

HB. 1372

A BILL
FOR
AN ACT TO ESTABLISH THE NIGERIAN ELECTORAL OFFENCES
COMMISSION AND FOR RELATED MATTERS, 2021

Sponsored by Hon. Aishatu .J. Dukku

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

Establishment of the Nigerian Electoral Offences Commission

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

(a) The Commission:

(i) shall be a body corporate with perpetual succession and a common seal;
(ii) may sue and be sued in its corporate name and may, for the purpose of its functions, acquire, hold or dispose of property (whether moveable or immoveable);

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

(i) a representative of the Chairman of the Independent National Electoral Commission;
(ii) a representative of the Inspector of Police;
(iii) the Chairman of the Nigerian Bar Association or his representative;
(iv) a representative of the Civil Society;
(v) the Secretary to the Commission who shall be the head of administration.

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

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

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

Tenure

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

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

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

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

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

Functions of the Commission

3. The Commission shall be responsible for:

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

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

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

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

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

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

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

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

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

(i) Prosecuting offenders under this act;

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

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

Standing Orders

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

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

PART II - ELECTORAL OFFENCES

Offences relating to Registration, etc.

5.-(1) Any person who:

- (a) without authority, destroys, mutilates, defaces or removes or makes any alteration in any notice or documents required for the purpose of registration under this Act;
- (b) knowingly gives false information or makes a false statement with reference to any application for registration of his name or with reference to any objection to the retention of the name of a person in the register of voters;
- (c) presents himself to be or does any act whereby he is by whatever name or description howsoever, included in the register of voters for a constituency in which he is not entitled to be registered or causes himself to be registered in more than one registration or revision centre;
- (d) publishes any statement or report which he knows to be false or does not believe to be true so as to prevent persons who are qualified to register from registering as voters;
- (e) makes in any record, register or document which is required to prepare, publish or keep for the purpose of registration, any entry or statement which he knows to be false or does not believe to be true;
- (f) impedes or obstructs a registration officer or a revision officer in the performance of his duties;
- (g) without proper authority, wears the identification of a registration officer or assistant registration officer or wears any other identification purporting to be the identification of a registration officer or assistant registration officer;
- (h) forges a registration card; or
- (i) carries out registration or revision of voters at a centre or place not designated by the Commission; commits an offence and is liable on conviction to a maximum fine of N1,000,000 or to 12 months imprisonment or to both.

Offences in respect of nomination, etc.

6.-(1) A person who:

- (a) forges any nomination paper or result form;
- (b) willfully defaces or destroys any nomination paper or result form;
- (c) delivers to an electoral officer any nomination paper or result form knowing it to be forged;
- (d) signs a nomination paper or result form as a candidate in more than one constituency at the same election;
- (e) forges any ballot paper or official mark on any ballot paper or any certificate of return or result form;
- (f) willfully destroys any ballot paper or official mark on any ballot paper or any certificate or return or result form;
- (g) Without authority gives a ballot paper or result form to any person;
- (h) willfully places in any ballot box any unauthorized paper or result form;
- (i) willfully removes from a polling station any ballot paper or result form whether or not the ballot paper or result form was issued to him in that polling station;

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

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

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

(3) A person who:

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

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

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

(d) manufactures, constructs, imports into Nigeria, has in his possession, supplies to any election official or uses for the purpose of an election, or causes to be manufactured, constructed or imported into Nigeria, supplies to any election official for use for the purpose of any election, any ballot box including any compartment, appliance, device, or mechanism or by which a ballot paper or result form deposited during polling may be secretly diverted, misplaced or manipulated, commits an offence.

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

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

Disorderly behaviour at political meetings

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

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

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

Improper use of voter's cards

8. Any person who:

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

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

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

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

Improper use of vehicles

9.-(1) No person shall provide for the purpose of any other person to a registration office or to a polling unit any government vehicle or boat, or any vehicle or boat belonging to a public corporation except in respect of a person who is ordinarily entitled to use such vehicle or boat and in emergency in respect of an electoral officer.

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

Impersonation and voting when not qualified

10.-(1) Any person who:

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

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

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

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

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

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

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

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

Dereliction of duty

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

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

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

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

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

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

Bribery and conspiracy

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

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

(b) directly or indirectly, by himself or by any other person on his behalf, corruptly makes any gift, loan, offer, promise, procurement or agreement to or for any person, in order to induce such person to procure or to endeavour to procure the return of any person as a member of a legislative house or to an elective office or the vote of any voter at any election;

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

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

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

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

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

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

(5) Any person who conspires, aids or abets any other person to commit any of the offences under this part of this Act shall be guilty of the same offence and punishment thereto.

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

Requirement to secrecy in voting

13.-(1) Every person in attendance at a polling unit including every officer charged with the conduct of an election and his or her assistants and every polling agent and candidate

in accordance at a polling station or at the collation centre, as the case may be, shall maintain and aid in maintaining the secrecy of the voting.

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

(3) No person shall:

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

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

(4) Any person acting contrary to the provision of this section commits offence and shall be liable upon conviction to a maximum fine of NI100, 000 or to imprisonment for 6 months or both.

Wrongful voting and false statement

14. Any person who:

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

(b) before or during an election, publishes any statement of the withdrawal of a candidate at such election knowing it to be false or reckless as to its truth or falsity; or

(c) before or during an election publishes any statement as to the personal character or conduct of a candidate calculated to prejudice the chance of election of the candidate or to promote or procure the election of another candidate and such statement is false and was published without reasonable grounds for belief by the person publishing it that the statement is true, commits an offence and shall be liable on conviction to a maximum fine of NI100,000 or imprisonment for a term of 6 months or both.

Voting by unregistered person

15.-(1) Any person who knowingly votes or attempts to vote in a Constituency in respect of which his name is not on the register or voters commits an offence and is liable on conviction to a maximum fine of NI100, 000 or to imprisonment for a term of 6 months or both.

(2) Any person who knowingly brings into a polling unit during an election a voters card issued to another person commits an offence and shall be liable on conviction to a fine of NI100,000 or to imprisonment for 6 months or both.

Disorderly on election day

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

Offences on election day

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

(a) canvass for votes;

(b) solicit for the vote of any voters;

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

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

(e) shout slogans concerning the election;

- (f) be in possession of any offensive weapon or wear any dress or have any facial or other decorations which in any event is calculated to intimidate voters;
 - (g) exhibit, wear or tender any notice, symbol, photograph or party card referring to the election;
 - (h) use any vehicle bearing the colour or symbol of a political party by any means whatsoever;
 - (i) loiter without lawful excuse after voting or after being refused to vote;
 - (j) snatch or destroy any election material; and
 - (k) blare siren.
- (2) No person shall within the vicinity of a polling unit or collation centre on the day of which an election is held:
- (a) convene, hold or attend any public meeting during the hours of poll as may be prescribed by the Commission;
 - (b) unless appointed under the Act to make official announcements, operate any megaphone, amplifier or public address apparatus;
 - (c) wear or carry any badge, poster, banner, flag or symbol relating to a political party or to the election.
- (3) A person who contravenes any of the provisions of this section commits an offence and shall be liable on conviction to a fine of NI00, 000 or imprisonment for 6 months for every such offence.
- (4) Any person who snatches or destroys any election material shall be liable on conviction to 24 months imprisonment.

Undue influence

18. A person who:

- (a) corruptly by himself or by any other person at any time after the date of an election has been announced, directly or indirectly gives or provides or plays money to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election; or
- (b) being a voter corruptly accepts or takes money or any other inducement during any of the period stated in paragraph (a) of this section, commits an offence and is liable on conviction to a fine of NI00,000 or 12 months imprisonment or both.

Threatening

19. A person who:

- (a) directly or indirectly, by himself or by another person on his behalf, makes use of or threatens to make use of any force, violence or restraint;
- (b) inflicts or threatens to inflict by himself or by any other persons, any minor or serious injury, damage, harm or loss on or against a person in order to induce or compel that person to vote or refrain from voting, or on account of such person having voted or voting; or
- (c) by abduction, duress, or a fraudulent device or contrivance, impedes or prevents the free use of the vote by a voter or thereby compels, induces, or prevails on a voter to give or refrain from giving his vote;
- (d) by preventing any political aspirants from free use of the media, designated vehicles, mobilization of political support and campaign at an election, commits an offence and is liable on conviction to a fine NI,000,000 or imprisonment for 3 years.

Offences relating to recall

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

Monitoring of political parties

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

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

(3) The Commission may direct its enquiry under subsection (2) of this section to the Chairman or Secretary of the Political Party at the National, State, Local Government or Area Council or Ward level, as the case may be.

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

Nomination of candidates by parties

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

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

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

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

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

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

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

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

(b) In the case of nominations to the position of Governorship candidate, a political party shall, where they intend to sponsor candidates:

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

(ii) The aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and aspirant's name shall be forwarded to the

Independent national Electoral Commission as the candidate of the party, for the particular State.

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

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

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

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

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

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

(5) In the case of a councillorship candidate, the procedure for the nomination of the candidate shall be by direct primaries in the ward and the name of the candidate with the highest number of votes shall be submitted to the Independent National electoral commission as the candidate of the party.

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

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

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

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

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

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

Offences in relation to finance of a political party

23. Any Political Party that:

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

(b) retains any fund or other assets remitted to it from outside Nigeria in contravention of section 91(3) of this Act is guilty of an offence and shall forfeit the funds or assets to the Commission and on conviction shall be liable to a fine of not less than N500,000.

Period to covered by annual statement

24.-(1) Every political party shall submit to the Commission a detailed annual statement of Assets and Liabilities and analysis of its sources of funds and other assets, together with statement of its expenditure

in such a form as the Commission may from time to time require.

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

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

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

Power to limit contribution to a political party

25. The Commission shall have power to place limitation on the amount of money or other assets, which an individual or group of persons can contribute to a political party.

Limitation on election expenses

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

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

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

(4) The maximum election expenses to be in respect of Senatorial seat by a candidate at an election to the National Assembly shall be forty million naira (N40,000,000) while the seat for House of Representatives shall be twenty million naira (N20,000,000).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Election expenses of political parties

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

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

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

(b) Any political party which commits a breach of this section is guilty of an offence and shall be liable on conviction to a maximum fine of N1,000,000 and in the case of failure to submit an accurate audited return within the stipulated period, the court may impose a maximum penalty of N200,000 per day on any party for the period after the return was due until it is submitted to the Commission.

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

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

(6) Any political party that incurs election expenses beyond the limit stipulated in this Act is guilty of an offence and shall be liable on conviction to a maximum fine of

N1,000,000 and forfeiture to the Commission, of the amount by which the expenses exceed the limit set by the Commission.

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

Disclosure by political party

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

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

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

(b) the name and address of any person or entity that contributes any money or assets which exceeds

N1,000,000.

(3) No political party shall accept any monetary or other contribution exceeding N100,000 unless it can identify the source of the money or other contribution to the Commission.

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

Conduct at political rallies, and processions, etc.

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

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

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

Prohibition of certain conduct, etc at political campaigns

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

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

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

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

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

(4) Masquerades shall not be employed or used by any political party, candidate or person during political campaigns or for any other political purpose.

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

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

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

(a) in the case of an individual, to a maximum fine of N 1,000,000 or imprisonment for the term of 12 months; and

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

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

Prohibition of use of force or violence during political campaign

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

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

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

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

Effect on elected officer where political party ceases to exist

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

Existing political parties

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

Limitation on political broadcast and campaign by political parties

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

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

(a) advertises on the facilities of any broadcasting undertaking; or
(b) procures for publication or acquiesces in the publication of an advertisement in a Newspaper, for the purpose of promoting or opposing a particular candidate, is guilty of an offence under this Act and upon conviction shall be liable to a maximum fine of N500,000.

Campaign for election

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

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

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

(4) At any public electronic media, equal airtime shall be allotted to all political parties or candidates during prime times at similar hours each day, subject to the payment of appropriate fees.

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

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

Prohibition of broadcast 1 etc 24 hours preceding or polling day

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

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

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

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

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

Campaign based on religion, tribe, etc.

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

Application of rules of court

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

Practice and procedure of Court of Appeal and Supreme Court

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

Interpretations

40. In this Bill:

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

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

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

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

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

"Gratification" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

Short title

41. This Bill may be cited as the Nigerian Electoral Offences Commission Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Electoral Offences Commission charged with the responsibility of prohibition and prosecution of electoral offences.