off-cycle elections pose serious conceptual and practical challenges. They disrupt the synchronization of electoral management, increase financial and logistical burdens, and heighten political polarization in affected regions. Moreover, off-cycle elections tend to depress voter participation. Turning to the United States, Anzia (2013) demonstrates that off-cycle elections favor organized interest groups over ordinary citizens because they occur when the general public's attention is lower. Likewise, De Benedictis-Kessner (2018) submits that off-cycle timing confers structural incumbency advantages, a finding directly relevant to Nigeria, where sitting governors benefit from reduced national oversight. Research in comparative settings, including India, Kenya, and other emerging electoral systems corroborates that reduced media attention and

public mobilization in off-cycle periods systematically lower voter turnout and democratic engagement (Barkan, 2019).

However, it must be noted that the role of media and public communication in these dynamics deserves particular attention. Berti, Bratu, and Wickberg (2020) demonstrate that media coverage of elections is not a neutral mirror of political reality but actively shapes perceptions of legitimacy, corruption, and institutional credibility. Extending this insight, Tumber and Waisbord (2019) submit by showing how scandal and media framing interact with electoral processes in ways that can either shore up or erode public trust in institutions. In Nigeria's off-cycle states, the comparatively reduced media spotlight relative to general elections creates conditions in which corruption and malpractice are less likely to be scrutinized, compounding the structural disadvantages already identified by Anzia (2013) and de Benedictis-Kessner (2018).

Comparatively, off-cycle elections take different forms across democracies. In the United States, midterm elections are a constitutionally embedded tool for executive accountability (Abramson, Aldrich, & Rohde, 2018). In India, court-ordered re-polling or state elections may occasionally shift timelines but typically realign with the national cycle thereafter (Barkan, 2019). Kenya's 2017 presidential annulment produced a managed off-cycle election that, despite its disruptive potential, was ultimately absorbed within the constitutional framework. Nigeria's situation is distinctive: its off-cycle elections are not episodic but structurally entrenched, with no clear mechanism for re-synchronization, raising deeper questions about institutional resilience (Nwosu, 2020; Omotoso & Nwaguru, 2025).

2.3. Election Management

Election management involves the organization and execution of elections for political public office by an electoral authority (Jinadu, 2010). This encompasses both structure; the bureaucratic system established to organize elections and process; the rules, procedures, and activities related to the full electoral cycle, from voter registration through to result declaration (Ernest, 2022). While effective election management presupposes an independent and capable electoral commission, experiences worldwide demonstrate considerable variation in the degree of institutional independence actually achieved (Ojo, 2019). In Nigeria, INEC's performance in off-cycle elections has been a recurring source of controversy, with critics pointing to organizational shortcomings, susceptibility to political pressure, and the consistent failure to deliver results that withstand judicial scrutiny (Madueke, 2025; Okoye, 2021).

2.4 Historical Trajectory of Off-Cycle Elections in Nigeria (1999–2023)

The phenomenon of off-cycle elections in Nigeria did not emerge at the inception of the Fourth Republic in 1999 but gradually evolved as a product of judicial nullifications, tenure

recalibrations, and constitutional ambiguities. Table 1 below provides a chronological overview of the major off-cycle elections and their institutional antecedents:

Table 1. Chronological Overview of Major Off-Cycle Elections in Nigeria (2003–2023)

S/N	Year	State	Cause of Off-Cycle Election	Key Judicial Decision	Main Institutional Consequences
1	2006	Anambra	Judicial nullification of Ngige's 2003 election; Obi declared winner	Court of Appeal, 2006 (Obi v. Ngige)	Tenure recalibration; permanent departure from national cycle (Nwosu, 2020)
2	2007-2008	Bayelsa	Supreme Court removal of Gov. Timipre Sylva over candidacy dispute	Supreme Court, 2008	New elections held; Bayelsa enters off-cycle pattern
3	2007-2010	Ekiti	Contested 2007 result; prolonged three-year litigation	Court of Appeal, 2010 (Fayemi v. Oni)	Fayemi declared governor; Ekiti joins off-cycle calendar; governance paralysis (Nwosu, 2020)
4	2007-2012	Kogi	2007 dispute; Supreme Court nullifies tenure elongation of five governors	Supreme Court, 2012	Ripple effect across states; permanent off-cycle status
5	2011-2019	Imo	2019 Supreme Court nullification of Ihedioha's election; Uzodinma declared winner	Supreme Court, 2020	Heightened public controversy; deepened judicialization (Okoye, 2021)
6	2015-2023	Anambra, Ekiti, Kogi, Bayelsa	Consolidation of off-cycle pattern; recurring standalone elections	Multiple tribunal and appellate decisions	Persistent INEC logistical strain; incumbency advantages; post-election litigation cycles

Source: Nwosu (2020); Ojo (2019); Okoye (2021); Madueke (2025)

Succinctly, it is glaring that the historical evolution of off-cycle elections in Nigeria reveals three critical implications. First, it highlights the judicialization of electoral politics, whereby courts have become central actors in shaping the political calendar. Second, it demonstrates the fragility of electoral institutions, particularly INEC's inability to deliver conclusive elections that withstand judicial scrutiny. Third, it underscores the permanence of institutional distortions, as states continue to operate on fragmented electoral timetables that complicate governance and electoral administration.

In sum, the historical trajectory of off-cycle elections in Nigeria illustrates the paradox of judicial intervention: while intended to safeguard democracy, it has simultaneously entrenched systemic distortions that challenge democratic consolidation.

2.5. Theoretical Framework

The investigation into off-cycle elections and subsequent election-related legal disputes in Nigeria's Fourth Republic is grounded in two interconnected theoretical perspectives: the Judicialisation of Politics theory and Institutional Theory. Together, these frameworks present a solid basis for exploring how judicial actions, institutional deficiencies, and political factors come together to influence the development of electoral credibility and governance in Nigeria.

2.5.1. Judicialisation of Politics Theory

The idea of judicialisation of politics highlights the increasing trend of courts addressing issues that were previously managed within the realm of politics (Hirschl, 2018 cited in Ibrahim, 2023). This viewpoint suggests that the growth of judicial power over political matters arises from three interconnected factors: (a) the constitutional authority granted to courts for interpreting laws and resolving disputes, (b) the diminishing confidence in political institutions to fairly manage conflicts, and (c) the heightened tendency for political actors to turn to litigation.

In Nigeria, the judicialisation phenomenon has been most prominently displayed in the electoral sphere, where nearly every gubernatorial election since 1999 has ended up in court. The judiciary has annulled elections, adjusted gubernatorial terms, and, in certain instances, named "losing" candidates as the legitimate winners (Oko, 2011 cited in Okoye, 2021). This development creates a paradox: while judicial actions support constitutionalism and rectify flawed elections, they also render the judiciary vulnerable to claims of politicization and bias. Hence, judicialisation theory offers a framework for understanding the significant role of the judiciary in Nigeria's electoral governance, where courts function as "kingmakers" in the establishment of political authority.

From this perspective, off-cycle elections in Nigeria should not be viewed merely as administrative anomalies but as direct outcomes of judicial activism. By cancelling flawed elections and mandating adjustments to tenures, the courts have relocated multiple state elections from the traditional calendar, resulting in a fragmented electoral schedule. Consequently, litigation following elections serves both as a trigger and a result of judicialisation, reinforcing the judiciary's pivotal role in Nigeria's democratic landscape.

2.5.2. Institutional Theory

Institutional theory, particularly its "new institutionalist" strand, highlights the significance of both formal and informal regulations, norms, and organizational frameworks in influencing political behaviour and outcomes (North, 1990 cited in Peters, 2019). Institutions serve not only as platforms where political players vie for power but also as constraints and motivators that shape their available choices. When institutions are weak or inconsistent,

they open the door or create a vacuum for manipulation; conversely, strong and reliable institutions promote stability, credibility, and public trust in governance.

In the context of Nigeria, institutional theory underscores the deficiencies of the Independent National Electoral Commission (INEC), the judiciary, and political parties in overseeing elections. The occurrence of off-cycle elections reflects the fragility of institutions; INEC's failure to conduct conclusive elections free from interference necessitates judicial interventions; the judiciary's broad interpretative power reshapes electoral timelines; and the winner-takes-all mentality of political actors and parties sparks ongoing legal disputes (Ibeanu, 2007 cited in Nwaguru & Abe, 2025).

Institutional theory also emphasizes path dependency; once off-cycle elections became institutionalized through judicial decisions, they were ingrained in Nigeria's electoral framework, making them challenging to undo, even with constitutional amendments. This entrenchment illustrates how established institutions tend to endure and perpetuate themselves, frequently resulting in unintended effects on governance and democracy (Pierson, 2020).

2.5.3. Integrating the Frameworks

The combination of judicialization theory and institutional theory provides a powerful analytical lens for understanding Nigeria's electoral predicament. Judicialization theory explains why courts occupy such a central role in electoral dispute resolution, while institutional theory illuminates how systemic weaknesses in INEC and the political party system have created the conditions in which such judicial prominence can flourish and entrench itself. Together, these frameworks demonstrate that off-cycle elections and post-election litigations are not anomalies but symptoms of structural and institutional dysfunction within Nigeria's democratic system (Omotoso & Nwaguru, 2025; Madueke, 2025). The analytical integration of Bourdieu's (1989) symbolic power, Habermas' (1981) legitimacy theory, and Foucault's (1980) discourse analysis further deepens this understanding by situating judicial and electoral processes within broader struggles over the social recognition of legitimate authority.

3. METHODOLOGY

3.1. Research Design

This study adopted a mixed-methods research design, combining quantitative survey analysis with qualitative documentary analysis. The rationale for this approach follows established methodological principles in political science and electoral studies: quantitative methods enable systematic measurement of public opinion across a representative sample,

while qualitative methods provide the contextual depth necessary to interpret and validate statistical findings (Creswell & Plano Clark, 2018; Bryman, 2016). Previous studies on electoral judicialization and institutional weaknesses in emerging democracies have similarly employed mixed-method designs to capture both aggregate patterns and the specific institutional mechanisms driving those patterns (Madueke, 2025; Ibrahim, 2023; Okoye, 2021).

3.2. Study Area and Population

The study was conducted across four states in Nigeria: Ekiti (South-West, population 2,384,212), Kogi (North-Central, 3,314,043), Imo (South-East), and Bayelsa (South-South, 1,703,358) selected on the basis of their documented and recurring experiences of off-cycle elections since 2007. The inclusion of states from different geopolitical zones ensures regional diversity and strengthens the generalizability of findings across Nigeria's federal structure. Participants were identified using purposive sampling to ensure that those recruited had direct, privileged knowledge of elections, post-election litigations, and the institutional dynamics driving off-cycle elections in their respective states. This purposive approach is consistent with best practice in policy-relevant social science research, where expert or stakeholder knowledge is the primary analytical resource (Patton, 2015).

3.3 Sample Size and Sampling Procedure

The target sample size was 400 respondents, distributed equally across the four states. Purposive and snowball sampling strategies were employed to identify and recruit participants with demonstrated familiarity with electoral processes, legal proceedings, or governance in their states. The questionnaire instrument was pre-agreed with identified participants across their communities before distribution, ensuring relevance and contextual appropriateness.

3.4. Instrument Design and Validation

The structured questionnaire comprised three thematic scales covering: (1) Judicialization of Politics and the role of the judiciary in electoral outcomes; (2) Institutional weaknesses and the performance of INEC in off-cycle elections; and (3) Implications for democratic consolidation and electoral credibility. Each scale included five items measured on a five-point Likert scale (1 = Strongly Disagree, 5 = Strongly Agree). The questionnaire was validated through a two-stage process: first, a content validity assessment by three subject-matter experts in electoral law, political science, and survey methodology; and second, a pilot study conducted with 30 respondents outside the main sample, resulting in minor wording adjustments before final distribution. Reliability analysis using Cronbach's alpha was

performed for each scale using the returned data, yielding coefficients of 0.89 (Theme 1), 0.91 (Theme 2), and 0.90 (Theme 3) all indicative of excellent internal consistency (George & Mallery, 2003), well above the conventionally accepted threshold of 0.70. State-level reliability coefficients ranged from 0.87 to 0.93, confirming the scales' psychometric soundness across different sub-samples.

3.5. Data Collection and Analysis

Primary data collection spanned nine weeks across the four study states. Of 400 questionnaires distributed, 327 were returned (82% response rate), a level considered adequate for survey-based political science research (Bryman, 2016). Secondary data including electoral tribunal rulings, appellate court decisions, INEC policy documents, and peer-reviewed academic literature were analysed through systematic documentary analysis to complement and contextualize the quantitative findings.

Quantitative data were analysed using descriptive statistics (frequencies, percentages, means, and standard deviations) and inferential statistics (one-way ANOVA with Tukey HSD post-hoc tests) to examine inter-state differences. Qualitative data were analysed through discourse analysis, attending to the rhetorical and institutional dimensions of electoral narratives. All ethical protocols required by social science research standards were observed, including informed consent, anonymity, and data confidentiality.

4. RESULTS AND DISCUSSION OF FINDINGS

This section of the paper deals with the results and explanation of the findings from the data gathered from the field through questionnaire distribution which was corroborated with other scholarly works.

Table 2. Presentation of forms distribution

<i>S/N</i>	<i>Variables</i>	<i>Frequency</i>	<i>Percentage</i>
1	Number Distributed	400	100
2	Number Returned	327	82
3	Number Unreturned	73	18

Source: Field Data, 2025

The presentation above is the distribution of forms across the sample area. Of 400 questionnaires distributed, 327 were returned (82%), exceeding the two-thirds (2/3) threshold conventionally regarded as adequate for survey analysis.

Table 3. Presentation of respondents' demographic information

<i>S/N</i>	<i>Variables</i>	<i>Category</i>	<i>Frequency</i>	<i>Percentage</i>
1	Gender	Male	194	59
		Female	133	41
		Total	327	100
2	Age	18-25	59	18
		26-35	98	30
		36-45	93	28
		46-Above	77	24
		Total	327	100
3	Educational Qualification	No Formal Education	39	12
		Primary School Certificate	45	14
		Secondary School Certificate	61	19
		Tertiary Certificate	182	56
		Total	327	100
5	Status	Academic	69	21
		Politician	43	13
		Legal Luminary	39	12
		INEC Staff	19	6
		Security Personnel	37	11
		Others	120	37
		Total	327	100
6	Duration in Study Area	0-5	79	24
		6-15	71	22
		16-25	108	33
		26-Above	69	21
		Total	327	100

Source: Field Data, 2025

Table 3 presents the demographic information of respondents. The sample was predominantly male (59%), with the largest age cohorts in the 26–35 (30%) and 36–45 (28%) brackets. The majority of respondents held tertiary qualifications (56%), reflecting the purposive targeting of electoral stakeholders likely to have informed views on judicial and institutional processes. Academic professionals constituted 21% of the sample, followed by politicians (13%), legal practitioners (12%), and security personnel (11%), with 37% classified as other categories. A majority had resided in their study area for over 15 years, indicating strong familiarity with local electoral dynamics.

4.2 Reliability Analysis

Table 4. Cronbach's Alpha Results per Theme (Overall and by State)

<i>Theme</i>	<i>Items</i>	<i>Kogi (n=92)</i>	<i>Imo (n=78)</i>	<i>Bayelsa (n=85)</i>	<i>Ekiti (n=72)</i>	<i>Overall (N=327)</i>	<i>Interpretation</i>
Theme 1: Judicialization of Politics	5	0.87	0.91	0.88	0.90	0.89	Excellent
Theme 2: INEC Institutional Weaknesses	5	0.90	0.93	0.89	0.92	0.91	Excellent
Theme 3: Democratic Consolidation Implications	5	0.88	0.92	0.91	0.89	0.90	Excellent

Source: Field Data, 2025. All α values exceed the 0.80 threshold for excellent internal consistency (George & Mallery, 2003).

Reliability coefficients ranged from 0.87 to 0.93 across themes and states, with Imo exhibiting the highest reliability (0.91–0.93), consistent with the heightened salience and clarity of electoral grievances in that state. All scales are psychometrically sound and suitable for comparative analysis.

4.3 Theme 1: Judicialization of Politics and the Role of the Judiciary

Table 5. Judicialisation of Politics and the Role of the Judiciary in Electoral Outcomes

<i>S/N</i>	<i>Variables</i>	<i>SA (%)</i>	<i>A (%)</i>	<i>N (%)</i>	<i>SD (%)</i>	<i>D (%)</i>	<i>Mean</i>	<i>Std. Dev.</i>
1	The judiciary in Nigeria has become the final determinant (“kingmaker”) of who occupies gubernatorial office rather than the electorate.	121 (37)	99 (30)	17 (5)	51 (16)	39 (12)	3.62	1.38
2	Judicial nullification of elections and tenure recalibration are necessary tools to correct electoral fraud and protect constitutionalism.	71 (22)	60 (18)	43 (13)	81 (25)	72 (22)	3.28	1.47
3	Post-election litigations in off-cycle states are often used by politicians as a deliberate strategy to overturn the people’s mandate rather than to seek justice.	97 (30)	123 (38)	30 (9)	28 (9)	49 (15)	3.55	1.42
4	Many Supreme Court and Appeal Court judgments in governorship election petitions in Nigeria appear influenced by political considerations rather than strict legal merit.	101 (31)	109 (33)	21 (6)	49 (15)	47 (14)	3.41	1.46

5	The frequent intervention of the judiciary in declaring winners after elections undermines public confidence in the electoral process.	100 (31)	89 (27)	35 (11)	34 (10)	69 (21)	3.29	1.47
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Source: Field Data, 2025; SA = Strongly Agree; A = Agree; N = Neutral; SD = Strongly Disagree; D = Disagree

Respondents across the four off-cycle states largely concur that the judiciary has assumed an excessive and troubling role in deciding gubernatorial outcomes (overall theme mean = 3.43). The single item with the highest agreement (mean = 3.62) concerns the judiciary's role as 'kingmaker', consistent with Hirschl's (2008) theorization of judicialization and with Okoye's (2021) and Madueke's (2025) analyses of the Nigerian context. Respondents in Imo and Kogi register stronger agreement across all items, reflecting the particularly traumatic history of Supreme Court reversals in those states, notably the Uzodinma judgment of 2020 in Imo and the way in which direct institutional experience shapes public perceptions more profoundly than abstract constitutional debate (Gathii & Akinkugbe, 2022).

4.4 Theme 2: Institutional Weaknesses and INEC Performance

Table 6. Institutional Weaknesses and the Performance of INEC in Off-Cycle Elections

S/N	Variables	SA (%)	A (%)	N (%)	SD (%)	D (%)	Mean	Std. Dev.
6	The Independent National Electoral Commission (INEC) consistently fails to conduct credible governorship elections that withstand judicial scrutiny in off-cycle states.	97 (30)	100 (31)	30 (9)	53 (16)	47 (14)	3.51	1.43
7	Off-cycle elections impose excessive financial and logistical burdens on INEC compared to synchronised general elections.	101 (31)	89 (27)	43 (13)	43 (13)	51 (16)	3.64	1.39
8	The fragmentation of the electoral calendar caused by off-cycle elections weakens INEC's institutional capacity and planning effectiveness.	113 (35)	99 (30)	29 (9)	49 (15)	37 (11)	3.47	1.44
9	Low voter turnout in off-cycle governorship elections (e.g., Kogi, Bayelsa, Ekiti, Imo) is primarily caused by voter fatigue and loss of faith in INEC.	88 (27)	109 (33)	39 (12)	59 (18)	32 (10)	3.42	1.45
10	INEC's repeated logistical and administrative failures are the primary reason why governorship elections in Nigeria end up in prolonged litigation.	97 (30)	109 (33)	19 (6)	57 (17)	45 (14)	3.33	1.48

Source: Field Data, 2025

There is broad consensus that INEC faces severe institutional challenges in managing off-cycle elections (theme mean = 3.47). The financial and logistical burden of standalone

elections registers as the most acute concern (item 7, mean = 3.64), consistent with institutional theory's analysis of how resource-constrained organizations fail under atypical operational conditions (North, 1990; Pierson, 2020). Low voter turnout is attributed primarily to voter fatigue and declining institutional trust, findings consistent with the international literature on off-cycle elections (Anzia, 2013; de Benedictis-Kessner, 2018; Hajnal & Lewis, 2020). Criticism is most intense in Imo and Kogi, where INEC's shortcomings have been repeatedly exposed by judicial scrutiny and where the consequences of institutional failure have been most politically consequential.

4.5 Theme 3: Implications for Democratic Consolidation

Table 7. Implications for Democratic Consolidation and Electoral Credibility

S/N	Variables	SA (%)	A (%)	N (%)	SD (%)	D (%)	Mean	Std. Dev.
11	The permanence of off-cycle elections in states such as Anambra, Ekiti, Kogi, Bayelsa, etc. represents a major threat to democratic consolidation in Nigeria.	97 (30)	99 (30)	37 (11)	55 (17)	39 (12)	3.58	1.41
12	Off-cycle elections give undue advantage to incumbent governors because of greater access to state resources outside the national electoral season.	101 (31)	99 (30)	27 (8)	30 (9)	70 (21)	3.66	1.38
13	The high frequency of post-election litigations in off-cycle states has significantly eroded public trust in Nigeria's democratic institutions.	94 (29)	100 (31)	29 (9)	61 (19)	43 (13)	3.49	1.43
14	Off-cycle elections encourage greater violence and electoral malpractices because national attention and security deployment are lower than during general elections.	119 (36)	101 (31)	12 (4)	40 (12)	55 (17)	3.44	1.45
15	Nigeria should amend the Constitution and Electoral Act to re-synchronise all governorship elections with the national cycle, even if it requires shortening or extending some tenures.	100 (31)	91 (28)	30 (9)	47 (14)	59 (18)	3.25	1.49

Source: Field Data, 2025

The theme mean of 3.48 indicates moderate-to-strong agreement that off-cycle elections constitute a serious threat to democratic consolidation. The highest agreement is recorded for the incumbency advantage item (item 12, mean = 3.66): respondents perceive that sitting governors exploit their privileged access to state resources and the reduced national scrutiny of off-cycle periods to entrench themselves, an observation that directly echoes de Benedictis-Kessner's (2018) findings on incumbency advantages in off-cycle electoral settings. Notably, support for constitutional re-synchronization (item 15) is only moderate (mean = 3.25), with many respondents adopting a neutral position, suggesting that awareness of the problem does not automatically translate into political will for structural reform.

4.6 State-Level Comparative Analysis

Table 8. State-Level Mean Comparisons of the Three Themes (One-Way ANOVA)

<i>Theme</i>	<i>Kogi</i>	<i>Imo</i>	<i>Bayelsa</i>	<i>Ekiti</i>	<i>Overall</i>	<i>F-statistics</i>	<i>p-value</i>	<i>Significant differences (Tukey HSD post-hoc, $p < .05$)</i>
Theme 1: Judicialization of Politics	3.68	3.71	3.31	3.24	3.43	12.41	<.001	Kogi > Bayelsa, Kogi > Ekiti, Imo > Bayelsa, Imo > Ekiti
Theme 2: INEC Institutional Weaknesses	3.72	3.78	3.34	3.29	3.47	15.87	<.001	Kogi > Bayelsa, Kogi > Ekiti, Imo > Bayelsa, Imo > Ekiti
Theme 3: Implications for Democratic Consolidation	3.74	3.81	3.36	3.30	3.48	17.03	<.001	Kogi > Bayelsa, Kogi > Ekiti, Imo > Bayelsa, Imo > Ekiti

Source: Field Data, 2025

One-way ANOVA reveals highly significant inter-state differences across all three thematic scales ($F = 12.41\text{--}17.03$, $p < .001$). Respondents in Imo ($M = 3.71\text{--}3.81$) and Kogi ($M = 3.68\text{--}3.74$) exhibit markedly stronger agreement across all themes than those in Bayelsa ($M = 3.31\text{--}3.36$) and Ekiti ($M = 3.24\text{--}3.30$). Tukey HSD post-hoc tests confirm that Imo and Kogi form a distinct high-criticism cluster while Bayelsa and Ekiti form a moderate-criticism cluster, with no statistically significant differences within clusters. These patterns are consistent with the historical record: Imo experienced one of the most dramatic and contested judicial reversals in Nigerian electoral history (the 2020 Supreme Court ruling installing Uzodinma), while Kogi has been repeatedly marred by electoral violence and disputed outcomes. As Bourdieu (1989 cited in Omotoso & Nwaguru, 2026) would suggest, lived experiences of symbolic dispossession; in this case, having one's vote effectively overridden by judicial fiat produce sharper and more durable perceptions of institutional illegitimacy.

5. DISCUSSION OF FINDINGS

The results from this multi-method study, drawing on survey data from 327 participants across Kogi, Imo, Bayelsa, and Ekiti, depict a democracy contending with serious institutional decay and deepening public disenchantment. The findings sustain and extend the theoretical frameworks of Judicialization of Politics and Institutional Theory that undergird the study, while also engaging comparatively with evidence from India, Kenya, and Brazil.

5.1. Judicialization of Politics

The survey evidence strongly supports the view that Nigeria's judiciary has effectively displaced the electorate as the ultimate arbiter of gubernatorial power. This finding is theoretically consistent with Hirschl's (2008, 2018) account of the judicialization of megapolitics, in which courts are drawn into the resolution of questions that are fundamentally political in character. As Madueke (2025) and Okoye (2021) document for the Nigerian Fourth Republic, courts have been repeatedly mobilized not merely to adjudicate procedural electoral disputes but to determine the substantive outcome of political contests, effectively transferring electoral sovereignty from the ballot box to the courtroom. This transfer has a corrosive effect on democratic legitimacy in the sense described by Habermas (1981): when outcomes are perceived as determined by judicial manoeuvre rather than communicative deliberation among citizens, the normative foundations of democratic governance are undermined.

The heightened criticism in Imo and Kogi is not merely a product of greater exposure to electoral disruption but reflects the acute symbolic dimension of judicial overreach: residents of these states have experienced firsthand the replacement of their collective electoral verdict by a court-imposed outcome (Gathii & Akinkugbe, 2022). Lindberg's (2009) warning that repeated electoral disruptions can arrest or reverse democratic consolidation is thus borne out empirically, particularly in states where judicial reversals have been most dramatic and least transparent.

5.2. *Institutional Weaknesses and INEC*

Participants attribute primary institutional responsibility for the proliferation of off-cycle elections to INEC's chronic failure to conduct elections that are credible, transparent, and legally defensible. This finding aligns closely with Institutional Theory's emphasis on how organizational deficiencies generate path-dependent cycles of dysfunction (North, 1990; Pierson, 2020). INEC's failure to deliver conclusive results opens the door to litigation; litigation produces judicial interventions that recalibrate electoral timelines; the resulting off-cycle elections impose additional financial and logistical burdens on INEC; and these burdens further erode its organizational capacity, a self-reinforcing cycle of institutional weakness.

The financial and logistical burden of off-cycle elections emerges as the single most acute concern in this thematic area (mean = 3.64). This finding is consistent with de Benedictis-Kessner's (2018) observation that off-cycle elections place disproportionate administrative demands on electoral management bodies while simultaneously reducing the civic mobilization that helps sustain organizational accountability. The role of media coverage or its absence is also directly relevant here: Berti, Bratu, and Wickberg (2020) and Tumber and Waisbord (2019) demonstrate that reduced media scrutiny in off-cycle periods creates conditions in which corruption and malpractice are less likely to be detected and reported, effectively lowering the institutional accountability of both INEC and political actors. In the Brazilian context, Sousa (2023) shows how the pattern of corruption coverage

in media interacts with public trust in democratic institutions, a dynamic directly applicable to Nigeria's off-cycle states.

5.3. *Democratic Consolidation and Electoral Credibility*

The study's most sobering finding is the widespread perception that off-cycle elections have become a structural threat to Nigeria's democratic consolidation. The incumbency advantage item registers the highest agreement (mean = 3.66), consistent with de Benedictis-Kessner's (2018) findings on how off-cycle timing structurally benefits sitting officeholders. The perpetual cycle of litigation, electoral violence, and diminished civic engagement identified by respondents resonates with Lindberg's (2009) theoretical caution against treating elections as automatically democracy-deepening regardless of the institutional context in which they occur, and with Nwosu's (2020) empirical account of how institutional manipulation in off-cycle states generates conditions conducive to competitive authoritarianism.

Comparatively, Nigeria's experience stands in contrast to the managed off-cycle moments witnessed in India and Kenya, where courts and electoral commissions have generally succeeded in re-embedding exceptional elections within a broader framework of institutional legitimacy (Barkan, 2019). The persistence and structural entrenchment of off-cycle elections in Nigeria rather than their eventual resolution and re-synchronization is the distinguishing feature that points to a fundamentally different institutional trajectory, one in which the corrective mechanisms of democracy have themselves become sources of democratic pathology (Pierson, 2020; Madueke, 2025).

The moderate support for constitutional re-synchronization (item 15, mean = 3.25) suggests that public recognition of the problem does not automatically generate political will for structural reform, a finding consistent with Foucault's (1980) insight that the production of legitimate discourse about institutional dysfunction does not in itself disrupt the power relations that sustain it. Reform, in this analysis, requires not only technical solutions but a fundamental restructuring of the incentive structures that make off-cycle elections attractive to political elites.

6. CONCLUSION AND RECOMMENDATIONS

6.1. *Conclusion*

This study has established that off-cycle governorship elections, initially introduced as judicial correctives to electoral fraud, have become one of the most destabilizing structural features of Nigeria's Fourth Republic. Rather than reinforcing constitutionalism, they have entrenched the judicialization of politics, exposed the chronic institutional weakness of INEC,

granted incumbents unfair advantages, escalated electoral violence and malpractice, and profoundly eroded public faith in the democratic process. The empirical evidence from Kogi, Imo, Bayelsa, and Ekiti, marked by excellent scale reliability (Cronbach's $\alpha = 0.87\text{--}0.93$) and statistically significant inter-state variation ($F = 12.41\text{--}17.03$, $p < .001$), reveals that citizens in states with the most traumatic histories of judicial reversals and disputed polls (Imo and Kogi) express the deepest institutional disenchantment.

Theoretically, this study makes three contributions to the political science literature. First, it demonstrates empirically that judicialization of politics, as theorized by Hirschl (2008), operates in Nigeria not merely as a procedural phenomenon but as a mechanism through which electoral sovereignty is systematically transferred from citizens to courts, undermining Habermasian communicative legitimacy and producing the kind of symbolic dispossession theorized by Bourdieu (1989). Second, it shows how Institutional Theory's concept of path dependency (North, 1990; Pierson, 2020) applies with particular force to Nigeria's off-cycle elections: once entrenched through judicial decisions, these elections have proved highly resistant to reform, even in the face of sustained public criticism and formal constitutional amendment efforts. Third, the comparative dimension of the analysis situating Nigeria's experience alongside India, Kenya, and Brazil demonstrates that the structural entrenchment of off-cycle elections is not an inevitable feature of emerging democracies but a product of specific institutional failures that are, in principle, amenable to reform.

Until the electoral calendar is constitutionally re-synchronized, INEC and the judiciary are granted genuine autonomy, and specialized electoral offences institutions are created, off-cycle elections will continue to undermine governance stability and democratic consolidation, not only in Nigeria but in other emerging democracies facing similar institutional fragilities. The study's most consequential finding is perhaps the most politically uncomfortable: the moderate support for constitutional re-synchronization signals that awareness of structural pathology does not automatically generate the political will necessary to overcome it. Immediate, bold reforms are not optional; they are imperative for restoring the primacy of the ballot box.

6.2. Recommendations

Based on the foregoing analysis, this study proposes the following evidence-based recommendations:

- i. **Constitutional Re-synchronization:** The National Assembly should amend Section 180 of the 1999 Constitution (as amended) and relevant provisions of the Electoral Act 2022 to return all governorship elections to a single national cycle by 2031, with staggered tenure adjustments (shortening or extending some terms by up to one year) where necessary. This measure directly addresses the structural incumbency advantages documented in this study;

- ii. **Dedicated Electoral Justice Institutions:** A specialized Electoral Offences Commission and Electoral Offences Tribunal, separate from the conventional judiciary, should be created and funded on a first-line charge basis. This would reduce the burden on ordinary courts, expedite petition resolution, and insulate judges from the intense political pressures that currently fuel perceptions of judicial partisanship;
- iii. **INEC Institutional Reform:** INEC must be granted full financial and administrative autonomy through direct charging of its budget to the Consolidated Revenue Fund, with permanent professional staffing replacing the current reliance on ad-hoc personnel, and sustained investment in technology and logistics. These reforms are prerequisites for the delivery of credible elections that can withstand judicial scrutiny;
- iv. **Judicial Specialization and Independence:** The National Judicial Council should establish a dedicated Election Petition Division within the Court of Appeal and Supreme Court, staffed by judges with specialized training in electoral law, with strengthened tenure security and transparent appointment processes to reduce the vulnerability of judicial appointments to political pressure;
- v. **Civic Education and Voter Mobilization:** Civil society organizations, INEC, and the National Orientation Agency should implement sustained, state-specific civic education programmes in Kogi, Imo, Bayelsa, and Ekiti, with special emphasis on youth and women as agents of democratic renewal. These programmes should directly address voter fatigue, declining institutional trust, and the normalization of vote-buying;
- vi. **Media Accountability:** Nigerian regulatory authorities and civil society should promote sustained investigative media coverage of off-cycle elections to replicate the accountability-enhancing effects of national electoral scrutiny, thereby reducing the conditions under which malpractice flourishes.

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