

# A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN ELECTORAL OFFENCES COMMISSION  
BILL AND FOR RELATED MATTERS

*Sponsored by Hon. John Dyegh*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal  
Republic of Nigeria as follows:

1                   1.-(1) There is established a body to be known as the Nigerian  
2                   Electoral Offences Commission (in this Bill referred to as the  
3                   Commission") which shall be constituted in accordance with and shall have  
4                   functions as are conferred on it by this Bill.

Establishment:  
The Nigerian  
Electoral Offences  
Commission

5                   (a) The Commission:

6                   (i) shall be a body corporate with perpetual succession and a  
7                   common seal;

8                   (ii) may sue and be sued in its corporate name and may, for the  
9                   purpose of its functions, acquire, hold or dispose of property (whether  
10                  moveable or immoveable);

11                  (b) The Commission shall consist of a Chairman and fourteen (14)  
12                  other members, at least two of whom shall come from each of the six geo-  
13                  political zones amongst whom shall be:

14                  (i) a representative of the Chairman of the Independent National  
15                  Electoral Commission;

16                  (ii) a representative of the Inspector of Police;

17                  (iii) the Chairman of the Nigerian Bar Association or his  
18                  representative;

19                  (iv) a representative of the Civil Society;

20                  (v) the Secretary to the Commission who shall be the head of  
21                  administration.

1 (c) The Chairman of the Commission shall be a person who has held  
2 office as a judge of a Superior Court of Record of the Federal Republic of  
3 Nigeria not below the rank of a retired Justice of the Court of Appeal;

4 (d) The Chairman, Secretary and members of the Commission other  
5 than Ex-officio members shall be appointed by the National Judicial Council  
6 subject to confirmation by the Senate;

7 (e) The nomination of the Ex-officio members shall however be  
8 vetted and approved by the National Judicial Council before being made subject  
9 to confirmation by the Senate.

10 (2) Electoral Offences Tribunal:

11 (a) There shall be established for each state of the federation and the  
12 Federal Capital Territory one or more Electoral Offences Tribunal and shall  
13 have jurisdiction to hear and determine electoral offences;

14 (b) The Tribunal shall comprise of a Chairman who shall be a judge of  
15 the High Court or Federal High Court and two other members of the level of a  
16 magistrate not below the rank of Magistrate;

17 (c) The Chairman and members shall be appointed by the President of  
18 the Court of Appeal in consultation with the National Judicial Council, the  
19 State Chief Judges, Grand Kadi of the Sharia Court of Appeal and Presidents of  
20 the Customary Court of Appeal.

Tenure

21 2.-(1) The Chairman shall hold office for a period of five (5) years and  
22 may be re-appointed for another five (5) years but shall not be eligible for re-  
23 appointment thereafter. The other members of the Commission shall hold  
24 offices for a period of four (4) years and may be re-appointed for another four  
25 (4) years but shall not be eligible for re-appointment thereafter.

26 (2) Notwithstanding the provision of Section 4(1) of this Bill, the  
27 Chairman or any member of the Commission may at any time be removed from  
28 office by the National Judicial Council acting on a motion supported by 2/3 of  
29 the Senate present and voting on the ground of the Chairman's and/or  
30 member(s) inability to discharge the functions of his office for reasons of

1 infirmity of mind or body or for misconduct upon which a court of  
2 competent jurisdiction has found such a person guilty.

3 (3) The Chairman or any member of the Commission may resign  
4 his appointment by notice in writing under his hand and addressed to the  
5 National Judicial Council and the Chairman or member(s) shall on the date  
6 of the receipt of the notice of resignation by the National Judicial  
7 Commission cease to be a member of the Commission.

8 (4) The Chairman and members of the Commission shall hold  
9 office on such terms and conditions as may be specified in their instrument  
10 of appointment, and in the exercise of their functions.

11 3. The Commission shall be responsible for:

Functions of the  
Commission

12 (a) The co-ordination, enforcement and the due administration of  
13 the provisions of this bill and other enforcement functions conferred on any  
14 other person or authority under this bill;

15 (b) The investigation of all electoral offences and offences allied,  
16 connected with or incidental to the Commission of an electoral offence;

17 (c) The examination and investigation of all reported cases of  
18 electoral offence with a view to locating, identifying and determining  
19 individuals, corporate bodies or groups involved;

20 (d) The sensitization, enlightenment and orientation of the public  
21 on electoral offences and the liabilities there from through seminars,  
22 workshops, peer groups, talk shows etc;

23 (e) The facilitation of rapid exchange of scientific and technical  
24 matters and conduct of joint operation to prevent Commission of electoral  
25 offences as well as adoption of other measures aimed at eradicating electoral  
26 offences;

27 (f) The issuance of summons to persons to appear in persons or  
28 produce documents that would help in the unraveling of an electoral  
29 offence. Such summons issued under this bill shall be in duplicate and  
30 signed by the Chairman or any other officer as the Chairman may so direct to

1 issue summons;

2 (g) The seizure of any property (moveable or immoveable) that is  
3 used or suspected to be used in the Commission of an electoral offence;

4 (h) Maintaining a liaison with the Independent National Electoral  
5 Commission, the Electoral offences Tribunals, The Attorney Generals of the  
6 states and the federation and such other institutions involved in the conduct of,  
7 or activities ancillary, incidental or arising from the conduct of elections;

8 (i) The Commission shall without prejudice to any other unit or  
9 committee set up the legal unit with the responsibility for:

10 (i) Prosecuting offenders under this act;

11 (ii) supporting the Commission with legal advice and assistance  
12 whenever it is required;

13 (iii) performing such other legal duties as the' Commission may refer  
14 to it from time to time.

Standing Orders

15 4.-(1) The Chairman may issue administrative orders to be called  
16 'standing orders' which shall conform with the provision on the general control,  
17 training and duties of officers' of the Commission and for such other matters  
18 that may enhance the efficient and effective functioning of the Commission.

19 (2) The Commission may establish one or more branch offices in each  
20 State of the Federation and the Federal Capital Territory, Abuja to carry out its  
21 functions under this Act.

22 PART II.- ELECTORAL OFFENCES

Offences in  
relating to  
Registration, etc.

23 5.-(1) Any person who:

24 (a) without authority, destroys, mutilates, defaces or removes or  
25 makes any alteration in any notice or documents required for the purpose of  
26 registration under this Act;

27 (b) knowingly gives false information or makes a false statement with  
28 reference to any application for registration of his name or with reference to  
29 any objection to the retention of the name of a person in the register of voters;

30 (c) presents himself to be or does any act whereby he is by whatever

1 name or description howsoever, included In the register of voters for a  
2 constituency in which he is not entitled to be registered or causes himself to  
3 be registered in more than one registration or revision centre;

4 (d) publishes any statement or report which he knows to be false or  
5 does not believe to be true so as to prevent persons who are qualified to  
6 register from registering as voters;

7 (e) makes in any record, register or document which is required to  
8 prepare, publish or keep for the purpose of registration, any entry or  
9 statement which he knows to be false or does not believe to be true;

10 (f) impedes or obstructs a registration officer or a revision officer in  
11 the performance of his duties;

12 (g) without proper authority, wears the identification of a  
13 registration officer or assistant registration officer or wears any other  
14 identification purporting to be the identification of a registration officer or  
15 assistant registration officer;

16 (h) forges a registration card; or

17 (i) carries out registration or revision of voters at a centre or place  
18 not designated by the Commission; commits an offence and is liable on  
19 conviction to a maximum fine of N1000 000 or to 12 months imprisonment  
20 or to both.

21 6.-(1) A person who:

22 (a) forges any nomination paper or result form;

23 (b) willfully defaces or destroys any nomination paper or result  
24 form;

25 (c) delivers to an electoral officer any nomination paper or result  
26 form knowing it to be forged;

27 (d) signs a nomination paper or result form as a candidate in more  
28 than one constituency at the same election;

29 (e) forges any ballot paper or official mark on any ballot paper or  
30 any certificate of return or result form:

Offences in respect  
of nomination, etc.

1 (f) willfully destroys any ballot paper or official mark on any ballot  
2 paper or any certificate or return or result form;

3 (g) Without authority gives a ballot paper or result form to any  
4 person;

5 (h) willfully places In any ballot box any unauthorized paper or result  
6 form;

7 (i) willfully removes from a polling station any ballot paper or result  
8 form whether or not the ballot paper or result form was issued to him in that  
9 polling station;

10 (j) without authority destroys or in any other manner interferes with a  
11 ballot box or its contents or any ballot paper or result form then in use or likely  
12 to be used for the purpose of an election;

13 (k) signs a nomination paper consenting to be a candidate at an  
14 election knowing that he is ineligible to be a candidate at that election, commit  
15 an offence.

16 (2) A person who commits an offence under subsection (1) of this  
17 section is liable on conviction to a maximum term of imprisonment for 2 years.

18 (3) A person who:

19 (a) without proper authority prints a ballot paper or what purports to  
20 be or is capable of being used as a ballot paper or result form at an election;

21 (b) being authorized by the Commission to print ballot papers or  
22 result form prints more than the number or quantity the Commission  
23 authorized;

24 (c) without authority, is found in possession of a ballot paper or result  
25 form when he is not in the process of voting and at a time when the election for  
26 which the ballot paper or result form is intended is not yet completed;

27 (d) manufactures, constructs, imports into Nigeria, has in his  
28 possession, supplies to any election official or uses for the purpose of an  
29 election, or causes to be manufactured, constructed or imported into Nigeria,  
30 supplies to any election official for use for the purpose of any election, any

1 ballot box including any compartment, appliance, device, or mechanism or  
2 by which a ballot paper or result form deposited during polling may be  
3 secretly diverted, misplaced or manipulated, commits an offence.

4 (4) A person who commits an offence under subsection (3) of this  
5 section is liable on conviction to a maximum fine of N50,000,000 or for a  
6 term of imprisonment of not less than 10 years or to both.

7 (5) An attempt to commit any offence under this section shall be  
8 punishable in the same manner as the offence itself.

9 7. Any person who, at a political meeting held after the date for an  
10 election has been announced:

Disorderly  
behaviour at  
political meetings

11 (a) acts or incites another to act in a disorderly manner for the  
12 purpose of preventing the transaction of the business for which the meeting  
13 was convened; or

14 (b) has in his possession an offensive weapon or missiles; commits  
15 an offence and liable on conviction to a maximum fine of 500,000 or  
16 imprisonment for 12 months or both.

17 8. Any person who:

Improper use of  
Voter's Cards

18 (a) being entitled to a voters card, gives it to some other person for  
19 use at an election other than an officer appointed, and acting in the course of  
20 his duty under this Act;

21 (b) not being an officer acting in the course of his duty under this  
22 Act, receives any voters card in the name of some other person or persons for  
23 use at an election uses it fraudulently;

24 (c) without lawful excuse has in his possession more than one  
25 Voters Card; or

26 (d) buys, sells, procures or deals, with a voters card otherwise than  
27 as provided in this Act; commits an offence and shall be liable on conviction  
28 to a maximum fine of N1,000,000 or imprisonment for 12 months or both.

29 9.-(1) No person shall provide for the purpose of any other person  
30 to a registration office or to a polling unit any government vehicle or boat, or

Improper use of  
vehicles

1 any vehicle or boat belonging to a public corporation except in respect of a  
2 person who is ordinarily entitled to use such vehicle or boat and in emergency  
3 in respect of an electoral officer.

4 (2) Any person who contravenes the provisions of this section shall be  
5 guilty of an offence and liable on conviction to a maximum fine of N500, 000 or  
6 to imprisonment for six months or to both.

Impersonation  
and voting when  
not qualified

7 **10.-(1)** Any person who:

8 (a) applies to be included in any list of voters in the name of some  
9 other person, whether such name is that of a person living or dead or of  
10 fictitious person;

11 (b) having once to his knowledge been properly included in a list of  
12 voters under this Act as a voter entitled to vote at any election, applies, except  
13 as authorized by this Act, to be included in any other list of voters prepared for  
14 any Constituency as a voter at an election;

15 (c) applies for a Ballot Paper in the name of some other person,  
16 whether such name is that of a person living or dead or of a fictitious person;

17 (d) having voted once in an election applies at the same election for  
18 another ballot paper;

19 (e) votes or attempts to vote at an election knowing that he is not  
20 qualified to vote at the election; or

21 (f) induces or procures any other person to vote at an election  
22 knowing that such other person is not qualified to vote at the election, commits  
23 an offence and shall be liable on conviction to a maximum fine of N500,000 or  
24 12 months imprisonment or both.

25 (2) Any person who commits the offence of impersonation or who  
26 aids, abets, counsels or procures the commission of that offence, shall be guilty  
27 of an offence and shall be liable on conviction to a maximum fine of N500,000  
28 or imprisonment for 12 months or both.

29 (3) No person charged with the offence of impersonation shall be  
30 convicted except on the evidence of at least two witnesses.



1                   **11.**-(1) Any officer appointed for the purposes of this Act, who  
2                   without lawful excuse commits any act or omits to act in breach of his  
3                   official duty commits an offence and on conviction to a maximum fine of  
4                   N500, 000 or to imprisonment for 12 months or both.

Dereliction of  
duty

5                   (2) Any Polling Officer who fails to report promptly at his polling  
6                   unit on an election day without lawful excuse commits an offence of  
7                   dereliction of duty and on conviction shall be liable to maximum fine of  
8                   N500,000 or 12 months imprisonment or both.

9                   (3) Any Polling Officer who fails to discharge his lawful duties at  
10                  his polling unit without lawful excuse commits an offence of dereliction of  
11                  duties and on conviction shall be liable to a maximum fine of N500,000 or  
12                  12 months imprisonment or both.

13                  (4) Any person who announces or publishes an election result  
14                  knowing same to be false or which is at variance with the signed certificate  
15                  of return commits an offence and on conviction be liable to 36 months  
16                  imprisonment.

17                  (5) Any Returning Officer or Collation Officer who delivers or  
18                  causes to be delivered a false certificate of return knowing same to be false,  
19                  commits an offence and on conviction shall be liable to a maximum  
20                  imprisonment for 3 years without an option of fine.

21                  (6) Any person who delivers or causes to be delivered a false  
22                  certificate of return knowing same to be false to any news media commits an  
23                  offence and on conviction shall be liable to imprisonment for 3 years.

24                  **12.**-(1) Any person who does any of the following:

Bribery and  
Conspiracy

25                  (a) directly or indirectly by himself or by any other person on his  
26                  behalf, gives, lends or agrees to give or lend, or offers any money or valuable  
27                  consideration;

28                  (b) directly or indirectly, by himself or by any other person on his  
29                  behalf, corruptly makes any gift, loan, offer, promise, procurement or  
30                  agreement to or for any person, in order to induce such person to procure or

1 to endeavour to procure the return of any person as a member of a legislative  
2 house or to an elective office or the vote of any voter at any election;

3 (c) upon or in consequence of any gift, loan, offer, promise,  
4 procurement or agreement corruptly procures, or engages or promises or  
5 endeavours to procure, the return of any person as a member of a legislative  
6 house or to an elective office or the vote of any voter at any election;

7 (d) advances or pays or causes to be paid any money to or for the use of  
8 any other person, with the intent that such money or any part thereof shall be  
9 expended in bribery at any election, or who knowingly pays or causes to be  
10 paid any money wholly or in part expended in bribery at any election;

11 (e) after any election directly, or indirectly, by himself, or by any other  
12 person on his behalf receives any money or valuable consideration on account  
13 of any person having voted or refrained from voting, or having induced any  
14 other person to vote or refrain from voting, or having induced any candidate to  
15 refrain from canvassing for votes for himself at any such election, commits an  
16 offence and on conviction shall be liable to a maximum fine of N500,000 or 12  
17 months imprisonment or both.

18 (2) A voter commits an offence of bribery where before or during an  
19 election directly or indirectly himself or by any other person on his behalf,  
20 receives, agrees or contracts for any money, gift, loan, or valuable  
21 consideration, office, place or employment, for himself, or for any other  
22 person, for voting or agreeing to vote or for refraining or agreeing to refrain  
23 from voting at any such election.

24 (3) Nothing in this section shall extend or apply to money paid or  
25 agreed to be paid for or on account of any lawful expenses bona fide incurred at  
26 or concerning any election.

27 (4) Any person who commits the offence of bribery is liable on  
28 conviction to a maximum fine of N500,000 or imprisonment for 12 months or  
29 both.

30 (5) Any person who conspires, aids or abets any other person to

1 commit any of the offences under this part of this Act shall be guilty of the  
2 same offence and punishment thereto.

3 (6) For the purposes of this Act, a candidate shall be deemed to  
4 have committed an offence if it was committed with his knowledge and  
5 consent or the knowledge and consent of a person who is acting under the  
6 general or special authority of the candidate with reference to the election.

7 **13.-(1)** Every person in attendance at a polling unit including every  
8 officer charged with the conduct of an election and his or her assistants and  
9 every polling agent and candidate in accordance at a polling station or at the  
10 collation centre, as the case may be, shall maintain and aid in maintaining  
11 the secretary of the voting.

Requirement to  
secrecy in voting

12 (2) No person in attendance at a polling booth under this section  
13 shall, except for some purpose authorized by law, communicate to any  
14 person information as to the name or number on the register of any voter  
15 who has or has not voted at the place of voting.

16 (3) No person shall:

17 (a) interfere with a voter casting his vote, or by any other means  
18 obtain or attempt to obtain in a polling unit information as to the candidate  
19 for whom a voter in that place is about to vote for or has voted; or

20 (b) communicate at any time to any other person information  
21 obtained in a polling unit as the candidate to whom voter is about to vote to  
22 has voted for.

23 (4) Any person acting contrary to the provision of this section  
24 commits offence and shall be liable upon conviction to a maximum fine of  
25 N100,000 or to imprisonment for 6 months or both.

26 **14.** Any person who:

27 (a) votes at an election or induces or procures any person to vote at  
28 an election, knowing that he or such person is prohibited from voting  
29 thereat;

30 (b) before or during an election, publishes any statement of the

Wrongful voting  
and false statem

1 withdrawal of a candidate at such election knowing it to be false or reckless as  
2 to its truth for falsity; or

3 (c) before or during an election publishes any statement as to the  
4 personal character or conduct of a candidate calculated to prejudice the chance  
5 of election of the candidate or to promote or procure the election of another  
6 candidate and such statement is false and was published without reasonable  
7 grounds for belief by the person publishing it that the statement is true,  
8 commits an offence and shall be liable on conviction to a maximum fine of  
9 N100,000 or imprisonment for a term of 6 months or both.

Voting by  
unregistered  
person

10 **15.-(1)** Any person who knowingly votes or attempts to vote in a  
11 Constituency in respect of which his name is not on the register or voters  
12 commits an offence and is liable on conviction to a maximum fine of N100,000  
13 or to imprisonment for a term of 6 months or both.

14 (2) Any person who knowingly brings into a polling unit during an  
15 election a voters card issued to another person commits an offence and shall be  
16 liable on conviction to a fine of N100,000 or to imprisonment for 6 months or  
17 both.

Disorderly conduct  
at elections

18 **16.** Any person who at an election acts or incites others to act in a  
19 disorderly manner commits an offence and shall be liable on conviction to a  
20 maximum fine of N500,000 or imprisonment for a term of 12 months or both.

Offences on  
election day

21 **17.-(1)** No person shall on the date on which an election is held do any  
22 of the following acts or things in a polling unit or within a distance of 300  
23 metres of a polling unit:

24 (a) canvass for votes;

25 (b) solicit for the vote of any voters

26 (c) persuade any voter not to vote for any particular candidate;

27 (d) persuade any voter not to vote at the election;

28 (e) shout slogans concerning the election;

29 (f) be in possession of any offensive weapon or wear any dress or have

1 any facial or other decorations which in any event is calculated to intimidate  
2 voters;

3 (g) exhibit, wear or tender any notice, symbol, photograph or party  
4 card referring to the election;

5 (h) use any vehicle bearing the colour or symbol of a political party  
6 by any means whatsoever;

7 (i) loiter without lawful excuse after voting or after being refused to  
8 vote;

9 (j) snatch or destroy any election material; and

10 (k) blare siren.

11 (2) No person shall within the vicinity of a polling unit or collation  
12 centre on the day of which an election is held:

13 (a) convene, hold or attend any public meeting during the hours of  
14 poll as may be prescribed by the Commission;

15 (b) unless appointed under the Act to make official  
16 announcements, operate any megaphone, amplifier or public address  
17 apparatus;

18 (c) wear or carry any badge, poster, banner, flag or symbol relating  
19 to a political party or to the election.

20 (3) A person who contravenes any of the provisions of this section  
21 commits an offence and shall be liable on conviction to a fine of N100,000 or  
22 imprisonment for 6 months for every such offence.

23 (4) Any person who snatches or destroys any election material  
24 shall be liable on conviction to 24 months imprisonment.

25 **18. A person who:**

Undue influence

26 (a) corruptly by himself or by any other person at any time after the  
27 date of an election has been announced, directly or indirectly gives or  
28 provides or plays money to or for any person for the purpose of corruptly  
29 influencing that person or any other person to vote or refrain from voting at  
30 such election, or on account of such person or any other person having voted

1 or refrained from voting at such election; or

2 (b) being a voter corruptly accepts or takes money or any other  
3 inducement during any of the period stated in paragraph (a) of this section,  
4 commits an offence and is liable on conviction to a fine of N100,000 or 12  
5 months imprisonment or both.

Threatening

6 **19.** A person who:

7 (a) directly or indirectly, by himself or by another person on his  
8 behalf, makes use of or threatens to make use of any force, violence or restraint;

9 (b) inflicts or threatens to inflict by himself or by any other persons,  
10 any minor or serious injury, damage, harm or loss on or against a person in  
11 order to induce or compel that person to vote or refrain from voting, or on  
12 account of such person having voted or voting; or

13 (c) by abduction, duress, or a fraudulent device or contrivance,  
14 impedes or prevents the free use of the vote by a voter or thereby compels,  
15 induces, or prevails on a voter to give or refrain from giving his vote;

16 (d) by preventing any political aspirants from free use of the media,  
17 designated vehicles, mobilization of political support and campaign at an  
18 election, commits an offence and is liable on conviction to a fine N1,000,000 or  
19 imprisonment for 3 years.

Offences relating  
to recall

20 **20.** The offences referred to in this Act shall apply to recall of a  
21 member of a Legislative House and a member of an Area Council.

Monitoring of  
political parties

22 **21.**-(1) The Commission shall monitor and keep records of the  
23 activities of all the registered political parties.

24 (2) The Commission may seek information or clarification from any  
25 registered political party in connection with any activities of the political party  
26 which may be contrary to the provisions of the Constitution or any other law,  
27 guidelines, rules or regulations made pursuant to an Act of the National  
28 Assembly.

29 (3) The Commission may direct its enquiry under subsection (2) of  
30 this section to the Chairman or Secretary of the Political Party at the National,

1 State, Local Government or Area Councilor Ward level, as the case may be.

2 (4) A Political Party which fails to provide the required information  
3 or clarification under subsection (2) of this section or carry out any lawful  
4 directive given by the Commission in conformity with the provisions of this  
5 section is guilty of an offence and liable on conviction to a fine of not less  
6 than N500,000.

7 22.-(1) A political party seeking to nominate candidates for  
8 elections under this Act shall hold primaries for aspirants to all elective  
9 positions.

Nomination of  
candidates by  
parties

10 (2) The procedure for the nomination of candidates by political  
11 parties for the various elective positions shall be by direct or indirectly  
12 primaries.

13 (3) A political party that adopts the direct primaries procedure shall  
14 ensure that all aspirants are given equal opportunity of being voted for by  
15 members of the party.

16 (4) A political party that adopts the system of indirect primaries for  
17 the choice of its candidate shall adopt the procedure outlines below:

18 (a) In the case of nominations to the position of Presidential  
19 candidate, a political party shall:

20 (i) hold special conventions in each of the 36 States of the  
21 Federation and FCT, where delegates shall vote for each of the aspirants at  
22 designated centres in each State Capital on specified dates;

23 (ii) a National Convection shall be held for the ratification of the  
24 candidate with the highest number of votes;

25 (iii) the aspirant with the highest number of votes at the end of  
26 voting in the 36 States of the Federation and FCT, shall be declared the  
27 winner of the Presidential primaries of the political party and the aspirants  
28 name shall be forwarded to the Independent National Electoral Commission  
29 as the candidate of the party after ratification by the national convention.

30 (b) In the case of nominations to the position of Governorship

1 candidate, a political party shall, where they intend to sponsor candidates:

2 (i) hold special congress in each of the local government areas of the  
3 States with delegates voting for each of the aspirants at the congress to be held  
4 in designated centres on specified dates;

5 (ii) The aspirant with the highest number of votes at the end of voting  
6 shall be declared the winner of the primaries of the party and aspirant's name  
7 shall be forwarded to the Independent national Electoral Commission as the  
8 candidate of the party, for the particular State.

9 (c) In the case of nomination to the position of a Senatorial candidate,  
10 House of Representatives and State House of Assembly a political party shall,  
11 where they intend to sponsor candidates:

12 (i) hold special congresses In the Senatorial District, Federal  
13 Constituency and the State Assembly Constituency respectively, with  
14 delegates voting for each of the aspirants in designated centres on specified  
15 dates;

16 (ii) the aspirant with the highest number of votes at the end of voting  
17 shall be declared the winner of the primaries of the party and the aspirant's  
18 name shall be forwarded to the Independent . National Electoral Commission  
19 as the candidate of the party.

20 (d) In the case of the position of a Chairmanship candidate of an Area  
21 Council a party shall, where they intend to sponsor candidates:

22 (i) hold special congresses in Area Councils, with delegates voting for  
23 each of the aspirants at designated centres on a specified dates;

24 (ii) the aspirant with the highest number of votes at the end of voting  
25 shall be declared the winner of the primaries of the party and aspirant's name  
26 shall be forwarded to the Independent national Electoral Commission as the  
27 candidate of the party.

28 (5) In the case of a councillorship candidate, the procedure for the  
29 nomination of the candidate shall be by direct primaries in the ward and the  
30 name of the candidate with the highest number of votes shall be submitted to



1 the Independent National electoral commission as the candidate of the party.

2 (6) Where there is only one aspirant in a political party for any of  
3 the elective positions mentioned in sub section (4) (a), (b), (c) and (d), the  
4 party shall convene a special convention or congress at a designated centre  
5 on a specified date for the confirmation of such aspirant and the name of the  
6 aspirant shall be forwarded to the Independent National Electoral  
7 commission as the candidate of the party.

8 (7) A political party that adopts the system of indirect primaries for  
9 the choice of its candidate shall clearly outline in its constitution and rules  
10 the procedure for the democratic election of delegates to vote at the  
11 convention, congress or meeting.

12 (8) No political appointee at any level shall be a voting delegate at  
13 the Convention or Congress of any political party for the purpose of  
14 nomination of candidates for any election.

15 (9) Where a political party fails to comply with the provisions of  
16 this Act in the conduct of its primaries, its candidate for election shall not be  
17 included in the election for the particular position in issue.

18 (10) Notwithstanding the provisions of the Act or rules of a political  
19 party, an aspirant who complains that any of the provisions of this Act and  
20 the guidelines of a political party for election, may apply to the Federal High  
21 Court or the High Court of a State, for redress.

22 (11) Nothing in this section shall empower the Courts to stop the  
23 holding of primaries or general election under this Act pending the  
24 determination of the suit.

25 **23. Any Political Party that:**

26 (a) holds or possesses any fund outside Nigeria in contravention of  
27 Section 91(3) of this Act commits an offence and shall forfeit;

28 (b) retains any fund or other assets remitted to it from outside  
29 Nigeria in contravention of Section 91(3) of this Act is guilty of an offence  
30 and shall forfeit the funds or assets to the Commission and on conviction

Offences in  
relation to finance  
of a political party

1 shall be liable to a fine of not less than N500,000.

Period to covered  
by Annual  
Statement

2           **24.**-(1) Every political party shall submit to the Commission a  
3 detailed annual statement of Assets and Liabilities and analysis of its sources of  
4 funds and other assets, together with statement of its expenditure in such a form  
5 as the Commission may from time to time require.

6           (2) The Statement of Assets and Liabilities referred to in subsection  
7 (1) of this section shall be in respect of the period 1st January to 31st December  
8 in each year, and that in the year which this Act comes into operation, it shall be  
9 for the period beginning with the registration of such party and ending on the  
10 following 31st December.

11           (3) Every political party shall grant to any officer authorized in  
12 writing by the Commission, access to examine the records and audited  
13 accounts kept by the political party in accordance with the provisions of this  
14 Act and the political party shall give to the officer all such information as may  
15 be requested in relation to all contributions received by or on behalf of the  
16 party.

17           (4) The Commission shall publish the report on such examinations  
18 and audit in three National Newspapers.

Power to limit  
contribution to a  
political party

19           **25.**-(1) The Commission shall have power to place limitation on the  
20 amount of money or other assets, which an individual or group of persons can  
21 contribute to a political party.

Limitation on  
election expenses

22           **26.**-(1) Election expenses shall not exceed the sum stipulated in  
23 subsection (2)-(7) of this section.

24           (2) The maximum election expenses to be incurred by a candidate at a  
25 Presidential election shall be one billion naira (N1,000,000,000).

26           (3) The maximum election expenses to be incurred by a candidate at a  
27 Governorship election shall be two hundred million naira (N200,000,000).

28           (4) The maximum election expenses to be in respect of Senatorial seat  
29 by a candidate at an election to the National Assembly shall be forty million  
30 naira (N40,000,000) while the seat for House of Representatives shall be

1 twenty million naira (N20,000,000).

2 (5) In the case of State Assembly election, the maximum amount of  
3 election expenses to be incurred shall be ten million naira (N10,000,000).

4 (6) In the case of Chairmanship election to an Area Council, the  
5 maximum amount of election expenses to be incurred shall be ten million  
6 naira (N10,000,000).

7 (7) In the case of Councillorship election to an Area Council, the  
8 maximum amount of election expenses to be incurred shall be one million  
9 naira (N1,000,000).

10 (8) In determining the total expenditure incurred in relation to the  
11 candidature of any person at any election no account shall be taken of:

12 (a) any deposit made by the candidate on his/her nomination in  
13 compliance with law;

14 (b) any expenditure incurred before the notification of the date  
15 fixed for the election with respect to services rendered or material supplied  
16 before such notification;

17 (c) Political party expenses in respect of the candidate standing for  
18 a particular election.

19 (9) No individual or other entity shall donate more than one million  
20 naira (N1,000,000) to any candidate.

21 (10) A candidate who knowingly acts in contravention of this  
22 section commits an offence and on conviction shall be liable:

23 (a) in case of Presidential election to a maximum fine of  
24 N1,000,000 or imprisonment of 12 months or both;

25 (b) In the case of a Governorship election to a fine of N800,000 or  
26 imprisonment for 9 months or both;

27 (c) in the case of Senatorial seat election in the National Assembly  
28 election to a fine of N600,000 or imprisonment for 6 months or both;

29 (d) in the case of House of Representatives seat election in the  
30 National Assembly election to a fine of N500,000 or imprisonment for 5

1 months or both;

2 (e) in the case of a State House of Assembly election to a fine of  
3 N300,000 or 3 months imprisonment or both;

4 (f) in the case of Chairmanship election to a fine of N300,000 or 3  
5 months imprisonment or both;

6 (g) in the case of Councillorship election to a fine of N100,000 or 1  
7 month imprisonment or both.

8 (11) Any individual who knowingly acts in contravention of  
9 subsection (9) shall on conviction be liable to maximum fine of N500,000 or  
10 months imprisonment or both.

11 (12) Any Accountant who falsifies or conspires or aids a candidate to  
12 forge or falsify a document relating to his expenditure at an election or receipt  
13 or donation for the election or in any way aids and abets the breach of the  
14 provision of this section of this Act commits an offence and on conviction is  
15 liable to 10 years imprisonment.

Election expenses  
of political parties

16 **27.-(1)** For the purposes of an election, "election expenses" means  
17 expenses incurred by a political party within the period from the date notice is  
18 given by the Commission to conduct an election up to and including, the polling  
19 day in respect of the particular election.

20 (2) Election expenses of a political party shall for the management or  
21 the conduct of an election shall be determined by the Commission in  
22 consultation with the political parties.

23 (3) (a) Election expenses of a political party shall be submitted to the  
24 Commission in separate audited return within six months after an election and  
25 such return shall be signed by the political party's auditors and counter-signed  
26 by the Chairman of the party and be supported by a sworn affidavit by the  
27 signatories as to the correctness of its contents;

28 (b) Any political party which commits a breach of this section is guilty  
29 of an offence and shall be liable on conviction to a maximum fine of N1,  
30 000,000 and in the case of failure to submit an accurate audited return within

1 the stipulated period, the court may impose a maximum penalty of N200,  
2 000 per day on any party for the period after the return was due until it is  
3 submitted to the Commission.

4 (4) The return referred in subsection (3) of this section shall show  
5 the amount of money expended by or on behalf of the party- on election  
6 expenses, the items of expenditure and commercial value of goods and  
7 services received for election purposes.

8 (5) The political party shall cause the return submitted to the  
9 Commission pursuant to subsection (4) of this section to be published in at  
10 least two National Newspapers.

11 (6) Any political party that incurs election expenses beyond the  
12 limit stipulated in this Act is guilty of an offence and shall be liable on  
13 conviction to a maximum fine of N1,000,000 and forfeiture to the  
14 Commission, of the amount by which the expenses exceed the limit set by  
15 the Commission.

16 (7) The Commission shall make available for public inspection  
17 during regular business hours at its Headquarters and State offices the audit  
18 returns of the political parties required by subsection (3) of this section  
19 which shall include the names, addressees, occupation, and amount  
20 contributed by each contributor to a party.

21 **28.-(1)** No political party shall accept or keep in its possession any  
22 anonymous monetary or other contributions, gifts, properties, etc from any  
23 source whatsoever.

Disclosures by  
political party

24 (2) Every political party shall keep an account and asset book into  
25 which shall be recorded:

26 (a) all monetary and other forms of contribution received by the  
27 party; and

28 (b) the name and address of any person or entity that contributes  
29 any money or assets which exceeds N1,000,000 .

30 (3) No political party shall accept any monetary or other

1 contribution exceeding N100,000 unless it can identify the source of the  
2 money or other contribution to the Commission.

3 (4) Every political party sponsoring the election of a candidate shall,  
4 within three months after the announcement of the results of the election, file a  
5 report of the contributions made by individuals and entities to the Commission.

Conduct at  
political rallies,  
and processions,  
etc.

6 **29.**-(1) For the purpose of the proper and peaceful conduct of political  
7 rallies and processions, the Commissioner of Police in each State of the  
8 Federation and the Federal Capital Territory, Abuja, shall provide adequate  
9 security for processions at political rallies in the States and the Federal Capital  
10 Territory, Abuja.

11 (2) A person who, while present at a political rally or procession or  
12 voting centre, has with him any offensive weapon or missile otherwise than in  
13 pursuance of lawful duty is guilty of an offence and liable on conviction to a  
14 maximum fine of N2,000,000 or imprisonment for a term of 2 years or both,

15 (3) For the purpose of subsection (2) of this section, a person shall be  
16 deemed to be acting in pursuance of a lawful duty if he is acting in his capacity  
17 as a police officer or as a member of a security agency authorized to carry arms  
18 and is specifically posted to be present at that political rally or procession.

Prohibition of  
certain conduct,  
etc at political  
campaigns

19 **30.**-(1) No political campaign or slogan shall be tainted with abusive  
20 language directly or indirectly likely to injure religious, ethnic, tribal or  
21 sectional feelings.

22 (2) Abusive, intemperate, slanderous or base language or insinuations  
23 or innuendoes designed or likely to provoke violent reaction or emotions shall  
24 not be employed or used in political campaigns.

25 (3) Places designated for religious worship, police station, and public  
26 offices shall not be used:

27 (a) for political campaigns, rallies and procession; or

28 (b) to promote, propagate or attack political parties, candidates or  
29 their programmes or ideologies.

30 (4) Masquerades shall not be employed or used by any political party,

1 candidate or person during political campaigns or for any other political  
2 purpose.

3 (5) No political party or member of a political party shall retain,  
4 organize, train or equip any person or group of persons for the purpose of  
5 enabling them to be employed for the use or display of physical force or  
6 coercion in promoting any political objective or interests, or in such manner  
7 as to arouse reasonable apprehension that they are organized, trained or  
8 equipped for that purpose.

9 (6) No political party, person or candidate shall keep or use private  
10 security organization, vanguard or any other group or individual by  
11 whatever name called for the purpose of providing security, assisting or  
12 aiding the political party or candidate in whatever manner during  
13 campaigns, rallies, processions or elections.

14 (7) A political party or person who contravenes any of the provision  
15 of this section is guilty of an offence and shall be liable on conviction:

16 (a) in the case of an individual, to a maximum fine of N1,000,000  
17 or imprisonment for the term of 12 months; and

18 (b) in the case of a political party, to a fine of N2,000,000 in the first  
19 instance, and N1,000,000 for any subsequent offence.

20 (8) Any person or group of persons who aids or abets a political  
21 party in contravening the provisions of subsection (5) of this section guilty  
22 of an offence and is liable on conviction to a fine of N500,000 or 3 years  
23 imprisonment or both.

24 **31.-(1)** No candidate, person or group of persons shall directly or  
25 indirectly threaten any person with the use of force or violence during any  
26 political campaign in order to compel that person to support or refrain from  
27 supporting a political party or candidate.

Prohibition of use  
of force or violence  
during political  
campaign

28 (2) Any person or political party that contravenes the provisions of  
29 this section is guilty of an offence and liable on conviction:

30 (a) in the case of an individual, to a maximum fine of N1,000,000

1 or imprisonment for a term of 12 months; and

2 (b) in the case of a political party, to a fine of N2,000,000 in the first  
3 instance, and N500,000 for any subsequent offence.

Effect on elected  
officer where  
political party  
ceases to exist

4 **32.** Where a political party ceases to exist in accordance with the  
5 Constitution and this Act, a person elected on the platform of - the Political  
6 Party in an election under this Act shall remain validly elected, complete his  
7 tenure, and, for purposes of identification, be regarded as a member of the  
8 political party under which he was elected.

Existing political  
parties

9 **33.** Any political party registered by the Commission in accordance  
10 with the provisions of any law in force immediately before the coming into  
11 force of the Constitution of the Federal Republic of Nigeria and this Act shall  
12 be deemed to have been duly registered under this Act.

Limitation on  
political broadcast  
and campaign by  
political parties

13 **34.**-(1) For the purpose of this Act, the period of campaigning in  
14 public by every political party shall commence 90 days before polling day and  
15 end 24 hours prior to that day.

16 (2) A registered Political Party which through any person acting on its  
17 behalf during the 24 hours before polling day:

18 (a) advertises on the facilities of any broadcasting undertaking; or

19 (b) procures for publication or acquiesces in the publication of an  
20 advertisement in a Newspaper, for the purpose of promoting or opposing a  
21 particular candidate, is guilty of an offence under this Act and upon conviction  
22 shall be liable to a maximum fine of N500,000.

Campaign for  
election

23 **35.**-(1) A candidate and his party shall campaign for the elections in  
24 accordance with such rules and regulations as may be determined by the  
25 Commission.

26 (2) State apparatus including the media shall not be employed to the  
27 advantage or disadvantage of any political party or candidate at any election.

28 (3) Media time shall be allocated equally among the political parties  
29 or candidates at similar hours of the day.

30 (4) At any public electronic media, equal airtime shall be allotted to all



1 political parties or candidates during prime times at similar hours each day,  
2 subject to the payment of appropriate fees.

3 (5) At any public print media, equal coverage and conspicuity. shall  
4 be allotted to all political parties.

5 (6) Any public media that contravenes subsections 3 and 4 of this  
6 section shall be guilty of offence and on conviction be liable to a maximum  
7 fine of N500, 000 in the first instance and to a maximum fine of N1, 000,000  
8 for subsequent conviction.

9 **36.-(1)** A person, print or electronic medium that broadcasts,  
10 publishes, advertises or circulates any materials for the purpose of  
11 promoting or opposing a particular political party or the election of a  
12 particular candidates over the radio I television, newspaper, magazine,  
13 handbills, or any print or electronic media whatsoever called during twenty  
14 four hours immediately preceding or on polling day is guilty of an offence  
15 under this Act.

Prohibition of  
broadcast I etc  
24 hours preceding  
or polling day

16 (2) Where an offence under subsection (1) of this section is  
17 committed by a body corporate, every principal officer of that body is  
18 equally guilty of an offence under this Act.

19 (3) Where any person is convicted of an. offence under this section  
20 he shall be liable:

21 (a) in the case of a body corporate to a maximum fine of  
22 N1,000,000; and

23 (b) in the case of an individual to a maximum fine of N500,000 or  
24 to imprisonment for 12 months.

25 **37.** Any candidate, person or association who engages in  
26 campaigning or broadcasting based on religious, tribal, or sectional reason  
27 for the purpose of promoting or opposing a particular political party or the  
28 election of a particular candidate, is guilty of an offence under this Act and  
29 on conviction shall be liable to a maximum fine of N1,000,000 or  
30 imprisonment for twelve months or to both.

Campaign based  
on religion, tribe,  
etc.

Application of  
rules of court

1                   38. Subject to the express provisions of this bill, the practice and  
2 procedure of the Tribunal in respect of matters brought before it shall be as  
3 nearly as possible, similar to the practice and procedure of the Criminal  
4 Procedure Act.

Practice and  
procedure of  
Court of Appeal  
and Supreme Court

5                   39. Subject to the provisions of this Act, an appeal to the Court of  
6 Appeal and thereafter to the Supreme Court shall be determined in accordance  
7 with the practice and procedure as regards criminal appeals in those Courts.

Interpretations

8                   40. "Chairman" means the Chairman of the Commission appointed  
9 under Section 3(2) of this Bill;

10 "Commission" means the Nigerian Electoral Offences Commission  
11 established under Section 3 of this Bill;

12 "Constitution" means Constitution of the Federal Republic of Nigeria 1999 (as  
13 amended);

14 "Corporate Body" means any legal entity artificial or otherwise recognized by  
15 companies and Allied Matters Act or created under the authority of any law in  
16 Nigeria;

17 "Corruption" includes bribery, fraud, money laundry and other related acts;

18 "Gratification" means:

19                   (a) Money, donation, gift, loan, fee, reward, value security, property  
20 or interest in property being property of any description whether moveable or  
21 immovable or any other similar advantage, given or promised to any person  
22 with intent to influence such a person in the performance or non-performance  
23 of his duties;

24                   (b) Any offer, dignity, employment, contract of employment or  
25 services and any agreement to give employment or render services in any  
26 capacity;

27                   (c) Any payment, release, discharge or liquidation of any loan,  
28 obligation or other liability, whether in whole or in part;

29                   (d) Any valuable consideration of any kind, any discount,  
30 commission, rebate, bonus, deduction or percentage;

1 (e) Any forbearance to demand any money or money's worth or  
2 valuable things;

3 (f) Any other service or favour of any description, such as  
4 protection from any penalty or disability incurred or apprehended or from  
5 any action or proceedings of a disciplinary, civil or criminal nature, whether  
6 or not already instituted, and including the exercise or the forbearance from  
7 the exercise of any official power or duty; and

8 (g) Any offer, undertaking or promise, whether conditional or  
9 unconditional, of any gratification within the meaning of any of the  
10 preceding paragraph (a) - (f).

11 "Member" means any member of the Commission appointed in accordance  
12 with Section 3 of this Bill;

13 "Person" includes a natural person, anybody or persons (corporate or  
14 incorporate);

15 "Political Party" means anybody of persons or association registered by the  
16 Independent National Electoral Commission (INEC) as a political party  
17 under the Political Parties (Registration and Activities) Decree 1998 or any  
18 Act amending or replacing same including Associations granted provisional  
19 registration to contest any particular election;

20 "President" means the President of the Federal Republic of Nigeria;

21 "Financial Institution" means a bank or other financial institution as defined  
22 in the Banks and Other Financial Institutions Act;

23 "Judge of Superior Court of Record" means a judge holding any of the  
24 offices defined by Section 6(5) of the Constitution.

25 **41.** This bill may be cited as the Nigerian Electoral Offences Short Title  
26 Commission Bill, 2016.

#### EXPLANATORY MEMORANDUM

A Bill for an act to establish the Nigerian Electoral Offences Commission charged with the responsibility of prohibition and prosecution of electoral offences and other matters connected therewith.