

[SB. 469]

C 2061

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL ELECTORAL OFFENCES COMMISSION AND FOR MATTERS CONNECTED THEREWITH, 2017

Sponsor: Senator Abukakar Kyari

Co-sponsor: Senator Ovie Omo-Agege

[] Commencement

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

PART I - ESTABLISHMENT OF NATIONAL ELECTORAL OFFENCES

COMMISSION, ETC.

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

Establishment
of the National
Electoral Offences
Commission

5 (2) The Commission:

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

8 (b) may sue and be sued in its corporate name;

9 (c) shall, for the purposes of its functions, have power to acquire,
10 hold or dispose of property (whether moveable or immovable);

11 (d) shall have power to enter into contracts;

12 (e) shall have power to enforce compliance with this Bill;

13 (f) shall have power to appoint and maintain, as its officers,
14 employees, investigators, prosecutors, experts and other persons with
15 qualifications, experience and skills in fields that are relevant to the
16 Commission's functions, to perform such duties as may be necessary from
17 time to time;

18 (g) shall, subject to the provisions of section 174 of the

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1 Constitution of the Federal Republic of Nigeria, 1999 (as amended) (on the
2 power of the Attorney-General of the Federation to institute, continue,
3 takeover or discontinue criminal proceedings against any person in any court
4 of law) and this Bill, be independent in the performance of its functions; and

5 (h) shall have all such powers that are necessary for or incidental to
6 the performance of its functions under this Bill.

Members of the
Commission

7 2. (1) The Commission shall consist of the following members who
8 shall be non-partisan.

9 (a) a Chairman, who shall be:

10 (i) the Chief Executive and Accounting Officer of the Commission;

11 (ii) be a serving or retired member of any government security or law
12 enforcement agency not below the rank of Assistant Commissioner of Police or
13 equivalent; and

14 (iii) a distinguished Nigerian with unblemished public reputation and
15 not less than fifteen (15) years cognate experience;

16 (b) a Secretary who shall be the Commission's head of administration;

17 (c) a representative each of the following Federal Ministries:

18 (i) Justice;

19 (ii) Internal Affairs;

20 (iii) Defence;

21 (d) the Inspector-General of Police or his representative;

22 (e) the Chairman, Independent National Electoral Commission or his
23 representative;

24 (f) the Chairman, National Human Rights Commission or his
25 representative;

26 (g) the Commandant General, Nigeria Security and Civil Defence
27 Corps

28 (h) the Governor, Central Bank of Nigeria;

29 (i) the Director-General.

30 (j) National Intelligence Agency or his representative;

(g) shall, subject to the provisions of section 174 of the

1 (ii) Department of State Security Services or his representative;

2 and

3 (iii) Legal Aid Council of Nigeria.

4 (b) four eminent Nigerians with cognate experience in any of the
5 following, that is, law, security, electoral management and information
6 Technology.

7 (2) The members of the Commission, other than the Chairman and
8 Secretary, shall be part-time members.

9 (3) The Chairman and members of the Commission other than ex
10 officio members shall be appointed by the President and the appointment
11 shall be subject to confirmation of the Senate.

12 3. (1) The Chairman and members of the Commission other than
13 ex officio members shall hold office for a period of four years and may be re-
14 appointed for a further term of four years and no more.

15 (2) A member of the Commission may be removed from office by
16 the President acting on an address supported by two-thirds majority of the
17 Senate praying that he be so removed for inability to discharge the functions
18 of his office (whether arising from infirmity of mind or body or any other
19 cause) or for misconduct; or if it is not in the interest of the public that the
20 member should continue in office.

21 (3) A member of the Commission may resign his membership by
22 notice in writing addressed to the President and that member shall, on the
23 date of the receipt of the notice by the President, cease to be a member.

24 4. Where a vacancy occurs in the membership of the Commission,
25 it shall be filled by the appointment of a successor to hold office for the
26 remainder of the term of office of his predecessor, so however that the
27 successor shall represent the same interest as his predecessor.

28 5. The Commission may make standing orders regulating its
29 proceeding or those of any of its committees or units.

Functions of
the Commission

Tenure of office

Vacancy in
Membership

Standing Orders

PART II - FUNCTIONS OF THE COMMISSION

Functions of
the Commission

6.-(1) The Commission shall be responsible for:

(a) the enforcement and the due administration of the provisions of this Bill;

(b) the investigation of all electoral offences, electoral corruption and violations of electoral due process in respect of any election conducted in the Federation, including all electoral offences stated in the Electoral Act No.6, 2010 (as amended) and any other law relating to elections in force in the Federation or any part thereof;

(c) the co-ordination and enforcement of all laws on or relating to electoral offences, electoral corruption and violations of electoral due process including the Electoral Act No.6, 2010 (as amended) and any other law relating to elections in force in the Federation or any part thereof, and enforcement functions conferred on any other person or authority;

(d) the adoption of measures to prevent and eradicate the Federation of electoral offences, electoral corruption and violations of electoral due process;

(e) the adoption of measures including coordinated preventative and regulatory actions and the introduction and maintenance of investigative and control techniques to prevent electoral offences, electoral corruption and violations of electoral due process in the Federation;

(f) taking charge of, supervising, controlling, coordinating, all responsibilities, functions and activities relating to investigations and prosecution of all offences connected with or relating to elections conducted under the Electoral Act No.6, 2010 (as amended) and any other law relating to elections in the Federation or part thereof;

(g) maintaining a liaison with the office of the Attorney-General of the Federation, the Independent National Electoral Commission, all government security and law enforcement agencies and such other supervisory institutions involved in the eradication of electoral offence, electoral

1 corruption and violations of electoral due process from the Federation;

2 (h) the facilitation of rapid exchange of information and the
3 conduct of joint operations geared towards the eradication of electoral
4 offences, electoral corruption and violations of electoral due process from
5 the Federation;

6 (i) collaborating with the Independent National Electoral
7 Commission and other government bodies both within and outside the
8 Federation concerning:

9 (i) the identification, determination of the whereabouts and
10 activities of persons suspected of involvement in electoral offences,
11 electoral corruption and violations of electoral due process;

12 (ii) the establishment and maintenance of a system for monitoring
13 electoral offences, electoral corruption and violations of electoral due
14 process in order to identify and punish persons involved according to law;

15 (iii) maintaining data, statistics, records and reports on persons,
16 organisations, proceeds, properties, documents or other items or assets
17 involved in electoral offences, electoral corruption and violations of
18 electoral due process;

19 (iv) undertaking research and similar works with a view to
20 determining the manifestation, extent, magnitude and effects of electoral
21 offences, electoral corruption and violations of electoral due process and
22 advising government on appropriate intervention measures for combating
23 same;

24 (j) carrying out and sustaining rigorous public and enlightenment
25 campaign against electoral offences, electoral corruption and violations of
26 electoral due process in the Federation; and

27 (k) carrying out such other activities as are necessary or expedient
28 for the full discharge of all or any of the functions conferred on it under this
29 Bill.

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National Electoral Offences Commission Bill, 2017

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Powers of the Commission

7. The Commission has power to:
- (1) Cause investigations to be conducted on whether any person, corporate body or organisation has committed an offence under this Bill, the Electoral Act No.6, 2010 (as amended) or any other law relating to electoral offences in force in the Federation or a part thereof.
- (2) Arrest or procure the arrest of any person suspected or alleged to have committed any offence under this Bill, the Electoral Act No.6, 2010 (as amended) or any other law relating to electoral offences in force in the Federation or a part thereof.
- (3) Prosecute any person, corporate body or organisation alleged to have:
- (i) committed an offence under this Bill, the Electoral Act No.6, 2010 (as amended) or any other law relating to electoral offences in force in the Federation or a part thereof; or
- (ii) perverted the course of electoral justice in the Federation.

PART III - STAFF OF THE COMMISSION

Staff of the Commission

- 8.-(1) There is established for the Commission a secretariat which shall be headed by the Secretary of the Commission who shall be appointed by the President.
- (2) The Secretary shall be:
- (a) the head of the Commission's secretariat;
- (b) responsible for the administration of the Commission's secretariat and the keeping of the Commission's books and records;
- (c) appointed for a single term of Five (5) years; and
- (d) subject to the supervision and control of the Chairman and the Commission.
- (3) The Commission may, from time to time, appoint such other staff or second officers from government security or law enforcement agencies or such other private or public services as it may deem necessary, to assist the Commission in the performance of its functions under this Act.

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(4) The staff of the Commission appointed under subsection (3) of

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2 this section, shall be appointed upon such terms and conditions as the
 3 Commission may, after consultation with the Federal Civil Service
 4 Commission, determine.

5 (5) For the purpose of carrying out or enforcing the provisions of
 6 this Bill, all officers of the Commission involved in the enforcement of the
 7 provisions of this Bill shall have the same powers, authorities and privileges
 8 (including power to search persons or premises, effect arrest of any person
 9 and bear arms) as are given by law to members of the Nigeria Police Force.

10 9-(1) The Commission may, subject to the provision of this Bill,
 11 make staff regulations relating generally to the conditions of service of the
 12 employees of the Commission and without prejudice to the generality of the
 13 foregoing, the regulations may provide for:

14 (a) the appointment, promotion and disciplinary control (including
 15 dismissal) of employees of the Commission; and

16 (b) appeals by such employees against dismissal or other
 17 disciplinary measures, and, until the regulations are made, any instrument
 18 relating to the conditions of service of officers in the Civil Service of the
 19 Federation shall be applicable with such modifications as may be
 20 necessary, to the employees of the Commission.

21 (2) Staff regulations made under subsection (1) of this section
 22 shall not have effect until approved by the Commission, and when so
 23 approved, the regulations may not be published in the Gazette but the
 24 Commission shall cause them to be brought to the notice of all affected
 25 persons in such manner as it may, from time to time, determine.

26 10-(1) Service in the Commission shall be public service for the
 27 purposes of the Pensions Act and, accordingly, officers and other persons
 28 employed in the Commission shall in respect of their service in the
 29 Commission, be entitled to pension, gratuities and other retirement benefits
 30 as are prescribed thereunder, so however that nothing in this Act shall

Special
 Programme
 Staff Regulations

Entitled
 Staff Pension

1 prevent the appointment of a person to any office on terms which preclude the
2 grant of a pension or gratuity in respect of that office.

3 (2) For the purposes of the application of the provisions of the
4 Pensions Act, any power exercisable under the Act by a Minister or other
5 authority of the Government of the Federation (not being the power to make
6 regulations under section 23 thereof) is hereby vested in and shall be
7 exercisable by the Commission and not by any other person or authority.

Special
Programme

8 11.-(1) The Commission shall initiate, develop or improve specific
9 training programmes for its law enforcement and other personnel charged with
10 responsibility for the eradication of electoral offences and such programmes
11 shall include:

12 (a) methods used in the detection of electoral offences, electoral
13 corruption, violation of electoral due process and perversion of electoral
14 justice;

15 (b) techniques used by persons involved in electoral offences
16 electoral corruption, violation of electoral due process and perversion of
17 electoral justice and appropriate counter-measures;

18 (c) collection of evidence;

19 (d) law enforcement techniques;

20 (e) legal prosecution and defence; and

21 (f) dissemination of information on electoral offences, electoral
22 corruption, violation of electoral due process and perversion of electoral
23 justice.

Establishment
of Special Units

24 12.-(1) For the effective conduct of the functions of the Commission,
25 there may be established in the Commission, the following Units:

26 (a) the Investigation, Legal and Prosecution Unit;

27 (b) the Electoral Monitoring and Operations Unit;

28 (c) the Administration Unit; and

29 (d) the Research and Training Unit.

30 (2) Notwithstanding the provisions of subsection (1) of this section,

1 the Commission has power to set up any unit or committee as may be
2 necessary to assist the Commission in the performance of its duties and
3 functions under this Bill.

4 13.-(1) The Investigation, Legal and Prosecution Unit shall be charged with responsibilities for: Special Duties
of the Units

5
6 (a) the prevention and detection of electoral offences, electoral
7 corruption, violation of electoral due process and perversion of electoral
8 justice;

9 (b) the arrest and apprehension of perpetrators of electoral
10 offences, electoral corruption, violation of electoral due process and
11 perversion of electoral justice;

12 (c) dealing with matters connected with extradition and mutual
13 assistance in criminal matters involving electoral offences, electoral
14 corruption, violation of electoral due process and perversion of electoral
15 justice.

16 (d) prosecuting persons accused of committing electoral offences,
17 electoral corruption, violation of electoral due process and perversion of
18 electoral justice; and

19 (e) performing such other legal duties as the Commission may
20 refer to it from time to time.

21 (2) There shall be appointed for each of the units a principal officer
22 who shall be known by such designation as the Commission may determine.

23 PART IV - ELECTORAL OFFENCES

24 14.-(a) Any person who violates or acts in breach of the provisions Offences arising
from violating
existing laws
25 of the Electoral Act No.6., 2010 (as amended) or any other law regarding
26 elections in force in the Federation, or a part thereof, shall be guilty and
27 sanctioned to the extent of such violation or breach as prescribed under the
28 Electoral Act No.6, 2010 (as amended) or any such other law regarding
29 elections in force in the Federation, or a part thereof;

30 (b) All national officers or executives of any association or

1 political party, as the case may be, that contravenes the provision of Sections
2 221, 225(1), (2), (3) and (4) and 227 of the Constitution of the Federal Republic
3 of Nigeria 1999 (as amended) shall be guilty of an offence and shall be liable,
4 on conviction to imprisonment for a term of at least five (5) years or to a fine of
5 at least Ten Million Naira (N10,000,000), or both.

Offences by
any person

6 15. Any person who:

7 (1) knowingly makes any false statement on or in connection with
8 any application to be placed on the National Register of Voters kept by the
9 Independent National Electoral Commission;

10 (2) forges or fraudulently defaces or fraudulently destroys any
11 document for the purpose of nomination for an elective office, or delivers to the
12 Independent National Electoral Commission or a State Electoral Commission
13 any document for the purpose of nomination for an elective office knowing it to
14 be forged;

15 (3) forges or counterfeits or fraudulently defaces or fraudulently
16 destroys any electoral document or the official perforation, stamp or mark on
17 any electoral document issued by the Independent National Electoral
18 Commission or a State Electoral Commission;

19 (4) without due authority supplies any electoral document issued by
20 the Independent National Electoral Commission or a State Electoral
21 Commission to any person;

22 (5) sells or offers to sell any electoral document issued by the
23 Independent National Electoral Commission or a State Electoral Commission
24 to any person or purchases or offers to purchase any electoral document from
25 any person;

26 (6) not being a person entitled to be in possession of any electoral
27 document which has been marked with any official perforation, stamp or mark
28 of the Independent National Electoral Commission or a State Electoral
29 Commission has any such electoral document in his possession;

30 (7) puts into any ballot box approved by the Independent National

1 Electoral Commission or a State Electoral Commission anything other than
2 the ballot paper which he is authorised by law to put in;

3 (8) without due authority takes out of a polling station any electoral
4 document or is found in possession of any electoral document outside a
5 polling station;

6 (9) without due authority destroys, takes, opens or otherwise
7 interferes with any ballot box, ballot paper or packet of ballot papers or
8 electoral documents in use or intended to be used for the purposes of an
9 election;

10 (10) without due authority prints any electoral document or ballot
11 paper or what purports to be or is capable of being used as an electoral
12 document or ballot paper at an election;

13 (11) for the purposes of an election, manufactures, constructs,
14 imports, has in his possession, supplies or uses, or causes to be
15 manufactured, constructed, imported, supplied or used, any appliance,
16 device or mechanism by which a ballot paper may be extracted, affected or
17 manipulated after having been deposited in a ballot box during the polling at
18 any election;

19 (12) not being authorized to do so under the provisions of this Bill,
20 makes any mark on any ballot paper issued to any person other than to
21 himself; or

22 (13) votes at any election when he is not entitled to vote thereat,
23 shall be guilty of an offence and shall be liable, on conviction, to
24 imprisonment for a term not exceeding fifteen (15) years.

25 16. Any person who:

26 (1) without due authority makes, prepares or prints a document or
27 paper purporting to be a register of voters or a voter's card;

28 (2) without due authority makes, prepares or prints any electoral
29 document or purporting to be an electoral document;

30 (3) not being a person authorised to be in possession of any voter's

Offences relating
to Register of
Voters, Voter's
cards, etc.

1 card bearing the name of another person or which has not been written in the
2 name of any person, has such voter's card in his possession;

3 (4) without due authority supplies a voter's card to any person;

4 (5) without due authority destroys, damages, defaces or makes any
5 alteration on a voter's card;

6 (6) sells or offers to sell any voter's card to any person or purchases or
7 offers to purchase any voter's card from any person; or

8 (7) aids, abets, counsels or procures the commission of or attempts to
9 commit any of the offences referred to in paragraphs (a) to (f), shall be guilty of
10 an offence and liable, on conviction, in the case of an offence under paragraphs
11 (a) to (f), to imprisonment for a term not exceeding fifteen (15) years, and in the
12 case of an offence under paragraph (g), to imprisonment for a term not
13 exceeding ten (10) years.

Offences by
Election Officials

14 17. Any person having any duty to perform pursuant to any written
15 law relating to any election who:

16 (a) makes, in any record, return or other document which he is
17 required to keep or make under such written law, any entry which he knows or
18 has reasonable cause to believe to be false, or does not believe to be true;

19 (b) permits any person whom he knows or has reasonable cause to
20 believe not to be a blind person or an incapacitated person to vote in the manner
21 provided for blind persons or incapacitated persons, as the case may be;

22 (c) refuses to permit any person whom he knows or has reasonable
23 cause to believe to be a blind person or an incapacitated person to vote in the
24 manner provided for blind persons or incapacitated persons, as the case may
25 be;

26 (d) willfully prevents any person from voting at the polling station at
27 which he knows or has reasonable cause to believe such person is entitled to
28 vote;

29 (e) willfully rejects or refuses to count any ballot paper which he
30 knows or has reasonable cause to believe is validly cast for any candidate in

1 accordance with the provisions of such written law;

2 (f) willfully counts any ballot paper as being cast for any candidate,
3 which he knows or has reasonable cause to believe was not validly cast for
4 such candidate;

5 (g) gives false evidence or withholds evidence at the trial of an
6 election petition for the purpose of perverting the course of justice;

7 (h) announces or declares a false result or a result which is false or
8 he ought to know is false at an election; or

9 (i) is without reasonable cause guilty of any act or omission in
10 breach of his official duty, shall be guilty of an offence and liable, on
11 conviction, to imprisonment for a term of at least ten (10) years.

12 18.-(1) A person who at an election applies for a ballot paper in the
13 name of some other person, whether that name be that of a person living or
14 dead, or of a fictitious person or who, having voted once at any such election,
15 applies at the same election for a ballot paper in his own name, shall be guilty
16 of the offence of personation and shall be liable, on conviction, to
17 imprisonment for a term of not more than one (1) year.

Personation

18 (2) For the purposes of this section, a person who has applied for a
19 ballot paper for the purpose of voting in person shall be deemed to have
20 voted.

21 19. A person shall be guilty of the offence of undue influence who
22 directly or indirectly, by himself or by any other person on his behalf, makes
23 use of or threatens any force, violence or restraint, or any temporal or
24 spiritual injury, damage or loss, or any fraudulent device, trick or deception,
25 or social boycott, calamity of any kind, fear or promise, or by boast, coercion
26 or intimidation for the purpose of or on account of:

Undue Influence

27 (a) inducing or compelling a person to give or refrain from giving
28 his vote, whether to a particular candidate or not, at an election;

29 (b) otherwise impeding or preventing the free exercise of the
30 franchise of a voter;

1 (c) inducing or compelling a person to refrain from becoming a
2 candidate or to withdraw if he has become a candidate; or

3 (d) impeding or preventing a person from being nominated as a
4 candidate for an election or from being registered as a voter.

Bribery

5 20. A person shall be guilty of the offence of bribery who:

6 (a) directly or indirectly, by himself or by any other person on his
7 behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises
8 to procure or to endeavour to procure, any money or valuable consideration to
9 or for any voter, or to or for any person on behalf of any voter or to or for any
10 other person, in order to induce any voter to give or refrain from giving his vote,
11 whether to a particular candidate or not, or corruptly does any such act as
12 aforesaid on account of such voter having given or refrained from giving his
13 vote at any election, whether to a particular candidate or not;

14 (b) directly or indirectly, by himself or by any other person on his
15 behalf, gives or procures, or agrees to give or procure, or offers, promises, or
16 promises to procure or to endeavor to procure, any office, place or employment
17 to or for any voter, or to or for any person on behalf of any voter, or to or for any
18 other person, in order to induce such voter to give or refrain from giving his
19 vote, whether to a particular candidate or not, or corruptly does any such act as
20 aforesaid on account of any voter having so given or refrained from giving his
21 vote at any election;

22 (c) directly or indirectly by himself or by any other person on his
23 behalf, makes any such gift, loan, offer, promise, procurement, or agreement as
24 aforesaid to or for any person in order to induce such person to procure or
25 endeavour to procure the election of any person, or the vote of any voter at any
26 election;

27 (d) upon or in consequence of any such gift, loan, offer, promise,
28 procurement or agreement, procures or engages, promises or endeavours to
29 procure, the election of any person, or the vote of any voter at an election;

30 (e) advances or pays or causes to be paid any money to, or to the use

1 of, any other person with the intent that such money or any part thereof shall
2 be expended in bribery at any election or who knowingly pays or causes to
3 be paid any money to any person in discharge or repayment of any money
4 wholly or in part expended in bribery at any such election;

5 (f) being a voter, before or during any election directly or
6 indirectly, by himself or by any other person on his behalf, receives, agrees,
7 or contracts for any money, gift, loan, or valuable consideration, office,
8 place or employment, for himself or for any other person, for giving or
9 agreeing to give or for refraining or agreeing to refrain from giving his vote,
10 whether to a particular candidate or not, at any such election;

11 (g) after any election, directly or indirectly, by himself or by any
12 other person on his behalf, receives any money or valuable consideration on
13 account of any person having given or refrained from giving or having
14 induced any other person to give or to refrain from giving, his vote, whether
15 to a particular candidate or not, at any such election; or

16 (h) directly or indirectly, by himself or by any other person on his
17 behalf, on account of and as payment for voting or for having voted or for
18 agreeing or having agreed to vote for any candidate at an election, or on
19 account of and as payment for his having assisted or agreed to assist any
20 candidate at an election, applies to such candidate, or to his agent or agents,
21 for the gift or loan of any money or valuable consideration, or for the
22 promise of the gift or loan of any money or valuable consideration or for any
23 office, place or employment or for the promise of any office, place or
24 employment;

25 (i) directly or indirectly, by himself or by any person on his behalf,
26 in order to induce any other person to agree to be nominated as a candidate or
27 to refrain from becoming a candidate or to withdraw if he has become a
28 candidate, gives or procures any office, place or employment, or agrees to
29 give or procure or offers or promises to procure or to endeavor to procure
30 any office, place or employment, to or for such other person, or gives or

Punishment
and incapacities
for corrupt
practice

1 lends, or agrees to give or lend, or offers, or promises to procure or to
2 endeavour to procure any money or valuable consideration to or for any person
3 or to or for such other person, or to or for any person on behalf of such other
4 person.

5 21. A person who:

6 (a) commits the offence of personation, undue influence or bribery in
7 sections 18, 19 and 20 of this Bill respectively; or

8 (b) makes or publishes in print and electronic media including on the
9 Internet, before or during any election, for the purpose of promoting or
10 procuring the election of any candidate, any false statement of the withdrawal
11 of any other candidate at such election, or aids, abets, counsels or procures the
12 commission of or attempts to commit any such offence shall be guilty of
13 corrupt practice and liable, on conviction, in the cases referred to in paragraph

14 (a) of this section, to imprisonment for a term of at least fifteen (15) years, and
15 in any other case in this section, to imprisonment for a term of at least ten (10)
16 years.

Perversion of
Electoral Justice

17 22.-(1) A judicial officer or officer of a Court or Tribunal shall be
18 guilty of perverting electoral justice if before, during or after an election, he
19 directly or indirectly receives or accepts for himself or for any other person or
20 on behalf of other persons, any money, gift, loan, property, valuable
21 consideration, office, place, employment or appointment, or a promise of
22 personal enrichment for the purpose of giving, rendering, procuring or
23 directing a judicial decision in favour of or against a particular person or party
24 in an election petition or any matter relating to an election conducted pursuant
25 to the provisions of the Constitution of the Federal Republic 1999 (as
26 amended), Electoral Act No.6, 2010 (as amended) or any other law regarding
27 elections in force in the Federation or a part thereof.

28 (2) A judicial officer or officer of a Court or Tribunal who is guilty
29 under subsection (1) of this section shall be liable, on conviction, to

1 imprisonment for a term of at least twenty (20) years without an option of a
2 fine.

3 23.-(1) No person including election official or security personnel
4 engaged by the Independent National Electoral Commission or a State
5 Electoral Commission for the conduct of an election shall, in the course
6 performing his official duties, perform or cause to be performed any act,
7 except the act of giving his vote for any candidate according to law, with an
8 intention of making any particular candidate successful or unsuccessful in
9 the election.

Election official,
security personnel
not to cause
influence

10 (2) Any person who commits an act in contravention of subsection
11 (1) of this section shall be guilty of an offence of serious corrupt practice and
12 liable, on conviction to imprisonment for a term of at least fifteen (15) years
13 or a fine of at least Thirty Million Naira (N30,000,000), or both.

14 24.-(1) No person shall, from three (3) hours prior to the
15 commencement of an election to the completion of the election on the day of
16 an election, disturb or cause to disturb the peace by doing any of the
17 following acts in the house, building or land where a polling station is
18 located or in any private or public house, building or land in the
19 neighbourhood thereof or so as to cause obstruction to the election or to
20 voters or to persons or election officials who are conducting the election at
21 the polling station:

Prohibition on
disturbing peace

22 (a) Using loudspeakers, megaphones or similar other devices, or

23 (b) Playing musical instruments, singing and dancing, holding
24 assembly or function of any kind whatsoever, making or causing to make
25 commotion or manhandling or shouting.

26 (2) Any person who commits an act in contravention of subsection
27 (1) of this section shall be guilty of an offence of breach of electoral peace
28 and liable, on conviction to imprisonment for a term of at least six (6)
29 months or a fine of at least One Hundred Thousand Naira (N100,000), or
30 both.

Prohibition on
damaging of
character

1 25.-(1) No person acting for himself or on behalf of any organisation
2 or political party or candidate or his agent or other person shall, with an
3 intention of prejudicing the result of any election, damage, in any manner, the
4 personal character of any candidate or his family member by making, saying,
5 printing, publishing, distributing, posting up, airing, or televising, or cause to
6 be made, said, printed, published, distributed, posted up, aired or televised,
7 before or during any election, any matter in the print or electronic media
8 including radio, television, the Internet, online or social media, which he
9 knows or believes to be false in relation to the personal character or conduct of
10 the candidate or his family member or by making false accusation on any
11 matter in a manner likely to make others believe such matter to be true.

12 (2) Any person who commits an act in contravention of subsection (1)
13 of this section shall be guilty of an offence of serious corrupt practice and
14 liable, on conviction to imprisonment for a term of at least ten (10) years or a
15 fine of at least Ten Million Naira (N10,000,000), or both.

Restriction on
election
campaigns

16 26.-(1) Election campaigns materials including posters, pamphlets,
17 advertisements etc. prepared for the purpose of campaigning bills, in an
18 election shall bear the name and address of the political party, candidate or
19 person getting them printed.

20 (2) No person shall print, publish, distribute, post up, air or televised
21 in print or electronic media including radio, television, the Internet, online or
22 social media as the case may be, or cause to be so printed, published,
23 distributed, posted up, aired or televised, any electioneering campaign audio,
24 video, or printed advertisement, handbill, placard or poster which refers to any
25 election and which does not clearly or loudly bear upon its face or presentation
26 the names and addresses of the political party, candidate or person getting them
27 printed, published, distributed, posted up, aired or televised.

28 (3) No person shall affix, or cause to be affixed, any election
29 campaign material including posters, pamphlets, bills, advertisements or such
30 papers to, or write, or cause to be written on, any religious, archaeological or

1 historical buildings, monuments or structures.

2 (4) No person shall affix, or cause to be affixed, any election
3 campaign materials including posters, pamphlets, bills, advertisements or
4 such papers to, or write, or cause to be written on any private house, shop,
5 wall or other structure without the permission of the owner thereof.

6 (5) No person shall, with the object of soliciting or giving votes for
7 or against any political party or candidate at an election, convene or organise
8 meetings, processions or raise slogans and campaign in any other manner
9 within an election area during the period from Twenty-Four (24) hours prior
10 to the day of the election to the end of the election.

11 (6) Any person who commits an act in contravention of subsections
12 (1) to (5) of this section shall be guilty of an offence and liable, on
13 conviction, to imprisonment for a term of at least five (5) years or a fine of at
14 least Ten Million Naira (N10,000,000), or both.

15 27.-(1) No person acting for himself or on behalf of any political
16 party or candidate or his agent or person acting on his behalf shall, while
17 propagating, or causing to be propagated, the manifestoes, policies and
18 programmes of the political party or candidate in the course of election,
19 propagate or cause to be propagated with any of the following intentions:

Prohibition on
campaign against
National interest

20 (a) Undermining the independency, sovereignty, territorial
21 integrity, or unity of the Federation;

22 (b) Promoting feeling of enmity or hatred on the basis of any
23 religion, community, caste, tribe, language or territorial region; or

24 (c) Voting or causing to vote, on the basis of any religion,
25 community, caste, tribe, language or territorial region.

26 (2) Any person who commits an act in contravention of subsection
27 (1) of this section shall be guilty of a serious electoral offence and liable, on
28 conviction, to imprisonment for a term of at least fifteen (15) years without
29 an option of a fine.

Prohibition on
going armed or
using arms or
exploding

1 28.-(1) No person other than designated and approved Federal
2 Government security and law enforcement personnel shall go armed with
3 arms, poisonous or explosive substances or explode or use them during any
4 election.

5 (2) The arms or poisonous or explosive substances in possession of
6 any person who commits any act in contravention of subsection (1) of this
7 section shall be seized and such person shall be liable, on conviction, to
8 imprisonment for at least Twenty-five (25) years without an option of a fine.

Prohibition on
obstructing votes
counting or other
acts of election

9 29.-(1) No candidate or agent of his or any other person shall grab,
10 loot, damage or destroy in any manner ballot boxes or ballot papers or any other
11 electoral document or material before, during or after an election, or take or
12 attempt to take or cause to be taken ballot boxes or ballot papers or any other
13 electoral document or material before, during or after an election without the
14 permission of election official in charge of the election at a polling station or
15 election official in charge of the electoral materials or abet to the commission
16 of such act or cause obstruction of any kind in any manner to any other acts
17 relating to an election.

18 (2) Any person who commits any act in contravention of subsection
19 (1) of this section shall be guilty of an electoral offence and liable, on
20 conviction, to imprisonment for a term of at least Twenty (20) years or a fine of
21 at least Forty Million Naira (40,000,000).

certain expenditure
to be illegal
practice

22 30.-(1) No payment or contract for payment shall, for the purpose of
23 promoting or procuring the election of a candidate at any election, be made:

24 (a) on account of the conveyance of voters to or from the poll, whether
25 for the hiring of vehicles, vessels or animals of transport of any kind
26 whatsoever, or for railway fares, or otherwise; or

27 (b) to or with a voter on account of the use of any house, land,
28 building, or premises for the exhibition of any address, bill, or notice, or
29 account of the exhibition of any address, bill or notice.

30 (2) Subject to such exception as may be allowed in pursuance of this

1 Bill, if any payment or contract for payment is knowingly made in
2 contravention of this section either before, during, or after an election, the
3 person making such payment or contract shall be guilty of an illegal
4 practice, and any person receiving such payment or being a party to any such
5 contract, in contravention of this section, shall also be guilty of an illegal
6 practice.

7 (3) A person shall not let, lend, or employ for the purpose of
8 conveyance of voters to and from the poll any vehicle, vessel or animal of
9 transport of any kind whatsoever which he keeps or uses for the purpose of
10 letting out for hire, and if he lets, lends, or employs such vehicle, vessel or
11 animal of transport knowing that it is intended to be used for the conveyance
12 of voters to and from the poll he shall be guilty of an illegal practice.

13 (4) A person shall not hire, borrow, or use for the purpose of
14 conveyance of voters to and from the poll any vehicle, vessel or animal of
15 transport of any kind whatsoever which he knows the owner thereof is
16 prohibited by subsection (3) of this section to let, lend, or employ for that
17 purpose, and if he does so he shall be guilty of an illegal practice.

18 (5) Nothing in subsections (3) or (4) of this section shall prevent a
19 vehicle, vessel or animal of transport of any kind being let to, or hired,
20 employed, or used by a voter or several voters at their joint cost for the
21 purpose of being conveyed to or from the poll.

22 (6) Notwithstanding anything to the contrary in this section:

23 (a) where it is the ordinary business of a voter as an advertising
24 agent to exhibit for payment bills and advertisements, a payment to or
25 contract with such voter, if made in the ordinary course of business, shall not
26 be deemed to be an illegal practice within the meaning of this section;

27 (b) where voters are unable at an election to reach their polling
28 stations from their place of residence without crossing the sea or a branch or
29 arm thereof or a river, means may be provided for conveying such voters to

1 their polling stations, or to enable them to cross in order to reach their polling
2 stations:

3 PROVIDED always that such means of conveyance shall be made
4 available equally to all such voters who wish to avail themselves thereof.

5 (7) A person who aids, abets, counsels or procures the commission of,
6 commits or attempts to commit any illegal practice under this section shall be
7 liable, on conviction, to imprisonment for a term of at least fifteen (15) years.

Employers to
allow employees
reasonable
period for voting

8 31.-(1) Every employer shall, on polling day, allow to every voter in
9 his employ a reasonable period for voting, and no employer shall make any
10 deduction from the pay or other remuneration of any such voter or impose upon
11 or exact from him any penalty by reason of his absence during such period.

12 (2) Any employer who, directly or indirectly, refuses or by
13 intimidation, undue influence, or in any other manner, interferes with the
14 granting to any voter in his employ, of a reasonable period for voting, as
15 provided in this section, shall be guilty of an offence and liable, on conviction,
16 to a fine of at least Six Million Naira (N6,000,000) or to imprisonment for a
17 term of least three (3) years, or both.

18 (3) The provisions of this section shall not extend to:

19 (a) members of the Armed Forces, the Nigerian Police Force, the
20 Nigerian Prisons Service and all Federal Government security and law
21 enforcement agencies;

22 (b) any employee who at the election in question is acting as an
23 election official under the Electoral Act No.6, 2010 (as amended) or any
24 electoral law in force in any State of the Federation; and

25 (c) other employee in essential public or private service, as may be
26 designated from time to time by the Attorney General of the Federation.

Limitation of
political
propaganda on
polling day

27 32.-(1) No person shall furnish or supply any musical instrument or
28 loud speaker to any person with intent that it shall be used by any person in any
29 way or used in or upon vessels, animals, motor cars, trucks, or other vehicles as
30 or for the purpose of political propaganda on polling day and no person shall

1 with any such intent use himself or use in or upon any vessel, animal, motor
2 car, truck, or other vehicle any such musical instrument or loud speaker on
3 polling day.

4 (2) Any person who contravenes any of the provisions of
5 subsection (1) of this section shall be guilty of an offence and liable, on
6 conviction, to a fine of at least One Million Naira (N1,000,000) or to
7 imprisonment for a term of at least one (1) year, or both.

8 33.-(1) Any person who in the discharge of his duty under this Bill
9 gives information which is false in any material particular to a public officer
10 or any person who is to take decision or do any other act in relation thereto
11 commits an offence under this Bill and the onus shall be on him to prove that
12 he exercised due diligence to prevent the commission of the offence having
13 regards to the nature of his function and circumstances.

Offences
relating to false
information

14 (2) The penalty for the offence under subsection (1) of this section
15 shall be imprisonment for a term of at least Two (2) years and not more than
16 Three (3) years:

17 PROVIDED that where the offender is a public officer the penalty
18 shall be imprisonment for a term of least Three (3) years and not more than
19 Five (5) years.

20 34.-(1) Every candidate at an election shall submit a statement of
21 election expenses to the Commission at most Six (6) months after the
22 election. The statement shall be in a form to be prescribed by the
23 Commission from time to time.

Offence relating
to Election
expenses

24 (2) A candidate at an election who contravenes the provisions of
25 subsection (1) of this section shall be guilty of an offence and shall be liable,
26 on conviction, to imprisonment for a term of at least Six (6) months and a
27 fine equal to the amount of money specified in the relevant law as the
28 maximum for election expenses for the particular elective office in question.

29 (3) A statement of the election expenses submitted under
30 subsection (1) of this section may be audited by an auditor appointed by the

1 Commission for compliance or otherwise with the law.

2 (4) A candidate at an election shall be guilty of an offence if his:

3 (a) statement of election expenses is false; or

4 (b) election expenses are substantially above the ceiling stipulated by
5 law for the elective office in question, and shall in these respects be liable, on
6 conviction, to a fine which shall not exceed the amount of money stipulated in
7 the law as the ceiling for election expenses for that office.

8 (5) Subject to the provisions of section 174 of the Constitution of the
9 Federal Republic of Nigeria, 1999 (as amended) (on the power of the Attorney-
10 General of the Federation to institute, continue, takeover or discontinue
11 criminal proceedings against any person in any court of law), where a
12 candidate contravenes the provisions of subsection (1) of this section or is
13 deemed guilty under subsection (4) of this section, the Commission may
14 compound these offences by imposing a fine on, and accepting same from, the
15 candidate:

16 PROVIDED that the fine shall not exceed the ceiling specified for
17 election expenses for the particular office in question.

18 (6) Prior to issuing an order for a fine on a candidate under subsection
19 (5) of this section, the Commission shall give a reasonable opportunity to the
20 concerned person to defend himself and the Commission shall not issue any
21 such order if the candidate's failure to submit the statement of election
22 expenses is reasonably justified.

23 (7) All moneys received by the Commission under the provisions of
24 subsection (5) of this section shall be paid into the consolidated Revenue Fund
25 of the Federation.

26 PART V - COURTS

Jurisdiction and
special powers
of Court

27 35.-(1) The Federal High Court, High Court of a State or the High
28 Court of the Federal Capital Territory Abuja has jurisdiction to try offenders
29 under this Bill.

30 (2) Notwithstanding anything to the contrary in any other enactment,

1 the Federal High Court, High Court of a State or the High Court of the
2 Federal Capital Territory Abuja shall have power:

3 (a) to impose the penalties provided for in this Bill;

4 (b) to ensure that all matters brought before the Court by the
5 Commission against any person, body or authority shall be conducted with
6 dispatch and given accelerated hearing;

7 (c) to adopt all legal measures necessary to avoid unnecessary
8 delays and abuse in the conduct of matters brought by the Commission
9 before it or against any person, body or authority.

10 (3) The Chief Judge of the Federal High Court or a High Court of a
11 State or the High Court of the Federal Capital Territory Abuja, as the case
12 may be, shall by order under his hand, designate a court or judge or such
13 number of courts or judges as he shall deem appropriate to hear and
14 determine all cases under this Bill or other related offences arising under this
15 Bill.

16 (4) A court or judge so designated shall give such matters priority
17 over other matters pending before it.

18 PART VI - FINANCIAL PROVISIONS

19 36.-(1) The Commission shall establish and maintain a fund from
20 which shall be defrayed all expenditures reasonably incurred by the
21 Commission in the execution of its functions under this Bill.

Commission's
fund, budgetary
appropriation
and gifts

22 (2) There shall be paid and credited to the Fund established
23 pursuant to subsection (1) of this section, such monies as may in each year be
24 approved by the National Assembly for the purpose of the Commission.

25 (3) The Commission may accept gift of land, money or other
26 property (whether within or outside Nigeria) upon such terms and
27 conditions, if any, as may be specified by the person or organisation making
28 the gift provided that the terms and conditions are not contrary to the
29 objectives and functions of the Commission under this Act.

Keeping accounts 1 37. The Commission shall keep proper accounts, in a form which
2 conforms to accepted commercial standards of its receipts, payments, assets
3 and liabilities and shall submit the accounts annually, for auditing by a
4 qualified auditor appointed from the list of auditors and in accordance with the
5 guidelines supplied by the Auditor General of the Federation.

Submission of 6 38. The Commission shall, not later than 30th day of September in
annual report 7 each year, submit to the National Assembly, a report of its activities during the
8 immediately preceding year and shall include in such report the audited
9 accounts of the Commission.

10 PART VII - MISCELLANEOUS PROVISIONS

Power to receive 11 39. The Commission shall seek and receive information from any
information 12 person, political party, authority, corporation or company without let or
without 13 hindrance in respect of offences it is empowered to enforce under this Bill.
hindrances, etc. 14

A person who:

15 (a) willfully obstructs the Commission or any authorised officer of
16 the Commission in the exercise of any of the powers conferred on the
17 Commission by this Bill; or

18 (b) fails to comply with any lawful enquiry or requirements made by
19 any authorised officer of the Commission in accordance with the provisions of
20 this Bill, commits an offence under this Bill and shall be liable, on conviction to
21 imprisonment for a term of least Five (5) years or to a fine of at least Two
22 Million Naira (N2,000,000), or both.

Seizure and 23 40.-(1) Any property used for the planning or execution of an electoral
forfeiture of 24 offence under this Bill may be seized by the Commission where:
property 25

26 (a) the seizure is incidental to a lawful arrest or search executed by the
Commission; or

27 (b) upon process issued by a Court following an application made by
28 the Commission, the Court grants an order of forfeiture.

29 (2) Whenever property is seized or forfeited under subsection (1) of
30 this section, the Commission may:

1 (a) place the property under seal; or
2 (b) remove the property to a place designated by the Commission.
3 (3) Property taken or detained under this section shall be deemed to
4 be in the custody of the Commission, subject only to an order of a Court.

5 **41. A person who:**

6 (1) attempts to commit any electoral offence under this Bill, the
7 Electoral Act No.6, 2010 or under any other law in force in the Federation or
8 a part thereof or does any act preparatory to or in furtherance of the
9 commission of any electoral offence shall be guilty of an offence and shall
10 on conviction, be liable to the punishment provided for such offence; or

11 (2) aids, counsels or procures another person to commit an
12 electoral offence shall be deemed to have taken part in the commission of
13 that offence and to be guilty of the offence and may be charged with actually
14 committing the offence.

15 **42.-(1)** Officers of the Commission cannot be compelled to
16 disclose the source of information or identity of their informants except by
17 the order of a competent Court or Tribunal.

18 (2) Any person who makes or causes another person to make any
19 statement to an official of the Commission or to any other Public Officer
20 who is exercising the duties of his office, which statement to the knowledge
21 of its maker, or the person causing it to be made:

22 (a) is false, or intended to mislead or is untrue in any material
23 particular;

24 (b) is not consistent with any other statement previously made by
25 such person to any other person having authority or power under any law to
26 receive or require to be made such other statement notwithstanding that the
27 person making the statement is not under any legal or other obligation to tell
28 the truth, shall be guilty of an offence and shall be liable, on conviction, to a
29 fine of at least Two Million Naira (N2,000,000) or to imprisonment for a
30 term of at least Two (2) years, or both.

Attempt to
commit electoral
offence, etc.

Protecting
informants and
information, etc.,
and penalty for
false information

1 (3) Where any person who has made a statement to an officer of the
2 Commission, or to the Attorney-General in the course of such officer or
3 Attorney-General exercising any power conferred by this Bill, subsequently
4 thereto makes any other statement to any person having authority or power
5 under any law to receive or require to be made such other statement regardless
6 of whether or not the person making the statement is under a legal or other
7 obligation to tell the truth, he shall if such other statement is inconsistent with
8 any statement previously made to an officer of the Commission or such other
9 public officer, be guilty of an offence and shall be liable, on conviction, to a fine
10 of at least Five Hundred Thousand Naira (N500,000) or to imprisonment for a
11 term of at least Six (6) months, or both.

12 (4) For the purpose of subsections (1) and (2) of this section, any
13 statement made in the course of any legal proceedings before any Court or
14 Tribunal, whether civil or criminal, or any statement made by any person in the
15 course of any disciplinary proceedings, whether such legal proceedings or
16 disciplinary proceedings are against the person making the statement or not,
17 shall be deemed to be a statement made to a person having authority or power
18 under the law to receive the statement so made.

Appeals against
interlocutory
ruling, etc.

19 43. Subject to the provisions of the Constitution of the Federal
20 Republic of Nigeria, 1999 (as amended), an application for stay of proceedings
21 in respect of any criminal matter brought by the Commission before the High
22 Court shall not be entertained until judgment is delivered by the High Court.

Immunities

23 44. Subject to the provisions of this Bill, an officer of the Commission
24 when investigating or prosecuting a case under this Bill, shall have all the
25 powers and immunities of a Police Officer under the Police Act and any other
26 law conferring power on the, police, or empowering and protecting officials or
27 personnel of law enforcement agencies.

General Savings

28 45. Any offence committed or proceedings instituted before the
29 commencement of this Bill under the provisions of:

30 (a) the Electoral Act No.6, 2010 (as amended); and

1 (b) any other law or regulation relating to electoral offences, shall,
2 as the case may require, be enforced or continue to be enforced by the
3 National Electoral Offences Commission established under this Bill.

4 46. The Attorney-General of the Federation may make rules or Regulations
5 regulations with respect to the exercise of any of the duties, functions or
6 powers of the Commission under this Bill.

7 47.-(1) In this Act: Interpretation

8 "authorised" means authorised by or under any written law relating to an
9 election;

10 "Commission" means the National Electoral Offences Commission
11 ("NEOC") established under section 1 of this Bill;

12 "Court" means the Federal High Court or the High Court of the Federal
13 Capital Territory or the High Court of a State;

14 "election" means any election held in accordance with the provisions of any
15 written law in the Federation or part thereof relating to the election of
16 persons to public offices;

17 "Electoral offences" means acts of commission or omission stipulated as
18 offences punishable by law under this Bill, the Electoral Act No.6, 2010 (as
19 amended) or any other law relating to the conduct of elections in the
20 Federation or a part thereof.

21 (2) Any word or expression used in this Bill, the meaning of which
22 is defined in any written law relating to any election, shall have the same
23 meaning in this Bill, for the purposes of and with reference to such election,
24 as it has in the said written law; and any reference in this Bill to any person or
25 official shall be construed, for the purposes of and with reference to any
26 election, as a reference to any equivalent person or official appointed under
27 or by virtue of any written law relating to such election.

28 48. This Bill may be cited as the National Electoral Offences Citation
29 Commission Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Electoral Offences Commission for the investigation of all electoral offences, electoral corruption and violations of electoral due process in respect of any election conducted in the Federation, including all electoral offences stated in the Electoral Act No. 6, 2010 (as amended) and any other law relating to elections in force in the Federation or any part thereof.