

BEYOND BVAS

Technology that makes elections provable.

**Technology should not merely conduct elections.
It should make them provable.**

**Lead Panel Discussion Paper
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THE COURTROOM IS THE ULTIMATE TEST

“The real test of electronic voting is whether it can be successfully challenged—or defended—in court.”

Oyetola v INEC (2023)

Supreme Court Case SC/CV/508/2023

LEGAL QUESTION

How do you prove over-voting?

Supreme Court held in Oyetola v INEC that proving over-voting requires the BVAS records, voters' register, and Form EC8A. The back-end server report was insufficient because transmission can fail.

TECHNOLOGY LESSON

Bind accreditation, votes and results at the polling unit.

Atiku / Obi (2023)

Supreme Court Case SC/CV/935/2023 & SC/CV/937/2023

LEGAL QUESTION

Which electronic record is authoritative?

Supreme Court held in Atiku that IReV was a viewing portal, not the collation system, and failure to transmit did not nullify manual collation under the prevailing legal framework

TECHNOLOGY LESSON

A chain of truth is better than a pile of records.

Ombugadu v Alhaji (2024)

Supreme Court Case SC/CV/1213/2023

LEGAL QUESTION

How is digital evidence preserved?

The court ruled that evidence has to come from the primary source and not from screenshots or outputs and demanded that the BVAS being primary source must be provided to prove the evidence.

TECHNOLOGY LESSON

Preserve the evidence—not just the device.

WHAT THE JUDGE NEEDS IS EVIDENCE

- ✓ What happened?
- ✓ When did it happen?
- ✓ Where did it happen?
- ✓ Who recorded it?
- ✓ Has it changed?
- ✓ Can another expert reproduce it?

AUTHENTICITY ≠ INTEGRITY ≠ CORRECTNESS

Authenticity

- Is it genuinely from the claimed source?

Integrity & Correctness

- Has it changed?
- Was the result correctly derived?

THE ELECTORAL EVIDENCE PACKAGE

- ▶ Original Record
- ▶ Timestamp
- ▶ Device Identity
- ▶ Integrity Information
- ▶ Chain of Custody
- ▶ Audit Trail
- ▶ Independent Verification

THE 2026 ELECTORAL ACT

- Section 60: Electronic transmission after signed EC8A.
- Section 62: National Electronic Register.
- The law is beginning to describe an evidence architecture.

THE SHIFT

Yesterday

- Conduct elections

Tomorrow

- Conduct
- Preserve
- Prove

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**Please check some of my writings on this topic:
<https://jamesagada.medium.com/>**