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ELECTRONIC EVIDENCE AND ELECTRONIC VOTING UNDER THE ELECTORAL ACT 2022: ELECTROCUTION OR ELECTRIFICATION?

Omoniyi Bukola Akinola*

Abstract

Until year 2022 when former President Muhammadu Buhari signed the Electoral Act 2022 into law, Nigeria has not provided any legal framework for electronic voting and has not practiced electronic voting as an holistic electoral process. Electoral disputes are also resolved by the use of evidence tendered and admissible in court or tribunal. On 2 June 2023, President Bola Ahmed Tinubu signed into law the Evidence Act (Amendment) 2023 in order to widen the scope of electronic evidence in Nigeria. This paper seeks to examine electronic evidence and electronic voting under the Electoral Act 2022 and the scope of usage within the Evidence Act. The concept of electronic voting and its intersection with electronic evidence has taken the digital space in Nigeria. The paper probes further, the role of electronic evidence in proof of electronic voting in the Nigerian electoral justice. This is because electronic voting comes with its own vices that need to be examined alongside the need to put in place measures to guard against possible compromise of e-voting devices by viruses and other threats to the digital space. The paper further examined the difficulties of proving electronic attacks in courts of law among other things. The paper adopts the doctrinal

* PhD, Barrister at Law, Professor of Law, Former Dean of Law, Faculty of Law, Redeemer's University, Ede, Nigeria

methodology as it considers statutory provisions, case laws, and opinions of other legal writers among others. The paper calls for the implementation of the provisions of the law with regards to electronic voting and electronic evidence as times have changed and electronic voting has become a necessity under the Electoral Act among other statutes. The paper exposes the likely challenges with the implementation of the Electoral Act as far as electronic voting is concerned.

Keywords: Electronic Evidence, Electronic Voting, Electoral Act, Evidence Act.

1.0 INTRODUCTION

On the 25th day of February 2022 President Muhammadu Buhari signed the 2022 Electoral Act Amendment Bill into law which repeals the 2010 Electoral Act. This was after a lot of clamouring from the citizens to the government. However, as another general election approaches, it is necessary to examine provisions of the Act as it relates to electronic voting electronic evidence and how it will impact the Electoral jurisprudence to ensure our electoral processes are credible. The first paper of the paper examined the concept of electronic evidence in Nigeria while the second part examined electronic evidence in proof of election matters. The third part deals with the intersection between electronic voting, electronic evidence and the jurisprudence of election petition. The latter part of the paper summarized the findings and made recommendations towards deepening the jurisprudence of electronic voting as a part of electronic evidence in resolving electoral disputes.

2.0 CONCEPT OF ELECTRONIC EVIDENCE

Electronic evidence means evidence stored in electronic form by or on behalf of a service provider at the time of receipt of a production or preservation order certificate, consisting in stored subscriber data, access

data, transactional data and content data[1]. Also, Electronic evidence includes any electronically stored information (ESI) which may be used as evidence in a trial or in a lawsuit. Electronic evidence may include: documents; emails and other files which are stored electronically. In addition, electronic evidence includes records which are stored by Internet or network service providers[2]. In addition, the Council of Europe defines "electronic evidence" as any evidence obtained from data contained in or created by any device, the operation of which depends on software or data stored or transmitted through a computer system and network.[3] Electronic evidence could also be an informative digital component that takes many forms, such as writing, pictures, audio, and photograph, through which the crime, perpetrator, and victim can be linked.[4] Due to its nature, electronic evidence may be volatile, prone to manipulation, or at risk of damage.[5]

Electronically or computer-generated evidence has been variously defined. Electronic evidence has been defined as data (comprising the output of analogue devices or data in digital form) that is manipulated, stored or communicated by any manufactured device, computer or computer system or transmitted over a communication system, that has the potential to make the factual account of either party more probable or less probable than it would be without the evidence[6]. Electronic evidence is any probative data

[1] https://www.lawinsider.com/dictionary/electronic-evidence
[2] https://www.legalmatch.com/law-library/article/electronic-evidence.html
[3] Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on Electronic evidence in civil and administrative proceedings 2019 < https:// search.coe.int/cm/pages/result_details.aspx? Objectld=0900001680902eOc.> Accessed on 12 December 2022.
[4] AF Moussa 'Electronic evidence and its authenticity in forensic evidence' (*Egyptian Journal of Forensic Sciences* 2021) 4.
[5] INTERPOL, 'Global Guidelines for Digital Forensic Laboratories' (2019).
[6] Burkhard Schafer and Stephen Mason, in Stephen Mason and Daniel Seng, editors, Electronic Evidence (4th edition, Institute of Advanced Legal Studies for the SAS

held or transmitted by an electronic device or system produced as evidence in court[7]. It is important to note that electronic evidence is not only what is found on computers and computer-related devices but may also include evidence of what is found on digital devices such as telecommunications or electronic multimedia devices. Oloworaran opined that no attempt was made to define electronic evidence under the Evidence Act 2011. Oloworaran argued that neither digital evidence nor electronic evidence or as computer evidence was defined. Rather, Oloworaran asserts that it was the word computer that was defined to make references to several devices that would qualify as computer.[8] The electronic evidence can be found in e-mails, digital photographs, ATM transaction logs, word processing documents, instant message histories, files saved from accounting programme, spreadsheets, internet browser histories databases, Contents of computer memory, Computer backups, Computer printouts, Global Positioning System tracks, Logs from a hotel's electronic door locks, Digital video or audio files. Therefore, the machines used for elections and the data found or stored on it can be classified as electronic evidence. The volatile nature of e-evidence and the vulnerability of electronic evidence to being manipulated poses great challenge to its authenticity, admissibility and relevance and probative value in judicial proceedings. It is gladdening to note that the Evidence (Amendment) Act 2023 has widened the scope of what is admissible and classified as electronic evidence to include electronic signatures, electronic gazettes, electronic oath taking, cloud computing, magnetic media, optical media, and electronic records, among others without repealing the Evidence Act 2011.[9]

Humanities Digital Library, School of Advanced Study, University of London, 2017) Paragraph 2.6

[7] https://www.lifehash.com/post/why-electronic-evidence-is-important-and-how-to-prove-its-authenticity

[8] Evidence Act 2011, s. 258, Oloworaran BA & Oloworaran EU, *Electronic Evidence and Digital Transaction Law in Nigeria*. Ahmadu Bello University, Press with support from TETFUND, 2022, p. 9

[9] S. 3 (1) of the Evidence (Amendment) Act 2023

3.0 CONCEPT OF ELECTRONIC VOTING IN NIGERIA

Electronic voting (also known as e-voting) is voting that uses electronic means to either aid or take care of casting and counting ballots[10]. In voting, some of the technological advancements we have seen over the years such biometric voter registration, smart card readers, voters' cards, optical mark recognition, direct electronic recording, and electronic result transmission are electronic means that aid the voting process. It is often argued that the Electoral Act does not expressly state electronic voting but a close look at Section 50(2) of the Act provides thus: Subject to section 63 of this Act, voting at an election and transmission of results under this Act shall be in accordance with the procedure determined by the Commission. This has been considered to be liberty for the Commission to conduct elections electronically. In 2011, the Independent National Electoral Commission (INEC) introduced the automated fingerprint identification system to stop voters from registering more than once while the permanent voter's card and smart card reader were introduced in 2015[11]. In the September 2020 Edo State governorship polls, INEC adopted the electronic transmission of results. The commission has also in the past, expressed the willingness to adopt electronic voting, including the transmission of results by electronic means so the provision of this section has given INEC the opportunity they have always desired to function better via electronic means[12].

As laudable as these advancements are, votes were still being collated manually because the technological advancements were focused more on

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[10] https://en.wikipedia.org/wiki/Electronic_voting

[11] https://theconversation.com/digital-technology-can-improve-nigerias-elections-lessons-from-2019-175551

[12] How electronic transmission of results will affect elections in Nigeria by IhuomaChiedozie July 9, 2021<https://www.icirnigeria.org/how-electronic-transmission-of-results-will-affect-elections-in-nigeria/>

verification of voters. This gave room for the increase in election fraud as votes were still being counted manually. As much as technological advancement signifies growth in any sector, the major purpose of electronic voting is to ensure the credibility of elections. E-voting systems can speed up election results and lower the cost of conducting an election by significantly reducing the number of people required to operate a polling place and tabulate results. A primary concern with e-voting, however, is how to store votes so they can be recounted if required[13]. Section 47(3) of the Act gives legislative backing to the use of Smart Card or any other technological device by the presiding officer for the accreditation, verification, confirmation or authentication of the particulars of an intending voter. The Act further provides that where a smart card reader or any other technological device deployed for accreditation of voters fails to function in any unit and a fresh card reader or technological device is not deployed, the election in that unit shall be cancelled and another election shall be scheduled within 24 hours. This provision is laudable as it does not give room for manual voting which would encourage election fraud. Over the years, it has been observed that collation officers are prevented from effectively carrying out their duties because either there are no vehicles to transport ballot materials or ballot materials are being snatched or they are being kidnapped but with the recent provisions on electronic voting there would be an opportunity to implement measures to checkmate these areas with technology. Also, the capacity of returning officers to influence the outcome of elections either willfully or by coercion would no longer be an issue if voting results are transmitted through electronic means. The electronic transmission will take away the power of the returning officers to influence the election process and human error in the collating process. This is a laudable provision for ensuring credible elections.

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[13] https://www.techtarget.com/whatis/definition/e-voting-electronic-voting. accessed 20 September, 2022

One of the things required for successful electronic voting is an adequate database. Section 62, mandates the Commission to compile, maintain and update, on a continuous basis, a register of election results to be known as the National Electronic Register of Election Results which will be a distinct database or repository of polling unit results, including collated election results, of each election conducted by the Commission in the Federation. The effect of this is that it would help in analyzing the data of those who register, eventually vote and also help in verification exercises. According to Section 65 of the new Act, INEC now has the power to, within seven days, to review a declaration and return decision made by a returning officer where the Commission determines that the said declaration and return was not made voluntarily or was made under duress or contrary to the provisions of the law, regulations, guidelines and manual for the election. Such decision of the returning officer may also be reviewed by an election tribunal or court of competent jurisdiction in an election petition proceeding. This provision makes the use of coercive behavior counterproductive. It is worthy of note that persons living with disability were also taken into consideration in section 54 of the Act which provides that persons with disabilities, special needs and vulnerable persons are to be assisted at the polling place by the provision of suitable means of communication, such as braille, large embossed print, electronic devices, sign language interpretation, or off-site voting in appropriate cases.

4.0 INTERSECTION OF ELECTRONIC EVIDENCE AND ELECTRONIC VOTING

The idea of Electronic voting, otherwise known as E-voting is an attempt by the Independent National Electoral Commission (INEC) to make citizens participation in elections more scientific, empirical, refined and better organized. It is intended to make the voters vote count, make elections more credible, free, fair, transparent and reliable. Consequently, it will reduce to the barest minimum the ugly incidence of votes rigging and manipulation hitherto experienced in the previous manual voting exercise. Over the years we have seen that with elections comes court cases as there's

always one issue or the other to be resolved by the Court. Upon the foregoing it is necessary to consider how electronic voting can be proved in court to be what it claims to be. Proof here simply means evidence. The Evidence Act 2011 has given a wide and improved definition of 'document' to incorporate modern means of information storage and retrieval such as computer databases contained in hard drives, CD-ROMs, Magnetic Discs, Flash Disks, and Floppy Diskettes as well as Motion Pictures recorded in Videotapes, Cassettes, Compact Discs, Micro Films, Micro Fiches, etc. This makes room for electronic voting as some of the devices being used fall within the Evidence act definition of a document. The implication of this is that the data stored for electronic voting or used during electronic voting can be categorized as electronic evidence and further used when legal issues arise.

However, in the legal parlance there are certain data or evidence that is considered as admissible. Admissibility is the concept in Law of Evidence that determines whether or not evidence can be received in court to prove or disprove a fact[14]. Admissibility means capable of being allowed or conceded[15]. Thus, to be admissible means capable of being legally admitted or allowable or permissible as evidence or worthy of gaining entry or being admitted in a judicial proceeding. Section 84 of the Act addresses a broad spectrum of legal issues relating to admissibility of electronic evidence or document. Specifically, section 84 (1) provides for admissibility of *"a statement contained in a document produced by a computer"*. Subsection (2) enumerates four conditions that must be satisfied before such a statement becomes admissible; while section 84 (4) requires that a certificate be signed to authenticate the document and the computer that

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[14] Oxford Reference. Retrieved from: https://www.oxfordreference.com/view/10.1093/oi/authority.20110803095352108 Accessed 17 August 2022

[15] Merriam Webster dictionary <https://www.merriam-webster.com/dictionary/admissible> Accessed 18 August 2022

produced it by a person occupying a responsible in relation to any matter mentioned in sub-section (2). The whole essence of the section is to ensure that only authentic documents produced by computers are admitted in court proceedings. Authentication here simply means, the party offering electronic evidence must adduce sufficient evidence to support a finding that the document in question is what it purports to be.[16] For evidence to be authentic it must be what it claims to be.[17]Under section 84, the proponent of electronically-generated evidence is to establish two basic things: (a) the functionality of the computer that produced the document and (b) the authenticity of the information contained in the document i.e., that the information has not changed or been altered. It can be gleaned from the provision of section 84 that the admissibility being talked about is with regards to computer generated evidence. Section 258 of the Evidence Act provides that "computer" means any device for storing and processing information, and any reference to information being derived from other information is a reference to its being derived from it by calculation, comparison or any other process. In essence these provisions are applicable to electronic voting.

The meaning generally ascribed to the word “document” is that it’s a piece of written paper that provides information. It is usually thought of in terms of books and papers. Once something is not written on paper or appears in a book form, it is not considered a document. Under Section 258 of the Evidence Act, 2011, there is a broad and clear definition of the word “document”. Against the backdrop of the wide definition of the word, Tur, JCA., has described “document” as a fact which term “includes anything, state of things or relation of things, capable of being perceived by the senses, any mental condition of which any person is conscious”.[18]

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[16] Mason, S and Seng, D. (eds) (2017). *Electronic Evidence* in Mason S and Stanfield, A., Authenticating Electronic Evidence, (4th edition) p. 143
[17]*Ibid.*
18 *Onyewuke v. Sule* (2011) LPELR 9080 (CA) P. 119

Accordingly, the Court of Appeal in *Holdent International Ltd v Petersville Nigeria Ltd*[19]has held that plastic bottles bearing trademark inscriptions are documents, the same Court of Appeal has also accepted, rightly in my view, that tape recordings tendered in *Federal Polytechnic, Ede & Ors v Oyebanji*[20]are documents. The same conclusion was also reached in *Obatuga & Anor v Oyebokun & Ors*[21]where a video tape was held to qualify as a document.

There are four conditions required to be fulfilled under section 84(2) for admissibility and they are:

(i) Section 84(2) (a)
That the statement sought to be tendered was produced by the computer during a period when it was in regular use, to store or process information for the purpose of any activity carried on over that period.
Section 84(2)(a) focuses on the reliability of the computer. It attempts to ensure that the computer from which a document was generated is reliable. The reliability of the computer is established by the fact that there is evidence to show that it was used regularly to store or process information for the purpose of activities regularly carried on over a period.

(ii) Section 84(2) (b)
During that period of regular use, information of the kind contained in the document or statement was supplied to the computer.
Section 84(2) (b) is about the document itself. It seeks to ensure that the document produced by the computer is authentic. Reliability of machines and devices is one issue, reliability of evidence created as part of a computer system, is another. The vulnerability of computer records to manipulation and tampering is directly in point here. Of course, a computer will only

19 (2013) LPELR9725(CA)21474 (CA),
20 (2012)LPELR 19696 (CA)
21 (2014) LPELR- 22344 (CA)

produce what is programmed into it. Evidence must, therefore, establish that the computer did exactly what it was instructed to do and the document produced in court consists of what was fed into the computer. If there is any discrepancy between what is contained in the computer and what is produced, such document will be considered unreliable and the entire information could be found to be unacceptable.

(iii) Section 84(2) (c)
The computer was operating properly during that period of regular use or if not, the improper working of the computer at any time did not affect the production of the document or the accuracy of its contents.
Section 84(2) (c) addresses the question of trusting the operation of the computer. A computer, without any form of manipulation, can malfunction. It may be affected by 'bugs' or infested with a virus. A malfunctioned computer has the tendency of producing inaccurate data. The law, therefore, requires foundational evidence to show that at the relevant time, the computer operated properly and if there was ever a time it malfunctioned it did not in any way affect the production of the document or the accuracy of its contents. Evidence of malfunction of a computer is relevant only if it affects the way the computer processes, stores or retrieves the information used to generate the statement tendered in evidence.

(iv) Section 84(2), (v) Section 84 (2)(d)
That the information contained in the statement was supplied to the computer in the ordinary course of its normal use.
Section 84(2) (d) requires that the information contained in the statement was supplied to computer in the ordinary course of its normal use similar to the condition under section 84(2) (a). It is necessary that INEC uses these guidelines in electronic voting not just to ensure credible election but also in the event the credibility is being challenged in court.

Under section 84(4) of the Evidence Act, 2011, there is the requirement of tendering a certificate to further authenticate an electronic document. This

is required in any proceeding where electronic evidence is required by virtue of section 84. The certificate must satisfy the following conditions:

(i) Identify the document containing the evidence to be made.
(iii) Describe the manner in which the document was produced.
(iv) Furnish the particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer.
(v) Treat or deal with any matter under section 84(2).

(vi) The certificate must be signed by a person occupying a responsible position in relation to the operation of the relevant device used or the management of the relevant activities.

The entire idea behind the certificate is to ensure the integrity of the source and authenticity of the document so that the court can rely on it. It is therefore expected that as much as INEC is enthusiastic about implementing provisions on electronic voting that must also ensure that elections are not just credible but also in compliance with the provisions of the law on electronic evidence and admissibility.

5.0 ROLE OF ELECTRONIC EVIDENCE IN PROOF OF ELECTRONIC VOTING IN THE NIGERIAN ELECTORAL JUSTICE

Having established that electronic voting falls within the provisions of electronic evidence, it is important to consider how the principles of electronic evidence would be used to prove electronic voting to ensure justice in the Nigerian electoral system. In electronic voting, there would be printouts and as such the question of what type of document it arises. The issue here is whether or not a computer printout is to be treated as primary evidence or secondary evidence. This is yet to be finally resolved. It should be noted that, Section 84 of the Evidence Act, 2011 does not specify or classify electronic evidence as secondary evidence and no section of the Act, for that matter, makes such classification. Electronically-

generated evidence is treated as a category of evidence that constitutes a class on its own, i.e. '*statement contained in a document produced by a computer.'* Such a statement is admissible under section 84(1) as evidence of any fact stated in it of which direct oral evidence will be admissible.

In *Anyaebosi v R.T. Briscoe*[22] the Supreme Court treated computer printouts as secondary evidence. It should be noted, however, that Anyaebosi's case decided within the context of the repealed Evidence Act, 2011. With the enactment of the Evidence Act, 2011 it is doubtful if Anyaebosi's case can be cited as an authority on that point today.

A direct printout of a document from a computer should be admissible as primary evidence, while a photocopy of such printed copy will be admissible as secondary evidence. In considering the status of computer printouts, three concepts feature computer data, soft copy, and hard copy. Computer data is the information fed into the computer and stored in the system's memory. It is stored in the hard disc so that the computer can perform other functions. The main circuit of computer data stored in the hard disk leverages on binary numbers, which are nonsensical in their natural sense and look, because they are made of strings of zeros (0s) and ones (1s).[23] The soft copy is available on the computer monitor and other storage devices like floppy disk, USB mass storage devices etc., capable of being printed as the hard copy i.e., the printout. Until the information stored is printed, it remains only machine readable except it is displayed on the computer monitor.

The question often arises as to who should be the proper person to establish the conditions under section 84(2) in evidence? In *R v Shepherd*,[24] the

22 (1987) NSCC (Pt. II) 805
23 Adewumi (2016). Algorithm Makes Sense Out of Nonsense. Federal University of Lokoja (FUL) Lecture Series 1 , Wednesday October 19, 2016
24 (1993) 1 All ER 225

House of Lords, while interpreting section 69 of PACE Act 1984 (now repealed), held that the said section can be satisfied by the oral evidence of a person familiar with the operation of the computer who can give evidence of its reliability and need not be a computer expert. Lord Griffith affirmed that: Nigerian courts can be properly guided by the decisions in *R. v Shepherd*[25] *and R. v Spiby* [26], to the extent that a witness need not be a computer expert to prove the conditions in section 84(2). All that is required is the oral evidence of a person familiar with the operation of the computer and who can give evidence of its reliability to authenticate the document and the trustworthiness of the computer that produced it. The significance of this to the current study is that election officials who operated the machines or those who were in charge of the machines can be called witnesses with regards to the admissibility or proof of the credibility of the election.

6.0 SUMMARY OF FINDINGS

Poorly designed paper ballots, which might have been filled in or counted incorrectly, become a thing of the past with the current provisions on electronic voting. This assertion was our view until a few pronouncements of the courts which promote hybrid form of voting. It is our finding that current legislations on Elections cannot ensure that the nation enjoys the benefits of the newly amended Evidence Act (Amendment) 2023. As has been observed in previous elections where card readers or other devices malfunction and ultimately discourage those willing to participate in elections, INEC needs to do better to ensure the processes are seamless as electronic voting measures would improve the convenience, efficiency, and effectiveness of the election process; reduces the cost of organizing the election, increases participation and improves the integrity of election process in general if done correctly. Issues associated with inaccuracy, insecurity, fraud and forgery inherent in the conventional manual method

25*Ibid.*
26*Ibid.*

of voting is non-existent in electronic voting; thus ensuring credible elections. The easier voting becomes for citizens, especially among the younger age, the more likely they are to participate in elections. Hence, a voting system that requires less effort, such as punching a button or clicking a computer mouse is likely to gain more acceptances. Such voting system increases voters' convenience and confidence in electoral procedure and is capable of improving the decline of voter turnout and perceived political apathy in Nigeria. With the current position of the Evidence Act, there is need to amend the Electoral Act 2022 to ensure that electronically generated evidence through electronic voting option is not discarded by the courts. This is possible considering the level of independence INEC enjoys under the constitution as regards the monopoly to decide the modus operandi for election conduct in Nigeria.[27]

7.0 RECOMMENDATIONS

To ensure elections are credible conformity with the legal system is paramount, especially the constitution. Apart from the constitution and the Electoral Act 2022, other legislations which impinge on elections, such as Criminal law, Evidence law, Contract laws, Administrative laws, Cybercrime Prohibition Prevention Act, and so on should be amended. New provisions should be included to deal with any legitimate complaints in electronic elections especially the provisions of the Electoral Act as it relates to electronic voting in line with the evidence law which was recently expanded. For example, section 84 (1)-(5) (C) of the Evidence Act contains provisions on electronic or computer-generated evidence. Section 84(1) states: "In any proceedings, a statement contained in a document produced by a computer shall be admissible as evidence". It seems from the wording of this section that e-voting has passed the first hurdle in instances of admissibility of data stored on electronic voting machines or the Internet.

[27] Schedule III, Part I, F, para 15 (a-i), Constitution of the Federal Republic of Nigeria, 1999

Although, the new amendment to section 84 of the Evidence Act has not been judicially tested, it is suggested that in interpreting these vital amendments, the relevant provisions should be interpreted in line with the mischief it seeks to cure and where rejection of electronically generated evidence will occasion miscarriage of justice and impose undue technicality to defeat the essence of the new amendment. We recommend a consequential amendment to ensure smooth operation of electronic voting in order to ease the administration and application of the amended provisions in Evidence Act (Amendment) 2023. Nigeria should continue to apply its laws in this respect to current and contemporary realities in our electoral disputes. Issues such as electronic signature and electronic oath taking are now countenanced in our laws. It is our thesis that the Electoral Act as it is and a few pronouncements of the courts on electoral disputes and application of electronic voting devices, softwares and application will retrogress our electoral jurisprudence as far application of technological innovations in proof of electoral matters are concerned.

8.0 CONCLUSION

Besides eradication of rigging, fraud, manpower conservation, and convenience, protecting the constitutional right of the identified group of citizens is one of the reasons for adopting this novel method of voting. Electronic voting has often been one of the solutions raised over the years against electoral fraud but there are also arguments that without a paper trail, recounts are more difficult and may open the door for electronic ballot manipulation and that poorly-written programming code, could affect election results. The solution to this is to implement a technological solution that stores data and provides the avenue to revisit like in the case of an election where recounting may be required. The advantage of electronic voting over the conventional voting system is obvious. Convenience is an attribute of e-voting that enhances participation and remedies apathy associated with traditional voting methods. E-voting makes it easier for people to make their views known and cast their votes, an important requisite for a constructive democratic process. The Nigerian legislature

should be commended for their tremendous effort of including the admissibility of computer-generated documents into the procedural legislation; to wit, the Nigerian Evidence Act 2011. The provision[28] in this Act has posed a challenge as to how far and possibly will such electronic documents be admitted. It is noted however that the newly amended Evidence (Amendment) Act, 2023 has in no doubt resolve the challenges associated with the electronically generated evidence but the law will continue to be amended because of diverse and dynamic technological innovations which may further catch up with the newly amended evidence law.

[28]S.84 (2) (a-d): Evidence Act 2011.