

Partisanship, Legislative Decision and E-Voting in Nigeria: The Case Study of the 2022 Alteration (Amendment) of the 1999 Constitution

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Abstract

This study examines the impact of bipartisanship on legislative decision and voting behaviour among members of the 9th House of Representatives in Nigeria using the 2022 constitutional amendment. When Nigeria returned to democracy in 1999, after a prolonged military rule, it operated with a constitution produced by the military. Consequently, a lot of challenges emerged that threatened the existence of the country and exposed the weaknesses of the institutions as well as the fragility of the new democracy. Thus, different voices from various segments of society called for the amendment of the 1999 constitution. Thus, the constitution has been amended five times since 2010. However, the 2022 amendment was unique because an E-voting machine was installed and used by the House of Representatives to vote on the 2022 amendments. Prior to this time, the voice vote was often used thereby undermining the constitutional provisions and making it difficult to know if the requirement for two-thirds majority vote to pass or amend any section of the constitution was met or otherwise. Considering the complexity of Nigerian society and the multi-party system in operation, this study examined how bipartisanship shapes members' voting decisions and found that no single party received the two-thirds majority threshold required to pass any clause alone. Therefore, 58 items were passed under bipartisan support, and one item was negated (rejected) under bipartisan votes. Thus, 59 of the 68 items voted on were under bipartisan collaboration. This shows that bipartisanship was at work in passing 86.76 percent of the items considered and voted on using e-voting.

Keywords: Nigeria, House of Representatives, Constitutional Amendment, Constitutional Alteration, Democracy, Partisanship, Legislative Decision

Introduction

The 1999 Constitution of the Federal Republic of Nigeria, originally produced by the military regime, has often been blamed for several of the challenges that Nigeria's Fourth Republic has faced over the past twenty-seven years. The weaknesses identified in the 1999 constitution by scholars, politicians, journalists and other various commentators from different backgrounds triggered the call to improve election and electoral administration, eliminate electoral malpractice, address the introduction of Sharia law in Northern Nigeria, respond to and address the issue related to agitation for resource control by the Niger Delta oil bearing communities and states, manage succession in public office, especially following the crisis resulting from the illness and eventual death of President Umaru Musa Yar'Adua in 2010, strengthen democratic institutions and grant a measure of autonomy to certain institutions, such as financial autonomy for state legislatures and local government councils and agencies (Fashagba, 2010, Policy and Legal Advocacy Center, PLAC 2018). Often, some of the issues have stimulated national or regional tension and division amidst the cacophony of competing groups with distinct and sometimes seemingly irreconcilable political interests. This has resulted in calls for constitutional amendments aimed at improving governance efficiency of state institutions, agencies, and structure at different times (Fashagba, 2020). It suffices to point out here that alteration and amendment are used interchangeably because the Nigerian National Assembly prefers the term alteration and it is therefore commonly used.

To restore and, perhaps sustain order, minimise tension and ensure a level of socio-political euphony in the society, the National Assembly had at different times responded to the agitations by amending the constitution five times (PLAC, 2018, Ojo, 2023). To be sure, in 2010, the constitution was amended two times. The third and fourth amendments took place in 2017. The fifth Amendment occurred in 2022/23. Most of the issues addressed by the various amendments are sometimes controversial and polarising. For instance, the issue of local government autonomy, especially in finances and the mandatory election of local council leadership, as well as provisions for financial independence for the state assemblies, considered salient for improved federal operation and deepening of democracy at the sub-national level in Nigeria did not enjoy the support of the state governors who most often divert local governments funds. In addition, they have become important political gatekeepers, holding the power to determine the future career of the National Assembly and state assembly members from their respective states. Indeed, the increasing prominence of state governors in national politics and, as gatekeepers, is perhaps due to the array of resources at their disposal.

Despite the challenges that the various amendment processes faced, the constitution has been altered five times under the Fourth Republic. The National Assembly, the institution that handled the alteration of the constitution, comprises people elected from a society that is highly fragmented and often driven by identity and patronage politics (Fashagba, 2014). Similarly, regional, ethnic, and religious considerations shape the preferences of members of society. Yet, the members of the governing elites are drawn from the highly polarised society. The fact that the federal system of Nigeria is made up of over 250 ethnic groups makes the situation more complex (Osaghae, 1998; Ojo, 2025).

Navigating the complex ethnic configuration, multi-partyism and adversarial elite competition to pass a measure or policy in the National Assembly with members from very complex and diverse backgrounds becomes a subject of interest that calls for interrogation. More importantly, the fourth republic democracy emerged with three political parties in 1999. Two of the three parties, namely, the Alliance for Democracy (AD) and All Peoples Party (APP) were ethnic parties with the former dominant in the south-west and the latter North-east. But starting from 2002, the proliferation of parties has led to a significant increase in the number of political parties, taking the number of political parties to about 100. At the same time, the ethnic parties have disappeared from the political scene. It suffices to note that no ethnic party has controlled either the presidency or majority in the two-chamber National Assembly. At the same time, the dominant parties have been those that draw support from across the various regions or geopolitical zones and ethnic groups in the country. Thus, while the number of parties that contested the National Assembly election was significantly high in 2019, only eleven political parties won legislative seats, ranging from one (1) to two hundred and eleven (211) in the House of Representatives.

The National Assembly is made up of 469 members of which there are 109 members in the Senate and 360 members in the House of Representatives. In the National Assembly, the constitution gives the power of law-making, including alteration of the constitution, to the two chambers of the National Assembly. However, while law-making requires a simple majority to pass, any alteration of the constitution must be made by two-thirds of the members (Section 9, subsection 2). The members of the National Assembly belong to different political parties; however, it is difficult to identify any of the parties with any ideology (Fashagba, 2014). Perhaps because of the ideological fluidity coupled with the perception among the politicians that politics is a money-making venture and commercial enterprise, legislators switch parties more easily and frequently with impunity.

Between 1999 and 2015, the People's Democratic Party (PDP) controlled both chambers of the National Assembly. However, following the power alternation of 2015, the All Progressive Congress (APC) captured and started controlling the two chambers of the National Assembly (Fashagba, 2023). The 360 members of the House of Representatives, the lower or green chamber of the National Assembly, are drawn from the 360 federal constituencies in the country. Considering the degree of diversity among groups and the multi-party system in operation in Nigeria, this suggests that the members of the National Assembly are highly diverse. The fact that extraneous considerations such as ethnicity, religion and regional politics could be very sensitive while ideology remains a distant consideration meant that debating issues on any proposed amendment has potential socio-political hurdles to contend with. Yet, the demise of the Alliance for Democracy and All Nigeria People's Party (ANPP) (former APP) has translated to the decline of ethnic party and by implication ethnic-based support for parties in Nigeria. Although All Progressive Grand Alliance (APGA) remains an ethnic party, it has never ruled more than one state from 1999 to date. Thus, in 2022, when the constitutional alteration was under consideration, the prominent parties were national in outlook.

In this study, we focus on the influence of partisanship on legislative decision and voting in the House of Representatives, focusing on the alteration of the 68 items that captured the clauses proposed for amendment under the 1999 constitution in 2022/2023. That was the fifth alteration of the 1999 constitution. Although 53 of the 58 bills eventually received the assent of the President, this study did not account for which bills received Presidential assents or otherwise. Similarly, it

did not consider which bills received the concurrence of the Senate. This study is very significant because while Nigeria is operating a multi-party democracy, no study has been intentionally executed to investigate how political partisanship shaped how legislators voted to determine the outcomes of any of the five amendments or alterations since the first amendment in 2010. On a general note, scholars have not demonstrated keen interest in this subject across different political systems. In most developed democracies, some scholars have examined the factors that influence roll call votes. But in Africa, such studies appear to be rare. While roll call vote is not in use in Nigeria, this study fills the gap by examining the role of partisanship in the voting by members of the House of Representatives of the 9th Assembly (2019-2023) during the amendment or alteration of the constitution in 2022/23 using the e-voting record and data.

Partisanship, legislative decision and voting: A survey of the literature

Political parties are one of the core institutions of democracy but now only represent one of many vehicles for the representation of interests. Nevertheless, they remain essential for recruiting leaders (Diamond & Gunther, 2001). In a similar vein, Political parties constitute one of the most significant entities within the legislative institutions in a democracy. Sometimes, it exerts greater influence than individual legislators. As Dickovick and Eastwood (2016) observe, parties are central to the functioning of legislatures. Since legislatures serve as the institutional mechanism through which democratic governance operates, political parties compete vigorously to gain control of these bodies to influence law-making and public policy. In representative democracies, competition among parties to capture legislative power strengthens democratic accountability and provides citizens with alternative policy options. Political parties dominate the electoral process in shaping the discourse of campaigns, the selection of candidates and mobilising citizens to vote (Dalton, Farrell & McAllister, 2011).

Party politics in liberal democracies generally operates on the basis that party, or parties in coalition, controlling the most seats determine which policies receive legislative approval and which do not. One of the central purposes of political parties in a representative democracy is to organise accountable and effective government (Webb, 2016). Consequently, the capacity of a party to translate its legislative dominance into concrete policies that reflect its ideological orientation depends largely on the extent of control that party leaders exercise over their members. The influence of party leadership is frequently reinforced when leaders possess gatekeeping authority over candidate nominations and party tickets for legislative elections. Where such authority exists, party leaders can exert considerable pressure on legislators to conform to party directives. A party that can ensure that its members vote collectively and consistently on legislative issues is typically described as highly disciplined.

Political parties compete for power and once victorious in elections, the winning party forms government and implements its policy agenda. However, in presidential systems that operate a bicameral legislature, it is possible for a party to control the executive branch but lose majority control in one or both legislative chambers to an opposition party. This phenomenon, commonly referred to as divided government or truncated majority, has frequently occurred in the United States (Repetto & Andres, 2023). Regardless of whether the executive and legislative branches are controlled by the same party or by different parties, legislation must ultimately pass through the legislative process. This makes legislatures and political parties central to democratic practice in domestic politics (Rauno & Wagner, 2024). Bills may be enacted through strictly partisan processes, in which the majority party passes legislation without the support of opposition

members, or through bipartisan processes in which members of the opposition work with the party with majority party to secure the passage of a bill or motion.

Bipartisan support for legislative decisions appears to be easier to achieve under coalition governments, which are common in systems that adopt proportional representation or parliamentary democracy than in systems based on single-member districts or presidential system. Addressing legislative decision-making in parliamentary systems, Martin and Vanberg (2020) first debunked the notion that the relative influence of coalition parties depends crucially on institutional context. They contested the argument that where institutions allow credible enforcement of bargains, policy should reflect a compromise among all governing parties; where such institutions are absent, the preferences of parties controlling the relevant ministries should prevail. Analysing changes in social protection policies in 15 parliamentary democracies, Martin and Vanberg (2020) found that legislative institutions significantly shape the relative policy influence of coalition parties. Nevertheless, even in systems without coalition governments, institutional voting rules may and do encourage bipartisan cooperation. For instance, legislative procedures that require supermajority thresholds such as a two-thirds majority for constitutional amendments or certain critical policy decisions could make it inevitable for the majority party to seek support from opposition members. When a governing party controls only a narrow legislative majority, these rules may necessitate bipartisan negotiation to secure sufficient votes to pass important legislation or motions (Westwood, 2022). In a similar vein, opposition members whose interests and those of their constituents are satisfied by the provisions or contents of a bill under consideration may vote alongside others to pass the bill under a bipartisan platform.

Extreme partisanship, however, can be detrimental to democratic governance (Britannica, n.d.). The consequences of excessive partisan polarisation are evident in several democratic systems, particularly in the United States, where legislative gridlock has occasionally resulted in government shutdowns. Wayne (2003) argues that political parties in the U.S. Congress have become increasingly polarised in recent decades, largely because of ideological divisions.

Empirical research has also examined the dynamics of partisan behaviour among legislators. In a study titled, 'Measuring Congressional Partisanship and Its Consequences', Gelman and Wilson (2021) analysed 2.1 million tweets posted by members of Congress during two congressional terms. Their findings reveal that partisan rhetoric on social media strongly predicts party-unity voting patterns and expressions of bipartisanship. The study further demonstrates that presidential support among legislators is largely driven by partisan alignment rather than ideological considerations alone. In other words, legislative behaviour may oscillate between strict partisanship and occasional bipartisanship depending on the political context and the issue under consideration. Legislators are often more inclined toward partisan voting when supporting policies associated with a president from their own party, but bipartisan cooperation may emerge when strategic or institutional incentives demand it. According to Stratmann (2000), legislators in their early career are more likely to vote with their party than senior members. However, party line voting and variability of voting decisions decline with increasing seniority.

While extreme partisanship can undermine democratic stability, some scholars argue that moderate levels of partisanship may strengthen democratic competition. Within liberal democratic systems, opposition parties frequently exploit procedural opportunities and institutional loopholes to influence policy outcomes. In some cases, opposition legislators may adopt confrontational or highly partisan strategies to pressure the governing party into negotiating policy compromises

acceptable to their constituents. Ideologically driven parties tend to pursue policies that reflect the core values and principles upon which the party is founded. As Muirhead and Rosenblum (2020) argue, parties and partisanship are closely interconnected yet conceptually distinct. They note that “parties and partisanship are interwoven but separate: if partisans are necessary to realise the value of parties, the reverse also holds and parties are necessary to realise the value of partisanship.” Empirical evidence supporting this claim is provided in a study by McClain and Tauber (2010), which examined the influence of race and political party affiliation on congressional voting behaviour. Their analysis focused on legislative votes concerning policy priorities of the National Hispanic Leadership Agenda (NHLEA) during the 108th Congress (2003–2004). The study found that Democratic legislators, particularly Black and Latino members, were significantly more likely to support NHLEA priority legislation than their White and Republican counterparts. These voting patterns reflected the ideological orientations and constituency interests associated with each political party. Similarly, Aleman, Micozzi, Pinto and Saiegh (2017) investigated the relative influence of ideology and partisanship on legislative voting in Argentina. Their findings indicated that partisanship was the most significant predictor of legislative voting behaviour, leaving relatively limited room for individual ideological preferences to shape legislative decisions.

Dickovick and Eastwood (2016) further emphasise the importance of partisanship in shaping legislative conduct and the consequences that may arise when legislators deviate from the expectations of their parties. According to the authors, representatives who vote in ways that diverge too sharply from the preferences of their constituents may face strong electoral challenges from political opponents, whether from rival parties or from within their own party during primary contests. Legislators who consistently stray too far from expected positions may struggle to secure re-election. This dynamic places legislators under dual pressure: they must satisfy both their constituents and their party leadership. When the interests of these two groups conflict, legislators must weigh which course of action will minimise political risk while still delivering tangible benefits to their constituents. Dickovick and Eastwood (2016) suggest that public opinion may sometimes play a limited role in such decisions because legislators must also consider long-term political consequences, including future electoral prospects. Consequently, representatives often vote not only in response to immediate public sentiment but also with an eye toward strategic political considerations.

In systems where party discipline is relatively weak, whether under single-member district systems or proportional representation, legislators may feel less compelled to follow strict party directives. When there are few institutional penalties for defying party leadership, legislators may instead support policies that align with their personal beliefs or constituency interests. Conversely, electoral systems that grant party leaders significant control over candidate selection tend to produce higher levels of party discipline. Evidence of this dynamic can be found in a study conducted by Welce and Carlson (1973) on the Nebraska legislature. Their research examined a legislative environment in which party identification existed, but strong party leadership and organisation were largely absent. After analysing five legislative sessions, the authors concluded that voting patterns in such an environment were highly unstructured. Legislators were therefore more likely to vote according to personal conviction than strictly adhering to party directives.

Beyond partisanship itself, the method of legislative voting plays a crucial role in determining legislative outcomes. Hix and Noury (2016) argue that legislative voting allows politicians not only to express their policy preferences but also to signal their level of support for or opposition to the government. This dynamic is particularly evident in political systems where

party leaders exercise significant influence over candidate selection during party primaries or nomination processes. The gatekeeping power associated with candidate selection allows party leaders to monitor and discipline legislators who deviate from party positions.

Thus, voting methods that reveal how individual legislators vote therefore provide party leaders with a powerful tool for enforcing party discipline. When party leaders can identify members who vote against the party's position in the legislature, they can impose sanctions or withhold future political opportunities. Consequently, legislative leaders often prefer voting procedures that make individual votes visible and traceable, especially on politically sensitive or strategically critical issues. In such circumstances, legislators who might otherwise oppose their party position may feel compelled to vote in accordance with party expectations because their votes are publicly recorded. As Crisp and Driscoll (2010) note, the method of voting can significantly influence legislative outcomes by altering the probability that a given motion or bill will be approved. The voting method could influence how members vote, especially those who want to guide against being labelled rebel, because of their perceived opposition to an issue. Voting method that reveals how members cast their votes may tie the hands of legislators who would have voted against a position if a different method that protects or masks their voting position had been adopted.

Extending this discussion, Peoples, Both and Chim (2024) argue that legislative decision-making in democratic contexts is influenced by a combination of internal and external factors. Internal variables include the demographic characteristics of legislators, their social networks, and their ideological or partisan affiliations. External factors include public opinion, media influence, campaign contributions, and lobbying activities. These interacting variables collectively shape legislative behaviour and voting outcomes. Similarly, Eduardo et al. (2017) examined the effects of partisanship and ideology on roll-call voting while also accounting for constituency pressures. Their findings again confirmed that partisanship remains the most influential determinant of legislative voting behaviour, leaving little room for individual ideological preferences to independently shape legislative decisions.

Legislatures end their deliberations by voting on proposed measures to approve or reject them. Voting occurs at multiple stages during the legislative process, including committee deliberations and various readings of a bill. Looking at Nigeria, the voice voting method has been the major way of voting. The roll call method is rare. However, in 2022, the e-voting method was adopted by the House of Representatives. It was unprecedented. Thus, this study focuses specifically on the final legislative voting, particularly the votes conducted after the third reading of constitutional amendment bills by the Nigerian House of Representatives in March 2022.

Legislators are frequently required to decide how to vote, which policies to support and which causes to champion (National Council for the Social Studies, n.d.). Without a formal vote on motions or bills considered by the legislature, such proposals cannot acquire the force of law, rendering legislative deliberation ineffective. It is also important to note that, in many political systems, the executive branch must provide formal assent before a bill passed by the legislature becomes law. If the executive withholds assent, the bill remains ineffective unless the legislature overrides the veto through constitutionally prescribed procedures. Consequently, legislative bodies must adopt specific procedures for voting to finalise their decisions. Several voting methods are commonly used in legislative assemblies, and the choice of methods often depends on the nature and sensitivity of the issue being considered. When a legislative issue is highly polarising or central

to the agenda of the majority party, legislatures in America, for instance, may adopt voting procedures that allow party leaders to monitor how individual members vote. Such procedures enable party leaders to identify members who support the party line and those who oppose it.

Crisp and Driscoll (2010, 2012) identify several common legislative voting methods. Legislative votes may be conducted through roll-call voting, where the position of each individual legislator is recorded, or through aggregate voting methods, such as voice votes or standing votes, where only the overall outcome is noted. Roll-call voting provides party leaders with clear information about how each legislator voted, making it easier to enforce party discipline. In contrast, voice votes—typically expressed through responses such as “aye” or “nay”—often obscure the identities of individual legislators who dissent from their party’s position. This anonymity can shield legislators from immediate party sanctions, thereby allowing greater flexibility for independent voting behaviour.

The Nigerian House of Representatives (HoRs): An overview and data presentation

The 1999 Constitution of Nigeria has been amended or “altered,” five times. The constitution established a bicameral National Assembly, consisting of two chambers: the Senate and the House of Representatives. Together, these chambers constitute the law-making institution under Nigeria’s Fourth Republic. Under the bicameral arrangement, legislative authority is horizontally divided between the two chambers, such that the powers of the central legislature are shared between them in most respects (Fashagba, 2014, 2015).

The constitutional authority of the National Assembly to make laws and exercise oversight over government institutions is provided in several provisions of the amended 1999 Constitution, including Part II, Section 4(1–2), as well as Sections 80, 81 and 85, among others. These provisions empower the legislature to enact laws and oversee institutions responsible for implementing legislation and managing public funds appropriated by the legislature. In this regard, both chambers share concurrent authority over law-making. However, the Senate—commonly referred to as the upper chamber—is vested with exclusive powers regarding the confirmation of executive nominees to certain public offices (Fashagba, 2018; Saka & Bakare, 2019).

Although the National Assembly has occasionally been associated with financial scandals, it nonetheless exercised its constitutional powers of law-making and oversight with notable vigour between 1999 and 2019. During this period, the legislature demonstrated considerable assertiveness in holding the executive accountable, exposing corruption, and performing its institutional responsibilities (Fashagba, 2009, 2023). This occurred even though the People’s Democratic Party (PDP) controlled both the presidency and the National Assembly from 1999 to 2015. The All Progressives Congress (APC) assumed control of both branches from 2015 onward. While the legislature was able to exercise some measure of independence and assertiveness between 2015 and 2019, despite the APC controlling the presidency and the most seats in the National Assembly. From 2019 onwards, the National Assembly has declined in its capacity to hold the executive accountable, playing a subordinating role to the executive.

The period between 1999 and 2019 was characterised by frequent tensions between the executive and the legislature. The conflicts occasionally culminated in executive-instigated changes in legislative leadership, resulting in high turnover among presiding officers. In addition, intra-chamber conflicts were a defining feature of legislative politics during this period (Baba, 2015). Consequently, one of the major weaknesses of the National Assembly during this time was

the recurring issue of financial scandals, which frequently cast the institution in a negative light and contributed to widespread public skepticism regarding its credibility (Fashagba, 2019).

However, the political dynamics of the legislature shifted significantly between 2019 and 2023. During this period, the APC-led federal government, which had assumed power in 2015, succeeded in installing or imposing its preferred candidates as leaders of both chambers of the National Assembly. This development weakened the legislature's capacity to operate independently and assertively. Although the APC won the presidency and secured majority seats in both chambers of the National Assembly in the 2015 elections, marking the first peaceful transfer of power between ruling and opposition parties in Nigeria's democratic history- the party leadership was initially unable to impose its preferred legislative leaders between 2015 and 2019 due to resistance from lawmakers in both chambers (Fashagba, 2023).

During that period, the APC-led federal government relied heavily on public criticism and political messaging that portrayed the legislature as responsible for the government's inability to fulfil certain campaign promises. This political strategy contributed to electoral setbacks for many incumbent legislators in the 2019 elections. Indeed, 224 members (62.22%) of the House of Representatives and 68 senators (62.39%) failed to secure re-election in 2019. This level of turnover was comparable to the experience of the legislature in the 2003 elections, when most senators from the five Southwestern states, Oyo, Ekiti, Ogun, Ondo and Osun, lost their seats (Legislative Turnover in the National Assembly, 2023). In the 2003 election cycle, the state governors from the southwest region, driven by ethnic politics, despite belonging to the AD, supported the presidential candidate of the PDP, resulting in significant electoral losses for the Alliance for Democracy in both the state and national elections. Notably, the sitting president at the time was a Yoruba politician from the Southwest who belonged to the PDP. The political loss eroded the competitiveness of the AD until the party died a natural death.

In 2019, many legislators elected during the National Assembly election appeared to have benefited from the popularity of the APC presidential candidate and the well-oiled propaganda machinery of the ruling party during the elections. This dynamic created the perception that many members were politically indebted and beholden to the president and the party leadership. Leveraging this political context, the executive branch was able to influence the selection of legislative leadership in 2019, thereby transforming what had previously been a relatively assertive legislature into a more compliant institution (Fashagba & Nwankwor, 2021; Legislative Turnover in the National Assembly, Nigeria, 1999–2027, 2023).

Within the National Assembly, the House of Representatives, often referred to as the green chamber, consists of 360 members. Each member is elected from one of Nigeria's 360 federal constituencies. In contrast, the Senate comprises 109 members, with three senators representing each of Nigeria's 36 states and one senator representing the Federal Capital Territory (FCT), Abuja.

Legislative turnover has been a persistent feature of the Nigeria's National Assembly since 1999 (Fashagba & Nwankwor, 2021). However, the 2019 general elections further consolidated the power of the APC-led federal government. By the time the Ninth National Assembly was inaugurated in 2019, only 41 senators (37.61%) had been reelected, while 68 senators (62.39%) were green horns. Legislative turnover in the Senate has consistently remained high since the beginning of the Fourth Republic. Interestingly, the highest number of reelected senators was recorded in 2019, whereas the lowest numbers of 26 and 33 returning senators were recorded in 2007 and 2015 respectively. A similar pattern was observed in the House of Representatives. In

the 2019 elections, 136 members (37.78%) were reelected, while 224 members (62.22%) lost their seats (National Assembly Statistical Information, 2023). Notably, the 2019 elections recorded the most reelected incumbents since 1999. In comparison, only 98, 82 and 112 incumbents were reelected in the 2003, 2007 and 2011 elections, respectively (Legislative Turnover in the National Assembly, 2003). Thus, institutional memory did not suffer unduly from the turnover.

When the Ninth National Assembly (2019–2023) was inaugurated in 2019, the APC captured 211 seats (58.6%) in the House of Representatives. Subsequently, four members from the opposition parties switched to the APC, particularly before the constitutional amendment vote in 2022. As a result, the ruling party's representation increased to approximately 215 (59.72%) of the total seats in the chamber. Nevertheless, this figure remained below the two-thirds threshold (240 votes) required to pass constitutional amendments under the 1999 constitution. Conversely, the People's Democratic Party (PDP) which dominated both the executive branch and the legislature from 1999 to 2015 became the principal opposition party after losing power in 2015. In the 2019 elections, the PDP secured 121 seats (33.6%) in the House of Representatives. The All Progressives Grand Alliance (APGA) won nine (9) seats, while five smaller parties collectively won the remaining eight (8) seats. The constitutional alteration undertaken in 2022 was therefore carried out by legislators elected in 2019, with opposition parties collectively controlling approximately 40 percent of the seats in the House of Representatives. Therefore, the distribution of seats among the legislative parties conferred on the opposition parties some significant leverage in determining the fate of proposed constitutional amendments.

This study focuses specifically on the decision and voting behaviour of members of the House of Representatives during the 2022 constitutional alteration process. The House of Representatives is particularly relevant for analysis because its members were drawn from all 360 federal constituencies across Nigeria, making it more demographically and politically diverse than the Senate. As earlier noted, Nigeria is widely recognised as a highly heterogeneous society, with scholars estimating the number of ethnic groups in the country to exceed 250 (Ojo, 2025). The diversity contributes to intense political competition within many constituencies. Furthermore, the constitutional amendment process took place under a legislature that operated under strong executive influence, with both chambers controlled by the same party that held the presidency. The principal officers of the two chambers were selected through processes heavily influenced by party leadership and the executive branch. Nevertheless, Nigeria's complex ethnic and regional political dynamics can sometimes weaken executive or party control, particularly when elite or regional interests are threatened. In many cases, regional and ethnic considerations compete with and occasionally override national interest considerations (Fashagba, 2020). The degree to which the various issues shape partisan behaviour and voting during the 2022 constitutional alteration therefore is demonstrated in the next section

Shortly before the amendment vote was taken in 2022, the House of Representatives introduced electronic voting (e-voting) devices, enabling members to cast votes electronically. This reform replaced the voice vote system, which had been widely used in the chamber since 1999. The voice vote system is often criticised for its susceptibility to manipulation because it does not reveal the precise number of legislators voting for or against a motion. The introduction of electronic voting eliminated this limitation by providing more accurate records of voting outcomes during the constitutional amendment process. Against this background, this study examines how partisanship shaped legislative voting on the sixty-eight (68) constitutional clauses covering reforms in legal, executive, legislative, bureaucratic, judicial, party and electoral systems, during

the 2022 constitutional amendment passage. Consequently, this study utilises the electronic voting (e-voting) data generated by the House of Representatives during the March 2022 constitutional amendment exercise. However, despite the adoption of electronic voting, a modern technology adopted to improve the efficiency of the legislative process, efforts to obtain data showing how individual members voted on each of the 68 clauses were unsuccessful. Such individualised voting data showing which party members voted ‘aye’ or ‘nay’ on each item were either not captured or not publicly available. Efforts to get the data from the Rules and Business Committee of the house were futile. This limitation represents a significant drawback, but not an insurmountable challenge in this study. As a result, the available empirical data included only the aggregated number of votes cast in support of, “aye” or against “nay” for each clause. The absence of data on the individualised voting records made it challenging to disaggregate voting behaviour strictly along partisan lines. Consequently, the analysis relies on the aggregate voting data.

Under the amended 1999 Constitution, the passage of an ordinary legislative or executive bill requires a simple majority, meaning at least 181 votes in the House of Representatives. Given that the APC controlled 211 seats following the 2019 elections, the ruling party possessed a numerical advantage sufficient to pass ordinary legislation even without opposition support if absenteeism among its members did not significantly reduce its voting strength. Conversely, opposition parties collectively controlled 145 seats (40.27%) in the House. Any bill supported by the opposition that achieved the minimum 181 votes required for passage must therefore have received bipartisan support. In practical terms, any vote exceeding the 215-seat threshold associated with APC membership in the House may be interpreted as reflecting some degree of opposition support. However, constitutional amendments require a higher threshold. According to Section 9(2) of the amended 1999 Constitution, a proposed amendment must receive the support of two-thirds of the members of the House of Representatives. In numerical terms, this means that 240 votes are required for any constitutional clause to be amended (Sections 9, 48 and 49).

Therefore, given that the APC controlled approximately 215 seats, at least 25 additional votes from opposition members were necessary for any constitutional amendment to pass. This requirement implies that every successful amendment must have received some level of bipartisan support. Even if some APC members opposed a particular clause, the amendment could still pass provided that sufficient votes were obtained from across party lines to meet the 240-vote constitutional threshold.

2022 Constitutional Alteration (Amendment) and E-voting in Nigeria: Overview of the issues

The votes and proceedings of the House of Representatives of Tuesday, 1st March, 2022 on the amendment process capture 68 items voted on. However, each item is presented as a bill. For this study, the issues addressed were classified into categories based on their focus. Thus, the first category focuses on the clauses that address legislative strengthening and reform. Under this category, five items are listed as No 25, 42, 48, 49 and 56. These specifically addressed the need to strengthen the legislature through reform. Similarly, twenty-seven items focused on executive reform. However, while 41, 47, 49, 60, 61 and 67 addressed the executive as an institution, items listed as 31, 32, 33, 34, 36, 37, 38, 39, 40, 43, 44, 45, 46, 50, 51, 52, 54, 56, 62, 63 and 65 addressed administration and bureaucracy. Furthermore, three of the items, 42, 27 and 53, focused on judicial reform. In addition, four items, 22, 57, 58 and 59, of the sixty-eight items dealt with reform of the electoral system and the political parties. One item listed as No 66 focused on national security reform, and the last two items (63 and 64) focused on legal system reform.

A further breakdown of the 68 items showed that twenty-one (21) of the 68 items considered in the amendment addressed administrative and bureaucratic reform. Another twenty-four (24) focused on institutional reform. Five (5) items focused on fiscal reform. Similarly, four (4) items focused on electoral reform addressing issues on improving and deepening electoral administration, processes and integrity. Three (3) items focused on change of names of local government in some states, while another four (4) focused on structural reform and two (2) others focused on legal system reform.

2022 Constitutional Alteration (Amendment) and E-voting in Nigeria

The e-voting in the House of Representatives on the fifth alteration of the 1999 constitution took place on the 1st of March 2022 (HORs Votes and Proceedings, 2022). Although the number of total votes cast on the various items is not the same, the highest number of votes cast on that day was 308 (85.5 percent) of the 360 members of the House of Representatives. This suggests that about 14.4 percent of members did not participate in the proceedings of that day.

The record of the e-voting showed that at least fifty-eight (58) (85.29%) items received over 240 votes; the constitutionally stipulated two-thirds threshold vote required for any altered clause to pass. On the other hand, ten (10), constituting 14.7% of the sixty-eight (68) items were 'negatived'. That is, they failed to pass because they did not receive the two-thirds vote required. Of the fifty-eight (58) items passed by two-thirds of members, the least number of members that passed any single proposed amendment are as follows: 240 members passed item listed as No. 3; 245 legislators passed No. 7, 60, 67; 250 legislative members passed No. 50; 252 legislative members passed No. 8 and 61; 258 members passed No. 40, while 259 legislators passed No. 56. The other 49 items altered received at least 260 votes. Furthermore, at least 270 members, constituting 75 percent of the 360 members, voted overwhelmingly in favour of 39 (57.35 percent) out of the 68 items. This is a strong indication of bipartisan support.

What the foregoing suggests is that the item listed as No 3 received the least plenary votes of 240 out of the 58 items that successfully passed. The vote was bipartisan because at least 25 opposition members might have voted in support of it to meet the two-thirds threshold required to pass the amendment.

On the other hand, a scenario of the possible diverse party support for the item was examined. If the entire 145 members of the opposition parties supported the passage of item No 3, at least 95 members of the majority APC must have given their support to meet the two-thirds or 240 members' threshold to pass the constitutional clause under a bipartisan vote.

During the amendment, the highest number of bipartisan votes recorded on any item was 307. The item, listed as No 62, was on the 'Correction in the Definition of the Boundary of the Federal Capital Territory Abuja'. The 307 votes suggest the likelihood of at least 92 opposition votes plus the 215 votes of members of the APC, assuming all the 215 members of the APC voted enbloc in support of the amendment. On the other hand, if the entire members of opposition 145 legislators voted in support of the passage of item No 62, the passage must have been supported by at least 162 members of the majority APC. Either way, bipartisan support was evident in the passage. It should also be noted that the highest number of legislators that participated in plenary and voted on that day was 308. By this, 52(14.44percent) members did not attend the session and therefore did not participate in the voting. Nevertheless, 58 items received two-thirds support and passed, and one item received two-thirds 'negatived' vote.

Ten items of the 68 listed items for consideration were rejected or negatived. Of the ten negatived items, five received yes vote but the highest vote was 202. In other words, the item listed as No 6 which focused on 'Change of Name of Barkin Local Government Area in Plateau State' was negatived due to inability of the item and four others listed as No 15, 37, 38 and 42 to receive sufficient support to reach 240 votes. Item No. 15 aimed at reducing the power of the legislators to remove their leaders. Amending that clause of the constitution as proposed had the tendency to make legislative leadership more dictatorial. Consequently, the item was negatived or rejected with 185 yes votes to 99 who voted No. Six members abstained from voting on the proposal. The proposal died because it fell short of the two-thirds threshold required to pass. Thus, 30 of the 215 members of the majority party voted against the bill because it was to advance the interest of the leaders and not the public or the entire legislators. Conversely, items listed as No 16, 34, 35, 36 and 40 received more No (Nay) vote than yes (Aye) and were therefore not passed but negatived or failed to pass. A look at item No. 34 with the highest Nay votes of 209 to Aye (yes) votes of 91 suggest that the leadership of the National Assembly tried to provide post-tenure pension for themselves. It was an amendment proposed by the leadership of the legislature to provide post-tenure financial security for themselves. It was considered self-serving. The proposal was therefore killed. Since the total number of opposition members was 145, it translates to the fact that killing of the proposal was likely under a bipartisan support. This assumption was premised on the possibility that not all the 215 members of the APC, the majority party, would have supported the self-serving proposal.

Similarly, the proposal for the 'Expansion of Immunity to the Legislative and Judicial Arms of Government' on item 42 was rejected with 240 Nay votes. The members considered the provisions to be self-serving by the legislative leadership and therefore produced two-thirds majority to kill the proposal. The 240 votes on the proposed alteration demonstrated the highest bipartisan vote to kill a proposal under the ten negatived (rejected) items. Two other proposals that received higher number of Nay votes included 'Expansion of the Scope of Citizenship by Registration' (No 36) and 'Indigeneship Right' (No 42). The two items received 143 and 107 votes, respectively. Since most ethnic nationalities in Nigeria are sensitive to the issues of indigeneship and conflict over land remains a critical issue, the vote against the proposal would have drawn members across party lines; thus, while this made it difficult to argue in favour of bipartisan support, the general trend of voting suggests that a bipartisan support was a possibility.

Conclusion

The composition of the House of Representatives in 2019, based on the number of seats received during legislative election and following the defection of four members after inauguration, put all the political parties at disadvantage to amend and pass any clause of the constitution. This is because of a constitutional provision requiring two-thirds vote of members to pass any amendment. Consequently, the 2022 alteration of the 1999 constitution by the House of Representatives with 68 items listed for amendment or alteration, 58 received overwhelming bipartisan support. Indeed, 58 items agreed on and passed received the two-thirds majority vote required. In fact, 39 of the 58 items received over 270 votes each to pass. Similarly, five of the negatived or rejected proposals received more Nay votes than Aye votes.

Thus, while 58 items capturing various clauses of the constitution received two-thirds of votes, one of the 'negatived' ten items equally received two thirds of the vote and was rejected. Consequently, 86.76 percent of the 68 items received two-thirds votes. Consequently, it is safe to

conclude that bipartisan support to pass the proposed alterations was impressive. It is evident that the legislative members enjoyed the protection of anonymity in voting without facing harassment or sanctions from their respective party's leadership. Therefore, members appeared to have voted their conscience and based on their personal conviction and perhaps the preferences of their constituents. This was particularly likely for members of the PDP, the main opposition, because 2022 was a period in which the internal crisis of the party was deepening. The result appears to show that in the absence of ideology, party members have less incentive to operate within party line and higher incentive to vote their preference. The votes also suggest that the issues were generally not polarising. However, strong ideologically driven members have a higher tendency to vote along partisan lines in legislative voting (Aleman, Micozzi, Pinto and Saiegh, 2017).

In conclusion, bipartisan support to pass most of the clauses seemed inevitable because no party won 240 seats that constituted the constitutional threshold required to pass any clause solely. A strict party-line division on voting would have undermined the entire amendment process.

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