

*Extraordinary*



# National Assembly Journal

**No. 46**

**Abuja - 29th October, 2020**

**Vol. 17**

## CONTENTS

### INDEX TO LEGISLATIVE INSTRUMENTS

<i>Bill No.</i>	<i>Long Title</i>	<i>Page</i>
HB. 981	A Bill for an Act to Repeal the Electoral Act No. 5, 2010 (As Amended) and Enact the Independent National Electoral Commission Act 2020, to regulate the conduct of Federal, State and Area Council elections and for Related Matters .... ..	C 4229 - 4366

C 4389 - 4390

---

Printed and Published by the National Assembly Press, Abuja, Nigeria

**NASSP 46/2910/2020/900**

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.



# A BILL

## FOR

AN ACT TO REPEAL THE ELECTORAL ACT NO. 6, 2010 (AS AMENDED) AND ENACT THE INDEPENDENT NATIONAL ELECTORAL COMMISSION ACT 2020, TO REGULATE THE CONDUCT OF FEDERAL, STATE AND AREA COUNCIL ELECTIONS AND FOR RELATED MATTERS, 2020

*Sponsored by Hon. Aishatu Dukku*

[ ] Commencement

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

1 PART I - ESTABLISHMENT AND FUNCTIONS ETC, OF INDEPENDENT  
2 NATIONAL ELECTORAL COMMISSION

3 1. The Independent National Electoral Commission as established  
4 by S. 153 of the Constitution, shall be a body corporate with perpetual  
5 succession and may sue and be sued in its corporate name.

Establishment of the Independent National Electoral Commission (INEC)

6 2. In addition to the functions conferred on it by the Constitution,  
7 the Commission shall have power to:

Functions of the Commission

- 8 (a) conduct voter and civic education;
- 9 (b) promote knowledge of sound democratic election processes;
- 10 (c) conduct any referendum required to be conducted pursuant to
- 11 the provision of the 1999 Constitution or any other law or Act of the National
- 12 Assembly.

13 3.-(1) There shall be established for the Commission a fund to be  
14 known as Independent National Electoral Commission Fund.

Establishment of the Independent national Electoral Commission Fund

15 (2) There shall be paid into the Fund established in pursuance to  
16 subsection (1) of this Section-

- 17 (a) such sums and payments available to the Commission for
- 18 carrying out its functions under the Constitution and this Act, provided that
- 19 the funds for General Elections shall be released to the Commission not later

1 than 180 days to the date appointed for the elections;

2 (b) such sums as may, from time to time, be credited to the Fund by  
3 way of interest from investments made from the fund;

4 (c) aid and grants that may from time to time accrue to the  
5 Commission in order to carry out its functions;

6 (d). All other assets from time to time accruing to the Commission.

7 (3) Disbursements from the fund shall be made in accordance with  
8 rules established by the Commission.

Expenditure of  
the Commission

9 **4. -(1)** The Commission may, from time to time, apply the proceeds of  
10 the Fund established under section 3(1) of this Act to-

11 (a) defray the cost of administration of the Commission.

12 (b) reimburse members or members of any Committee set up by the  
13 Commission for such expenses as may be expressly authorized by the  
14 Commission in accordance with the rates approved by it;

15 (c) the payment of the salaries, fees or other remuneration or  
16 allowances and pensions, superannuation allowance and gratuities payable to  
17 the officers and servants of the Commission;

18 (d) the maintenance of any property vested in the Commission; and

19 (e) to all or any of its functions under this Act.

20 (2) No payment of any kind under subsection (1) (c) of this section  
21 (except payment as may be expressly authorized) shall be made to any person  
22 who is in receipt of emoluments from the Government of the Federation or the  
23 Government of a State.

Annual Estimates  
and Accounts

24 **5.- (1)** The Commission shall submit to the Ministry of Finance not  
25 later than 31st August in each financial year an estimate of its expenditure and  
26 income (including payments to the Independent National Electoral  
27 Commission) during the next succeeding financial year.

28 (2) The Commission shall keep proper accounts in respect of each  
29 financial year and shall cause its accounts to be audited as soon as possible after  
30 the end of each financial year by the Auditor General of the Federation.

1                   **6.**-(1) There shall be established in each State of the Federation and  
 2 Federal Capital Territory, an office of the Commission which shall perform  
 3 such functions as may be assigned to it, from time to time, by the  
 4 Commission.

Establishment of  
Office in each  
State and Federal  
Capital Territory

5                   (2) A person appointed to the office of a Resident Electoral  
 6 Commissioner shall;

7                   (a) be answerable to the Commission; and

8                   (b) hold office for a period of five years.

9                   (3) The Resident Electoral Commissioner appointed pursuant to  
 10 the Constitution may only be removed by the President, acting on an address  
 11 supported by two-thirds majority of the Senate praying that he be so  
 12 removed for inability to discharge the functions of the office (whether  
 13 arising from infirmity of mind or body or any other cause) or for misconduct.

14                   **7.** The Commission may appoint one or more committees to carry  
 15 out any of its functions under this Act.

Committees of  
the Commission

16                   PART II - STAFF OF THE COMMISSION

17                   **8.**-(1) There shall be a Secretary to the Commission who shall-

Secretary and  
other staff of the  
Commission

18                   (a) be appointed by the Commission;

19                   (b) have such qualifications and experience to be determined by  
 20 the Commission as are appropriate for a person required to perform the  
 21 functions of his office under this Act;

22                   (c) hold office for a period of 4 years from the date of his  
 23 appointment which may be renewable for another period of 4 years only.

24                   (2) Subject to the general direction of the Commission, the  
 25 Secretary shall be-

26                   (a) responsible for keeping of proper records of the proceedings of  
 27 the Commission;

28                   (b) the head of the Commission's secretariat and be responsible for  
 29 its administration; and

30                   (c) responsible for the direction and control of all other employees

1 of the Commission with the approval of the Commission.

2 (3) The Commission shall have power to appoint, dismiss and  
3 exercise disciplinary control over its staff as may be prescribed by this Act or  
4 any other enactment or law.

5 (4) All employees of the Commission appointed under subsection (3)  
6 of this section excluding persons appointed on a temporary basis for an  
7 honorarium shall have the same right and obligation as provided for in the  
8 Pension Reform Act.

9 (4A) A person who, being a member of a Political Party,  
10 misrepresents himself by not disclosing his membership, affiliation, or  
11 connection to any Political Party in order to secure an appointment with the  
12 Commission in any capacity, commits an offence and is liable, on conviction,  
13 to a fine of N5,000,000 or imprisonment for a term of not less than five years or  
14 both.

15 PART III - NATIONAL REGISTER OF VOTERS AND VOTERS' REGISTRATION

National Register  
of Voters and  
Voters' Registration

16 9.-(1) The Commission shall compile, maintain, and update on a  
17 continuous basis, a National Register of voters, in this Act referred to as "the  
18 register of voters" which shall include the names of all persons entitled to vote  
19 in any Federal, State or Local Government or Area Council elections. The  
20 names and disability status disaggregated by type of disability.

21 (1A) "The Commission shall keep the Register of Voters as the  
22 National Register of Voters in its National Headquarters and other locations as  
23 the Commission may determine:

24 Provided that the Commission shall keep the Register of Voters in -

25 (a) electronic format in its central database, and

26 (b) manual, printed, paper-based record or hard copy format;

27 (2) The Commission shall maintain as part of the National Register of  
28 Voters, a register of voters for each State of the Federation and for the Federal  
29 Capital Territory;

30 (3) The Commission shall maintain as part of the Register of Voters

1 for each State and the Federal Capital Territory, a Register of Voters for each  
2 Local Government/Area Council within the State and the Federal Capital  
3 Territory.

4 (4) The register shall contain, in respect of every person, the  
5 particulars required in the Form prescribed by the Commission.

6 (5) The registration of voters, updating and revision of the register  
7 of voters under this section shall stop not later than 30days before any  
8 election covered by this Bill.

9 (6) The registration of voters shall be at the registration centers  
10 designated for that purpose by the Commission and notified to the public.

11 **10.**-(1) Without prejudice to section 9(5), there shall be continuous  
12 registration of all persons qualified to be registered voters.

Continuous  
Registration

13 (2) Each applicant for registration under the continuous  
14 registration system shall appear in person at the registration venue with any  
15 of the following documents, namely-

16 (a) birth or baptismal certificate;

17 (b) national passport, identity card or driver's licence; or

18 (c) any other document that will prove the identity, age and  
19 nationality of the applicant.

20 (3) The Commission shall within 60 days after each year, make  
21 available to every political party the names and address of each person  
22 registered during that year.

23 (4) When a general election is notified by the Commission  
24 pursuant to section 30 of this Act, the current official register of voters  
25 certified by the Commission in accordance with the provision of this Act  
26 shall be the official voters' register for those elections.

27 (5) In the case of every bye-election conducted under this Act, the  
28 official voters' register for use at such elections shall be the existing current  
29 register relating to the senatorial district or the constituency concerned.

30 (6) As soon as claims and objections have been dealt with or the

1 period for making claims and objections has expired, the supplementary list  
2 shall be included in the revised register, which shall be certified by the  
3 Commission as the official register of voters for the purposes of any election  
4 conducted under this Act and supersedes all previous registers.

Appointment  
of Officers

5           **11.**-(1) For the purpose of maintaining and updating the Voters'  
6 Register, the Commission shall appoint such registration, revision or update  
7 officers as it may require, provided that such officers shall not be members of  
8 any political party.

9           (2) Any person may raise an objection against any officer during the  
10 registration or updating exercise provided that failure to raise such objection  
11 shall not vitiate the register.

12           (3) The officers appointed under subsection (1) of this section shall  
13 exercise such functions and duties as may be specified by the Commission, in  
14 accordance with the provisions of this Act, and shall not be subject to the  
15 direction or control of any person or authority other than the Commission in the  
16 performance of their functions and duties.

Qualification  
for Registration

17           **12.**-(1) A person shall be qualified to be registered as a voter if such a  
18 person:

19           (a) is a citizen of Nigeria;

20           (b) has attained the age of 18 years;

21           (c) is ordinarily resident or, works in or originates from the Local  
22 Government/Area Council or Ward covered by the registration centre;

23           (d) presents himself to the registration officers of the Commission for  
24 registration as a voter; and

25           (e) is not subject to any legal incapacity to vote under any law, rule or  
26 regulations in force in Nigeria.

27           (2) A person shall not register in more than one registration centre or  
28 register more than once in the same registration centre.

29           (3) Any person who contravenes the provisions of subsection (2) of  
30 this section commits an offence and is liable on conviction to a fine not



1 exceeding N100,000.00 or imprisonment for a term not exceeding one year  
2 or both.

3 **13.-(1)** A person who before the election is resident in a  
4 constituency other than the one in which he was registered may apply to the  
5 Resident Electoral Commissioner of the State where he is currently resident  
6 for his name to be entered on the transferred voters List for the constituency.

Transfer of  
Registered Voters

7 (2) An application under subsection (1) of this section shall be  
8 accompanied by a copy of the applicant's voters' card and shall be made not  
9 less than 60 days before the date of an election in the constituency where the  
10 applicant is resident.

11 (3) The Resident Electoral Commissioner to whom an application  
12 is made under the provision of this Section shall cause to be entered the  
13 applicant's name in the Transferred Voters' List if he is satisfied that the  
14 applicant is resident in a polling area in the constituency and is registered in  
15 another constituency.

16 (4) Whenever an Electoral Officer on the direction of the Resident  
17 Electoral Commissioner enters the name of any person on the Transferred  
18 Voters' List for his constituency he shall-

19 (a) assign that person to a polling station or a polling area in his  
20 Constituency and indicate in the list the Polling area or polling station to  
21 which that person is assigned;

22 (b) issue the person with a new voters' card and retrieve his  
23 previous voter's card; and

24 (c) send a copy of the entry to the Electoral Officer of the  
25 constituency where the person whose name has been so entered was  
26 originally registered and upon receipt of this entry, that Electoral Officer  
27 shall delete the name from his voters' list.

28 **14.** In the performance of his or her duties under this Act, a  
29 registration officer and an update officer shall-

Demand for  
information  
regarding  
registration

30 (a) demand from any applicant the information necessary to

1 enable him to ascertain whether the applicant is qualified to be registered as a  
2 voter in accordance with the provisions of this Act; and

3 (b) require any voter or applicant to complete an application form for  
4 the purpose of the registration; however, in the case of an illiterate or disabled  
5 person such application form may be completed by the registration officer on  
6 the applicant's request.

Power to print  
and issue register  
of voters

7 **15.** The Commission shall cause a voters' register for each State to be  
8 printed, reproduced, copied, duplicated or saved in an electronic format and  
9 any person or political party may obtain from the Commission, on payment of  
10 such fees as may be determined by the Commission, a certified copy of any  
11 voters' register for the State or for a Local Government or Area Councilor  
12 registration area within it.

Powers to print  
and issue voters'  
card

13 **16.-(1)** The Commission shall design, cause to be printed and control  
14 the issuance of voters' cards to voters whose names appear in the register.

15 (2) No voter shall hold more than one valid voters' card.

16 (3) Any person who contravenes subsection (2) of this section  
17 commits an offence and shall be liable on conviction, to a fine not exceeding  
18 N100,000.00 or imprisonment not exceeding one year or both.

19 (4) The Commission may, whenever it considers it necessary, replace  
20 all or any voters' cards for the time being held by voters.

Custody of  
Voters' Register

21 **17.** Each electoral officer shall take custody of the voters register for  
22 his Local Government Area under the general supervision of the Resident  
23 Electoral Commissioner.

Power to issue  
duplicate voters'  
cards

24 **18.-(1)** Whenever a Voter's card is lost, destroyed, defaced, torn or  
25 otherwise damaged, the owner of such card shall, not less than sixty (60) days  
26 before polling day, apply in person to the Electoral Officer or any other officer  
27 duly authorized for that purpose by the Resident Electoral Commissioner,  
28 stating the circumstances of the loss, destruction, defacement or damage.

29 (1A) If the Electoral Officer or any other officer is satisfied as to the  
30 circumstances of loss, destruction, defacement or damage of the Voter's Card,

1 he shall issue to the voter a Replacement Permanent Voter's Card.

2 (1B) No person shall issue a Replacement Permanent Voter's Card  
3 to any voter on polling day or less than 30 days before polling day.

4 (2) If the Electoral Officer or any other officer is satisfied as to the  
5 circumstances of the loss, destruction, defacement or damage of the Voter's  
6 card, he shall issue to the voter another copy of the voter's original voter's  
7 card with the word "DUPLICATE" clearly marked or printed on it, showing  
8 the date of issue.

9 (3) No person shall issue a duplicate voter's card to any voter on  
10 polling day or less than sixty (60) days before polling day.

11 (4) Any person who contravenes subsection (3) of this section  
12 commits an offence and is liable on conviction, to a fine not exceeding  
13 N200,000 or imprisonment not exceeding two years or both.

14 **19.**-(1) Subject to the provisions of section 9(5) of this Act, the  
15 Commission shall, not later than 30 days to a general election, appoint a  
16 period of 7 days during which a copy of the voters' register for each Local  
17 Government, Area Council or Ward shall be displayed or published for  
18 public scrutiny at every Registration Area and on its official website or any  
19 website established by the Commission for that purpose.

Display of the  
copies of the  
Voters' list

20 (1A) Upon displaying or publishing the voters register in  
21 accordance with this section, the Commission shall accept and consider  
22 objections and complaints in relation to the names omitted or included in the  
23 voters' register or in relation to any necessary correction, within 14 days of  
24 publishing the voters register in accordance with this section.

25 (2) During the period of the display of the Voters' list under this Act,  
26 any person may:

27 (a) raise an objection on the form prescribed by the Commission  
28 against the inclusion in the supplementary Voters' register of the name of a  
29 person on grounds that the person is not qualified to be registered as a voter  
30 in the State, Local Government/Area Council, Ward or Registration Area or

1 that the name of a deceased person is included in the register; or

2 (b) make a claim on the form prescribed by the Commission that the  
3 name of a person registered to vote has been omitted.

4 (3) Any objection or claim under subsection (2) of this section shall be  
5 addressed to the Resident Electoral Commissioner through the Electoral  
6 Officer in charge of the Local Government/Area Council.

7 (3A) An official or staff of the Commission, who fails to display or  
8 publish the voters' register as provided under subsection (1) of this section  
9 commits an offence and is liable on conviction to a fine of N100,000 or  
10 imprisonment for a term of 6 months or both.

Time for publication  
of supplementary  
Voters' Register

11 **20.** The supplementary voters' list shall be integrated with the voters'  
12 register and published not later than 30 days before a general election.

Revision Officer  
for hearing of  
claims, etc.

13 **21.**-(1) The Commission may appoint as a Revision Officer any  
14 person to hear and determine claims for and objection to any entry in or  
15 omission from the preliminary list of voters and may appoint such number of  
16 other persons as it deems necessary to assist the Revision Officer.

17 (2) Any person dissatisfied with the determination by a revision  
18 officer or person or persons assisting a revision officer of his claims or  
19 objection as mentioned in subsection (1) of this section, shall within seven  
20 days, appeal against the decision to the Resident Electoral Commissioner in  
21 charge of that State whose decision shall be final.

Proprietary rights  
in the Voters's  
Card

22 **22.** The proprietary rights in any voters' card issued to any voter shall  
23 vest in the Commission.

Offences of buying  
and selling voters'  
cards

24 **23.** Any person who-

25 (a) is in unlawful possession of any voter's card whether issued in the  
26 name of any voter or not; or

27 (b) sells or attempts to sell or offers to sell any voter's card whether  
28 issued in the name of any voter or not; or

29 (c) buys or offers to buy any voters' card whether on his own behalf or  
30 on behalf of any other person; commits an offence and shall be liable, on

1 conviction, to a fine not exceeding N500,000.00 or imprisonment not  
2 exceeding two years or both.

3 **24.-(1)** Any person who-

4 (a) makes a false statement in any application for registration as a  
5 voter knowing it to be false;

6 (b) after demand or requisition made of him under this Act without  
7 just cause, fails to give any such information as he or she possesses or does  
8 not give the information within the time specified;

9 (c) in the name of any other person, whether living, dead or  
10 fictitious, signs an application form for registration as a voter to have that  
11 other person registered as a voter;

12 (d) transmits or is involved in transmitting to any person as genuine  
13 a declaration relating to registration which is false in any material particular,  
14 knowing it to be false;

15 (e) by himself or any other person procures the registration of  
16 himself or any other person on a voters' register for a State, knowing that he  
17 or that other person is not entitled to be registered on that voters' register or is  
18 already registered on it or on another voters' register;

19 (f) by himself or any other person procures the registration of a  
20 fictitious person; commits an offence and is liable on conviction to a fine not  
21 exceeding N100,000.00 or imprisonment not exceeding one year or both.

22 **(2)** Any person who:

23 (a) by duress, including threats of any kind causes or induces any  
24 person or persons generally to refrain from registering as a voter or voters; or

25 (b) in any way hinders another person from registering as a voter;  
26 commits an offence and shall be liable on conviction, to a fine not exceeding  
27 N500,000.00 or imprisonment not exceeding 5 years.

28 **PART IV - PROCEDURE AT ELECTION**

29 **25.-(1)** Election to each House of the National Assembly shall hold

Offences relating  
to registration  
of Voters

Days of Election

1 on a date to be appointed by the Independent National Electoral Commission.

2 (2) The date mentioned in subsection (1) of this section shall not be  
3 earlier than 150 days and not later than 30 days before the House stands  
4 dissolved, or where the election is to fill a vacancy occurring more than 90 days  
5 before such date, not later than 30 days.

6 (3) Elections to the House of Assembly of a State shall be held on a  
7 date to be appointed by the Independent National Electoral Commission.

8 (4) The date mentioned in subsection (3) of this section shall not be  
9 earlier than 150 days and not later than 30 days before the House stands  
10 dissolved, or where the election is to fill a vacancy occurring more than 90  
11 days' before such date, not later than 30 days.

12 (5) An election to the office of President shall be held on a date to be  
13 appointed by the Independent National Electoral Commission.

14 (6) An election to the said office of the President shall be held on a date  
15 not earlier than 150 days and not later than 30 days before the expiration of the  
16 term of office of the last holder of that office.

17 (7) An election to the office of the Governor of a State shall be held on  
18 a date to be appointed by the Independent National Electoral Commission.

19 (8) An election to the office of the Governor of a State shall be held on  
20 a date not earlier than 150 days and not later than 30 days before the expiration  
21 of the term of office of the last holder of that office.

Conduct and  
postponement  
of election in  
emergency

22 **26.**-(1) In the event of an emergency affecting an election, the  
23 Independent National Electoral Commission shall, as far as possible, ensure  
24 that persons displaced as a result of the emergency are not disenfranchised;

25 (2) Where a date has been appointed for the holding of an election, and  
26 there is reason to believe that a serious breach of the peace is likely to occur if  
27 the election is proceeded with on that date or it is impossible to conduct the  
28 elections as a result of natural disasters or other emergencies, the Commission  
29 may postpone the election and shall in respect of the area, or areas concerned,  
30 appoint another date for the holding of the postponed election, provided that

1 such reason for the postponement is cogent and verifiable.

2 (3) Where an election has commenced and there is reason to  
3 believe that there is or has been substantial disruption of election in a polling  
4 unit or constituency or it is impossible to continue with the election  
5 occasioned by threat to peace and security of electoral officials and  
6 materials, the Commission shall suspend the election and appoint another  
7 date for the continuation of the election or the process thereof.

8 (4) Where the Commission appoints a substituted date in  
9 accordance with subsections (2), (3) and (4) of this section, there shall be no  
10 return for the election until polling has taken place in the area or areas  
11 affected.

12 (5) Notwithstanding the provision of subsection (3) of this section,  
13 the Commission may, if satisfied that the result of the election will not be  
14 affected by voting in the area or areas in respect of which substituted dates  
15 have been appointed, direct that a return of the election be made.

16 (6) The decision of the Commission under subsection (4) may be  
17 challenged by any of the contestants at a court or tribunal of competent  
18 jurisdiction and on such challenge, the decision shall be suspended until the  
19 matter is determined.

20 **27.-(1)** The Results of all the elections shall be announced by-

Announcement  
of Election results

21 (a) the Presiding Officer at the Polling unit;

22 (b) The Registration Area or Ward Collation Officer at the  
23 Registration Area or Ward Collation centre;

24 (c) the Local Government or Area Council Collation Officer at the  
25 Local Government/Area Council Collation Centre;

26 (d) the State Collation Officer at the State Collation Centre;

27 (2) The Returning Officer shall announce the result and declare the  
28 winner of the election at:

29 (a) Registration Area or Ward Collation Centre, in the case of  
30 Councillorship election in the Federal Capital Territory (FCT).;

1 (b) Area Council Collation Centre in the case of Chairmanship and  
2 Vice Chairmanship election in the Federal Capital Territory;

3 (c) State Constituency Collation Centre in the case of State House of  
4 Assembly election;

5 (d) Federal Constituency Collation Centre in the case of election to  
6 the House of Representatives;

7 (e) Senatorial District Collation Centre in the case of election to the  
8 Senate;

9 (f) State Collation Centre in the case of election of a Governor of a  
10 State;

11 (g) National Collation Centre in the case of election of the President.

12 (3) the Chief Electoral Commissioner shall be the Returning Officer  
13 at the Presidential election.

Oath of neutrality  
by election officers

14 **28.**-(1) All Staff, Electoral Officers, Presiding Officers, Returning  
15 Officers, Security Officials and Staff taking part in the conduct of an election  
16 shall Affirm or Swear to an Oath of Loyalty and Neutrality indicating that they  
17 will not accept bribe or gratification from any person, and Shall perform their  
18 functions and duties impartially and in the interest of the Federal Republic of  
19 Nigeria without fear or favour.

20 (2) All Electoral officers, Presiding Officers, Returning Officers and  
21 all staff appointed by the Commission taking part in the conduct of an election  
22 shall affirm or swear to an Oath of Loyalty and Neutrality indicating that they  
23 would not accept bribe or gratification from any person, and shall perform their  
24 functions and duties impartially and in the interests of the Federal Republic of  
25 Nigeria without fear or favour.

Appointment  
of other officers  
for the conduct  
of registration  
of voters and  
elections

26 **29.**-(1) The Commission shall for the purposes of an election or  
27 registration of voters under this Act, appoint and designate such officers as may  
28 be required provided that no person who is a member of a political party or who  
29 has openly expressed support for any candidate shall be so appointed.

30 (2) The Officers appointed under sub-section (1) of this section shall



1 exercise such functions and duties as may be specified by the Commission,  
2 in accordance with the provisions of this Act, and shall not be subject to the  
3 direction or control of any person or authority other than the Commission in  
4 the performance of their functions and duties.

5 (3) Notwithstanding the provisions of any other law and for  
6 purposes of securing the vote, the Commission shall be responsible for  
7 requesting for the deployment of relevant security personnel necessary for  
8 elections or registration of voters and shall assign them in the manner  
9 determined by the Commission in consultation with the relevant security  
10 agencies:

11 PROVIDED that the Commission shall only request for the  
12 deployment of the Nigerian Armed Forces only for the purpose of securing  
13 the distribution and delivery of election materials and protection of election  
14 officials.

15 **30.**-(1) The Commission shall, not later than 50 days before the day Notice of election  
16 appointed for holding of an election under this Act, publish a notice in each  
17 State of the Federation and the Federal Capital Territory-

18 (a) stating the date of the election; and

19 (b) appointing the place at which nomination papers are to be  
20 delivered.

21 (2) The notice shall be published in each constituency in respect of  
22 which an election is to be held.

23 (3) In the case of a by-election, the Commission shall, not later than  
24 14 days before the date appointed for the election, publish a notice stating  
25 the date of the election.

26 (4) There shall not be substitution of candidates in a by-election  
27 except where a candidate of a political party in a by-election dies, the party  
28 shall submit to the Commission the name of its substitute candidate within  
29 48 hours of the death of the candidate in the Form prescribed by the  
30 Commission.

Submission of  
list of candidates  
and their affidavits  
by political parties

1                   **31.**-(1) Every Political Party shall, not later than 120 days before the  
2 date appointed for a General Election under this Act, submit to the  
3 Commission, in the prescribed Forms, the list of the candidates the Party  
4 proposes to sponsor at the elections, who must have emerged from validly  
5 conducted primaries.

6                   (2) The list or information submitted by each candidate shall be  
7 accompanied by an Affidavit sworn to by the candidate at the Federal High  
8 Court, High Court of a State, or Federal Capital Territory indicating that he has  
9 fulfilled all the constitutional requirements for election into that office.

10                  (3) The Commission shall, within 7 days of the receipt of the personal  
11 particulars of the candidate, publish same in the constituency where the  
12 candidate intends to contest the election.

13                  (4) Any person may apply to the Commission for a copy of  
14 nomination form, affidavit and any other document submitted by a candidate at  
15 an election and the Commission shall, upon payment of a prescribed fee, issue  
16 such person with a certified copy of document within 14 days.

17                  (5) Any person who has reasonable grounds to believe that any  
18 information given by a candidate in the affidavit or any document submitted by  
19 that candidate is false may file a suit at the Federal High Court, High Court of a  
20 State or FCT against such a person seeking a declaration that the information  
21 contained in the affidavit is false.

22                  (6) if the Court determines that any of the information contained in the  
23 Affidavit is false, the Court shall issue an order disqualifying the candidate or  
24 political party from contesting the election and if already elected, the candidate  
25 or political party shall not be eligible to re-contest another election which shall  
26 be conducted within 90 days by the Commission.

27                  (7) A candidate for an election shall, at the time of submitting the  
28 prescribed form, furnish the Commission with an identifiable address in the  
29 State where he intends to contest the election at which address all documents

1 and court processes from either the Commission or any other person shall be  
2 served on him.

3 (8) A political party which presents to the Commission the name of  
4 a candidate who does not meet the qualification stipulated in this section,  
5 commits an offence and is liable on conviction to a fine of N1000,000.

6 **32.**-(1) A candidate for an election shall be nominated in writing by  
7 such number of persons whose names appear on the register of voters in the  
8 constituency as the Commission may prescribe.

Prohibition of  
double nomination

9 (2) A person shall not nominate more than one person for an  
10 election to the same office.

11 (3) Any person who contravenes subsection (2) of this section shall  
12 be guilty of an offence and on conviction be liable to a maximum fine of  
13 N100,000.00 or imprisonment for 3 months or both but his action shall not  
14 invalidate the nomination.

15 (4) An account shall not be taken of the signature of a person on a  
16 nomination paper where the candidate had died, withdrawn or the  
17 nomination paper was held invalid.

18 (5) A person who has subscribed as a nominator shall not, so long as  
19 the candidate stands nominated withdraw his nomination.

20 **33.** A political party shall not be allowed to change or substitute its  
21 candidate whose name has been submitted pursuant to section 31 of this Act,  
22 except in the case of death or withdrawal by the candidate:

Political parties  
changing candidates

23 Provided that in the case of such withdrawal or death of a  
24 candidate, the political party affected shall, within 10 days of the occurrence  
25 of the event, hold a fresh primary election to produce and submit a fresh  
26 candidate to the Commission for the election concerned.

27 **34.**-(1) The Commission shall, at least 30 days before the day of the  
28 election publish by displaying or causing to be displayed at the relevant  
29 office or offices of the Commission and on the Commission's web site, a

Publication of  
Nomination

1 statement of the full names and addresses of all candidates standing nominated.

2 (2) Any candidate who observes his name or that of his party missing  
3 on the list published in accordance with subsection (1), shall notify the  
4 Commission in writing, signed by himself and supported with an affidavit not  
5 later than 21 days to the election.

6 (3) Where the candidate fails to notify the Commission in accordance  
7 with subsection (2), the candidate shall be deemed to have waived his right.

8 (4) The Commission shall produce ballot papers for the relevant  
9 elections in accordance with the list published after corrections in conformity  
10 with subsection (2).

Withdrawal of  
Candidate

11 **35.** A candidate may withdraw his candidature by notice in writing  
12 signed by him and delivered by himself to the Political party that nominated  
13 him for the election and the Political Party shall convey such withdrawal to the  
14 Commission not later than 30 days to the election.

Death of a  
Candidate

15 **36.**-(1) If after the time for the delivery of nomination paper and  
16 before the commencement of the poll, a nominated candidate dies, the Chief  
17 National Electoral Commissioner shall, being satisfied of the fact of the death,  
18 countermand the poll in which the deceased candidate was to participate and  
19 the Commission shall appoint some other convenient date for the election  
20 within 14 days.

21 (2) The list of voters to be used at a postponed election shall be the  
22 official voters register, which was to be used if the election had not been  
23 postponed.

24 (3) If after the commencement of polls and before the announcement  
25 of the final result and declaration of a winner, a candidate dies,

26 (a) the Commission shall, being satisfied of the fact of the death,  
27 suspend the election for a period not exceeding 21 days;

28 (b) the political party whose candidate died may, if it intends to  
29 continue to participate in the election, conduct a fresh primary within 14 days  
30 of the death of its candidate and submit the name of a new candidate to the

1 Commission to replace the dead candidate; and

2 (c) subject to paragraphs (a) and (b) of this subsection, the  
3 Commission shall continue with the election, announce the final result and  
4 declare a winner.

5 37. Where a candidate knowingly allows himself to be nominated  
6 by more than one political party and or in more than one constituency his  
7 nomination shall be void.

Invalidity of  
multiple nomination

8 38.-(1) Where at the close of nomination there is no candidate  
9 validly nominated, the Commission shall extend the time for nomination  
10 and fix a new date for the election.

Failure of  
Nomination

11 (2) where there is a valid nomination by at least one political party,  
12 failure of a political party to validly nominate a candidate does not constitute  
13 ground for extension of time for nomination or postponement of election.

14 (3) polling Agents who are in attendance at a polling unit, are  
15 entitled, before the commencement of the election, to have originals of  
16 electoral materials, including ballot papers, result sheets, ballot papers'  
17 account and verification documents and other electoral forms to be used by  
18 the Commission for the election inspected, and this process may be recorded  
19 in writing, on video or by other means by any Polling Agent, accredited  
20 observer or official of the Commission.

21 (4) where it is determined that there has been a substantial  
22 compliance with this provision in respect of the polling unit, the elections at  
23 that polling unit shall not be invalidated.

24 (5) a Presiding Officer who contravenes subsection (3) or (4)  
25 commits an offence and is liable on conviction to at least a term of one year  
26 imprisonment or a fine of N1,000,000, or both.

27 39. Subject to any other provisions of this Act, if after the latest  
28 time for the delivery of nomination papers and the withdrawal of candidates  
29 for an election under this Act, more than one person remains validly  
30 nominated, a poll shall be taken.

Contested  
Election

When poll is required	1	<b>40.</b> A poll shall take place in accordance in the case of an election to-
	2	(a) to the office of President or Governor of a State, whether or not
	3	only one person is validly nominated in respect of such office; and
	4	(b) any other office, if after the expiry of the time for delivery of
	5	nomination papers there is more than one person standing nominated.
Uncontested Election	6	<b>41.</b> -(1) If after the expiration of time for delivery of nomination
	7	papers and withdrawal of candidates and the extension of time as provided for
	8	in this Act there is only one person whose name is validly nominated in respect
	9	of an election, other than to the office of the President or Governor, that person
	10	shall be declared elected.
	11	(2) Where a person is declared elected under the provision of
	12	subsection (1) of this section, a declaration of Result Form as may be
	13	prescribed shall be completed and copy thereof issued to the person by the
	14	Returning Officer while the original of the form shall be returned to the
	15	Commission as in the case of a contested election.
Establishment of polling units	16	<b>42.</b> -(1) The Commission shall divide each Local Government Area
	17	into Registration Areas not being less than 10 and not more than 20 as the
	18	circumstance of the Local Government Area may require.
	19	(2) The Commission shall establish sufficient number of polling units
	20	in each Registration Area/Electoral ward and shall allot voters to such polling
	21	units.
Ballot Boxes	22	<b>43.</b> -(1) The Commission shall provide suitable boxes for the conduct
	23	of elections.
	24	(2) The forms to be used for the conduct of elections to the offices
	25	mentioned in this Act and election petitions arising there from shall be
	26	determined by the Commission.
	27	(3) The Polling Agents shall be entitled to be present at the
	28	distribution of the election materials from the office to the polling booth.
	29	(4) The Polling Agent shall be entitled to be present at the distribution

1 of election materials, voting, counting, collation and the announcement of  
2 election results.

3 (4A) Polling Agents who are in attendance at a polling unit, shall be  
4 entitled, before the commencement of the election, to have originals of  
5 electoral materials to be used by the Commission for the election inspected;  
6 and this process may be recorded as evidence in writing, on video or by other  
7 means by any Polling Agent, accredited observer or official of the  
8 Commission.

9 (4B) An election conducted at any polling unit in violation of  
10 subsections (3), (4), (4A) or (5) of this section shall be invalid.

11 (4C) A Presiding Officer who contravenes subsections (3), (4),  
12 (4A) or (5) of this section commits an offence and shall be liable, on  
13 conviction, to a minimum imprisonment term of one (1) year or a minimum  
14 fine of N1,000,000, or both.

15 (5) The Commission shall, before the commencement of voting in  
16 each election, provide all election materials for the conduct of such election  
17 at the polling unit.

18 **44.**-(1) The Commission shall prescribe the format of the ballot  
19 papers which shall include the symbol adopted by the Political Party of the  
20 candidate and such other information as it may require.

Format of Ballot  
Papers

21 (2) The ballot papers shall be bound in booklets and numbered  
22 serially with differentiating colours for each office being contested.

23 (3) The Commission shall, not later than 20 days to an election,  
24 invite in writing, a political party that nominated a candidate in the election  
25 to inspect its identity appearing on samples of relevant electoral materials  
26 proposed for the election; and the political party may state in writing within  
27 2 days of being so invited by the Commission that it approves or disapproves  
28 of its identity as it appears on the samples.

29 (4) Unless the political party disapproves of its identity under  
30 subsection (3) of this section in writing, it shall not complain of unlawful

1 exclusion from the election under this Act in relation to its identity appearing  
2 on electoral materials used for the election.

3 (5) A political party that fails to comply with an invitation by the  
4 Commission under subsection (3) of this section shall be deemed to have  
5 approved its identity on samples of electoral materials proposed to be used for  
6 an election.

Polling Agents

7 **45.-(1)** ) Each Political Party may, by notice in writing addressed to  
8 the Resident Electoral Commissioner of the State, appoint a polling agent for  
9 each polling unit and collation centre in the Local Government Area or Area  
10 Council for which it has candidate and the notice, which sets out the name and  
11 address of the polling agent, shall be accompanied by two passport  
12 photographs of each polling agent and sample signature of the polling agent and  
13 be given to the Electoral Officer at least 14 days before the date fixed for the  
14 election:

15 PROVIDED that no person presently serving as Chairman or member  
16 of a Local Government area council, Commissioner, deputy governor or  
17 governor of a state, minister or any other person holding political office under  
18 any tier of government and who has not resigned his appointment at least 3  
19 months shall serve as a polling agent of any Political Party, either at the polling  
20 unit or at any centre designated for collation of results of Election.

21 (2) Notwithstanding the requirement of subsection (1) of this section,  
22 a candidate shall not be precluded from doing any act or thing which he has  
23 appointed a polling agent to do on his behalf under this Act.

24 (3) Where in this Act, an act or thing is required or authorized to be  
25 done by or in the presence of a polling agent, the non-attendance of the Polling  
26 Agent at the time and place appointed for the act or thing or refusal by the  
27 Polling Agent to do the act or thing shall not, if the act or thing is otherwise done  
28 properly, invalidate the act or thing.

Notice of Poll

29 **46.** The Commission shall, not later than 14 days before the day of the



1 election, cause to be published, in such manner as it may deem fit, a notice  
2 specifying-

3 (a) the day and hours fixed for the poll;

4 (b) the persons entitled to vote; and

5 (c) the location of the polling units.

6 **47.** Voting in any particular election under this Act shall take place Hour of Polls  
7 on the date and time appointed by the Commission.

8 **48.-(1)** ) at the hour fixed for opening of the poll before the Display of Ballot  
9 commencement of accreditation and voting, the Presiding Officer shall open Boxes  
10 the empty ballot box and show same to such persons as may lawfully be  
11 present at the Polling unit and shall then close and seal the box in such  
12 manner as to prevent its being opened by unauthorized person.

13 (2) The ballot box shall then be placed in full view of all present,  
14 and be so maintained until the close of poll.

15 **49.-(1)** a person intending to vote in an election shall present Issue of Ballot  
16 himself with his voter's card to a Presiding Officer for accreditation at the Paper  
17 polling unit in the constituency in which his name is registered.

18 (2) the Presiding Officer shall use a Smart Card Reader or any other  
19 technological device that may be prescribed by the Commission, for the  
20 accreditation of voters, to verify, confirm or authenticate the particulars of  
21 the voter in the manner prescribed by the Commission.

22 (3) where a smart card reader deployed for accreditation of voters  
23 fails to function in any unit and a fresh card reader is not deployed, the  
24 election in that unit shall be cancelled and another election shall be  
25 scheduled within 24 hours.

26 **50.** A candidate or a Polling Agent may challenge the right of a Right to challenge  
27 person to receive a ballot paper on such grounds and in accordance with such issue of Ballot  
28 procedures as are provided for in this Act. paper

29 **51.** The Presiding Officer shall separate the queue between men Separate queues  
30 and women if in that area of the country the culture is such that it does not for men and women

	1	permit the mingling of men and women in the same queue.
Conduct of Poll by Open Secret Ballot	2	<b>52.</b> -(1) Voting at an election under this Act shall be by open secret
	3	ballot.
	4	(2) The Commission may adopt electronic voting or any other method
	5	of voting in any election it conducts as it may deem fit.
	6	(3) A voter on receiving a ballot paper shall mark it in the manner
	7	prescribed by the Commission.
	8	(4) All ballots at an election under this Act at any polling station shall
	9	be deposited in the ballot box in the open view of the public.
Over Voting	10	<b>53.</b> -(1) No voter shall vote for more than one candidate or record more
	11	than one vote in favour of any candidate at any one election.
	12	(2) where the votes cast at an election in any polling unit exceed the
	13	number of accredited voters in that polling unit, the result of the election for
	14	that polling unit shall be declared null and void by the Commission and another
	15	election may be conducted at a date to be fixed by the Commission where the
	16	result at that polling unit may affect the overall result in the Constituency.
	17	(3) Where an election nullified in accordance with subsection (2) of
	18	this section, there shall be no return for the election until another poll has taking
	19	place in the affected polling unit.
	20	(4) Notwithstanding the provisions of subsections (2) and (3) of the
	21	section of the Commission may, if satisfied that the result of the election will
	22	not substantially be affected by voting in the area where the election is
	23	cancelled direct that a return of the election be made.
Ballot not to be marked by voter for identification	24	<b>54.</b> -(1) Where a voter makes any writing or mark on a ballot paper by
	25	which he may be identified, such ballot paper shall be rejected provided that
	26	any print resulting from the staining of the thumb of the voter in the voting
	27	compartment shall not be or be deemed to be a mark of identification under this
	28	section.
	29	(2) The Commission shall use indelible ink for any thumb mark by
	30	voters on ballot papers.

1	<b>55.</b> A voter who by accident deals with his ballot paper in such a	Accidental
2	manner that it may not be conveniently used for voting, may deliver it to the	destruction or
3	Presiding Officer and if the Presiding Officer is satisfied that the ballot paper	marking of Ballot
4	is spoilt he shall issue another ballot paper to the voter in place of the ballot	Papers
5	paper delivered up, and the spoilt ballot paper shall be immediately marked	
6	cancelled by the Presiding Officer.	
7	<b>56.-(1)</b> Voter with visual impairment and other forms of	Blind and
8	disabilities:	incapacitated
9	A voter who is blind or is otherwise unable to distinguish symbol or who	Voters
10	suffers from any other physical disability may be accompanied into the	
11	polling unit by a person chosen by him and that person chosen by him and	
12	that person shall, after informing the Presiding Officer of the disability, be	
13	permitted to accompany the voter into the voting compartment and assist the	
14	voter to make his mark in accordance with the procedure prescribed by the	
15	Commission.	
16	(2) The Commission may take reasonable steps to ensure that	
17	voters with disabilities are assisted at the polling place by the provision of	
18	suitable means of communication, such as Braille, Large embossed print or	
19	electronic devices or sign language interpretation, or off-site voting in	
20	appropriate cases.	
21	<b>57.</b> No voter shall record his vote otherwise than by personally	Personal
22	attending at the polling unit or voting centres and recording his vote in the	Attendance
23	manner prescribed by the Commission.	
24	<b>58.</b> No person shall be permitted to vote at any polling unit other	Voting at
25	than the one to which he is allotted.	Appropriate
26	<b>59.-(1)</b> If at the time a person applies for a ballot paper and before	polling unit
27	he has left the polling unit, a polling agent, polling unit official or security	Impersonation
28	agent informs the Presiding Officer that he has reasonable cause to believe	by applicant for
29	that the person is under the age of 18 years or has committed the offence of	Ballot Paper
30	impersonation and gives an undertaking on a prescribed form to substantiate	

1 the charge in a court of law, the Presiding Officer may order a police officer to  
2 arrest that person and the Presiding Officer's order shall be sufficient authority  
3 for the police officer so to act.

4 (2) A person in respect of whom a polling agent, polling official, or  
5 security agent gives an information in accordance with the provision of  
6 subsection (1) of this section shall not by reason of the information, be  
7 prevented from voting, but the Presiding Officer shall cause the words  
8 "protested against for impersonation" to be placed against his name in the  
9 marked copy of the register of voters or part of the register of voters.

10 (3) Where a person in respect of whom a declaration is made under  
11 subsection (2) of this section, admits to the Presiding Officer that he is not the  
12 person he held himself out to be, he shall not be permitted to vote and shall be  
13 handed over to the Police.

14 (4) A person arrested under the provisions of this section shall be  
15 deemed to be a person taken into custody by a police officer.

Tendered Ballot  
Paper

16 **60.**-(1) If a person claiming to be entitled to vote applies for a ballot  
17 paper after some other person has voted in the name given by the claimant he  
18 shall, upon satisfactory answers given to any questions put to him by a poll  
19 clerk, be entitled to receive a ballot paper in the same manner as any other  
20 voter; but the ballot paper (in this Act referred to as "the tendered ballot paper")  
21 shall be of a colour different from the ordinary ballot papers.

22 (2) The Presiding Officer shall require the voter to deliver the  
23 tendered ballot paper to him instead of allowing it to be put in the ballot box,  
24 and the Presiding Officer shall endorse on it the name of the voter and his  
25 number in the register of voters.

26 (3) The ballot paper shall on delivery to the Presiding Officer and in  
27 the view of all present, be set aside by the Presiding Officer in a packet intended  
28 for tendered votes and the tendered ballot paper shall be counted by the  
29 Returning Officer.

30 (4) The Presiding Officer shall, when he tenders a ballot paper under

1 this section, enter the name of the voter and his number in the register of  
2 voters on the list to be called tendered vote list and the tendered vote list shall  
3 be produced in any legal proceedings arising out of the election.

4 **61.**-(1) The Presiding Officer shall regulate the admission of voters  
5 to the polling unit and shall exclude all persons other than the candidates,  
6 polling agents, poll clerks and persons lawfully entitled to be admitted  
7 including accredited observers, and the Presiding Officer shall keep order  
8 and comply with the requirements of this Act at the polling unit.

Conduct at  
Polling Units

9 (2) The Presiding Officer may order a person to be removed from a  
10 polling unit, who behaves in a disorderly manner or fails to obey a lawful  
11 order.

12 (3) A person removed from a polling unit under this section shall  
13 not, without the permission of the Presiding Officer, again enter the polling  
14 unit during the day of the election, and if charged with the commission of an  
15 offence in that polling unit, the person shall be deemed to be a person taken  
16 into custody by a police officer for an offence in respect of which he may be  
17 arrested without a warrant.

18 (4) The provisions of subsection (3) of this section shall not be  
19 enforced so as to prevent a voter who is otherwise entitled to vote at a polling  
20 unit from having an opportunity of so voting.

21 (5) In the absence of the presiding officer, the Poll Clerk shall enjoy  
22 and exercise all the powers of the Presiding Officer in respect of a Polling  
23 Unit.

24 **62.**-(1) At the prescribed hour for the close of poll, the Presiding  
25 Officer shall declare the poll closed and no more person shall be admitted  
26 into the Polling unit and only those already inside the Polling unit shall be  
27 allowed to vote.

Closing of Poll

28 (2) After the declaration of the close of polls, no voter already  
29 inside the polling unit shall be permitted to remain in the polling unit unless  
30 otherwise authorized under this Act.

Counting of votes  
and forms

1                   **63.**-(1) The Presiding Officer shall, after counting the votes at the  
2 polling unit, enter the votes scored by each candidate in a form to be prescribed  
3 by the Commission as the case may be.

4                   (2) The form shall be signed and stamped by the Presiding Officer and  
5 counter signed by the candidates or their polling agents where available at the  
6 Polling unit.

7                   (3) The Presiding Officer shall give to the Polling Agents and the  
8 police officer where available a copy each of the completed Forms after it has  
9 been duly signed as provided in subsection (2) of this section.

10                  (4) At the end of voting in an election, the Presiding Officer shall-

11                  (a) sort and thereafter count the votes at the polling unit;

12                  (b) record the sorted and counted votes in forms or electoral  
13 documents as shall be prescribed by the Commission for this purpose;

14                  (c) announce the result at the polling unit;

15                  (d) transmit the result of the election from the polling unit to the first  
16 level of collation of results to which the polling unit belongs in the constituency  
17 where the election is held.

18                  (5) The process and procedure in subsections (1) to (4) may be  
19 recorded by any member of the public, party agent, accredited observer or  
20 official of the Commission.

21                  (6) A Presiding Officer who willfully contravenes any provision of  
22 this section shall be guilty of an offence and shall be liable on conviction to a  
23 minimum imprisonment term of 5 years without an option of fine.

Recount

24                  **64.** A candidate or a Polling Agent may, where present at a Polling  
25 unit when counting of votes is completed by the Presiding Officer, demand to  
26 have the votes recounted provided that the Presiding Officer shall cause the  
27 votes to be so recounted only once.

Post-election  
procedure and  
collation of  
election results

28                  **65.**-(1) After the recording and announcement of the result, the  
29 presiding officer shall deliver same along with election materials under  
30 security and accompanied by the candidates or their polling agents, where

1 available, to such person as may be prescribed by the Commission.

2 (2) the Commission shall compile, maintain and update, on a  
3 continuous basis, a register of election results to be known as the National  
4 Electronic Register of Election Results which shall be a distinct database or  
5 repository of polling unit by polling results, including collated election  
6 results, of each election conducted by the Commission in the Federation,  
7 and the Register of Election Results shall be kept in electronic format by the  
8 Commission at its National Headquarters.

9 (3) any person or political party may obtain from the Commission,  
10 on payment of such fees as may be determined by the Commission, a  
11 certified true copy of any election result kept in the National Electronic  
12 Register of Election Results for a State, Local Government, Area Council,  
13 Ward or Polling Unit, as the case may be and the certified true copy may be  
14 in printed or electronic format.

15 **66.**-(1) Subject to subsection (2) of this section, a ballot paper  
16 which does not bear the official mark shall not be counted.

Rejection of Ballot  
Paper without  
official mark

17 (2) If the Returning Officer is satisfied that a ballot paper which  
18 does not bear the official mark was from a book of ballot papers which was  
19 furnished to the Presiding Officer of the polling unit in which the vote was  
20 cast for use at the election in question, he shall, notwithstanding the absence  
21 of the official mark, count that ballot paper.

22 **67.**-(1) The Presiding Officer shall endorse the word "rejected" on  
23 the ballot paper rejected under section 54(1) of this Act and for any other  
24 reason, and the ballot papers shall not be counted except otherwise allowed  
25 by the Returning Officer who may overrule the Presiding Officer.

Endorsement on  
rejected ballot  
paper without  
official mark

26 (2) If an objection to the decision of a Presiding Officer to reject a  
27 ballot paper is raised by a candidate or a polling agent at the time the decision  
28 is made, the Presiding Officer shall add to the word "rejected", the phrase  
29 "but objected to."

30 (3) The Presiding Officer shall prepare a statement on rejected

1 ballot papers, stating the number rejected, the reason for rejection and their  
2 serial number, he shall on request, allow a candidate or a polling agent to copy  
3 the statement.

4 (4) a Collation Officer or Returning Officer at an election shall collate  
5 and announce the result of an election, subject to his verification and  
6 confirmation that the-

7 (a) number of accredited voters stated on the collated result are  
8 correct and consistent with the number of accredited voters recorded and  
9 transmitted directly from polling units under section 49 (2) of this Bill;

10 (b) the votes stated on the collated result are correct and consistent  
11 with the votes or results recorded and transmitted directly from polling units  
12 under section 63 (4) of this Bill.

13 (5) Subject to subsection (1), a Collation Officer or Returning Officer  
14 shall use the number of accredited voters recorded and transmitted directly  
15 from polling units under section 49 (2) of this Bill and the votes or results  
16 recorded and transmitted directly from polling units under section 63 (4) of this  
17 Bill to collate and announce the result of an election if a collated result at his or  
18 a lower level of collation is not correct.

19 (6) where during collation of results, there is a dispute regarding a  
20 collated result or the result of an election from any polling unit, the Collation  
21 Officer or Returning Officer shall use the following to determine the  
22 correctness of the disputed result-

23 (a) the original of the disputed collated result for each polling unit  
24 where the election is disputed;

25 (b) the smart card reader or other technology device used for  
26 accreditation of voters in each polling unit where the election is disputed for the  
27 purpose of obtaining accreditation data directly from the Smart Card Reader or  
28 technology device;

29 (c) date of accreditation recorded and transmitted directly from each



1 polling unit where the election is disputed as prescribed under section 49 (2)  
2 of this Bill;

3 (d) the votes and result of the election recorded and transmitted  
4 directly from each polling unit where the election is disputed, as prescribed  
5 under section 63 (4) of this Bill.

6 (7) if the disputed result under subsection (3) were otherwise found  
7 not to be correct, the Collation Officer or Returning Officer shall re-collate  
8 and announce a new result using the information in subsection (3) (a-d).

9 (8) where the dispute under subsection (3) arose at the level of  
10 collation and the Returning Officer has satisfied the provision of subsection  
11 93), the Returning Officer has satisfied the provision of subsection (3), the  
12 Returning Officer shall accordingly declare the winner of the election.

13 (9) a Returning Officer or Collation Officer, as the case may be,  
14 commits an offence if he intentionally collated or announce false result is  
15 liable on conviction, to a term of at least five year' imprisonment, without an  
16 option of a fine.

17 **68.**-(1)The decision of the Returning Officer on any question  
18 arising from or relating to-

Decision of  
Returning Officer  
on Ballot Paper

19 (a) unmarked ballot paper;

20 (b) rejected ballot paper; and

21 (c) declaration of scores of candidates and the return of a candidate,  
22 shall be final subject to review by a Tribunal or Court in an Election Petition  
23 proceedings under this Act:

24 Provided that the Commission shall have the power within a  
25 reasonable time to review the declaration and return where Commission  
26 determines that the said declaration and return was not made voluntarily or  
27 was made contrary to the provisions of the Law, Regulations and  
28 Guidelines, and Manual for the election.

29 **69.** In an election to the office of the President or Governor  
30 whether or not contested and in any contested election to any other elective

Declaration of  
Result

	1	office, the result shall be ascertained by counting the votes cast for each
	2	candidate and subjected to the provisions of sections 133, 134 and 179 of the
	3	constitution, the candidate that receives the highest number of votes shall be
	4	declared elected by the appropriate Returning Officer.
Equality of votes	5	<b>70.</b> Where two or more candidates poll equal number of votes being
	6	the highest in an election, the Returning Officer shall not return any of the
	7	candidates and a fresh election shall be held for the candidates on a date to be
	8	appointed by the Commission.
Posting of results	9	<b>71.</b> The Commission shall cause to be posted on its notice board and
	10	website, a notice showing the candidates at the election and their scores; and
	11	the person declared as elected or returned at the election.
Custody of Documents	12	<b>72.</b> The Chief Electoral Commissioner or any officer authorized by
	13	him shall keep official custody of all the documents, including statement of
	14	results and ballot papers relating to the election, which are returned to the
	15	Commission by the Returning Officers.
Step by step recording of poll	16	<b>73.</b> Subject to the provisions of this Act, the Commission shall issue
	17	and publish in the Gazette, guidelines for the elections which shall make
	18	provisions, among other things, for the step by step recording of the poll in the
	19	electoral forms as may be prescribed beginning from the polling unit to the last
	20	collation centre for the ward or constituency where the result of the election
	21	shall be declared.
Result Forms to be signed and countersigned	22	<b>74.</b> Every Result Form completed at the Ward, Local Government,
	23	State and National levels in accordance with the provision of this Act or any
	24	Guidelines issued by the Commission shall be stamped, signed and
	25	countersigned by the relevant officers and polling agents at those levels and
	26	copies given to the police officers and the polling agents, where available.
Certificate of Return	27	<b>75.-(1)</b> A sealed Certificate of Return at an election in a prescribed
	28	form shall be issued within 14 days to every candidate who has won an election
	29	under this Act:
	30	Provided that where the Court of Appeal or the Supreme Court being

1 the final Appellate Court in any election petition as the case may be nullifies  
2 the Certificate of Return of any candidate, the Commission shall within 48  
3 hours after the receipt of the order of such Court issue the successful  
4 candidate with a valid Certificate of Return.

5 (2) Where the Commission refuses and, or neglects to issue a  
6 certificate of return, a certified true copy of the Order of a Court of  
7 Competent Jurisdiction shall, ipso facto, be sufficient for the purpose of  
8 swearing-in a candidate declared as the winner by that Court.

9 **76.-(1)** The forms to be used for the conduct of elections under this  
10 Act shall be determined by the Commission.

Forms for use  
at elections

11 (2) An election conducted at a polling unit without the prior  
12 recording in the forms prescribed by the Commission of the quantity, serial  
13 numbers and other particulars of results sheets, ballot papers and other  
14 sensitive electoral materials made available by the Commission for the  
15 conduct of the election shall be invalid.

16 (3) A Presiding Officer who intentionally announces or signs any  
17 election result in violation of subsection (2) commits an offence and is liable  
18 on conviction to imprisonment for a term of not less than one (1) year  
19 without an option of fine.

20 **77.-(1)** The Resident Electoral Commissioner in a State where an  
21 election is conducted shall, within 14 days after an application is made to  
22 him by any of the parties to an election petition, cause a certified true copy of  
23 such document to be issued to the said party.

Access to election  
documents

24 (2) Any Resident Electoral Commissioner who willfully fails to  
25 comply with the provisions in sub section (1) of this section commits an  
26 offence and is liable on conviction to a maximum fine of N2,000,000.00 or  
27 imprisonment for a term of 12 months, or both.

28 **PART V - POLITICAL PARTIES**

29 **78.-(1)** Any political association that complies with the  
30 provisions of the Constitution and this Act for the purposes of registration

Powers of the  
Commission to  
register political  
parties

1 shall be registered as a Political Party; Provided however, that such application  
2 for registration as a Political Party shall be duly submitted to the Commission  
3 not later than 12 months before a general election.

4 (2) The Commission shall, on receipt of the documents in fulfillment  
5 of the conditions stipulated by the Constitution, immediately issue the  
6 applicant with a letter of acknowledgement stating that all the necessary  
7 documents had been submitted to the Commission.

8 (3) If the Association has not fulfilled all the conditions under this  
9 section, the Commission shall within 90 days from the receipt of its application  
10 notify the Association in writing stating the reasons for non-registration.

11 (4) a political association that meets the conditions stipulated in the  
12 Constitution and this Act shall be registered by the Commission as a political  
13 party within 60 days from the date of receipt of the application, and if after the  
14 60 days such association is not registered by the Commission, unless the  
15 Commission informs the association to the contrary, it shall be deemed to have  
16 been registered.

17 (5) an association, its executive member or principal officers who  
18 gives false or misleading information, commit an offence and is liable on  
19 conviction, in the case of-

20 (a) the association to a fine of N5,000,000;

21 (b) each executive or principal officer of the association to  
22 imprisonment for a term of at least six months or a fine of N1,000,000 or both.

23 (6) An application for registration as a political party shall not be  
24 processed unless there is evidence of payment of administrative fee as may be  
25 fixed from time to time by the Commission.

26 (7a) The Commission shall have power to deregister political parties  
27 on the following grounds-

28 (i) Breach of any of the requirements for registration, and

29 (ii) For failure to win Presidential or Governorship election or a seat  
30 in the National or State Assembly election.

- 1                   **79.** The decision of the Commission not to register any association  
 2           asa Political Party may be challenged in a court of law, provided that any  
 3           legal action challenging the decision of the Commission shall be  
 4           commenced within 14 days from the date of receipt of the decision on non-  
 5           registration from the Commission only at the Federal High Court.
- 6                   **80.**-(1) A Political Party registered under this Act shall be a body  
 7           corporate with perpetual succession and a common seal and may sue and be  
 8           sued in its corporate name.
- 9                   (2) Every registered Political Party shall maintain a register of its  
 10          members in both hard and soft copy.
- 11                  (3) Each Political Party shall make such available to the  
 12          Commission not later than 30 days before the date fixed for the party  
 13          primaries, Congresses or Convention.
- 14                  **81.**-(1) Any Political Party or association, which contravenes the  
 15          provisions of section 227 of the Constitution is guilty of an offence and  
 16          liable on conviction to a fine of -
- 17                  (a) N 500,000.00 for the first offence;  
 18                  (b) N 700,000.00 for any subsequent offence; and  
 19                  (c) N 50,000 for every day that the offence continues.
- 20                  (2) Any person or group of persons who aids or abets a Political  
 21          Party in contravening the provisions of section 227 of the Constitution shall  
 22          be guilty of an offence and be liable on conviction to a fine of N5,000,000.00  
 23          or 5 year imprisonment or both.
- 24                  **82.**-(1) the Commission shall keep a register of symbols and name  
 25          for use at elections.
- 26                  (2) the Commission shall register the symbol and name of a  
 27          political party if it is satisfied that-
- 28                  (a) no other symbol and name of the same design is registered.  
 29                  (b) the symbol and name is distinctive from any other symbol  
 30          already registered.

Decision of the  
 Commission  
 subject to judicial  
 review

Political Parties  
 to be bodies  
 corporate

Contravention  
 of Section 227  
 of the 1999  
 Constitution

Symbols of  
 Political Parties

- 1 (c) its use will not be offensive or otherwise objectionable.
- 2 (3) The Commission shall remove a symbol or name from the register  
3 of symbols and names if the-
- 4 (a) political party in whose name it is registered requests the removal;
- 5 (b) Commission is of the opinion that the political party in whose  
6 name the symbol is registered has ceased to exist or to use the symbol "and  
7 names.
- 8 (4) Nothing in this section shall authorize the allotment or  
9 registration for use at any election of a symbol or material as symbol of a party,  
10 if it portrays-
- 11 (a) the Coat of Arms of the Federation;
- 12 (b) the Coat of Arms of any other country;
- 13 (c) a device or emblem which in the opinion of the Commission is  
14 normally associated with-
- 15 (i) the official acts of Government;
- 16 (ii) any of the Armed Forces of the Federation or the Nigeria Police  
17 Force or other uniformed service;
- 18 (iii) the regalia of a Chief;
- 19 (iv) any tribe or ethnic group;
- 20 (v) any religion or cult;
- 21 (vi) any portrait of a person living or dead;
- 22 (d) any symbol or part of a symbol which under the provision of this  
23 section continues to be registered by another political party.
- 24 (5) Subject to the provisions of this section, the symbol allotted to a  
25 political party and in use immediately before the coming into force of this Act  
26 shall continue to be available to, and be used by, that political party without  
27 payment of the fee.
- 28 (6) Where a Political Party is deregistered no political association  
29 shall be permitted to use the name symbol logo or acronym of the deregistered  
30 Political Party within five (5) years of the deregistration.

1                   **83.** Where a symbol is registered by a political party in accordance      Allocation of  
2 with this Act, the Commission shall allot the symbol to any candidate      symbols  
3 sponsored by the political party at any election.

4                   **84.**-(1) Any two or more registered political parties may merge on      Merger of  
5 approval by the Commission following a formal request presented to the      Political Parties  
6 Commission by the political parties for that purpose.

7                   (2) Political Parties intending to merge shall each give to the  
8 Commission 9 months' notice of their intention to do so before a general  
9 election.

10                  (3) The written request for merger shall be sent to the Chairman of  
11 the Commission and shall be signed jointly by the National Chairman,  
12 Secretary and Treasurer for the time being of the different Political Parties  
13 proposing the merger and shall be accompanied by-

14                  (a) a special resolution passed by the national convention of each  
15 of the political parties proposing to merge, approving the merger;

16                  (b) the proposed full name and acronym, Constitution, manifesto,  
17 symbol or logo of the party together with the addresses of the national office  
18 of the party resulting from the merger; and

19                  (c) evidence of payment of administrative fee as may be fixed  
20 from time to time by the Commission.

21                  (4) On receipt of the request for merger of political parties the  
22 Commission shall consider the request; and if the parties have fulfilled the  
23 requirements of the Constitution and this Act, approve the proposed merger  
24 and communicate its decision to the Parties concerned before the expiration  
25 of sixty (60) days from the date of receipt of the formal request:

26                  PROVIDED that if the Commission fails to communicate its  
27 decision within 60 days shall within 14 days thereafter challenge the  
28 decision of the Commission at the Court. The political parties challenging  
29 the decision of the Commission shall establish by cogent and verifiable  
30 reason that they have met all the constitutional requirements for merger.

1 (5) Where the request for the proposed merger is approved, the  
2 Commission shall withdraw and cancel the certificates of registration of all the  
3 Political Parties opting for the merger and substitute a single certificate of  
4 registration in the name of the party resulting from the merger.

5 (6) Notwithstanding the provisions of subsection (2) of this section no  
6 merger of political parties received by the Commission less than 90 days before  
7 any general election in the country shall be considered by the Commission.

Notice of  
Convention,  
Congress, etc.

8 **85.**-(1) Every registered political party shall give the Commission at  
9 least 21 days' notice of any convention, congress, conference or meeting  
10 convened for the purpose of "merger and fusion and" electing members of its  
11 executive committees, other governing bodies or nominating candidates for  
12 any of the elective offices specified under this Act.

13 (2) The Commission may, with or without prior notice to the political  
14 party attend and observe any convention, congress, conference or meeting  
15 which is convened by a political party for the purpose of -

16 (a) electing members of its executive committees or other governing  
17 bodies;

18 (b) nominating candidates for an election at any level; and

19 (c) approving a merger with any other registered political party.

20 (3) The election of members of the executive committee or other  
21 governing body of a political party, including the election to fill a vacant  
22 position in any of the aforesaid bodies, shall be conducted in a democratic  
23 manner and allowing for all members of the party or duly elected delegates to  
24 vote in support of a candidate of their choice.

25 (4) Notice of any congress, conference or meeting for the purpose of  
26 nominating candidates for Area Council elections shall be given to the  
27 Commission at least 21 days before such congress, conference or meeting.

28 (5) Failure of a Political Party to notify the Commission as stated in  
29 subsection (1) shall render the convention, congress, conference or meeting  
30 invalid.



1                   **86.**-(1) The Commission shall keep records of the activities of all  
2 the registered political parties.

Monitoring of  
Political Parties

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

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

12                   (4) A Political Party which fails to provide the required information  
13 or clarification under subsection (2) of this section or carry out any lawful  
14 directive given by the Commission in conformity with the provisions of this  
15 section shall be liable to a penalty not exceeding N1,000,000:00.

16                   **87.**-(1) A political party seeking to nominate candidates for  
17 elections under this Act shall hold direct or indirect primaries for aspirants to  
18 all elective positions, which shall be monitored by the Commission and the  
19 result of the primaries may be endorsed or certified by the Commission.

Nomination  
of Candidates  
by Parties

20                   (2) A political party shall not impose nomination qualification or  
21 disqualification criteria, measures, or conditions on any aspirant or  
22 candidate for any election in its constitution, guidelines, or rules for  
23 nomination of candidates for elections, except as prescribed under sections  
24 65, 66, 106, 107, 131, 137, 177 and 187 of the Constitution of the Federal  
25 Republic of Nigeria, 1999 (as amended).

26                   (3). For the purpose of nomination of candidates for election, the  
27 total fees, charges, dues and any payment howsoever named imposed by a  
28 political party on an aspirant shall not exceed:

29                   (a) One Hundred and Fifty Thousand Naira (N150,000) for a Ward  
30 Councillorship aspirant in the FCT;

1 (b) Two Hundred and Fifty Thousand Naira (N250,000) for an Area  
2 Council Chairmanship aspirant in the FCT;

3 (c) Five Hundred Thousand Naira (N500,000) for a House of  
4 Assembly aspirant;

5 (d) One Million Naira (N1,000,000) for a House of Representatives  
6 aspirant;

7 (e) Two Million Naira (N2,000,000) for a Senatorial aspirant;

8 (f) Five Million naira (N5,000,000) for a Governorship aspirant; and

9 (g) Ten Million Naira (N10,000,000) for a Presidential aspirant.

10 (4) Any requirement, criteria, measures, or conditions for the  
11 nomination of candidates for elections outside the provisions of subsections (2)  
12 or (3) of this section shall be invalid.

13 (5) Every political party shall publish the venues, dates, times,  
14 guidelines, procedures and other relevant information of its primaries,  
15 conventions or any event conveyed for the purpose of nominating candidates  
16 for the party in, at least, two (2) national newspapers and, at least, ten (10) days  
17 before the date of the event to nominate candidates for the party.

18 *Direct Primaries:*

19 (6) A political party that adopts the system of direct primaries for the  
20 nomination of its candidate(s) for an election shall ensure that all aspirants are  
21 given equal opportunity of being voted for by registered members of the party  
22 and comply with the procedure outline below-

23 (a) in the case of nominations to the position of Presidential candidate  
24 in a Presidential election, a political party shall, where it intends to sponsor a  
25 candidate;

26 (b) conduct direct primaries in the registration areas in the 36 States of  
27 the Federation and the FCT where all registered members of the party shall be  
28 eligible to vote;

29 (c) declare the Presidential Aspirant with the highest number of valid  
30 votes cast during the primaries across the 36 States of the Federation and the

- 1 FCT as the winner of the Presidential primaries;
- 2 (d) hold a National Convention where it shall present the winner of  
3 the primaries to the public as the Presidential candidate of the party; and
- 4 (e) forward the name of the winner of the Presidential primaries to  
5 the Commission as the Presidential candidate of the party in the Presidential  
6 election;
- 7 (f) in the case of nomination to the position of Governorship  
8 candidate in a Governorship election in a State, a political party shall, where  
9 it intends to sponsor a candidate:
- 10 (g) conduct direct primaries in the registration areas in each Local  
11 Government Area in the particular State where all registered members of the  
12 party in the State shall be eligible to vote;
- 13 (h) declare the Governorship aspirant with the highest number of  
14 valid votes cast in all Local Government Areas in the particular State as the  
15 winner of the Governorship primaries in the State;
- 16 (i) hold a State Congress where it shall present the winner of the  
17 Governorship primaries to the public as the Governorship Candidate of the  
18 party in the Governorship election; and
- 19 (j) forward the name of the winner of the primaries to the  
20 Commission as the Governorship candidate of the party in the election for  
21 the State;
- 22 (k) in the case of nominations to the position of Senatorial  
23 candidate, House of Representatives candidate and State House of  
24 Assembly candidate for a Senatorial District, a Federal Constituency and a  
25 State House Constituency respectively, a political party shall, where it  
26 intends to sponsor candidates in elections for these elective positions;
- 27 (l) conduct direct primaries in the registration areas in each Local  
28 Government Area in the Senatorial District where all registered members of  
29 the party in the Senatorial District shall be eligible to vote;
- 30 (m) conduct direct primaries in the registration areas in each Local

1 Government Area in the Federal Constituency where all registered members of  
2 the party in the Federal Constituency shall be eligible to vote;

3 (n) conduct direct primaries in the registration areas in each Local  
4 Government Area in the State Assembly Constituency where all registered  
5 members of the party in the State Assembly Constituency shall be eligible to  
6 vote;

7 (o) subject to sub-paragraph (i) of this paragraph, declare the  
8 Senatorial aspirant with the highest number of valid votes cast in all Local  
9 Government Areas in the particular Senatorial District as the winner of the  
10 primaries in the Senatorial District and forward the name of the winner to the  
11 Commission as the Senatorial candidate of the party in the election for the  
12 Senatorial District;

13 (p) subject to sub-paragraph (ii) of this paragraph, declare the House  
14 of Representatives aspirant with the highest number of votes in all Local  
15 Government Areas in the Federal Constituency as the winner of the primaries  
16 in the Federal Constituency and forward the name of the winner to the  
17 Commission as the House of Representatives candidate of the party in the  
18 election for the Federal Constituency; and

19 (q) subject to sub-paragraph (iii) of this paragraph, declare the State  
20 House of Assembly Aspirant with the highest number of votes in all Local  
21 Government Areas in the House of Assembly Constituency as the winner of the  
22 primaries in the House of Assembly Constituency and forward the name of the  
23 winner to the Commission as the State House of Assembly Candidate of the  
24 party in the election for the State Assembly Constituency-

25 (i) in the case of the position of a Chairmanship candidate of an Area  
26 Council in the Federal Capital Territory, a political party shall, where it intends  
27 to sponsor a candidate:

28 (i) conduct direct primaries in the registration areas in the Area  
29 Council, where all registered members of the party in the Area Council shall be  
30 eligible to vote;

1 (ii) declare the Chairmanship aspirant with the highest number of  
2 votes in all registration areas in the Area Council as the winner of the  
3 Chairmanship primaries in the Area Council and forward the name of the  
4 winner of the Chairmanship primaries to the Commission as the  
5 Chairmanship candidate of the party in the election for the Area Council.

6 *Indirect Primaries:*

7 (7) (a) Political Party that adopts the system of indirect primaries  
8 for the nomination of its candidates for elections shall have both Statutory  
9 Delegates and Adhoc Delegates who, subject to the provisions of this Act,  
10 shall be the only delegates eligible to vote

11 (b) For the purpose of indirect primaries-

12 (i) Adhoc Delegates shall be registered members of the Party  
13 elected at Adhoc Delegates Elections conducted by the Party in accordance  
14 with subsection (8) of this section;

15 (ii) Statutory Delegates are elected officials of the Party and  
16 elected government functionaries identified and listed in subsection (9) of  
17 this section; and

18 (iii) an Adhoc Delegates Election is an intra-party election  
19 conducted by the Party under subsection (8) of this section to elect the  
20 Party's Adhoc delegates and this election shall, except for a delegates  
21 election or primaries in respect of Local Government Council Chairmanship  
22 and Ward Councillorship offices in a State of the Federation under  
23 subsection (13) of this section, be monitored by the Commission.

24 *Election of Adhoc Delegates:*

25 (8) Adhoc Delegates to a Political Party's indirect primaries shall  
26 be elected in Adhoc Delegates Elections at-

27 (a) Ward Congresses which shall be held by the Party in every Ward  
28 in the Local Government Areas in the States of the Federation and the FCT,  
29 Abuja and where all registered members of the Party in a Ward shall be  
30 eligible to elect at least Five (5) Adhoc Ward Delegates (at least one (1) of

1 whom, except otherwise impracticable, shall be a woman) who, being  
2 registered members of the party in that Ward and not delegates already under  
3 this Act, presented themselves to be voted for as Adhoc Ward Delegates of the  
4 Party in that Ward;

5 (b) Local Government Congresses, where Adhoc Ward Delegates  
6 elected in every Ward in a Local Government Area under paragraph (a) of this  
7 subsection shall be eligible to elect in and for that Local Government Area-

8 (i) at least Fifty (50) Adhoc Local Government Delegates (at least Ten  
9 (10) of whom, except otherwise impracticable, shall be women) who, being  
10 registered members of the party in that Local Government Area and not  
11 delegates already under this Act, presented themselves to be voted for as Adhoc  
12 Local Government Delegates of the Party in that Local Government Area, and  
13 these delegates shall be reasonably spread across the Wards in the Local  
14 Government Area;

15 (ii) at least Five (5) Adhoc State/FCT Delegates (at least One (1) of  
16 whom, except otherwise impracticable, shall be a woman) who, being  
17 registered members of the party in that Local Government Area and not  
18 delegates already under this Act, presented themselves to be voted for as Adhoc  
19 State/FCT Delegates of the Party in that Local Government Area, and these  
20 delegates shall be reasonably spread across the Wards in the Local Government  
21 Area; and

22 (iii) at least Five (5) Adhoc National Delegates (at least One (1) of  
23 whom, except otherwise impracticable, shall be a woman) who, being  
24 registered members of the party in that Local Government Area and not  
25 delegates already under this Act, presented themselves to be voted for as Adhoc  
26 National Delegates of the Party in that Local Government Area and these  
27 delegates shall be reasonably spread across the Wards in the Local Government  
28 Area.

1 *Delegates to Nominate Party's Candidates for Elections in Indirect*  
2 *Primaries*

3 (9) The Statutory and Adhoc Delegates listed in each paragraph  
4 hereunder for the type of election in this subsection shall be eligible to vote  
5 in a Political Party's indirect primaries to nominate the party's candidate for  
6 that election.

7 *Delegates to Nominate Presidential Candidate:*

8 (a) For the purpose of a Presidential Election, the Statutory and  
9 Adhoc Delegates listed hereunder shall be eligible to nominate the  
10 Presidential Candidate of a Political Party at the Presidential Indirect  
11 Primaries or Special National Convention of the Party convened in the FCT  
12 Abuja or the capital of a State of the Federation mainly for that purpose:

13 *Statutory Delegates:*

14 (i) Serving members of the Board of Trustees of the Party;

15 (ii) Elected serving members of the National Executive Committee  
16 of the Party;

17 (iii) Elected serving members of the Zonal Executive Committees  
18 of the Party;

19 (iv) Serving and past Presidents and Vice Presidents of Nigeria  
20 produced by the party and who are still members of the Party;

21 (v) Serving and past Governors and Deputy Governors of States of  
22 the Federation produced by the party and who are still members of the Party;

23 (vi) Serving Senators who are registered members of the Party and  
24 former Senators who served on the Party's platform and who are still  
25 registered members of the Party;

26 (vii) Serving Members of the House of Representatives who are  
27 registered members of the Party and past Members of the House of  
28 Representatives who served on the Party's platform and who are still  
29 registered members of the Party;

30 (viii) Serving Presiding and Principal Officers of States' Houses of

1 Assembly, and past Presiding Officers of States' Houses of Assembly produced  
2 by the Party and who are still members of the Party;

3 (ix) Elected serving Chairmen, Secretaries, Treasurers, Women  
4 Leaders and Youth Leaders of State Executive Committees of the Party,  
5 including those of the FCT, Abuja;

6 (x) Elected serving Chairmen and Secretaries of Local Government  
7 Executive Committees of the Party in the Federation;

8 (xi) Elected serving Local Government Council Chairmen produced  
9 by the Party and who are still members of the Party; and

10 *Adhoc Delegates:*

11 (xii) Adhoc National Delegates (at least Five [5] per Local  
12 Government Area) elected under subsection (8)(b)(iii) of this section at each  
13 Local Government Congress held by the Party in every Local Government  
14 Area in each State of the Federation and the FCT, Abuja.

15 *Delegates to Nominate Governorship Candidate:*

16 (b) For the purpose of a Governorship Election in a State of the  
17 Federation, the Statutory and Adhoc Delegates listed hereunder shall be  
18 eligible to nominate the Governorship Candidate of a Political Party at the  
19 Party's State Governorship Indirect Primaries or State Congress which shall  
20 hold in the capital of that particular State for that purpose:

21 *Statutory Delegates:*

22 (i) Serving members of the Board of Trustees of the Party who are  
23 registered members of the Party in that State;

24 (ii) Elected serving members of the National Executive Committee of  
25 the Party who are registered members of the Party in that State;

26 (iii) Elected serving members of the Zonal Executive Committees of  
27 the party who are registered members of the Party in that State;

28 (iv) Serving and past Presidents and Vice Presidents of Nigeria  
29 produced by the party and who are still registered members of the Party in that  
30 State;



1 (v) Serving and past Governors and Deputy Governors of the State  
2 produced by the party and who are still registered members of the Party in  
3 that State;

4 (vi) Serving Senators who are registered members of the Party in  
5 that State and former Senators who served on the Party's platform and who  
6 are still registered members of the Party in that State;

7 (vii) Serving Members of the House of Representatives who are  
8 registered members of the Party in that State and past Members of the House  
9 of Representatives who served on the Party's platform and who are still  
10 registered members of the Party in that State;

11 (viii) Serving Presiding, Principal Officers and Members of that  
12 States House of Assembly, and past Presiding Officers of that State House of  
13 Assembly produced by the Party who are still registered carrying members  
14 of the Party in that State;

15 (ix) Elected serving members of the State's Executive Committee  
16 of the Party;

17 (x) Elected serving Chairmen and Secretaries of Local  
18 Government Executive Committees of the Party in that State;

19 (xi) Elected serving Local Government Council Chairmen and  
20 Vice/Deputy Chairmen produced by the Party and who are still members of  
21 the Party in that State;

22 *Adhoc Delegates:*

23 (xii) Adhoc Ward Delegates (at least Five [5] per Ward) elected  
24 under subsection (8)(a) of this section at each Ward Congress held by the  
25 Party in every Ward in the Local Government Areas of the States of the  
26 Federation;

27 (xiii) Adhoc Local Government Delegates (at least Fifty [50] per  
28 Local Government Area) elected under subsection (8)(b)(i) of this section at  
29 each Local Government Congress held by the Party in every Local  
30 Government Area in the particular State;

1 (xiv) Adhoc State Delegates (at least Five [5] per Local Government  
2 Area) elected under subsection (8)(b)(ii) of this section at each Local  
3 Government Congress held by the Party in every Local Government Area in  
4 the particular State; and

5 (xv) Adhoc National Delegates (at least Five [5] per Local  
6 Government Area) elected under subsection (8)(b)(iii) of this section at each  
7 Local Government Congress held by the Party in every Local Government  
8 Area in the particular State.

9 *Delegates to Nominate Senatorial Candidate:*

10 (c) For the purpose of a Senatorial Election to elect a Senator to  
11 represent a Senatorial District in a State of the Federation or the FCT, Abuja in  
12 the National Assembly, the Statutory and Adhoc Delegates listed hereunder  
13 shall be eligible to nominate the Senatorial Candidate of a Political Party at the  
14 Party's Senatorial Indirect Primaries or Senatorial Congress which shall hold in  
15 the headquarters of that Senatorial District (as shall be designated by the  
16 Commission) for that purpose:

17 *Statutory Delegates:*

18 (i) Serving members of the Board of Trustees of the Party who are  
19 registered members of the Party in that Senatorial District;

20 (ii) Elected serving members of the National Executive Committee of  
21 the Party who are registered members of the Party in that Senatorial District;

22 (iii) Elected serving members of the Zonal Executive Committees of  
23 the Party who are registered members of the Party in that Senatorial District;

24 (iv) Serving and past Presidents and Vice Presidents of the Federation  
25 produced by the Party and who are still registered members of the Party in that  
26 Senatorial District;

27 (v) Serving and past Governors and Deputy Governors of the State  
28 produced by the Party and who are still registered members of the Party in that  
29 Senatorial District;

30 (vi) Serving Senators who are registered members of the Party in that

1 Senatorial District and former Senators who served on the Party's platform  
2 and who are still registered members of the Party in that Senatorial District;

3 (vii) Serving Members of the House of Representatives who are  
4 registered members of the Party in that Senatorial District and past Members  
5 of the House of Representatives who served on the Party's platform and who  
6 are still registered members of the Party in that Senatorial District;

7 (viii) Serving Presiding and Principal Officers of a State House of  
8 Assembly, and former Presiding Officers of a State House of Assembly  
9 produced by the Party and who are still registered members of the Party in  
10 that Senatorial District;

11 (ix) Elected serving Chairman, Secretary, Treasurer, Women  
12 Leader and Youths Leader of the Party's State (or FCT, Abuja) Executive  
13 Committee who are registered members of the Party in that Senatorial  
14 District;

15 (x) Elected serving Chairmen and Secretaries of Local  
16 Government Executive Committees of the Party who are registered  
17 members of the Party in that Senatorial District;

18 (xi) Elected serving Local Government Council Chairmen and  
19 Vice/Deputy Chairmen produced by the Party who are still registered  
20 members of the Party in that Senatorial District;

21 *Adhoc Delegates:*

22 (xii) Adhoc Ward Delegates (at least Five [5] per Ward) elected  
23 under subsection (8)(a) of this section at each Ward Congress held by the  
24 Party in every Ward in Local Government Areas in that Senatorial District;

25 (xiii) Adhoc Local Government Delegates (at least Fifty [50] per  
26 Local Government Area) elected under subsection (8)(b)(i) of this section at  
27 each Local Government Congress held by the Party in every Local  
28 Government Area in that Senatorial District;

29 (xiv) Adhoc State Delegates (at least Five [5] per Local  
30 Government Area) elected under subsection (8)(b)(ii) of this section at each

1 Local Government Congress held by the Party in every Local Government  
2 Area in that Senatorial District; and

3 (xv) Adhoc National Delegates (at least Five [5] per Local  
4 Government Area) elected under subsection (8)(b)(iii) of this section at each  
5 Local Government Congress held by the Party in every Local Government  
6 Area in that Senatorial District.

7 *Delegates to Nominate House of Representatives Candidate:*

8 (d) For the purpose of the election of a Member of the House of  
9 Representatives to represent a Federal Constituency in a State of the Federation  
10 or the FCT, Abuja in the National Assembly, the Statutory and Adhoc Delegates  
11 listed hereunder shall be eligible to nominate the House of Representatives  
12 Candidate of a Political Party at the Party's House of Representatives Indirect  
13 Primaries which shall hold in the headquarters of that Federal Constituency (as  
14 shall be designated by the Commission):

15 *Statutory Delegates:*

16 (i) Serving members of the Board of Trustees of the Party who are  
17 registered members of the Party in that Federal Constituency;

18 (ii) Elected serving members of the National Executive Committee of  
19 the Party who are registered members of the Party in that Federal Constituency;

20 (iii) Elected serving members of the Zonal Executive Committees of  
21 the Party who are registered members of the Party in that Federal Constituency;

22 (iv) Serving and past Presidents and Vice Presidents of the Federation  
23 produced by the Party and who are still members of the Party in that Federal  
24 Constituency;

25 (v) Serving and past Governors and Deputy Governors of the State  
26 produced by the Party and who are still members of the Party in that Federal  
27 Constituency;

28 (vi) Serving Senators who are registered members of the Party in that  
29 Federal Constituency and former Senators who served on the Party's platform  
30 and who are still registered members of the Party in that Federal Constituency;

1 (vii) Serving Members of the House of Representatives who are  
2 registered members of the Party in that Federal Constituency and past  
3 Members of the House of Representatives who served on the Party's  
4 platform and who are still registered members of the Party in that Federal  
5 Constituency;

6 (viii) Serving Presiding and Principal Officers of a State House of  
7 Assembly, and former Presiding Officers of a State House of Assembly  
8 produced by the Party and who are still registered/ members of the Party in  
9 that Federal Constituency;

10 (ix) Elected serving Chairman, Secretary, Treasurer, Women  
11 Leader and Youths Leader of the Party's State (or FCT, Abuja) Executive  
12 Committee who are registered members of the Party in that Federal  
13 Constituency;

14 (x) Elected serving Chairman, Secretary, Treasurer, Women  
15 Leader and Youths Leader of Local Government Executive Committees of  
16 the Party who are registered members of the Party in that Federal  
17 Constituency;

18 (xi) Elected serving Local Government Council Chairmen and  
19 Vice Chairmen produced by the Party and who are still registered members  
20 of the Party in that Federal Constituency;

21 *Adhoc Delegates:*

22 (xii) Adhoc Ward Delegates (at least Five [5] per Ward) elected  
23 under subsection (8)(a) of this section at each Ward Congress held by the  
24 Party in every Ward in Local Government Areas in that Federal  
25 Constituency;

26 (xiii) Adhoc Local Government Delegates (at least Fifty [50] per  
27 Local Government Area) elected under subsection (8)(b)(i) of this section at  
28 each Local Government Congress held by the Party in every Local  
29 Government Area in that Federal Constituency;

30 (xiv) Adhoc State Delegates (at least Five [5] per Local

1 Government Area) elected under subsection (8)(b)(ii) of this section at each  
2 Local Government Congress held by the Party in every Local Government  
3 Area in that Federal Constituency; and

4 (xv) Adhoc National Delegates (at least Five [5] per Local  
5 Government Area) elected under subsection (8)(b)(iii) of this section at each  
6 Local Government Congress held by the Party in every Local Government  
7 Area in that Federal Constituency.

8 (e) Delegates to Nominate House of Assembly Candidate

9 For the purpose of the election of a Member of a State House of Assembly to  
10 represent a State Constituency in a State of the Federation, the Statutory and  
11 Adhoc Delegates listed hereunder shall be eligible to nominate the House of  
12 Assembly Candidate of a Political Party at the Party's House of Assembly  
13 Indirect Primaries which shall hold in that State Constituency:

14 *Statutory Delegates:*

15 (i) Serving members of the Board of Trustees of the Party who are  
16 registered members of the Party in that State Constituency;

17 (ii) Elected serving members of the National Executive Committee of  
18 the party who are registered members of the Party in that State Constituency;

19 (iii) Elected serving members of the Zonal Executive Committees of  
20 the party who are registered members of the Party in that State Constituency;

21 (iv) Serving and past Presidents and Vice Presidents of the Federation  
22 produced by the Party and who are still registered members of the Party in that  
23 State Constituency;

24 (v) Serving and past Governors and Deputy Governors of a State  
25 produced by the Party and who are still registered members of the Party in that  
26 State Constituency;

27 (vi) Serving Senators who are registered members of the Party in that  
28 State Constituency and former Senators who served on the Party's platform and  
29 who are still registered members of the Party in that State Constituency;

30 (vii) Serving Members of the House of Representatives who are

1 registered members of the Party in that State Constituency and past  
2 Members of the House of Representatives who served on the Party's  
3 platform and who are still registered members of the Party in that State  
4 Constituency;

5 (viii) Serving and past members of a State House of Assembly  
6 produced by the Party and who are still registered members of the Party in  
7 that State Constituency;

8 (ix) Elected serving members of a State Executive Committee of  
9 the Party who are registered members of the Party in that State  
10 Constituency;

11 (x) Elected serving members of a Local Government Executive  
12 Committee of the Party who are registered members of the Party in that State  
13 Constituency;

14 (xi) Elected serving members of a Ward Executive Committee of  
15 the Party who are registered members of the Party in that State  
16 Constituency;

17 (xii) Elected serving Local Government Council Chairman and  
18 Vice Chairman produced by the Party and who are still registered members  
19 of the Party in that State Constituency; and

20 *Adhoc Delegates:*

21 (xiii) Adhoc Ward Delegates (at least Five [5] per Ward) elected  
22 under subsection (8)(a) of this section at any Ward Congress held by the  
23 Party in that State Constituency.

24 (f) Delegates to Nominate Local Government Area Chairmanship  
25 Candidate

26 For the purpose of a Local Government Council Chairman Election, the  
27 Statutory and Adhoc Delegates listed hereunder shall be eligible to  
28 nominate a Local Government Council Chairmanship Candidate of a  
29 Political Party at the Party's Local Government Chairmanship Indirect  
30 Primaries which shall hold in that Local Government Area headquarters:

1 *Statutory Delegates:*

2 (i) Serving members of the Board of Trustees of the Party who are registered  
3 members of the Party in that Local Government Area;

4 (ii) Elected serving members of the National Executive Committee of  
5 the Party who are registered members of the Party in that Local Government  
6 Area;

7 (iii) Elected serving members of the Zonal Executive Committees of  
8 the Party who are registered members of the Party in that Local Government  
9 Area;

10 (iv) Serving and past Presidents and Vice Presidents of the Federation  
11 produced by the Party and who are still registered members of the Party in that  
12 Local Government Area;

13 (v) Serving and past Governors and Deputy Governors of the State  
14 produced by the Party and who are still registered members of the Party in that  
15 Local Government Area;

16 (vi) Serving Senators who are registered members of the Party in that  
17 Local Government Area and former Senators who served on the Party's  
18 platform and who are still registered members of the Party in that Local  
19 Government Area:

20 (i) Serving Members of the House of Representatives who are  
21 registered members of the Party in that Local Government Area and past  
22 Members of the House of Representatives who served on the Party's platform  
23 and who are still registered members of the Party in that Local Government  
24 Area;

25 (ii) Serving and past members of the State House of Assembly  
26 produced by the Party and who are still registered members of the Party in that  
27 Local Government Area;

28 (iii) Elected serving members of a State Executive Committee of the  
29 Party who are registered members of the Party in that Local Government Area;

30 (iv) Elected serving members of a Local Government Executive



1 Committee of the Party who are registered members of the Party in that  
2 Local Government Area;

3 (v) Elected serving members of a Ward Executive Committee of  
4 the Party who are registered members of the Party in that Local Government  
5 Area;

6 (vi) Elected serving and past Local Government Council Chairmen  
7 and Vice Chairmen produced by the Party and who are still registered  
8 members of the Party in that Local Government Area; and

9 *Adhoc Delegates:*

10 (vii) Adhoc Ward Delegates elected at Ward Congresses in that  
11 Local Government Area under subsection (8)(a) of this section.

12 *Guidelines, Rules, etc on Primaries and Adhoc Delegates Election:*

13 (10) A Political Party that adopts the system of indirect primaries  
14 for the nomination of its candidates may outline nomination guidelines,  
15 rules and procedures to guarantee free, fair, and credible indirect primaries  
16 and Adhoc Delegates Elections, but such guidelines, rules and procedures  
17 shall not be inconsistent with the provisions of this Act.

18 (11) Necessity and Validity of Adhoc Delegates Elections:

19 (a) A party that adopts the system of indirect primaries for the  
20 nomination of candidates for elections shall not nominate candidates for any  
21 election unless it has conducted Adhoc Delegates Election to elect its Adhoc  
22 delegates who shall nominate its candidates for the elections, as provided in  
23 this Act;

24 (b) Any Adhoc Delegates Election and/or indirect primaries  
25 conducted in contravention of or contrary to the provisions of subsections  
26 (7), (8), (9), (10) and/or 11(a) of this section shall be invalid.

27 (12) Time for Electing Delegates and their Term:

28 (a) A Political Party nominating candidates by indirect primaries  
29 for a general election shall conduct its Adhoc Delegates Elections to elect its  
30 Adhoc Delegates not later than 80 days before the date appointed by the

1 Commission for a general election;

2 (b) A Political Party nominating candidates by indirect primaries for  
3 any election conducted by the Commission other than a general election shall  
4 not conduct a fresh Adhoc Delegates Election but the same Adhoc Delegates  
5 who nominated the candidate(s) of the party for the immediate past general  
6 election under paragraph (a) of this subsection shall (with Statutory Delegates)  
7 be eligible to nominate the party's candidate(s) for that election:

8 PROVIDED that if more than half of the Adhoc Delegates who  
9 nominated the Party's candidate in the immediate past general election are no  
10 longer members of the party, confirmed dead or otherwise not available, the  
11 Party shall conduct fresh Adhoc Delegates Election(s) and nominate  
12 candidates for that election not later than 10 days before the date of the said  
13 election.

14 (c) A Political Party nominating candidates by indirect primaries for a  
15 Local Government Council Chairmanship and Ward Councillorship general  
16 election conducted by a State Independent Electoral Commission all over a  
17 State of the Federation shall conduct its Adhoc Delegates Elections to elect its  
18 Adhoc Delegates not later than 80 days before the date appointed by the State's  
19 Independent Electoral Commission for the Local Government Council  
20 Chairmanship and Ward Councillorship general election in that State;

21 (d) A Political Party nominating candidates by indirect primaries for  
22 any election conducted by a State Independent Electoral Commission other  
23 than a general Local Government Council Chairmanship and Ward  
24 Councillorship election conducted by a State Independent Electoral  
25 Commission all over a State of the Federation shall not conduct a fresh Adhoc  
26 Delegates Election but the same Adhoc Delegates who nominated the  
27 candidates of the party for the immediate past general Local Government  
28 Council Chairmanship and Ward Councillorship election under paragraph (c)  
29 of this subsection shall (with Statutory Delegates) be eligible to nominate the  
30 party's candidates for that election,

1           PROVIDED that if more than half of the Adhoc Delegates who  
2           nominated the Party's candidate in the immediate past general Local  
3           Government Council Chairmanship and Ward Councillorship election held  
4           all over the State are no longer members of the Party, confirmed dead or  
5           otherwise not available, the Party shall conduct fresh Adhoc Delegates  
6           Election(s) and nominate candidates for that general Local Government  
7           Council Chairmanship and Ward Councillorship election not later than 10  
8           days before the date of the said election.

9           (13) Any Adhoc Delegates Election or primaries held by a Political  
10          Party to nominate Local Government Council Chairmanship and Ward  
11          Councillorship candidates in a State of the Federation shall be monitored by  
12          the State Independent Electoral Commission in that State and the result of  
13          such an Adhoc Delegate Election or primaries shall be endorsed or certified  
14          by the State Independent Electoral Commission for the correctness and  
15          validity of what it states.

16          *Issuance of False Results:*

17          (14) Any official of the Commission or a State Independent  
18          Electoral Commission who issues, endorses or certifies a false report or  
19          result in respect of an Adhoc Delegates Election or primaries of a Political  
20          Party commits an offence and shall be liable on conviction to minimum  
21          imprisonment term of five (5) years, without an option of fine.

22          *Guarantee of Equal Opportunity for Aspirants:*

23          (15) A Political Party that adopts the system of indirect primaries  
24          for the nomination of its candidate(s) for election shall ensure that all  
25          aspirants are given equal opportunity of being voted for by Adhoc and  
26          Statutory delegates of the Party who shall be registered members of the  
27          Party as provided in this Act.

28          *Procedures for Nominating Candidates by Indirect Primaries:*

29          (16) Subject to subsection (17) of this section, a Political Party  
30          nominating candidates for elections by the system of indirect primaries shall

1 adopt the procedure outlined hereunder in paragraph (a) to (f) of this subsection  
2 for each type of election.

3 *Nomination of Presidential Candidate:*

4 (a) In the case of nominations to the position of Presidential candidate  
5 for Presidential election, a Political Party shall, where it intends to sponsor a  
6 candidate-

7 (i) hold Presidential primaries or a Special Presidential Convention at  
8 a designated place in the FCT or the headquarters of a State of the Federation  
9 and on a date agreed by the National Executive Committee of the party where  
10 both Adhoc and Statutory Delegates of the Party listed in subsection (9)(a) of  
11 this section shall be eligible to vote for any presidential aspirant of the Party;  
12 and

13 (ii) the presidential aspirant with the highest number of votes at the  
14 end of voting shall be declared the winner of the Presidential primaries and the  
15 Party shall forward the winner's name to the Commission as the Presidential  
16 candidate of the Party for the Presidential Election.

17 *Nomination of Governorship Candidate:*

18 (b) In the case of nominations to the position of Governorship  
19 candidate for Governorship election, a Political Party shall, where it intends to  
20 sponsor a candidate in a State-

21 (i) hold Governorship primaries or a Special State Congress in a  
22 designated place in the State headquarters and on a date agreed by the party  
23 where Adhoc and Statutory Delegates of the party identified and listed under  
24 sub-section (9)(b) of this section shall be eligible to vote for any Governorship  
25 aspirant of the party in the State; and

26 (ii) the Governorship aspirant with the highest number of votes at the  
27 end of voting shall be declared the winner of the Governorship primaries of the  
28 party in the State and the party shall forward the winner's name to the  
29 Commission as the candidate of the party for the Governorship Election in that  
30 State.

1        *Nomination of Senatorial Candidate:*

2                (c) In the case of nominations to the position of a Senatorial  
3 candidate for Senatorial Election, a Political Party shall, where it intends to  
4 sponsor a candidate in a Senatorial District-

5                (i) hold Senatorial primaries in a designated place in the  
6 headquarters of the Senatorial District (and the headquarters shall be  
7 designated by the Commission) and on a date agreed by the Party where both  
8 Adhoc and Statutory delegates of the party identified and listed under  
9 subsection (9)(c) of this section shall be eligible to vote for any Senatorial  
10 aspirant of the party in the Senatorial District; and

11                (ii) the Senatorial aspirant with the highest number of votes at the  
12 end of voting in the Senatorial primaries shall be declared the winner of the  
13 Senatorial primaries of the Party for that Senatorial District and the Party  
14 shall forward the winner's name to the Commission as the Senatorial  
15 candidate of the party for that Senatorial District.

16        *Nomination of House of Representatives Candidate:*

17                (d) In the case of nominations to the position of a House of  
18 Representatives candidate for a Federal Constituency Election, a Political  
19 Party shall, where it intends to sponsor a candidate in a Federal  
20 Constituency-

21                (i) hold House of Representatives primaries in a designated centre  
22 or place in the headquarters of the Federal Constituency (and the  
23 headquarters shall be designated by the Commission) and on a date agreed  
24 by the party where both Adhoc and Statutory Delegates of the party  
25 identified under subsections (9)(d) of this section shall be eligible to vote for  
26 any House of Representatives aspirant of the party in the Federal  
27 Constituency; and

28                (ii) the House of Representatives aspirant with the highest number  
29 of votes at the end of voting in the Federal Constituency primaries shall be  
30 declared the winner of the primaries of the Party for that Federal

1 Constituency and the Party shall forward the winner's name to the Commission  
2 as the House of Representatives candidate of the party for that Federal  
3 Constituency.

4 *Nomination of House of Assembly Candidate:*

5 (e) In the case of nomination to the position of a State House of  
6 Assembly candidate of a State Constituency, a Political Party shall, where it  
7 intends to sponsor a candidate-

8 (i) hold State House of Assembly primaries in a designated centre or  
9 place within the State Constituency and on a date agreed by the Party where  
10 both Adhoc and Statutory Delegates of the Party identified under subsection  
11 (9)(e) of this section shall be eligible to vote for any House of Assembly  
12 aspirant of the Party in the State Constituency; and

13 (ii) the House of Assembly aspirant with the highest number of votes  
14 at the end of voting in the State Constituency primaries shall be declared the  
15 winner of the primaries of the party for the State Constituency and the party  
16 shall forward the name of the winner to the Commission as the House of  
17 Assembly candidate of the party for that State Constituency.

18 *Nomination of Local Government Council Chairmanship Candidate:*

19 (f) In the case of nomination to the position of a Chairmanship  
20 candidate of a Local Government Area/Council in a State of the Federation or  
21 the FCT, Abuja, a Political Party shall, where it intends to sponsor a candidate-

22 (i) hold Local Government Council Chairmanship primaries in a  
23 designated center or place in the headquarters of the Local Government  
24 Area/Council and on a date agreed by the Party where both Adhoc and  
25 Statutory Delegates of the party identified under sub-section (9)(f) of this  
26 section shall be eligible to vote for any Local Government Council  
27 Chairmanship aspirant of the Party; and

28 (ii) the Chairmanship aspirant with the highest number of votes at the  
29 end of voting shall be declared the winner of that Local Government  
30 Area/Council primaries and the Party shall forward the winner's name to the

1 Commission (in the case of a Local Government Council in the FCT, Abuja)  
2 or a State Independent Electoral Commission (in the case of a Local  
3 Government Area of a State in the Federation) as the Chairmanship  
4 candidate of the Party for that Local Government Area/Council.

5 (17) Subject to the provisions of this Act, a Political Party shall  
6 have the option to and may hold Adhoc delegates elections or primaries to  
7 nominate its candidates for different types of elections at the same dates and  
8 venues as it may deem convenient in the same electoral constituencies  
9 provided that its Presidential and Governorship primaries convened to  
10 nominate its Presidential and Governorship candidates respectively shall  
11 stand alone.

12 (18) Where there is only one aspirant in a Political Party for any of  
13 the elective positions mentioned in subsections (15)(a), (15)(b), (15)(c) and  
14 (15)(d) of this section, the Party shall convene a Special Convention or  
15 Congress, as the case may be, at a designated centre in the particular  
16 constituency on a specified date to vote to confirm that aspirant as the  
17 candidate of the Party and the Party shall forward the name of the aspirant to  
18 the Commission as the candidate of the Party for the position in question.

19 (19) Where there is only one aspirant for an elective position in a  
20 Political Party that has adopted the system of direct primaries, such an  
21 aspirant shall be deemed to be unchallenged and the Party shall forward the  
22 name of the aspirant to the Commission as the candidate of the Party in the  
23 election in question.

24 *Nomination of Councillorship Candidate:*

25 (20) In the case of nomination to the position of a Councillorship  
26 candidate of a Ward Constituency, a Political Party shall, where it intends to  
27 sponsor a candidate-

28 (a) conduct direct primaries in the Ward Constituency where only  
29 registered members of the Party in that Ward shall be eligible to vote for any  
30 member of the Party who, subject to the provisions of the Constitution of the

1 Federal Republic of Nigeria, 1999 (as amended) and this Act, presents himself  
2 or herself to be voted for as the Candidate of the Party in that Ward; and

3 (b) the Party shall forward the name of the Councillorship aspirant  
4 with the highest number of votes at the end of voting in the Ward Constituency  
5 under paragraph (a) of this subsection to the Commission (in the case of the  
6 FCT, Abuja) or a State Independent Electoral Commission (in the case of a  
7 State in the Federation) as the Councillorship candidate of the Party for that  
8 Ward Constituency.

9 *Political Appointee Not Eligible as Delegate:*

10 (21) A political appointee at any level of government shall not be a  
11 delegate at the primaries, Convention or Congress of a Political Party  
12 convened for the purpose of nominating candidates for any election under the  
13 indirect primaries system, except where such a political appointee is also a  
14 Statutory or Adhoc delegate under subsection (9) of this section.

15 **Commission's Endorsement of Result of Primaries as Proof of Result:**

16 (22) A report of a Political Party's primaries or delegates election that  
17 is duly issued by the Commission shall be prima facie proof of the holding of  
18 the Party's primaries or delegates election and the aspirants who participated in  
19 the Party's primaries or delegates election.

20 *Staggered Primaries:*

21 (23) Nothing in this section shall prevent a Political Party from  
22 organising staggered primaries.

23 *Jurisdiction of Courts:*

24 (24) Notwithstanding the provisions of this Act or rules of a Political  
25 Party, an aspirant who complains that any of the provisions of this Act or rules  
26 of a Political Party has not been complied with in the nomination of a candidate  
27 of a Political Party for election, may apply to the Federal High Court or the  
28 High Court of a State or the FCT for redress.

29 *Court Cannot Stop General Election, etc:*

30 (25) Nothing in this section shall empower the Courts to stop the



1 holding of Adhoc delegates elections, primaries or general election or the  
2 processes thereof under this Act pending the determination of the suit.

3 (26). Nothing in this section shall empower the Courts to stop the  
4 holding of Ad-hoc delegates' elections, primaries or general election or the  
5 processes thereof under this Act pending the determination of the suit.

6 **88.** Any political Party that-

7 (a) holds or possesses any fund outside Nigeria in contravention of  
8 section 225(3) (a) of the Constitution, commits an offence and shall on  
9 conviction forfeit the funds or assets purchased with such funds to the  
10 Commission and in addition may be liable to a fine of not less than  
11 N500,000.00;or

12 (b) retains any fund or other asset remitted to it from outside  
13 Nigeria in contravention of section 225(3) (a) of the Constitution is guilty of  
14 an offence and shall on conviction forfeit the funds or assets to the  
15 Commission and in addition may be liable to a fine of not less than  
16 N500,000.00

17 **89.**-(1) Every Political Party shall submit to the Commission a  
18 detailed annual statement of Assets and Liabilities and analysis of its sources  
19 of funds and other assets, together with statement of its expenditure  
20 including hard and soft copy of its list of members or in such a form as the  
21 Commission may from time to time require.

22 (2) Any official that contravenes subsection (1) is guilty of an  
23 offence and liable to fine of 1000, 000 or six months imprisonment or both.

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

30 (4) The Commission shall publish the report on such examinations

Offences in relating  
to finances of a  
Political Party

Period to be  
covered by  
Annual Statement

1 and audit in three National Newspapers.

Power to limit  
contribution to a  
political party

2 **90.**-(1) The Commission shall have power to place limitation on the  
3 amount of money or other assets which an individual can contribute to a  
4 Political Party or candidate and to demand such information on the amount  
5 donated and source of the funds.

6 (2) Any individual, candidate or Political Party who exceeds the limit  
7 placed by the Commission in subsection (1) of this section shall be guilty of an  
8 offence and shall be liable on conviction to: (a) in case of a Political Party, a fine  
9 not exceeding N10,000,000 and forfeiture of the amount donated, in case of an  
10 individual, a fine of 5 times the amount donated in excess of the limit placed by  
11 the Commission.

Limitation on  
election expenses

12 **91.**-(1) Election expenses shall not exceed the sum stipulated in Sub-  
13 Sections (2) (3) (4) (5) (6) and (7).

14 (2) The maximum election expenses to be incurred by a candidate at a  
15 presidential election shall not exceed N5,000,000,000.00.

16 (3) The maximum amount of election expenses to be incurred by a  
17 candidate in respect of governorship election shall not exceed  
18 N1,000,000,000.00.

19 (4) The maximum amount of election expenses to be incurred by a  
20 Candidate in respect of Senatorial and House of Representatives seat shall not  
21 exceed N100,000,000.00 and N70,000,000.00 respectively.

22 (5) In the case of State Assembly election, the maximum amount of  
23 election expenses to be incurred by a candidate shall not exceed  
24 N30,000,000.00.

25 (6) In the case of a chairmanship election to an Area Council, the  
26 maximum amount of election expenses to be incurred by a candidate shall not  
27 exceed N30,000,000.00.

28 (7) in the case of Councillorship election to an area Council, the  
29 maximum amount of election expenses to be incurred by a candidate shall not  
30 exceed N5,000,000.00.

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

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

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

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

10 (9) No individual or other entity shall donate to a candidate more  
11 than N10,000,000.00.

12 (10) a candidate who knowingly acts in contravention of this  
13 section, commits an offence and is liable on conviction to a fine of 1% of  
14 the amount permitted as the limit of campaign expenditure under this Bill or  
15 imprisonment for a term not exceeding 12 months or both.

16 (11) Any individual who knowingly acts in contravention of  
17 subsection (9) shall on conviction be liable to a maximum fine of  
18 N500,000.00 or imprisonment for a term of 9 months or both.

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

24 **92.**-(1) For the purposes of an election, "election expenses" means  
25 expenses incurred by a political party within the period from the date notice  
26 is given by the Commission to conduct an election up to and including, the  
27 polling day in respect of the particular election.

Election expenses  
of political parties

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

1 (3) Election expenses of a political party shall be submitted to the  
2 Commission in a separate audited return within 6 months after an election and  
3 such return shall be signed by the political party's auditors and counter-signed  
4 by the Chairman of the party and be supported by a sworn affidavit by the  
5 signatories as to the correctness of its contents.

6 (4) A political party which contravenes subsection (3) of this section  
7 commits an offence and is liable on conviction to a maximum fine of  
8 N1,000,000.00 and in the case of failure to submit an accurate audited return  
9 within the stipulated period, the court may impose a maximum penalty of  
10 N200,000.00 per day on any party for the period after the return was due until it  
11 is submitted to the Commission.

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

16 (6) The political party shall cause the return submitted to the  
17 Commission pursuant to subsection (4) of this section to be published in at least  
18 2 National Newspapers.

19 (7) Any political party that incurs election expenses beyond the limit  
20 stipulated in this Act is guilty of an offence and is liable on conviction to a  
21 maximum fine of N1,000,000.00 and forfeiture to the Commission, of the  
22 amount by which the expenses exceed the limit set by the Commission.

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

Disclosure by  
political parties

28 **93.-**(1) A political party shall not accept or keep in its possession any  
29 anonymous monetary or other contributions, gifts or property, from any source  
30 whatsoever.

1 (2) A political party shall keep an account and asset book into  
2 which shall be recorded-

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

5 (b) the name and address of any person or entity that contributes  
6 any money or assets which exceeds N1,000,000.00

7 (3) A political party shall not accept any monetary or other  
8 contribution exceeding N1000,000.00 unless it can identify the source of the  
9 money or other contribution to the Commission.

10 (4) A political party sponsoring the election of a candidate shall,  
11 within 3 months after the announcement of the results of the election, file a  
12 report of the contributions made by individuals and entities to the  
13 Commission.

14 **94.**-(1) For the purpose of the proper and peaceful conduct of  
15 political rallies and processions, the Commissioner of Police in each state of  
16 the Federation and the Federal Capital Territory, Abuja, shall provide  
17 adequate security for processions at political rallies in the States and the  
18 Federal Capital Territory, Abuja.

Conduct at political  
rallies and  
processions, etc.

19 (2) A person who, while present at a political rally or procession or  
20 voting centre, has with him any offensive weapon or missile otherwise than  
21 in pursuance of a lawful duty is guilty of an offence and liable on conviction  
22 to a maximum fine of N2,000,000.00 or imprisonment for a term of 2 years  
23 or both.

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

29 (4) Notwithstanding any provision in the Police Act, the Public  
30 Order Act and any regulation made thereunder or any other law to the

1 contrary, the role of the Nigeria Police Force in political rallies, processions  
2 and meetings shall be limited to the provision of adequate security as provided  
3 in subsection (1) of this section.

4 (5) For the avoidance of doubt, no registered Political Party in  
5 Nigeria, its aspirants or candidate shall be prevented from holding rallies,  
6 processions or meetings at any time for their constitutional political purposes,  
7 and the Police shall in a consultative manner, resolve any conflict of time and  
8 venue between and amongst parties where such arises.

Prohibition of  
certain conduct,  
etc. at political  
campaigns

9 **95.**-(1) A political campaign or slogan shall not be tainted with  
10 abusive language directly or indirectly likely to injure religious, ethnic, tribal  
11 or sectional feelings.

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

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

17 (a) for political campaigns, rallies and processions; or

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

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

23 (5) A political party or member of a political party shall not retain,  
24 organize, train or equip any person or group of persons for the purpose of  
25 enabling them to be employed for the use or display of physical force or  
26 coercion in promoting any political objective or interests, or in such manner as  
27 to arouse reasonable apprehension that they are organized, trained or equipped  
28 for that purpose.

29 (6) A political party, person or candidate shall not keep or use private  
30 security organization, vanguard or any other group or individual by whatever

1 name called for the purpose of providing security, assisting or aiding the  
2 political party or candidate in whatever manner during campaigns, rallies,  
3 processions or elections.

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

6 (a) in the case of an individual, to a maximum fine of  
7 N1,000,000.00 or imprisonment for the term of 12 months; and

8 (b) in the case of a political party, to a fine of N2,000,000.00 in the  
9 first instance, and N1,000,000.00 for any subsequent offence.

10 (8) Any person or group of persons who aids or abets a political  
11 party in contravening the provisions of subsection (5) of this section  
12 commits an offence and is liable on conviction to a fine of N500,000.00 or  
13 imprisonment for a term of 3 years or both.

14 **96.**-(1) A candidate, person or group of persons shall not directly or  
15 indirectly threaten any person with the use of force or violence during any  
16 political campaign in order to compel that person or any other person to  
17 support or refrain from supporting a political party or candidate.

Prohibition of  
use of force or  
violence during  
political campaign

18 (2) A person or political party that contravenes the provisions of  
19 this section commits an offence and liable on conviction-

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

22 (b) in the case of a political party, to a fine of N2,000,000 in the  
23 first instance, and N500,000.00 for any subsequent offence.

24 **97.** Where a political party ceases to exist in accordance with the  
25 Constitution and this Act, a person elected on the platform of the political  
26 party in an election under this Act shall remain validly elected, complete his  
27 tenure, and, for purposes of identification, be regarded as a member of the  
28 political party under which he was elected.

Effect of elected  
Officer where  
political party  
ceases to exist

29 **98.** Any political party registered by the Commission in  
30 accordance with the provisions of any law in force immediately before the

Existing political  
parties

	1	coming into force of the Constitution of the Federal Republic of Nigeria and
	2	this Act shall be deemed to have been duly registered under this Act
Limitation on political broadcast and campaign by political parties	3	<b>99.</b> -(1) for the purpose of this Bill, the period of campaigning in
	4	public by every political party shall commence 150 days before polling day and
	5	end 24 hours prior to that day.
	6	(2) A registered Political Party which through any person acting on its
	7	behalf during the 24 hours before polling day-
	8	(a) advertises on the facilities of any broadcasting undertaking; or
	9	(b) procures for publication or acquiesces in the publication of an
	10	advertisement in a Newspaper, for the purpose of promoting or opposing a
	11	particular candidate; is guilty of an offence under this Act and upon conviction
	12	shall be liable to a maximum fine of N500,000.00.
Campaign for election	13	<b>100.</b> -(1) A candidate and his party shall campaign for the elections in
	14	accordance with such rules and regulations as may be determined by the
	15	Commission.
	16	(2) State apparatus including the media shall not be employed to the
	17	advantage or disadvantage of any political party or candidate at any election.
	18	(3) Media time shall be allocated equally among the political parties
	19	or candidates at similar hours of the day.
	20	(4) At any public electronic media, equal airtime shall be allotted to all
	21	political parties or candidates during prime times at similar hours each day,
	22	subject to the payment of appropriate fees.
	23	(5) At any public print media, equal coverage and conspicuity shall be
	24	allotted to all political parties.
	25	(6) Any person who contravenes subsections (3) and (4) commits an
	26	offence and is liable on conviction, in a case of-
	27	(a) a public media, to a fine of N2,000,000.00 in the first instance and
	28	to a fine of N5,000,000.00 for subsequent conviction; and
	29	(b) principal officers and other officers of the media house to a fine of
	30	N2,000,000.00 or to imprisonment for a term of 12 months.



1                   **101.**-(1) A person, print or electronic medium that broadcasts,  
 2 publishes, advertises or circulates any material for the purpose of promoting  
 3 or opposing a particular political party or the election of a particular  
 4 candidate over the radio, television, newspaper, magazine, handbills, or any  
 5 print or electronic media whatsoever called during twenty four hours  
 6 immediately preceding or on polling day is guilty of an offence under this  
 7 Act.

Prohibition on  
 broadcast, etc 24  
 hours preceding  
 on polling day

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

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

13                   (a) in the case of a body corporate to a maximum fine of  
 14 N1,000,000.00 and

15                   (b) in the case of an individual to a maximum fine of N500,000.00  
 16 or to imprisonment for a term of 12 months.

17                   **102.** A candidate, person or association who engages in  
 18 campaigning or broadcasting based on religious, tribal, or sectional reason  
 19 for the purpose of promoting or opposing a particular political party or the  
 20 election of a particular candidate, is guilty of an offence under this Act and  
 21 on conviction shall be liable to a maximum fine of N1,000,000.00 or  
 22 imprisonment for a term of 12 months or to both.

Campaign based  
 on religion, tribe,  
 etc.

23                   PART VI - PROCEDURE FOR ELECTION TO AREA COUNCIL

24                   **103.**-(1) The conduct of elections into the offices of Chairman,  
 25 Vice Chairman and a member of an Area Council and the recall of a member  
 26 of an Area Council shall be under the direction and supervision of the  
 27 Commission in accordance with the provisions of this Act.

Power of the  
 Commission

28                   (2) The register of voters compiled and the polling units  
 29 established by the Commission and any other regulations, guidelines, rules  
 30 or manuals issued or made by the Commission shall be used for elections

	1	into the Area Council or recall of a member.
Election to offices of Chairman, Vice-Chairman and Councilors	2	<b>104.</b> -(1) There shall be elected for each Area Council in the Federal
	3	Capital Territory a Chairman and Vice-Chairman.
	4	(2) There shall be a Councilor for each Electoral Ward in an Area
	5	Council of the Federal Capital Territory.
Division of Area Council into registration area	6	<b>105.</b> -(1) Subject to the provision of this section, the Commission shall
	7	divide each Area Council into Registration Areas/Electoral Wards not being
	8	less than 10 and not more than 20 as the circumstance of each Local
	9	Government Area/Area Council may require.
	10	(2) The boundaries of each Registration Area/Electoral Ward shall be
	11	such that the number of inhabitants of the "Registration Area/Electoral Ward is
	12	as nearly equal to the population quota as is reasonably practicable.
	13	(3) The Commission shall review the division of every Area Council
	14	at intervals of not less than 10 years and may alter such Registration
	15	Area/Electoral Ward in accordance with subsection (1) of this section to such
	16	extent as it may consider desirable in the light of the review.
	17	(4) Notwithstanding subsection (3) of this section, the Commission
	18	may, at any time, carry out such a review and alter the Electoral Ward in
	19	accordance with the provisions of this section to such extent as it considers
	20	necessary in consequence of any amendment to section 3 of the Constitution or
	21	any provision replacing that provision or by reason of the holding of a National
	22	Population Census or pursuant to an Act of the National Assembly.
Qualification	23	<b>106.</b> A person shall be qualified for election under this part of this Act
	24	if he-
	25	(a) is a citizen of Nigeria;
	26	(b) is registered as a voter;
	27	(c) has attained the age of 25 years for Councillor and 30 years for
	28	Chairman and Vice Chairman;
	29	(d) is educated up to at least the School Certificate level or its
	30	equivalent;

1 (e) is a member of a political party and is sponsored by that.

2 **107.-(1)** A person shall not be qualified to contest an Area Council Disqualification  
3 election under this Act if-

4 (a) subject to the provisions of section 28 of the Constitution, he  
5 has voluntarily acquired the citizenship of a country other than Nigeria or,  
6 except in such cases as may be prescribed by the National Assembly, has  
7 made a declaration of allegiance to such a country;

8 (b) he is adjudged to be a lunatic or otherwise declared to be of  
9 unsound mind under any law in force in any part of Nigeria ;

10 (c) he is under a sentence of death imposed on him by any  
11 competent court of law or tribunal in Nigeria;

12 (d) within a period of less than 10 years before the date of an  
13 election to the Area Council, he has been convicted and sentenced for an  
14 offence involving dishonesty or he has been found guilty of contravention of  
15 the Code of Conduct;

16 (e) he is an undischarged bankrupt, having been adjudged or  
17 otherwise declared bankrupt under any law in force in any part of Nigeria;

18 (f) he is a person employed in the public service of the Federation  
19 or of any State or Area Council (other than a person holding elective office)  
20 and he has not resigned, withdrawn or retired from such employment 30  
21 days before the date of election;

22 (g) he is a member of any secret society;

23 (h) he has within the preceding period of 10 years presented a  
24 forged certificate to the Commission;

25 (i) he has been dismissed from the public service of the Federation,  
26 State, Local Government or Area council; or

27 (j) he has been elected to such office at any two previous elections  
28 in the case of Chairman.

29 (2) Where in respect of any person who has been-

30 (a) adjudged to be a lunatic;

1 (b) declared to be of unsound mind;  
2 (c) sentenced to death or imprisonment; or  
3 (d) adjudged or declared bankrupt, any appeal against the decision is  
4 pending in any court of law in accordance with any law in force in Nigeria,  
5 subsection (1) of this section shall not apply during a period beginning from the  
6 date when such appeal is lodged and ending on the date when the appeal is  
7 finally determined or as the case may be, the appeal lapses or is abandoned,  
8 whichever is earlier.

9 (3) For the purpose of subsection (2) of this section, an "appeal"  
10 includes any application for an injunction or an order of certiorari, mandamus,  
11 prohibition, or habeas corpus, or any appeal from any such application.

Date of Area  
Council elections  
and method of  
voting

12 **108.**-(1) Election into all the Area Councils shall be held on the same  
13 date and day throughout the Federal Capital Territory.

14 (2) Bye-elections to fill vacancies that occur in Area Councils shall be  
15 held within 30 days from the date the vacancy occurred.

16 (3) The date mentioned in subsection (1) of this section shall not be  
17 earlier than one hundred and fifty days before and not later than thirty days  
18 before the expiration of the term of office of the last holder of that office.

19 (4) Where a vacancy occurs more than three months before the day the  
20 Area Council stands dissolved there shall be a bye-election to fill the vacancy  
21 not later than 30 days from the date the vacancy occurred.

22 (5) Voting shall be by open-secret ballot.

Procedure for  
Area Council  
Elections

23 **109.** The procedure for filing nominations and the casting and  
24 counting of votes for Area Council elections shall be the same as is applicable  
25 to other elections under this Act.

Procedure for  
Nomination, etc.

26 **110.**-(1) If after the expiration of time for the delivery of nomination  
27 papers and the withdrawal of candidates for election of Councillors under this  
28 Act only one candidate remains duly nominated, that candidate shall be  
29 declared returned unopposed.

30 (2) If after the expiration of time for the delivery of Nomination

1 Papers and the withdrawal of candidates for election of Councillors under  
2 this section more than one candidate remains duly nominated, a poll shall be  
3 taken in accordance with the provisions of this Act.

4 (3) Where at the close of nomination for election to the office of  
5 Chairman, only one candidate-

6 (a) has been nominated; or

7 (b) remains nominated by reason of the disqualification,  
8 withdrawal, incapacitation, disappearance, or death of the other candidate,  
9 the Commission shall extend the time for nomination by seven days:

10 PROVIDED that where after the extension, only one candidate  
11 remains validly nominated there shall be no further extension.

12 **111.**-(1) A candidate for an election to the Office of Chairman shall  
13 be deemed to have been duly elected to the office where being the only  
14 candidate nominated for the election he has:

Election of Area  
Council Chairman

15 (a) a majority of YES votes over NO votes cast at the election; and

16 (b) not less than one-third of the votes cast at the election in each of  
17 at least two-thirds of all the wards in the Area Council:

18 PROVIDED that where the only candidate fails to be elected in  
19 accordance with this subsection then there shall be fresh nomination.

20 (2) A candidate for an election to the office of the Chairman shall be  
21 deemed to have been elected where there being only two candidates for the  
22 election he has-

23 (a) a majority of the votes cast at the election; and

24 (b) not less than one-quarter of the votes cast at the election in each  
25 of at least two-thirds of all the wards in the Area Council, as the case may be.

26 (3) If no candidate is duly elected under subsection (2) of this  
27 section, the Commission shall within 14 days conduct a second election  
28 between the 2 candidates, and the candidate who scored the majority of  
29 votes cast at the election shall be deemed duly elected at the election.

30 (4) A candidate for an election to the office of Chairman shall be

1 deemed to have been duly elected where, there being more than two candidates  
2 for the election-

3 (a) he has the highest number of votes cast at the election; and

4 (b) he has not less than one-quarter of the votes cast at the election in  
5 each of at least two-thirds of all wards in the Area Council, as the case may be.

6 (5) If no candidate is duly elected in accordance with subsection (4) of  
7 this section, there shall be a second election in accordance with subsection (6)  
8 of this section at which the only candidates shall be:

9 (a) the candidate who scored the highest number of votes at the  
10 election held under subsection (4) of this section; and

11 (b) one among the remaining candidates who has the majority of  
12 votes in the highest number of wards so however that where there are more than  
13 one candidate, the one among them with the highest total number of votes cast  
14 at the election shall be the second candidate for the election.

15 (6) In default of a candidate duly elected under the foregoing  
16 subsections, the Commission shall within 14 days of the result of the election  
17 held under the said subsections arrange for another election between the 2  
18 candidates and a candidate at such an election shall be deemed to have been  
19 duly elected to the office of a Chairman of the Area Council if he has-

20 (a) a majority of the votes cast at the election; and

21 (b) not less than one-quarter of the votes cast at the election in each of  
22 at least two-thirds of all the wards in the Area Council, as the case may be.

23 (7) If no candidate is duly elected under subsection (6) of this section,  
24 arrangements shall be made within 14 days of the result of the previous  
25 election, for another election between the two candidates specified in  
26 subsection (6) of this section, and a candidate at this last election shall be  
27 deemed duly elected to the office of Chairman of the Area Council if he scores a  
28 simple majority of votes cast at the election.

Death of Chairman  
before oath of office

29 **112.-(1)** If a person duly elected as Chairman dies before taking and  
30 subscribing to the Oath of Allegiance and Oath of Office, the person elected

1 with him as Vice-Chairman shall be sworn in as Chairman who shall then  
2 nominate and with the approval of a majority of the members of the Area  
3 Legislative Council appoint a new Vice-Chairman.

4 (2) Where the Vice-Chairman is appointed from among the  
5 Councilors as the new Vice-Chairman, the Commission shall conduct a bye-  
6 election to fill the vacant seat created in the Ward from which the new Vice-  
7 Chairman has been appointed.

8 (3) Where the persons duly elected as Chairman and Vice-  
9 Chairman of an Area Council die before taking and subscribing the Oath of  
10 Allegiance and Oath of Office during which period the Area Council has not  
11 been inaugurated the Commission shall within 21 days conduct an election  
12 to fill the vacancies.

13 (4) If after the commencement of poll and before the  
14 announcement of the final result and declaration of a winner, a nominated  
15 candidate dies-

16 (a) the Commission shall, being satisfied of the fact of the death,  
17 suspend the election for a period not exceeding 21 days;

18 (b) the political party whose candidate died may, if it intends to  
19 continue to participate in the election, conduct a fresh primary within 14  
20 days of the death of its candidate and submit a new candidate to the  
21 Commission to replace the dead candidate; and

22 (c) subject to paragraphs (a) and (b), the Commission shall  
23 continue with the election, announce the final result and declare a winner.

24 **113.-(1)** An Area Council shall stand dissolved at the expiration of  
25 a period of 3 years commencing from the date-

Dissolution of  
Area Council

26 (a) when the Chairman took the oath of office; or

27 (b) when the legislative arm of the council was inaugurated  
28 whichever is earlier.

29 (2) In the determination of the 3 year term, where a re-run election  
30 has taken place and the person earlier sworn in wins the re-run election, the

1 time spent in office before the date the election was annulled, shall be taken into  
2 account.

Vacation of  
seat of Members

3 **114.**-(1) A member of an Area Council shall vacate his seat in the  
4 Council-

5 (a) on the date given in his letter of resignation;

6 (b) if he takes up full time paid employment at any level of the  
7 government or in the private sector;

8 (c) if he becomes a member of a secret society or does any other thing  
9 disqualifying him from holding the office of Chairman or Councillors under  
10 this Act; or

11 (d) if the Leader of the Area Legislative Council receives a certificate  
12 under the hand of the Commission stating that the provisions of section 116 of  
13 this Act have been complied with in respect of the recall of that member.

14 (2) The Leader of the Area Legislative Council shall give effect to  
15 subsection (1) of this section, so that the Leader shall first present evidence  
16 satisfactory to the Area Council that any of the provisions of that subsection has  
17 become applicable in respect of that member.

Removal of  
Chairman or  
Vice-Chairman

18 **115.**-(1) The Chairman or Vice-Chairman may be removed from  
19 office in accordance with the provision of this section.

20 (2) Whenever a notice of any allegation of gross misconduct in  
21 writing signed by not less than one-third of the members of the Area  
22 Legislative Council stating that the holder of the office of Chairman or Vice-  
23 Chairman is guilty of misconduct in the performance of the functions of his  
24 office, detailed particulars of which shall be specified are presented to the  
25 Speaker of the Area Legislative Council.

26 (3) The Leader of the Area Legislative Council shall, within 7 days of  
27 the notice, cause a copy of the notice to be served on the holder of the office and  
28 on each member of the Area Legislative Council and shall also cause any  
29 statement made in reply to the allegation by the holder of the office to be served  
30 on each member of the Area Legislative Council.



1           (4) Within 14 days of the presentation of the notice, (whether or not  
2 any statement was made by the holder of the office in reply to the allegation  
3 contained in notice) the Area Legislative Council, shall resolve by motion  
4 without any debate whether or not the allegation shall be investigated.

5           (5) A motion of the Area Legislative Council that the allegation be  
6 investigated shall not be declared as having been passed unless it is  
7 supported by the votes of not less than two-thirds majority of all the  
8 members of the Area Legislative Council.

9           (6) Within 7 days of the passing of a motion under subsection (4) of  
10 this section, the leader of the Area Legislative Council shall inform the Chief  
11 Judge of the Federal Capital Territory, Abuja, who shall appoint a Panel of 7  
12 persons who in the opinion of the Chief Judge are of unquestionable  
13 integrity not being members of-

14           (a) any public or civil service;

15           (b) a legislative house; or

16           (c) a political party to investigate the allegation as provided in this  
17 section.

18           (7) The holder of an office whose conduct is being investigated  
19 under this section shall have the right to defend himself in person or be  
20 represented before the Panel by a legal practitioner of his own choice.

21           (8) A Panel appointed under this section shall-

22           (a) have such powers and exercise its functions in accordance with  
23 such procedure as may be prescribed by an Act of the National Assembly;

24           (b) within three months of its appointment, report its findings to the  
25 Area Legislative Council.

26           (9) Where the Panel reports to the Area Legislative Council that the  
27 allegation has not been proven no further proceedings shall be taken in  
28 respect of the matter.

29           (10) Where the report of the Panel is that the allegation against the  
30 holder of the office has been proved, then within 14 days of the receipt of the

1 report, the Area Legislative Council shall consider the report and if by a  
2 resolution of the Area Council supported by not less than two thirds majority of  
3 all its members, the report of the Panel is adopted then the holder of the office  
4 shall stand removed from office as from the date of the adoption of the report.

Permanent  
incapacity of  
Chairman or  
Vice-Chairman  
of an Area Council

5 **115A.**-(1) The Chairman or Vice-Chairman of an Area Council shall  
6 cease to hold office if:

7 (a) by resolution passed by two-thirds majority of all members of the  
8 Executive Council of the Area Council, it is declared that the Chairman or  
9 Vice-Chairman is incapable of discharging the functions of his office; and

10 (b) the declaration in paragraph (a) of this subsection is verified, after  
11 such medical examination panel established under subsection (4) of this  
12 section in its report to the Speaker to the Area Legislative Council.

13 (2) Where the medical panel certifies in its report that, in its opinion,  
14 the Chairman or Vice-Chairman is suffering from such infirmity of body or  
15 mind as renders him permanently incapable of discharging the functions of his  
16 office, a notice signed by the Speaker of the Area Legislative Council shall be  
17 published in the Official Gazette of the Area Council.

18 (3) The Chairman or Vice-Chairman shall cease to hold office as from  
19 the date of publication of the notice of the medical report pursuant to subsection  
20 (2) of this section.

21 (4) The medical panel to which this section relates shall be appointed  
22 by the Speaker of the Area Legislative Council and shall consist of five medical  
23 practitioners in Nigeria-

24 (a) one of whom shall be the personal physician of the holder of the  
25 office concerned; and

26 (b) four other medical practitioners who have, in the opinion of the  
27 Speaker of the Area Legislative Council, attained a high degree of eminence in  
28 the field of medicine relative to the nature of examination to be conducted in  
29 accordance with the provisions of this section.

30 (5) In this section, the reference to "Executive Council of the Area

1 Council" is a reference to the body of Supervisory Councilors of the Area  
2 Council, established by the Chairman and charged with such responsibility  
3 for the functions of government as the Chairman may direct.

4 **115B.**-(1) The Vice Chairman of an Area Council shall hold the  
5 office of the Chairman of the Area Council if the office of the Chairman  
6 becomes vacant by reason of death, resignation, permanent incapacity or  
7 removal of the Chairman from office for any other reason in accordance  
8 with section 115 or 116 of this Act.

Discharge of  
functions of  
Chairman or  
Vice-Chairman  
of an Area Council

9 (2) Where any vacancy occurs in the circumstances mentioned in  
10 subsection (1) of this section during a period when the office of Vice-  
11 Chairman of the Area Council is also vacant, the Speaker of the Area  
12 Legislative Council shall hold office of the Chairman of the Area Council  
13 for a period of not less than three months, during which there shall be an  
14 election of a new Chairman of the Area Council who shall hold office for the  
15 unexpired term of office of the last holder of the office.

16 (3) Where the office of the Vice-Chairman becomes vacant-

17 (a) by reason of death, resignation, permanent incapacity or  
18 removal in accordance with section 115 or 116 of this Act,

19 (b) by his assumption of the office of Chairman of an Area Council  
20 in accordance with subsection (1) of this section, or

21 (c) for any reason, the Chairman shall nominate and, with the  
22 approval of the legislative arm of the Area Council,  
23 appoint a new Vice-Chairman.

24 **116.** A member of an area council may be recalled as a member if-

Recall

25 (a) there is presented to the chairman of the commission a petition  
26 in that behalf signed by not less than one-half of the persons registered to  
27 vote in that member's constituency alleging their loss of confidence in that  
28 member and which signatures are duly verified by the independent national  
29 electoral commission; and

30 (b) the petition is thereafter approved in a referendum conducted

1 by the commission within 90 days of the date of the receipt of the petition by a  
2 simple majority of the votes of the persons registered to vote in that member's  
3 constituency.

4 PART VIII - ELECTORAL OFFENCES

Offences in  
relation to  
registration, etc.

5 117.-(1) A person who:

6 (a) without authority, destroys, mutilates, defaces or removes or  
7 makes any alteration in any notice or document required for the purpose of  
8 registration under this Act;

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

12 (c) presents himself to be or does any act whereby he is by whatever  
13 name or description howsoever, included in the register of voters for a  
14 constituency in which he is not entitled to be registered or causes himself to be  
15 registered in more than one registration or revision centre;

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

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

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

24 (g) without proper authority, wears the identification of a registration  
25 officer or assistant registration officer or wears any other identification  
26 purporting to be the identification of a registration officer or assistant  
27 registration officer;

28 (h) forges a registration card; or

29 (i) carries out registration or revision of voters at a centre or place not  
30 designated by the Commission; commits an offence and liable on conviction to

1 a maximum fine of N1,000,000.00 or to 12 months imprisonment or to both.

2 **118.**-(1) A person who-

Offences in respect  
of Nomination, etc.

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

4 (b) willfully defaces or destroys any nomination paper or result  
5 form;

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

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

10 (e) forges any ballot paper or official mark on any ballot paper or  
11 any certificate of return or result form;

12 (f) willfully destroys any ballot paper or official mark on any  
13 ballot paper or any certificate of return or result form;

14 (g) without authority gives a ballot paper or result form to any  
15 person;

16 (h) willfully places in any ballot box any unauthorized paper or  
17 result form;

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

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

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

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

30 (3) A person who-

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

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

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

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

17 (4) A person who commits an offence under subsection (3) of this  
18 section is liable on conviction to a maximum fine of N50,000,000.00 or for a  
19 term of imprisonment of not less than 10 years or to both.

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

Disorderly  
behavior at  
political meetings

22 **119.** Any person who, at a political meeting held after the date for an  
23 election has been announced-

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

27 (b) has in his possession an offensive weapon or missiles; commits an  
28 offence and liable on conviction to a maximum fine of N500,000.00 or  
29 imprisonment for 12 months or both.

- 1                   **120.** Any person who- Improper use of  
voters cards
- 2                   (a) being entitled to a voters card, gives it to some other person for
- 3 use at an election other than an officer appointed and acting in the course of
- 4 his duty under this Act;
- 5                   (b) Not being an officer acting in the course of his duty under this
- 6 Act, receives any voters card in the name of some other person or persons for
- 7 use at an election uses it fraudulently;
- 8                   (c) without lawful excuse has in his possession more than one
- 9 Voters Card; or
- 10                  (d) buys, sells, procures or deals, with a voters card otherwise than
- 11 as provided in this Act; commits an offence and shall be liable on conviction
- 12 to a maximum fine of N1,000,000 or imprisonment for 12 months or both.
- 13                  **121.**-(1) No person shall provide for the purpose of conveying any Improper use of  
vehicles
- 14 other person to a registration office or to a polling unit any government
- 15 vehicle or boat, or any vehicle or boat belonging to a public corporation
- 16 except in respect of a person who is ordinarily entitled to use such vehicle or
- 17 boat and in emergency in respect of an electoral officer.
- 18                  (2) Any person who contravenes the provisions of this section;
- 19 shall be guilty of an offence and liable on conviction to a maximum fine of
- 20 N500,000.00 or to imprisonment for six months or to both.
- 21                  **122.**-(1) Any person who- Impersonation  
and voting when  
not qualified
- 22                  (a) applies to be included in any list of voters in the name of some
- 23 other person, whether such name is that of a person living or dead or of a
- 24 fictitious person;
- 25                  (b) having once to his knowledge been properly included in a list of
- 26 voters under this Act as a voter entitled to vote at any election, applies,
- 27 except as authorized by this Act, to be included in any other list of voters
- 28 prepared for any Constituency as a voter at an election;
- 29                  (c) applies for a Ballot Paper in the name of some other person,
- 30 whether such name is that of a person living or dead or of a fictitious person;

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

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

5 (f) induces or procures any other person to vote at an election  
6 knowing that such other person is not qualified to vote at the election, commits  
7 an offence and shall be liable on conviction to a maximum fine of N500,000.00  
8 or 12 months imprisonment or both.

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

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

Dereliction of  
duty

15 **123.**-(1) Any officer appointed for the purposes of this Act, who  
16 without lawful excuse commits any act or omits to act in breach of his official  
17 duty commits an offence and on conviction is to a maximum fine of N500,000  
18 .00 or to imprisonment for 12 months or both.

19 (2) Any Polling Officer who fails to report promptly at his polling unit  
20 on an election day without lawful excuse commits an offence of dereliction of  
21 duty and on conviction shall be liable to maximum fine of N500,000.00 or 12  
22 months imprisonment or both.

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

27 (3A) Any Polling Officer, Political Party or Party Agent who  
28 conspires to make false declaration of result of an election commits an offence  
29 and is liable on conviction to a maximum fine of N500,000:00 or 12 months  
30 imprisonment or both.



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

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

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

12 **124.**-(1) Any person who does any of the following:

Bribery and  
conspiracy

13 (a) deleted;

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

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

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

28 (e) after any election directly, or indirectly, by himself, or by any  
29 other person on his behalf receives any money or valuable consideration on  
30 account of any person having voted or refrained from voting, or having

1 induced any other person to vote or refrain from voting or having induced any  
2 candidate to refrain from canvassing for votes for himself at any such election,  
3 commits an offence and on conviction is liable to a maximum fine of  
4 N500,000.00 or 12 months imprisonment or both.

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

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

14 (4) Any person who commits the offence of bribery is liable on  
15 conviction to a maximum fine of N500,000.00 or imprisonment for 12 months  
16 or both.

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

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

Requirement of  
secrecy in voting

24 **125.**-(1) Every person in attendance at a polling unit including every  
25 officer charged with the conduct of an election and his or her assistants and  
26 every polling agent and candidate in attendance at a polling station or at the  
27 collation centre, as the case may be, shall maintain and aid in maintaining the  
28 secrecy of the voting.

29 (2) No person in attendance at a polling booth under this section shall,  
30 except for some purpose authorized by law, communicate to any person

1 information as to the name or number on the register of any voter who has or  
2 has not voted at the place of voting.

3 (3) No person shall:

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

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

10 (4) Any person acting contrary to the provisions of this section  
11 commits an offence and shall be liable upon conviction to a maximum fine  
12 of N100,000.00 or to imprisonment for a term of 6 months or both.

13 **126.** Any person who:

Wrongful voting  
and false statements

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

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

20 (c) before or during an election publishes any statement as to the  
21 personal character or conduct of a candidate calculated to prejudice the  
22 chance of election of the candidate or to promote or procure the election of  
23 another candidate and such statement is false and was published without  
24 reasonable grounds for belief by the person publishing it that the statement is  
25 true, commits an offence and shall be liable on conviction to a maximum  
26 fine of N100,000.00 or imprisonment for a term of 6 months or both.

27 **127.-(1)** Any person who knowingly votes or attempts to vote in a  
28 constituency in respect of which his name is not on the register of voters  
29 commits an offence and is liable on conviction to a maximum fine of  
30 N100,000.00 or to imprisonment for a term of 6 months or both.

Voting by  
unregistered person

1 (2) Any person who knowingly brings into a polling unit during an  
2 election a voter's card issued to another person commits an offence and is liable  
3 on conviction to a fine of N100,000.00 or to imprisonment for a term of 6  
4 months or both.

Disorderly conduct  
at elections

5 **128.** Any person who at an election acts or incites others to act in a  
6 disorderly manner commits an offence and shall be liable on conviction to a  
7 maximum fine of N500,000.00 or imprisonment for a term of 12 months or  
8 both.

Offences on  
election day

9 **129.-(1)** No person shall on the date on which an election is held do  
10 any of the following acts or things in a polling unit or within a distance of 300  
11 metres of a polling unit-

12 (a) canvass for votes;

13 (b) solicit for the vote of any voter;

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

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

16 (e) shout slogans concerning the election;

17 (f) be in possession of any offensive weapon or wear any dress or have  
18 any facial or other decoration which in any event is calculated to intimidate  
19 voters;

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

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

24 (i) loiter without lawful excuse after voting or after being refused to  
25 vote;

26 (j) snatch or destroy any election materials; and

27 (k) blare siren.

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

30 (a) convene, hold or attend any public meeting during the hours of

1 poll as may be prescribed by the Commission;

2 (b) unless appointed under this Act to make official  
3 announcements, operate any megaphone, amplifier or public address  
4 apparatus;

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

7 (3) A person who contravenes any of the provisions of this section  
8 commits an offence and is liable on conviction to a fine of N100,000.00 or  
9 imprisonment for a term of 6 months for every such offence.

10 (4) Any person who snatches or destroys any election material  
11 commits an offence and is liable on conviction to 24 months imprisonment.

12 **130.** A person who-

Undue influence

13 (a) corruptly by himself or by any other person at any time after the  
14 date of an election has been announced, directly or indirectly gives or  
15 provides or pays money to or for any person for the purpose of corruptly  
16 influencing that person or any other person to vote or refrain from voting at  
17 such election, or on account of such person or any other person having voted  
18 or refrained from voting at such election; or

19 (b) being a voter, corruptly accepts or takes money or any other  
20 inducement during any of the period stated in paragraph (a) of this section,  
21 commits an offence and is liable on conviction to a fine of N100,000.00 or  
22 imprisonment for a term of 12 months or both.

23 **131.** A person who:

Threatening

24 (a) directly or indirectly, by himself or by another person on his  
25 behalf, makes use of or threatens to make use of any force, violence or  
26 restrain;

27 (b) inflicts or threatens to inflict by himself or by any other person,  
28 any minor or serious injury, damage, harm or loss on or against a person in  
29 order to induce or compel that person to vote or refrain from voting, or on  
30 account of such person having voted or refrained from voting; or

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

4 (d) prevents any political aspirants from free use of the media,  
5 designated vehicles, mobilization of political support and campaign at an  
6 election; commits an offence and is liable on conviction to a fine of N1,000,000  
7 or imprisonment for 3 years.

Offences relating  
to recall

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

10 PART VIII - DETERMINATION OF ELECTION PETITIONS ARISING FROM  
11 ELECTIONS

Proceedings to  
question an election

12 **133.**-(1) No election and return at an election under this Act shall be  
13 questioned in any manner other than by a petition complaining of an undue  
14 election or undue return (in this Act referred to as an "election petition")  
15 presented to the competent tribunal or court in accordance with the provisions  
16 of the Constitution or of this Act, and in which the person elected or returned is  
17 joined as a party.

18 (2) In this part "tribunal or court" means-

19 (a) in the case of Presidential election, the court of Appeal; and

20 (b) in the case of any other elections under this Act, the election  
21 tribunal established under the Constitution or by this Act.

22 (3) The election tribunals shall-

23 (a) be constituted not later than 30 days before the election; and

24 (b) when constituted, open their registries for business 7 days before the  
25 election.

Establishment  
of Area Council  
Election tribunal

26 **134.**-(1) There shall be established for the Federal Capital Territory  
27 one or more Election Tribunals (in this Act referred to as the Area Council  
28 Election Tribunal) which shall, to the exclusion of any other court or tribunal,  
29 have original jurisdiction to hear and determine any question as to whether:

30 (a) any person has been validly elected to the office of Chairman,

1 Vice-Chairman or Councillor;

2 (b) the term of office of any person elected to the office of  
3 Chairman, Vice-Chairman or Councillor has ceased;

4 (c) the seat of a member of an Area Council has become vacant;  
5 and

6 (d) a question or petition brought before the Area Council Election  
7 Tribunal has been properly or improperly brought;

8 (2) An Area Council Election Tribunal shall consist of a Chairman  
9 and two other members.

10 (3) The Chairman shall be a Chief Magistrate and two other  
11 members shall be appointed from among Magistrates of the Judiciary of the  
12 Federal Capital Territory, Abuja and legal practitioners of at least 10 years  
13 post-call experience, non-legal practitioners of unquestionable integrity or  
14 other members of the Judiciary of the Federal Capital Territory not below  
15 the rank of a Magistrate.

16 (4) The Chairman and other members of the Area Council Election  
17 Tribunal shall be appointed by the Chief Judge of the High Court of the  
18 Federal Capital Territory, Abuja.

19 (5) The Area Council Election tribunal shall-

20 (a) be constituted not later than 21 days before the election; and

21 (b) when constituted, open their registries for business not later  
22 than 8 days before the election.

23 **135.-(1)** There shall be established for the Federal Capital Territory  
24 (FCT) the Area Council Election Appeal Tribunal which shall to the  
25 exclusion of any other court or tribunal hear and determine appeals arising  
26 from the decision of the Area Council Election Petition Tribunal.

Establishment of  
Area Council  
Election Appeal  
Tribunal

27 (2) The decision of the Area Council Election Appeal Tribunal in  
28 respect of Area Council elections shall be final.

29 (3) An Area Council Election Appeal Tribunal shall consist of a  
30 Chairman and two other members and the Chairman shall be a Judge of the

1 High Court and the two other members shall be appointed from among Judges  
2 of the High Court of the Federal Capital Territory, Abuja, Kadis of the Sharia  
3 Court of Appeal of the Federal Capital Territory, Abuja, Judges of the  
4 Customary Court of Appeal or other members of the Judiciary of the Federal  
5 Capital Territory, Abuja not below the rank of a Chief Magistrate.

6 (4) The quorum of an Area Council Election Tribunal shall be the  
7 Chairman and one other member.

8 (5) The Chairman and other members of the Area Council Election  
9 Appeal Tribunal shall be appointed by the Chief Judge of the High Court of the  
10 Federal Capital Territory, Abuja.

11 (6) The Area Council Election Appeal Tribunal shall-

12 (a) be constituted not later than 14 days before the election; and

13 (b) when constituted, open their registries for business not later than  
14 30 days after the election.

15 (7) The quorum of the Area Council Election Appeal Tribunal when  
16 hearing any appeal from decisions of the Area Council Election Tribunal shall  
17 be all three members of the Appeal Tribunal.

Person entitled  
to present election  
petitions

18 **136.**-(1) An election petition may be presented by one or more of the  
19 following persons-

20 (a) a candidate in an election;

21 (b) a political party which participated in the election.

22 (2) A person whose election is complained of is, in this Act, referred to  
23 as the respondent.

24 (3) If the petitioner complains of the conduct of an Electoral Officer, a  
25 Presiding or Returning Officer, it shall not be necessary to join such officers or  
26 persons notwithstanding the nature of the complaint and the Commission shall,  
27 in this instance, be:

28 (a) made a respondent; and

29 (b) deemed to be defending the petition for itself and on behalf its  
30 officers or such other persons.



- 1                   **137.**-(1) an election may be questioned on grounds that - Grounds of petition
- 2                   (a) a person whose election is questioned was, at the time of the
- 3 election, not qualified to contest the election;
- 4                   (b) the election was invalid by reason of corrupt practices or non-
- 5 compliance with the provisions of this Act, published manuals, guidelines,
- 6 regulations and or procedures issued by the Commission for the election;
- 7                   (c) that the respondent was not duly elected by majority of lawful
- 8 votes cast at the election;
- 9                   (d) subject to the provisions of this Act, the petitioners or its
- 10 candidates were validly nominated but unlawfully excluded from the
- 11 election; or
- 12                   (e) That the person whose election is questioned had submitted to
- 13 the Commission affidavit containing false information of a fundamental
- 14 nature in aid of his qualification for the election.
- 15                   (2) an act or omission which may be contrary to an instruction or
- 16 directive of the Commission or of an officer appointed for the purpose of the
- 17 election but which is not contrary to the provisions of this Act and published
- 18 manuals, guidelines, regulations or procedures issued by the Commission
- 19 for the conduct of the election shall not of itself be a ground for questioning
- 20 the election.
- 21                   (3) With respect to subsection (1) (a), a person is deemed to be
- 22 qualified for an elective office and his election shall not be questioned on
- 23 grounds of qualification if, with respect to the particular election in question,
- 24 he meets the applicable requirements of sections 65, 106, 131 or 177 of the
- 25 Constitution of the Federal Republic of Nigeria, 1999 (as amended) and he
- 26 is not, as may be applicable, in breach of sections 66, 107, 137 or 182 of the
- 27 Constitution of the Federal Republic of Nigeria, 1999 (as amended).
- 28                   **138.**-(1) An Election shall not to be invalidated by reason of non - Certain defects  
not to invalidate  
election
- 29 compliance with the provisions of this Act and published manuals,
- 30 guidelines, regulations, procedures or directives issued by the Commission

1 for the conduct of the election, if it appears to the Election Tribunal or Court  
2 that the election was conducted substantially in accordance with the principles  
3 of this Act and that the non-compliance did not affect substantially the result of  
4 the election.

5 (2) An election shall not be liable to be questioned by reason of a  
6 defect in the title, or want of title of the person conducting the election or acting  
7 in the office provided such a person has the right or authority of the  
8 Commission to conduct the election.

Nullification of  
election by  
Tribunal or Court

9 **139.**-(1) Subject to subsections (2) and (4) of this section, if the  
10 Tribunal or the Court as the case may be, determines that a candidate who was  
11 returned as elected was not validly elected on any ground, the Tribunal or the  
12 Court shall nullify the election and shall order the Commission to conduct a  
13 fresh election not later than ninety (90) days after the decision if an appeal is not  
14 filed against the decision, or not later than ninety (90) days after the  
15 nullification of the election by the court having final appellate jurisdiction in  
16 respect of the said election.;

17 (2) Where an election Tribunal or Court nullifies an election on the  
18 ground that the person who obtained the highest votes at the election was not  
19 qualified to contest the election, the election Tribunal or Court shall declare the  
20 person with the second highest number of valid votes cast at the election who  
21 satisfies the requirements of the Constitution and this Act as duly elected:

22 PROVIDED that the person with the second highest number of valid  
23 votes cast at the election remains a member of the political party on which  
24 platform he contested the election; otherwise, the candidate with the next  
25 highest number of votes in the election and who satisfies the same conditions  
26 herein shall be declared the winner of the election."; and

27 (3) If the Tribunal or the Court determines that a candidate who was  
28 returned as elected was not validly elected on the ground that he did not score  
29 the majority of valid votes cast at the election, the Election Tribunal or the  
30 Court, as the case may be, shall declare as elected the candidate who scored the

1 highest number of valid votes cast at the election and satisfied the  
2 requirements of the Constitution and this Act.

3 (4) If at the point of display or distribution of ballot papers by the  
4 Commission, a candidate or his agent discovers that his name or the name or  
5 logo of his party is omitted, a candidate or his agent shall notify the  
6 Commission and the Commission shall-

7 (a) postpone the election to rectify the omission; and

8 (b) appoint another date to conduct the election, not later than 90  
9 days.

10 (c) where the election is postponed due to omission of a political  
11 party's name or logo, the Commission's Officer responsible for such printing  
12 of party names or logos commits an offence and is liable on conviction to a  
13 fine of N2,000,000.00 or imprisonment for 2 years of both.

14 (5) All objections filed in an election petition shall be determined at  
15 the time of final judgment.

16 **140.** An election tribunal or court shall not under any  
17 circumstance declare any person a winner at an election in which such a  
18 person has not fully participated in all the stages of the said election.

Effect of non-  
participation in  
an election

19 **141.** Without prejudice to the provisions of section 294 subsection  
20 (1) of the Constitution of the Federal Republic of Nigeria, an election  
21 petition and an appeal arising therefrom under this Act shall be given  
22 accelerated hearing and shall have precedence over all other cases or matters  
23 before the Tribunal or Court.

Accelerated  
hearing of election  
petitions

24 142A. It is not necessary for a party who alleges non-compliance  
25 with the provisions of this Act and the published manuals, guidelines,  
26 regulations or procedures issued by the Commission for the conduct of  
27 elections to call oral evidence if originals or certified true copies of electoral  
28 documents or materials used by the Commission to conduct the election in  
29 the polling unit(s) where the non-compliance is alleged are listed in a petition  
30 and tendered at the trial of the petition in proof of the non-compliance

1 complained of.

Person elected to  
remain in office  
pending  
determination  
of appeal

2           **142.**-(1) Where the election is nullified by the Court and notice of  
3 appeal against the decision is given within the stipulated period for appeal, the  
4 elected candidate shall notwithstanding the contrary decision of the court  
5 remain in office and enjoy all the benefits that accrued to the office pending the  
6 determination of the appeal and shall not be sanctioned for the benefits derived  
7 while in office.

8           (2) If the Election Tribunal or the Court, as the case maybe,  
9 determines that a candidate returned as elected was not validly elected, the  
10 candidate returned as elected shall, notwithstanding the contrary decision of  
11 the Election Tribunal or the Court, remain in office pending the expiration of  
12 the period of 21 days within which an appeal may be brought.

Legal representation  
of Commission,  
etc.

13           **143.**-(1) where the Commission has been joined as a respondent in an  
14 election petition, a Legal Officer of the Commission or a Legal Practitioner  
15 engaged by the Commission shall represent the Commission at the Tribunal or  
16 Court.

17           (2) The Attorney-General of the State concerned (acting in person or  
18 through any of his Legal Officers) or the Attorney General of the Federation  
19 (acting in person or through any of his Legal Officers) may represent the  
20 Commission and the Officers referred to in subsection (1) of this section with  
21 the written consent or authority of the Commission.

22           (3) A private Legal Practitioner or Legal Officer engaged by the  
23 Commission pursuant to subsection (1) and (2) of this Section shall be entitled  
24 to be paid such professional fees or honorarium, as the case may be, to be  
25 determined by the Commission.

Rules of procedure  
for election petition

26           **144.**-(1) The rules of procedure to be adopted for election petitions  
27 and appeals arising therefrom shall be as set out in the First Schedule to this  
28 Act.

29           (2) The President of the Court of Appeal may issue practice directions  
30 to election tribunals.

## 1 PART X - MISCELLANEOUS

2 **145.** No person holding an elective office to which this Act relates Person disqualified  
3 or a registered member of a Political Party shall be eligible for or be from acting as  
4 appointed to carry out the duties of a Returning Officer, an Electoral Officer, Election Officers  
5 Presiding Officer or a poll clerk; and any officer appointed to carry out any  
6 of those duties shall be ineligible for nomination as a candidate for election  
7 while he continues to hold any such appointment.

8 **146.**-(1) The Commission may prescribe a scale of: Election expenses  
9 (a) remuneration for officers appointed under this Act for the by the Commission  
10 conduct of elections;

11 (b) maximum charges in respect of other expenses incurred by an  
12 Electoral Officer, a Presiding Officer or a Returning Officer in connection  
13 with an election, and may revise the scale as it thinks fit or expedient.

14 (2) An Electoral Officer, Presiding Officer, or Returning Officer  
15 shall, in addition to any remuneration prescribed under paragraph (a) of  
16 subsection (1) of this section be entitled to such sums in respect of expenses  
17 not exceeding the prescribed scale, in connection with the conduct of an  
18 election as are reasonable.

19 (3) The Commission may pay such honoraria as it may determine  
20 to all other persons and officers who may be involved in one way or the other  
21 in conducting an election under this Act, or in carrying out any task in  
22 connection with an election or election petition arising therefrom.

23 (4) All fees and other remunerations approved under subsection (1)  
24 of this section shall be paid from the Fund established under section 3 (1) of  
25 this Act and shall be paid in such manner as the Commission deems fit.

26 **147.** No person who has voted in any election under this Act shall, Secrecy of Ballot  
27 in any legal proceedings arising out of the election, be required to say for  
28 whom he voted.

29 **148.** The Commission shall consider any recommendation made to Prosecution of  
30 it by a tribunal with respect to the prosecution by it of any person for an offence disclosed  
in election petition

	1	offence disclosed in any election petition.
Trial of offences	2	<b>149.</b> -(1) An offence committed under this Act shall be triable in a
	3	Magistrate Court or a High Court of a State in which the offence is committed,
	4	or the Federal Capital Territory, Abuja.
	5	(2) A prosecution under this Act shall be undertaken by legal Officers
	6	of the Commission or any Legal Practitioner appointed by it.
Inspection of Documents	7	<b>150.</b> -(1) An order for an inspection of a polling document or an
	8	inspection of a document or any other packet in the custody of the Chief
	9	National Electoral Commissioner or any other officer of the Commission may
	10	be made by the election tribunal or the court if it is satisfied that the order
	11	required is for the purpose of instituting, maintaining or defending an election
	12	petition.
	13	(2) A document other than a document referred to in subsection (1) of
	14	this section relating to an election and which is retained by the Chief National
	15	Electoral Commissioner or any other officer of the Commission in accordance
	16	with this section shall be open for inspection on an order made by the Election
	17	Tribunal or a Court in exercise of its powers to compel the production of
	18	documents in legal proceedings.
	19	(3) Where there is a breach of an order of a court or tribunal directed at
	20	the Commission particularly, order to produce, inspect or take copies of
	21	electoral materials, such disobedience shall attract court sanctions, which shall
	22	include the committal by the Tribunal or Court of the Commission's official to
	23	whom the order is directed to summary conviction to imprisonment for at least
	24	two (2) years, without an option of fine.
Delegation of powers of the Commission	25	<b>151.</b> Without prejudice to the other provisions of this Act, the
	26	Commission may delegate any of its powers and functions to any National
	27	Electoral commissioner, Resident Electoral Commissioner, Electoral Officer,
	28	any other officer of the Commission or any other officer appointed under the
	29	provision of this Act subject to any conditions or limitations which it may
	30	consider necessary or expedient to impose and no such delegation shall be

1 construed to limit the right of the Commission to exercise such power, itself.

2 152A. Subject to the Constitution of the Federal Republic of  
3 Nigeria, 1999 (as amended), the provisions of this Act guaranteeing the  
4 conduct of free, fair and credible elections by the Independent National  
5 Electoral Commission shall apply with equal force to elections conducted  
6 by State Independent Electoral Commissions in the Federation.

7 152B. All elections conducted by a State Independent Electoral  
8 Commission to a local government council in the Federation shall be in  
9 compliance with relevant provisions of this Act.

10 152C. Any election conducted by a State Independent Electoral  
11 Commission to a local government council in the Federation in violation of  
12 section 152B of this Act shall be null, void and of no effect whatsoever.

13 152D. Any official of a State Independent Electoral Commission  
14 who acts in contravention of section 152B or any provision of this Act shall  
15 be subject to prosecution as if he were an official of the Independent  
16 National Electoral Commission.

17 **152.** The Commission may, subject to the provisions of this Act, Regulations  
18 issue regulations, guidelines, or manuals for the purpose of giving effect to  
19 the provisions of this Act and for its administration thereof.

20 **153.** The Commission shall have power to conduct civic education Civic Education  
21 and enlightenment in the print and electronic media to enhance its functions. by the Commission

22 **154.** Notwithstanding any other provisions of this Act, any defect Validation  
23 or error arising from any actions taken by an official of the Commission in  
24 relation to any notice, form or document made or given or other thing  
25 whatsoever done by him in pursuance of the provisions of the Constitution  
26 or of this Act, or any rules made thereunder remain valid, unless otherwise  
27 challenged and declared invalid by a competent Court of Law or Tribunal.

28 **155.** In this Act- Interpretation  
29 "appointment" includes appointment to an office, confirmation of  
30 appointment, promotion or transfer;

1 "Area Council" means Area Councils recognized and existing by section 3 (6)  
2 of the Constitution and as set out in Part II of the First Schedule thereof and any  
3 additional Area Council provided by an Act of the National Assembly in  
4 accordance with section 8 (5) of the Constitution;

5 "Aspirant" means a person who aspires or seeks or strives to contest an election  
6 to a political office;

7 "Association" means a body of persons (corporate or otherwise) who agree to  
8 act together for any common purpose and includes an association formed for  
9 any ethnic, social, cultural, occupational or religious purpose;

10 "Attorney-General of the Federation" means the Chief Law Officer of the  
11 Federation;

12 "Authority" includes government or government agency and corporate bodies;

13 "Chief Electoral Commissioner" means the Chairman of Independent National  
14 Electoral Commission;

15 "Civil Servant" a person employed in the civil service of the Federation or of a  
16 State or Local government;

17 "Clerk" means the Clerk of the National Assembly, Clerk of the State House of  
18 Assembly, and Clerk of the Legislative House of the Local Government/ Area  
19 Council or any person acting in that capacity;

20 "Commission" means the Independent National Electoral Commission  
21 established by the Constitution;

22 "Constitution" means the Constitution of the Federal Republic of Nigeria;

23 "Conviction" means a pronouncement by a Court or Tribunal that a person is  
24 guilty of an offence under this Act or under the provisions of the Constitution  
25 whether or not any punishment is imposed on the person as a result of the  
26 conviction. Conviction further includes admission by a person in writing,  
27 verbally, or by conduct that he is guilty, or have committed or aided and abetted  
28 the commission of the offence or crime concerned;

29 The "Conduct" referred to in the latter is, for instance, where a person  
30 reimburses the sums of money or any parts thereof obtained through corrupt



1 practice in order to avoid prosecution;

2 "Decision", means in relation to court or tribunal, any determination of that  
3 court or tribunal and includes a judgment, decree, conviction, sentence,  
4 order or recommendation;

5 "Direct Primaries" means an election at which candidates for elective office  
6 are chosen by direct vote of political party members instead of by delegates  
7 at a convention or congress;

8 "Election" means any election held under this Act and includes a  
9 referendum;

10 "Electoral Officer" means a staff of the Commission who is the head of the  
11 Commission's office at a Local Government Area or Area Council level;

12 "Federation" means the Federal Republic of Nigeria;

13 "Function" includes power and duty;

14 "General Election" means an election held in the Federation at large which  
15 may be at all levels, and at regular intervals to select officers to serve after  
16 the expiration of the full terms of their predecessors;

17 "Government" includes the Government of the Federation, of a State or of a  
18 Local Government Area or Area Council, or any person or organ exercising  
19 power or authority on its behalf;

20 "House" or "Legislative House" means the Senate, House of  
21 Representatives, House of Assembly of a State and includes the Legislative  
22 House of a Local Government Area or Area Council;

23 "Indirect Primaries" means an intra-party election where a political party's  
24 delegates to a party convection or congress elect the party's candidates;

25 "Leader of an association" means every person holding an executive  
26 position in that association, including in particular, the Chairman, Secretary  
27 or Treasurer of the association and every member of its committee of  
28 management, however described;

29 "Leader of a political party" means every person holding an executive  
30 position in that political party, including in particular, the Chairman,

1 Secretary or Treasurer of the political party and every member of its committee  
2 of management, however described;

3 "Legal incapacity" means a person disqualified under the Constitution or the  
4 present Act or any other Law, Rules and Regulations from registering as a voter  
5 or from contesting elections;

6 "Local Government" means Local Government recognized and existing by  
7 section 3(6) of the 1999 Constitution and set out in Parts I and II of the First  
8 Schedule thereof and any additional Local Government provided for by an Act  
9 of the National Assembly in accordance with section 8 (5) of the Constitution;

10 "National Assembly" means the Senate and the House of Representatives;

11 "offensive weapon or missile" includes any cannon, gun, rifle, carbine,  
12 revolver, pistol or any other firearm, bow and arrow, spear, cutlass, knife,  
13 dagger, axe, cudgel, or any other thing capable of being used as an offensive  
14 weapon or missile, including teargas, acid, and any inflammable substance  
15 capable of injuring a person;

16 "Office" or "Public Office" means any of the offices the occupation to which is  
17 by election or appointment under this Act;

18 "Petition" means an election petition under this Act;

19 "Polling Agent" means a person representing a political party or independent  
20 candidate at the polling unit, ward, Local Government, Federal constituency,  
21 Senatorial district, State or Federal collation centres;

22 "Polling unit" means the place, enclosure, booth, shade or house at which  
23 voting takes place under this Act;

24 "Political party" includes any association of persons whose activities includes  
25 canvassing for votes in support of a candidate for election under this Act and  
26 registered by the Commission;

27 "Power" includes function and duty;

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

29 "Primaries" mean an intra-party election by voters of a given political party to  
30 nominate candidates for elective office in accordance with a political party's

1 constitution and the law;

2 "Registrar" includes Chief Registrar, Deputy Chief Registrar and Registrar  
3 of other grades of the Supreme Court, Court of Appeal, Federal High Court  
4 and the High Court of a State;

5 "Registration Officer" includes supervisory assistant registration officer  
6 and assistant registration officer;

7 "Resident Electoral Commissioner" means the Commissioner deployed for  
8 the time being to a State;

9 "Return" means the declaration by a Returning Officer of a candidate in an  
10 election under this Act as being the winner of that election;

11 "School Certificate" has the meaning as defined in the Constitution;

12 "Secret Society" has the meaning as defined in the Constitution;

13 "State" when used otherwise than in reference to one of the component parts  
14 of the Federal Republic of Nigeria shall include government of a State;

15 "State Commission" means State Independent Electoral Commission  
16 established by section 197 of the Constitution;

17 "Campaigning in public" referred to in section 99 means the campaign that  
18 commences after the publication of the notice of election by the commission  
19 pursuant to section 30 of this Act;

20 "candidate" means a person who has secured the nomination of a political  
21 party to contest an election for any elective office;

22 "Area Council" means Area Councils recognized and existing by virtue of  
23 section 3 (6) of the Constitution and as set out in Part I and Part II of the First  
24 Schedule thereof and any additional Area Council provided by an Act of the  
25 National Assembly in accordance with the Provisions of the Constitution"

26 "Civil Servant" means a person employed in the civil service of the  
27 Federation or of a State or Local government as contained in the  
28 Constitution of the Federal Republic of Nigeria, 1999 as (amended)"

29 "Electronic format" refers to the electronic version of the Register of Voters  
30 or National Electronic Register of Election Results, as the case may be,

1 created, recorded, transmitted or stored in digital form or in other intangible  
2 forms by electronic, magnetic or optical means or by any other means that has  
3 capabilities for creation, recording, transmission or storage similar to those  
4 means and which may be converted to or reproduced in a paper document;

5 "fusion" means a process by which a political party fuses with another political  
6 party by dropping its name and symbol and become subsumed in another  
7 political party, thereby cease to exist;

8 "published manuals, guidelines, regulations, procedures or directives issued  
9 by the Commission for the conduct of the election" means that which is made  
10 public by the Commission at least seven days before the date of general  
11 elections;

12 "Presiding Officer" means a person appointed by the Commission to be in  
13 charge of the conduct of election in a polling unit or polling station, and this  
14 shall include persons who may be under different titles but who are charged by  
15 the Commission with the same responsibilities at a polling unit or polling  
16 station as a Presiding Officer;

17 "Returning Officer" means a person appointed by the Commission to be in  
18 charge of the conduct of election in a constituency, and this includes persons  
19 who may be under different titles but who are charged by the Commission with  
20 the same responsibilities in a constituency as a Returning Officer."

21 "Ward Collation Officer" means Registration Area Collation Officer;

22 "transmit" includes to convey electoral documents or other electoral  
23 information or data by manual, electronic or other means (prescribed by the  
24 Commission) from one person to another, one place to another, one stage to  
25 another, one process to another, or one system to another, as the case may be;

26 "number of unaccredited voters" as used in section 49(4) of this Act means  
27 number of intending voters not accredited to vote in a polling unit under section  
28 49(3) of this Act;

29 All references in this Act to a State in the Federation shall, where appropriate,  
30 be deemed to include references to the Federal Capital Territory.

Repeals of the  
Electoral Act  
(No.2), 2006 and  
INEC Act, Cap 15  
LFN, 2004

**156.** The Electoral Act 2006 is hereby repealed.



1 deposit as may be ordered under subparagraph (2) of this paragraph of this  
2 Schedule shall be sufficient.

3 (4) If no security is given as required by this paragraph, there shall be no further  
4 proceedings on the election petition.

5 *Presentation of Election Petition*

6 3.-(1) The presentation of an election petition under this Act shall be  
7 made by the petitioner (or petitioners if more than one) in person, or by his  
8 Solicitor, if any, named at the foot of the election petition to the Secretary, and  
9 the Secretary shall give a receipt.

10 (2) The Petitioner shall, at the time of presenting the election petition,  
11 deliver to the Secretary a copy of the election petition for each respondent and  
12 ten other copies to be preserved by the Secretary.

13 (3) The Secretary shall compare the copies of the election petition  
14 received in accordance with subparagraph (2) of this paragraph with the  
15 original petition and shall certify them as true copies of the election petition on  
16 being satisfied by the comparison that they are true copies of the election  
17 petition.

18 (4) The petitioner or his Solicitor, as the case may be, shall, at the time  
19 of presenting the election petition, pay the fees for the service and the  
20 publication of the petition, and for certifying the copies and, in default of the  
21 payment, the election petition shall be deemed not to have been received;  
22 unless the Tribunal or Court otherwise orders.

23 *Contents of Election Petition*

24 4.-(1) An election petition under this Act shall-

25 (a) specify the parties interested in the election petition;

26 (b) specify the right of the petitioner to present the election petition;

27 (c) state the holding of the election, the scores of the candidates and  
28 the person returned as the winner of the election; and

29 (d) state clearly the facts of the election petition and the ground or  
30 grounds on which the petition is based and the relief sought by the petitioner.



1 (c) on such terms as to costs or otherwise as may be ordered by the  
2 Tribunal or Court.

3 *Address Of Service*

4 6. For the purpose of service of an election petition on the  
5 respondents, the petitioner shall furnish the Secretary with the address of the  
6 respondents' abode or the addresses of places where personal service can be  
7 effected on the respondents.

8 *Action by Secretary*

9 7.-(1) On the presentation of an election petition and payment of the  
10 requisite fees, the Secretary shall forthwith-

11 (a) cause notice of the presentation of the election petition, to be  
12 served on each of the respondents;

13 (b) post on the tribunal notice board a certified copy of the election  
14 petition; and

15 (c) set aside a certified copy for onward transmission to the person or  
16 persons required by law to adjudicate and determine the election petition.

17 (2) In the notice of presentation of the election petition, the Secretary  
18 shall state a time, not being less than five days but not more than seven days  
19 after the date of service of the notice, within which each of the respondents  
20 shall enter an appearance in respect of the election petition.

21 (3) In fixing the time within which the respondents are to enter  
22 appearance, the Secretary shall have regard to-

23 (a) the necessity for securing a speedy hearing of the election petition;

24 and

25 (b) the distance from the Registry or the place of hearing to the  
26 address furnished under paragraph 4(4) of this Schedule.

27 *Personal Service on Respondent*

28 8.-(1) Subject to subparagraph (2) and (3) of this paragraph, service  
29 on the respondents-

30 (a) of the documents mentioned in subparagraph (1) (a) of paragraph



1 7 of this Schedule; and

2 (b) of any other documents required to be served on them before  
3 entering appearance, shall be personal.

4 (2) Where the petitioner has furnished, under paragraph 6 of this  
5 Schedule, the addresses of the places where personal service can be effected  
6 on the respondents and the respondents or any of them cannot be found at the  
7 place or places, the tribunal or court on being satisfied, on an application  
8 supported by an affidavit showing that all reasonable efforts have been made  
9 to effect personal service, may order that service of any document  
10 mentioned in subparagraph (1) of this paragraph be effected in any ways  
11 mentioned in the relevant provisions of the Civil Procedure Rules for  
12 effecting substituted service in Civil cases and that service shall be deemed  
13 to be equivalent to personal service.

14 (3) The proceedings under the election petition shall not be vitiated  
15 notwithstanding the fact that-

16 (a) the respondents or any of them may not have been served  
17 personally; or

18 (b) a document of which substituted service has been effected  
19 pursuant to an order made under subparagraph (2) of this paragraph did not  
20 reach the respondent, and in either case, the proceedings may be heard and  
21 continued or determined as if the respondents or any of them had been  
22 served personally with the document and shall be valid and effective for all  
23 purposes.

24 *Entry Of Appearance*

25 9.-(1) Where the respondent intends to oppose the election  
26 petition, he shall-

27 (a) within such time after being served or deemed to have been  
28 served with the election petition; or

29 (b) where the Secretary has stated a time under paragraph 7(2) of  
30 this Schedule, within such time as is stated by the Secretary, enter an

1 appearance by filing in the registry a memorandum of appearance stating that  
2 he intends to oppose the election petition and giving the name and address of  
3 the solicitor, if any, representing him or stating that he acts for himself, as the  
4 case may be, and, in either case, giving an address for service at which  
5 documents intended for him may be left or served.

6 (2) If an address for service and its occupiers are not stated, the  
7 memorandum of appearance shall be deemed not to have been filed, unless the  
8 tribunal or court otherwise orders.

9 (3) The memorandum of appearance shall be signed by the  
10 respondent or his solicitor, if any.

11 (4) At the time of filing the memorandum of appearance, the  
12 respondent or his solicitor, as the case may be, shall-

13 (a) leave a copy of the memorandum of appearance for each of the  
14 other parties to the election petition and three other copies of the memorandum  
15 to be preserved by the Secretary; and

16 (b) pay the fees for service as may be prescribed or directed by the  
17 Secretary and in default of the copies being left and the fees being paid at the  
18 time of filing the memorandum of appearance, the memorandum of  
19 appearance shall be deemed not to have been filed, unless the tribunal or court  
20 otherwise orders.

21 *Non-filing of Memorandum of Appearance.*

22 10.-(1) If the respondent does not file a memorandum of appearance  
23 as required under paragraph 9 of this Schedule, a document intended for  
24 service on him may be posted on the Tribunal notice board and that shall be  
25 sufficient notice of service of the document on the respondent.

26 (2) The non-filing of a memorandum of appearance shall, not bar the  
27 respondent from defending the election petition if the respondent files his reply  
28 to the election petition in the Registry within a reasonable time, but, in any  
29 case, not later than twenty-one (21) days from the receipt of the election  
30 petition.

1 *Notice of Appearance*

2 11. The Secretary shall cause copies of the memorandum of  
3 appearance to be served on, or its notice to be given to the other parties to the  
4 election petition.

5 *Filing of Reply*

6 12.-(1) The Respondent shall, within 21 days of service of the  
7 petition on him file in the Registry his reply, specifying in it which of the  
8 facts alleged in the election petition he admits and which he denies, and  
9 setting out the facts on which he relies in opposition to the election petition.

10 (2) Where the respondent in an election petition, complaining of an  
11 undue return and claiming the seat or office for a petitioner intend to prove  
12 that the claim is incorrect or false, the respondent in his reply shall set out the  
13 facts and figures clearly and distinctly disproving the claim of the petitioner.

14 (3) The reply may be signed by the respondent or the solicitor  
15 representing him, if any and shall state the name and address of the solicitor  
16 at which subsequent processes shall be served; and shall be accompanied by  
17 copies of documentary evidence, list of witnesses and the written statements  
18 on oath.

19 (4) At the time of filing the reply, the respondent or his Solicitor, if  
20 any shall leave with the Secretary copies of the reply for services on the other  
21 parties to the election petition with ten(10) extra copies of the reply to be  
22 preserved by the Secretary, and pay the fees for service as may be prescribed  
23 or directed by the Secretary, and in default of leaving the required copies of  
24 the reply or paying the fees for service, the reply shall be deemed not to have  
25 been filed, unless the Tribunal or Court otherwise orders.

26 (5) A respondent who has an objection to the hearing of the petition  
27 shall file his reply and state the objection therein, and the objection shall be  
28 heard along with the substantive petition.

29 *Service of Reply*

30 13. The Secretary shall cause a copy of the reply to be served on

1 each of the other parties to the election petition.

2 *Amendment of Election Petition and Reply*

3 14.-(1) Subject to subparagraph (2) of this paragraph, the provisions  
4 of the Civil Procedure Rules relating to amendment of pleadings shall apply in  
5 relation to an election petition or a reply to the election petition as if for the  
6 words "any proceedings" in those provisions there were substituted the words  
7 "the election petition or reply.

8 (2) After the expiration of the time limited by-

9 (a) Section 134 (1) of this Act for presenting the election petition, no  
10 amendment shall be made-

11 (i) introducing any of the requirements of subparagraph (1) of  
12 paragraph 4 of this Schedule not contained in the original Election petition  
13 filed, or

14 (ii) effecting a substantial alteration of the ground for, or the prayer in,  
15 the election petition, or

16 (iii) except anything which may be done under the provisions of  
17 subparagraph (2)(a)(ii) of this paragraph, effecting a substantial alteration of or  
18 addition to, the statement of facts relied on to support the ground for, or sustain  
19 the prayer in the election petition; and

20 (b) paragraph 12 of the Schedule for filing the reply, no amendment  
21 shall be made-

22 (i) alleging that the claim of the seat or office by the petitioner is  
23 incorrect or false; or

24 (ii) except anything which may be done under the provisions of  
25 subparagraph (2)(a)(ii) of this paragraph, effecting any substantial alteration in  
26 or addition to the admissions or the denials contained in the original reply filed,  
27 or to the facts set out in the reply.

28 *Particulars of Votes Rejected*

29 15. When a petitioner claims the seat alleging that he had the highest  
30 number of valid votes cast at the election, the party defending the election or

1 return at the election shall set out clearly in his reply particulars of the votes,  
2 if any, which he objects to and the reasons for his objection against such  
3 votes, showing how he intends to prove at the hearing that the petitioner is  
4 not entitled to succeed.

5 *Petitioner's Reply*

6 16.-(1) If a person in his reply to the election petition raises new  
7 issues of facts in defence of his case which the petition has not dealt with, the  
8 petitioner shall be entitled to file in the Registry, within five (5) days from  
9 the receipt of the respondent's reply, a petitioner's reply in answer to the new  
10 issues of fact, so however that-

11 (a) the petitioner shall not at this stage be entitled to bring in new  
12 facts, grounds or prayers tending to amend or add to the contents of the  
13 petition filed by him; and

14 (b) the petitioner's reply does not run counter to the provisions of  
15 subparagraph (1) of paragraph 14 of this Schedule.

16 (2) the time limited by subparagraph (1) of this paragraph shall not  
17 be extended.

18 (3) The petitioner in proving his case shall have 14 days to do so  
19 and the respondent shall have 14 days to reply.

20 *Further Particulars or Directive*

21 17.-(1) If a party in an election petition wishes to have further  
22 particulars or other directions of the Tribunal or Court, he may, at any time  
23 after entry of appearance, but not later than ten days after the filing of the  
24 reply, apply to the Tribunal or Court specifying in his notice of motion the  
25 direction for which he prays and the motion shall, unless the Tribunal or  
26 Court otherwise orders, be set down for hearing on the first available day.

27 (2) If a party does not apply as provided in subparagraph (1) of this  
28 paragraph, he shall be taken to require no further particulars or other  
29 directions and the party shall be barred from so applying after the period laid  
30 down in subparagraph (1) of this paragraph has lapsed.



1 (5) Dismissal of a petition pursuant to subparagraphs (3) and (4) of  
2 this paragraph is final, and the tribunal or court shall be functus officio.

3 (6) At the pre-hearing session, the tribunal or court shall enter a  
4 scheduling Order for-

5 (a) joining other parties to the petition;

6 (b) amending petition or reply or any other processes;

7 (c) filing and adoption of written addresses on all interlocutory  
8 applications;

9 (d) additional pre-hearing session;

10 (e) order of witnesses and tendering of documents that will be  
11 necessary for the expeditious disposal of the petition; and

12 (f) any other matters that will promote the quick disposal of the  
13 petition in the circumstances.

14 (7) At the pre-hearing session, the tribunal or court shall consider  
15 and take appropriate action in respect of the following as may be necessary  
16 or desirable-

17 (a) amendments and further and better particulars;

18 (b) the admissions of facts, documents and other evidence by  
19 consent of the parties;

20 (c) formulation and settlement of issues for trial;

21 (d) hearing and determination of objections on point of law;

22 (e) control and scheduling of discovery; inspection and production  
23 of documents,

24 (f) narrowing the field of dispute between certain types of  
25 witnesses especially the Commission's staff and witnesses that officiated at  
26 the election, by their participation at pre-hearing session or in any other  
27 manner;

28 (g) giving orders or directions for hearing of cross-petitions or any  
29 particular issue in the petition or for consolidation with other petitions;

1 (h) determining the form and substance of the pre-hearing order; and  
2 (i) such other matters as may facilitate the just and speedy disposal of  
3 the petition bearing in mind the urgency of election petitions.

4 (8) At the pre-hearing session, the tribunal or court shall ensure that  
5 hearing is not delayed by the number of witnesses and objections to documents  
6 to be tendered and shall pursuant to paragraph (b), (e), (b) and (e) of this  
7 paragraph-

8 (a) allow parties to admit or exclude documents by consent;

9 (b) direct parties to streamline the number of witnesses to those whose  
10 testimonies are relevant and indispensable;

11 (c) allot time for the cross examination of witness having regard to the  
12 number of witnesses to be called.

13 (9) The pre-hearing session or series of the pre-hearing sessions with  
14 respect to any petition shall be completed within 14 days of its commencement,  
15 and the parties and their legal practitioners shall cooperate with the tribunal or  
16 court in working within this time table. As far as practicable, pre-hearing  
17 sessions shall be held from day to day or adjourned only for purposes of  
18 compliance with pre-hearing sessions, unless extended by the Chairman or the  
19 Presiding Justice.

20 (10) After a pre-hearing session or series of pre-hearing sessions the  
21 tribunal or court shall issue a report and this report shall guide the subsequent  
22 course of the proceedings, unless modified by the tribunal or court.

23 (11) If a party or his Legal Practitioner fails to attend the pre-hearing  
24 sessions or obey a scheduling or pre-hearing order or is substantially  
25 unprepared to participate in the session or fails to participate in good faith, the  
26 tribunal or court shall in the case of-

27 (a) the petitioner, dismiss the petition; and

28 (b) a respondent enter judgment against him.

29 (12) Any judgment given under subparagraph (11) of this paragraph,  
30 may be set aside upon an application made within 7 days of the judgment



1 (which shall not be extended) with an order as to costs of a sum not less than  
2 N20,000.

3 (13) The application shall be accompanied by an undertaking to  
4 participate effectively in the pre-hearing session jointly signed by the  
5 applicant and the Legal Practitioner representing him.

6 *Hearing of Petition to be In Open Tribunal or Court*

7 19. Every election petition shall be heard and determined in an  
8 open tribunal or court.

9 *Time and Place of Hearing Petition*

10 20.-(1) Subject to the provisions of subparagraph (2) of this  
11 paragraph, the time and place of the hearing of an election petition shall be  
12 fixed by the Tribunal or Court and notice of the time and place of the hearing,  
13 which may be as in Form TF. 005 set out in Second Schedule to this Act, shall  
14 be given by the Secretary at least five days before the day fixed for the  
15 hearing by-

16 (a) posting the notice on the tribunal notice board; and

17 (b) sending a copy of the notice by registered post or through a  
18 messenger to the-

19 (i) petitioner's address for service;

20 (ii) respondent's addresses for service, if any; or

21 (iii) Resident Electoral Commissioner or the Commission as the  
22 case may be.

23 (2) In fixing the place of hearing, the Tribunal or Court shall have  
24 due regard to the proximity to and accessibility from the place where the  
25 election was held.

26 *Notice of Hearing*

27 21. A tribunal or court, as the case may be, shall publish the notice  
28 of hearing by causing a copy of the notice to be displayed in the place which  
29 was appointed for the delivery of nomination papers prior to the election or  
30 in some conspicuous place or places within the constituency, but failure to

1 do so or any miscarriage of the copy of notice of hearing shall not affect the  
2 proceedings if it does not occasion injustice against any of the parties to the  
3 election petition.

4 *Posting of Notice on Tribunal Notice Board deemed to be Good Notice*

5 22. The posting of the notice of hearing on the Tribunal notice board  
6 shall be deemed and taken to be good notice, and the notice shall not be vitiated  
7 by any miscarriage of the copy or copies of the notice sent pursuant to  
8 paragraph 16 of this Schedule.

9 *Postponement of Hearing*

10 23.-(1) The Tribunal or Court may, from time to time, by order made  
11 on the application of a party to the election petition or at the instance of the  
12 Tribunal or Court, postpone the beginning of the hearing to such day as the  
13 Tribunal or Court may consider appropriate having regard at all times to the  
14 need for speedy conclusion of the hearing of the election petition.

15 (2) A copy of the order shall be sent by the Secretary by registered post  
16 or messenger to the Electoral Officer or the Resident Electoral Commissioner  
17 or the Commission who shall publish the order in the manner provided in  
18 paragraph 20 of this Schedule for publishing the notice of hearing, but failure  
19 on the part of the Electoral Officer or Resident Electoral Commissioner or the  
20 Commission to publish the copy of the order of postponement shall not affect  
21 the proceedings in any manner whatsoever.

22 (3) The Secretary shall post or cause to be posted on the tribunal  
23 notice board a copy of the order.

24 (4) Where the tribunal or court gives an order of postponement at its  
25 own instance, a copy of the order shall be sent by the Secretary by registered  
26 post or messenger to the address for service given by the petitioner and to the  
27 address for service, if any, given by the respondents or any of them.

28 (5) The provisions of paragraph 21 of this Schedule shall apply to an  
29 order or a notice of postponement as they do to the notice of hearing.

1            *Non arrival of Chairman of Tribunal or Presiding Justice of the Court*

2            24. If the Chairman of the Tribunal or Presiding Justice of the Court  
3            has not arrived at the appointed time for the hearing or at the time to which  
4            the hearing has been postponed, the hearing shall, by reason of that fact,  
5            stand adjourned to the following day and so from day to day.

6            *Hearing Continues from Day to Day*

7            25.-(1) No formal adjournment of the Tribunal or Court for the  
8            hearing of an, election petition shall be necessary, but the hearing shall be  
9            deemed adjourned and may be continued from day to day until the hearing is  
10            concluded, unless the Tribunal or Court otherwise directs as the  
11            circumstances may dictate.

12            (2) If the Chairman of the Tribunal or the Presiding Justice of the  
13            Court who begins the hearing of an election petition is disabled by illness or  
14            otherwise, the hearing may be recommended and concluded by another  
15            Chairman of the Tribunal or Presiding Justice of the Court appointed by the  
16            appropriate authority.

17            *Adjournment of Hearing*

18            26.-(1) After the hearing of an election petition has begun, if the  
19            inquiry cannot be continued on the ensuing day or, if that day is a Sunday or a  
20            Public Holiday, on the next day, the hearing shall not be adjourned sine die  
21            but to a definite day to be announced before the rising of the Tribunal or  
22            Court and notice of the day to which the hearing is adjourned shall forthwith  
23            be posted by the Secretary on the notice board.

24            (2) The hearing may be continued on a Saturday or on a Public  
25            Holiday if circumstances dictate.

26            *Power of Chairman of the Tribunal or the Presiding Justice of the*  
27            *Court to dispose on Interlocutory Matters*

28            27.-(1) All interlocutory questions and matters may be heard and  
29            disposed of by the Chairman of the Tribunal or the Presiding Justice of the

1 Court who shall have control over the proceedings as a Judge in the Federal  
2 High Court.

3 (2) After the hearing of the election petition is concluded, if the  
4 tribunal or court before which it was heard has prepared its judgment but the  
5 Chairman or the Presiding Justice is unable to deliver it due to illness or any  
6 other cause, the judgment may be delivered by one of the members, and the  
7 judgment as delivered shall be the judgment of the Tribunal or Court and the  
8 member shall certify the decision of the Tribunal or Court to the Resident  
9 Electoral Commissioner, or to the Commission.

10 *Effect of determination of Election Petition*

11 28.-(1) At the conclusion of the hearing, the Tribunal shall determine  
12 whether a person whose election or return is complained of or any other person,  
13 and what person, was validly returned or elected, or whether the election was  
14 void, and shall certify the determination to the Resident Electoral  
15 Commissioner or the Commission.

16 (2) If the tribunal or court has determined that the election is invalid,  
17 then, subject to section 138 of this Act, where there is an appeal and the appeal  
18 fails, a new election shall be held by the Commission.

19 (3) Where a new election is to be held under the provisions of this  
20 paragraph, the Commission shall appoint a date for the election which shall not  
21 be later than 3 months from the date of the determination.

22 *Withdrawal or Abatement of Petition*

23 29.-(1) An election petition shall not be withdrawn without leave of  
24 the Tribunal or Court.

25 (2) Where the petitioners are more than one no application for leave to  
26 withdraw the election petition shall be made except with the consent of all the  
27 petitioners.

28 (3) The application for leave to withdraw an election shall be made by  
29 motion after notice of the application has been given to the respondents.

30 (4) The notice of motion shall state the grounds on which the motion

1 to withdraw is based, supported with affidavit verifying the facts and  
2 reasons for withdrawal, signed by the petitioner or petitioners in the  
3 presence of the Secretary.

4 (5) At the time of filing the notice of motion the petitioner or  
5 petitioners shall leave copies for service on the respondent.

6 (6) The petitioner or petitioners shall also file the affidavits  
7 required under subparagraph (4) of this paragraph together with copies for  
8 each respondent and pay the fees prescribed or directed by the Secretary for  
9 services.

10 *Affidavits against Illegal Term of Withdrawal*

11 30.-(1) Before the leave for Withdrawal of an election petition is  
12 granted, each of the parties to the petition shall produce an affidavit, stating  
13 that-

14 (a) to the best of the deponent's knowledge and belief no agreement  
15 or term of any kind whatsoever has been made; and

16 (b) no undertaking has been entered into, in relation to the  
17 withdrawal of the petition, but if any lawful agreement has been made with  
18 respect to the withdrawal of the petition, the affidavit shall set forth that  
19 agreement and shall make the foregoing statement subject to what appears  
20 from the affidavit.

21 *Time for Hearing Motion for Leave to Withdraw Petition*

22 31.-(1) The time for hearing the motion for leave to withdraw the  
23 election petition shall be fixed by the Tribunal or Court.

24 (2) The Secretary may give notice of the day fixed for the hearing  
25 of the motion to the respondents and post or cause to be posted on the  
26 Tribunal notice board a copy of the notice.

27 *Payment of Costs to Respondents*

28 32. If the election petition is withdrawn, the petitioner shall be  
29 liable to pay appropriate costs to the respondents or any of them unless the  
30 Tribunal or Court otherwise orders.

*Abatement of Proceedings in Election Petition*

1  
2 33.-(1) If a sole petitioner or the survivor of several petitioners dies,  
3 then, subject to subparagraphs (2) and (3) of this paragraph, there shall be no  
4 further proceedings on the election petition and the Tribunal or Court may  
5 strike it out of its cause list.

6 (2) The death of a petitioner shall not affect his liability for the  
7 payment of costs previously incurred in the course of proceedings in respect of  
8 the election petition prior to its abatement.

9 (3) Where notice, with copies for each party to the election petition  
10 supported by the affidavit of two witnesses testifying to the death of a sole  
11 petitioner or of the survivor of several petitioners, is given to the Secretary, he  
12 shall submit the notice to the tribunal or court and if the Tribunal or Court so  
13 directs, the Secretary shall-

14 (a) serve notice thereof on the other parties to the petition;

15 (b) post or cause to be posted a notice thereof on the Tribunal notice  
16 board; and

17 (c) cause notice thereof to be published in conspicuous places in the  
18 constituency, in such form as the Tribunal or Court may direct.

*Notice of No Opposition to Petition*

19  
20 34.-(1) If before the hearing of an election petition, a respondent,  
21 other than the Electoral Officer, the Returning Officer or Presiding Officer,  
22 gives to the Tribunal or Court notice in writing signed by him or his Solicitor  
23 before the Secretary that he does not intend to oppose the election petition, the  
24 Secretary shall-

25 (a) serve notice thereof on the other parties to the election petition;

26 and

27 (b) post or cause to be posted a notice thereof on the Tribunal notice  
28 board.

29 (2) The respondent shall file the notice with a copy for each other  
30 party to the election petition not less than six days before the day appointed for

1 hearing of the election petition.

2 (3) A respondent who has given notice of his intention not to  
3 oppose the election petition shall not appear or act as a party against the  
4 election petition in any proceeding on it; but the giving of the notice shall not  
5 of itself cause him to cease to be a respondent.

6 *Countermand of Notice of Hearing*

7 35.-(1) Where a notice of the -

8 (a) petitioner's intention to apply for leave to withdraw an election  
9 petition;

10 (b) death of the sole petitioner or the survivor of several petitioners;

11 or

12 (c) respondent's intention not to oppose an election petition, is  
13 received after notice of hearing of the election petition has been given, and  
14 before the hearing has begun, the Secretary shall forthwith countermand the  
15 notice of hearing.

16 (2) The countermand shall be given in the same manner, and, as  
17 near as may be, as the notice of hearing.

18 *Discretion of Tribunals or Court if No Reply*

19 36. Where the respondent has not entered an appearance, or has not  
20 filed his reply within the prescribed time or within such time as the tribunal  
21 or court may have allowed, or has given notice that he does not intend to  
22 oppose the petition, then if-

23 (a) there remains no more than one other candidate in the election  
24 who was not returned;

25 (b) the election petition contains no prayer for a determination that  
26 the election was void;

27 (c) there are no facts or grounds stated in the election petition or in  
28 the reply, if any, or stated in any further particulars filed in the proceedings or  
29 otherwise appearing on proof of which it ought to be determined that  
30 election was void; or

1 (d) the election petition is one complaining of undue return and claiming the  
2 seat or office for the candidate who was not returned and the respondent has not  
3 raised any formal or written objections to any of the votes relied on by the  
4 petitioner, the Tribunal or Court may, if it deems fit, determine the proceedings  
5 on the election petition without hearing evidence or further evidence, and in  
6 any case, the proceedings shall be continued and determined on such evidence  
7 or otherwise as the Tribunal or Court may deem necessary for the full and  
8 proper determination of the election petition.

9 *Fees*

10 37.-(1) The fee payable on the presentation of an election petition  
11 shall not be less than N1,000.00.

12 (2) A hearing fee shall be payable for the hearing at the rate of N40 per  
13 day of the hearing but not exceeding N2000 in all, but the Tribunal or Court  
14 may direct a different fee to be charged for any day of the hearing.

15 (3) For the purpose of subparagraph (2) of this paragraph, the  
16 petitioner shall make a deposit of not less than N2000 at the time of presenting  
17 his petition.

18 (4) Subject to the provisions of this paragraph, the fees payable in  
19 connection with an election petition shall be at the rate prescribed for civil  
20 proceedings in the Federal High Court.

21 (5) No fees shall be payable by the Attorney-General of the  
22 Federation (acting in person or through any other legal officer) or by a  
23 respondent who was the Commission or any of its officers appointed pursuant  
24 to the provisions of this Act.

25 (6) No fees shall be payable for the summoning of witnesses by the  
26 Tribunal or Court at its own instance.

27 *Allocation of Costs*

28 38.-(1) All costs, charges and expenses of and incidental to the  
29 presentation of an election petition and to the proceedings consequent thereon,  
30 with the exception of such as are otherwise provided for, shall be defrayed by



1 the parties to the election petition in such manner and in such proportions as  
2 the Tribunal or Court may determine, regard being had to the-

3 (a) disallowance of any costs, charges or expenses, which may in  
4 the opinion of the Tribunal or Court have been caused by vexatious conduct,  
5 unfounded allegation or unfounded objection on the part of the petitioner or  
6 of the respondent, as the case may be; and

7 (b) discouragement of any needless expenses by throwing the  
8 burden of defraying the expenses on the party by whom it has been caused;  
9 whether that party is or is not on the whole successful.

10 (2) Where the Tribunal or Court declares an election to be void, it  
11 may, if satisfied that the invalidity was due either wholly or in part to the  
12 culpable default of an officer responsible for the conduct of the election in  
13 the performance of his duties, order that the whole or part of the cost  
14 awarded to the successful petitioner be paid by that officer.

15 *Return of Security*

16 39. Money deposited as security shall, when no longer needed as  
17 security for costs, charges or expenses, be returned to the person in whose  
18 name it was deposited or to the person entitled to receive it by order of the  
19 Tribunal or Court which may be made on motion after notice and proof that  
20 all just claims have been satisfied or otherwise sufficiently provided for as  
21 the Tribunal or Court may require.

22 *Payment of Costs Out of Security*

23 40.-(1) The Tribunal or Court may, on application made by a  
24 person to whom costs, charges or expenses is payable, order it to be paid out  
25 of a deposit made to secure it, after notice to the party by or on whose behalf  
26 the deposit was made, requiring him to file a statement within a specified  
27 time whether he opposes the application and the ground of his opposition.

28 (2) Where a dispute arises on an application under subparagraph  
29 (1) of this paragraph, the tribunal or court shall afford every person affected  
30 by the dispute an opportunity of being heard and shall make such order there

1 on as it may deem fit.

2 (3) A person shall be deemed to have been afforded the opportunity of  
3 being heard if notice of the appointed time for the inquiry into the dispute was  
4 given to him, though the person may not have been present at the making of the  
5 inquiry.

6 (4) A notice to be given to a person under this paragraph may be given  
7 by the Secretary handing him the notice or sending it to him by registered letter  
8 in the case of-

9 (a) a party, at the address for service;

10 (b) an application for payment, at the address given in his application,  
11 so however, that the provisions of this subparagraph shall not preclude the  
12 giving of notice in any other manner in which notice may be given or which  
13 may be authorized by the tribunal or court.

14 (5) Execution may be levied under an order for payment made by the  
15 tribunal or court under this paragraph in the same manner and to the same  
16 extent as execution may be levied under judgment for the payment of money.

17 *Evidence at Hearing*

18 41.-(1) Subject to any statutory provision or any provision of these  
19 paragraphs relating to evidence, any fact required to be proved at the hearing of  
20 a petition shall be proved by written deposition and oral examination of  
21 witnesses in open court.

22 (2) Documents which parties consented to at the prehearing session or  
23 other exhibits shall be tendered from the Bar or by the party where he is not  
24 represented by a legal practitioner.

25 (3) There shall be no oral examination of a witness during his  
26 evidence in chief except to lead the witness to adopt his written deposition and  
27 tender in evidence all disputed documents or other exhibits referred to in the  
28 deposition.

29 (4) Real evidence shall be tendered at the hearing.

30 (5) The Tribunal or Court may, at or before the hearing of a petition

1 order or direct that evidence of any particular fact be given at the hearing in  
2 such manner as may be specified by the order or direction.

3 (6) The power conferred by subparagraph (5) of this paragraph  
4 extends in particular to ordering or directing that evidence of any particular  
5 fact be given at the trial-

6 (a) by statement on oath of information or belief;

7 (b) by the production of documents or entries in books; or

8 (c) in the case of a fact which is of common knowledge either  
9 generally or in a particular district by the production of a specified  
10 newspaper which contains a statement of that fact.

11 (7) The Tribunal or Court may, at or before the hearing of a petition  
12 order or direct that the number of witnesses who may be called at the hearing  
13 be limited as specified by the order or direction.

14 (8) Save with leave of the Tribunal or Court, after an applicant has  
15 shown exceptional circumstances, no document, plan, photograph or model  
16 shall be received in evidence at the hearing of a petition unless it has been  
17 listed or filed along with the petition in the case of the petitioner or filed  
18 along with the reply in the case of the respondent.

19 (9) Such leave may be granted with costs save where in the  
20 circumstance the tribunal or court considers otherwise.

21 (10) The petitioner in proving his case shall have not more than 14  
22 days to do so and each of the respondents shall have not more 10 days to  
23 present its defence.

24 *Calling of Witnesses*

25 42.-(1) On the hearing of an election petition, the Tribunal or Court  
26 may summon a person as a witness who appears to the tribunal or court to  
27 have been concerned in the election.

28 (2) The Tribunal or Court may examine a witness so summoned or  
29 any other person in the tribunal or court although the witness or person is not  
30 called and examined by a party to the election petition, and thereafter he may

1 be cross-examined by or on behalf of the petitioner and the respondent.

2 (3) The expenses of a witness called by the tribunal or court at its own  
3 instance shall, unless the Tribunal or Court otherwise orders, be deemed to be  
4 costs of the election petition and may, if the Tribunal or Court so directs, be paid  
5 in the first instance by the Secretary in the same way as State witness' expenses  
6 and recovered in such manner as the tribunal or court may direct.

7 (4) Where the Tribunal or Court summons a person as a witness under  
8 this paragraph, the provisions of the Civil Procedure Rules relating to the  
9 expenses of persons ordered to attend a hearing shall apply as if they were part  
10 of this paragraph.

11 (5) The Tribunal or Court shall-

12 (a) in making and carrying into effect an order for the production and  
13 inspection of documents used in the election; and

14 (b) in the examination of any witness who produces or will produce a  
15 document, ensure that the way in which the vote of a particular person has been  
16 given shall not be disclosed.

17 *Privileges of a Witness*

18 43.-(1) A person called as a witness in a proceeding in the Tribunal or  
19 Court shall not be excused from answering a question relating to an offence or  
20 connected with an election on the grounds that the answer thereto may  
21 incriminate or tend to incriminate him, or on the ground of privilege.

22 (2) A witness who answers truly all questions which he is required by  
23 the tribunal or court to answer shall be entitled to receive a certificate of  
24 indemnity under the hand of the Chairman or the Tribunal or Presiding Justice  
25 of the court stating that the witness has so answered.

26 (3) An answer by a person to a question before the Tribunal or Court  
27 shall not, except in the case of a criminal proceeding for perjury in respect of  
28 the answer, be admissible in any proceeding, civil or criminal, in evidence  
29 against him.

30 (4) When a person has received a certificate of indemnity in relation to

1 an election and legal proceedings are at any time brought against him for an  
2 offence against the provisions of this Act, committed by him prior to the date  
3 of the certificate at or in relation to that election, the Tribunal or Court  
4 having cognizance of the case shall, on proof of the certificate, stay the  
5 proceeding, and may, at its discretion award to that person such costs as he  
6 may have been put to in the proceeding.

7 *Evidence of Respondent*

8 44. At the hearing of an election petition complaining of an undue  
9 return and claiming the seat or office for a petitioner, the respondent may,  
10 subject to the provisions of subparagraph (2) of paragraph 12 of this  
11 Schedule, give evidence to prove that the election of the petitioner was  
12 undue in the same manner as if he were the person presenting the election  
13 petition complaining of the election.

14 *Enlargement and Abridgement of Time*

15 45.-(1) The Tribunal or Court shall have power, subject to the  
16 provisions paragraph 16 of this Schedule, to enlarge time for doing any act  
17 or taking any proceedings on such terms (if any) as the justice of the case  
18 may require except as otherwise provided by any other provision of this  
19 Schedule.

20 (2) An enlargement of time may be ordered although the  
21 application for the enlargement is not made until after the expiration of the  
22 time appointed or allowed.

23 (3) When the time for delivering a pleading or document or filing  
24 any affidavit, answer or document, or doing anything or act is or has been  
25 fixed or limited by any of the sections, paragraphs or rules under or in  
26 pursuance of this Act or by a direction or an order of the Tribunal or Court,  
27 the costs of an application to extend the time, where allowed or of an order  
28 made there on shall be borne by the party making the application unless the  
29 tribunal or court otherwise orders.

30 (4) Every application for enlargement or abridgement of time shall

1 be supported by affidavit.

2 (5) An application for abridgement of time may be ex parte, but the  
3 Tribunal or Court may require notice of the application to be given to the other  
4 parties to the election petition.

5 (6) An application for enlargement of time shall be made by motion  
6 after notice to the other party to the election petition but the Tribunal or Court  
7 may, for good cause shown by affidavit or otherwise, dispense with the notice.

8 (7) A copy of an order made for enlargement or abridgement of time  
9 shall be filed or delivered together with any document filed or delivered by  
10 virtue of the order.

11 *Hearing in a Petition*

12 46.-(1) When a petition comes up for hearing and neither party  
13 appears, the Tribunal or Court shall, unless there are good reasons to the  
14 contrary, strike out the petition and no application shall be brought or  
15 entertained to re-list it.

16 (2) When a petition comes up for hearing, if the petitioner appears and  
17 the respondent does not appear the petitioner may prove his petition so far as  
18 the burden of proof lies upon him and the tribunal or court shall enter a final  
19 judgment in the petition.

20 (3) When a petition comes up for hearing, if the respondent appears  
21 and the petitioner does not appear, the respondent shall be entitled to final  
22 judgment dismissing the petition.

23 (4) Documentary evidence shall be put in and may be read or taken as  
24 read by consent, such documentary evidence shall be deemed demonstrated in  
25 open court and the parties in the petition shall be entitled to address and urge  
26 argument on the content of the document, and the tribunal or court shall  
27 scrutinize or investigate the content of the documents as part of the process of  
28 ascribing probative value to the documents or otherwise.

29 (5) A party shall close his case when he has concluded his evidence

1 and either the petitioner or respondent may make oral application to have the  
2 case closed.

3 (6) Notwithstanding subparagraph (5) of this paragraph, the  
4 tribunal or court may suo-motu where it considers that either party fails to  
5 conclude its case within a reasonable time, close that party's case.

6 (7) The Secretary shall take charge of every document or object put  
7 in as exhibit during the hearing of a petition and shall mark or label every  
8 exhibit with a letter or letters indicating the party by whom the exhibit is put  
9 in (or where more convenient the witness by whom the exhibit is proved)  
10 and with a number so that all the exhibits put in by a party (or proved by a  
11 witness) are numbered in one consecutive series.

12 (8) The Secretary shall cause a list of all the exhibits in the petition  
13 to be made which when completed shall form part of the record of the  
14 proceedings.

15 (9) For the purpose of subparagraph (8) of this paragraph, a bundle  
16 of documents may be treated and counted as one exhibit.

17 (10) When the party beginning has concluded his evidence, if the  
18 other party does not intend to call evidence, the party beginning shall within  
19 10 days after close of evidence file a written address. Upon being served  
20 with the written address, the other party shall within 7 days file his own  
21 written address.

22 (11) Where the other party calls evidence, he shall within 10 days  
23 after the close of its evidence file a written address.

24 (12) Upon being served with other party's written address the party  
25 beginning shall within 7 days file his written address.

26 (13) The party who files the first address shall have a right of reply  
27 on points of law only and the reply shall be filed within 5 days after service  
28 of the other party's address.

29 *Motions and Applications*

30 47.-(1) No motion shall be moved and all motions shall come up at

1 the prehearing session except in extreme circumstances with leave of Tribunal  
2 or Court.

3 (2) Whereby these Rules any application is authorised to be made to  
4 the Tribunal or Court, such application shall be made by motion which may be  
5 supported by affidavit and shall state under what rule or law the application is  
6 brought and shall be served on the respondent.

7 (3) Every such application shall be accompanied by a written address  
8 in support of the reliefs sought.

9 (4) Where the respondent to the motion intends to oppose the  
10 application, he shall within 7 days of the service on him of such application file  
11 his written address and may accompany it with a counter affidavit.

12 (5) The applicant may, on being served with the written address of the  
13 respondent file and serve an address in reply on points of law within 3 days of  
14 being served and where a counter-affidavit is served on the applicant he may  
15 file further affidavit with his reply.

16 *Service of Notice*

17 48.-(1) Where a summons, notice or document, other than a notice or  
18 document mentioned in subparagraph (1) of paragraph 7 of this Schedule, is  
19 required to be served on a person for a purpose connected with an election  
20 petition, it may be served by delivering it to the person or by leaving it at his last  
21 known place of abode in the constituency with any person there found who is a  
22 resident of the abode and appears to be 18 years of age or more.

23 (2) After a party has given an address for service it shall be sufficient  
24 if, in lieu of serving him personally with a document intended for him, the  
25 document is served on the person-

26 (a) appearing on the paper last filed on his behalf as his Solicitor  
27 wherever the person may be found or, if the person is not found at his office, on  
28 the clerk there apparently in charge; or

29 (b) named as occupier in his address for service wherever the person  
30 may be found or, if the person is not found at the address, on-



1 (i) the person there found apparently in charge, if such address is a  
2 place or business, or

3 (ii) a person, other than a domestic servant, there found who is a  
4 resident of the address and appears to be 18 years of age or more.

5 (3) A party may change his address for service by giving notice of  
6 his new address for service and its occupier to the Secretary and to each party  
7 to the election petition, but, until a notice, is received by the Secretary, his  
8 old address for service shall continue to be his address for service.

9 (4) Where service by one of the modes specified in this paragraph  
10 has proved impracticable, the Tribunal or Court may, on being satisfied, on  
11 an application supported by an affidavit showing what has been done, that  
12 all reasonable efforts have been made to effect service -

13 (a) order that service be effected in any of the ways mentioned in  
14 the provisions of the Civil Procedure Rules relating to substituted service  
15 which service shall be sufficient; or

16 (b) dispense with service or notice as the tribunal or court deems fit.

17 *Two or more Candidates as Respondents*

18 49. Two or more candidates may be made respondents to the same  
19 petition and their case may, for the sake of convenience be heard at the same  
20 time but for all purposes (including the taking of security) the election  
21 petition shall be deemed to be a separate petition against each of the  
22 respondents.

23 *Consolidated Petitions*

24 50. Where two or more petitions are presented in relation to the  
25 same election or return, all the petitions shall be consolidated, considered  
26 and be dealt with as one petition unless the Tribunal or Court shall otherwise  
27 direct in order to do justice or an objection against one or more of the  
28 petitions has been upheld by the Tribunal or Court.

29 *Electoral Officer, Etc. as Respondents*

30 51.-(1) Where an election petition complains of the conduct of an

1 Electoral Officer, a Presiding Officer, Returning Officer or any other official of  
2 the Commission he shall for all purposes be deemed to be a respondent and  
3 joined in the election petition as a necessary party, but an Electoral Officer, a  
4 Presiding Officer, Returning Officer or any other official of the Commission  
5 shall not be at liberty to decline from opposing the petition except with the  
6 written consent of the Attorney-General of the Federation.

7 (2) If consent is withheld by the Attorney-General under  
8 subparagraph (1) of this paragraph the Government of the Federation shall  
9 indemnify the Electoral Officer, Presiding Officer, Returning Officer or such  
10 other official of the Commission against any costs which may be awarded  
11 against him by the Tribunal or Court in respect of the election petition.

12 (3) Where the Commission, an Electoral Officer, a Presiding Officer,  
13 Returning Officer or any other official of the Commission has been joined as a  
14 respondent in an election petition, a Legal Officer of the Commission or a  
15 Legal Practitioner engaged by the Commission or the Attorney-General of the  
16 State concerned (acting in person or through any of his Legal Officers), or the  
17 Attorney-General of the Federation (acting in person or through any of his  
18 Legal Officers) shall represent the Commission Electoral Officer, Presiding  
19 Officer, Returning Officer or other official of the Commission at the Tribunal  
20 or Court.

21 (4) A private Legal Practitioner engaged by the Commission under  
22 subparagraph (3) of this paragraph shall be entitled to be paid his professional  
23 fees and a Legal Officer so engaged shall be paid such honorarium as may be  
24 approved by the Commission.

25 *Duplicate of Document*

26 52. In the absence of express provision in this Schedule, a party filing  
27 any document or process paper in connection with any step being taken in the  
28 proceedings of an election petition shall, unless the Secretary otherwise  
29 directs, leave with the Secretary copies of the document or process paper for  
30 service on each of the parties to the election petition in addition to three copies

1 which the Secretary may preserve.

2 *Noncompliance with Rules, etc*

3 53.-(1) Noncompliance with any of the provisions of this  
4 Schedule, or with a rule of practice for the time being operative, except  
5 otherwise stated or implied, shall not render any proceeding void, unless the  
6 Tribunal or Court so directs, but the proceeding may be set aside wholly or in  
7 part as irregular, or amended, or otherwise dealt with in such manner and on  
8 such terms as the Tribunal or Court may deem fit and just.

9 (2) An application to set aside an election petition or a proceeding  
10 resulting there from for irregularity or for being a nullity, shall not be  
11 allowed unless made within a reasonable time and when the party making  
12 the application has not taken any fresh step in the proceedings after  
13 knowledge of the defect.

14 (3) An application to set aside an election petition or a proceeding  
15 pertaining thereto shall show clearly the legal grounds on which the  
16 application is based.

17 (4) An election petition shall not be defeated by an objection as to  
18 form if it is possible at the time the objection is raised to remedy the defect  
19 either by way of amendment or as may be directed by the Tribunal or Court.

20 (5) An objection challenging the regularity or competence of an  
21 election petition shall be heard and determined after the close of pleadings.

22 *Application of Rules of Court*

23 54. Subject to the express provisions of this Act, the practice and  
24 procedure of the Tribunal or the Court in relation to an election petition shall  
25 be as nearly as possible, similar to the practice and procedure of the Federal  
26 High Court in the exercise of its civil jurisdiction, and the Civil Procedure  
27 Rules shall apply with such modifications as may be necessary to render  
28 them applicable having regard to the provisions of this Act, as if the  
29 petitioner and the respondent were respectively the plaintiff and the  
30 defendant in an ordinary civil action.

1                    *Practice and Procedure of Court of Appeal and Supreme Court*

2                    55. Subject to the provisions of this Act, an appeal to the Court of  
3 Appeal or to the Supreme Court shall be determined in accordance with the  
4 practice and procedure relating to civil appeals in the Court of Appeal or of the  
5 Supreme Court, as the case may be, regard being had to the need for urgency on  
6 electoral matters.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Electoral Act No. 6, 2010 and enact Independent National Electoral Commission Bill 2020, to regulate the conduct of Federal, State and Area Council elections and for related matters, to make provisions for the restriction of the qualification for elective office to relevant provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended); use of Card Readers and other technological devices in elections and Political Party Primaries, to provide a time line for the submission of list of candidates, criteria for substitution of candidates, limit of campaign expenses, and address the omission of names of candidates or logo of political parties.