



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**NATIONAL ELECTORAL OFFENCES COMMISSION
(ESTABLISHMENT) BILL, 2021**

(SB. 220)

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

FIRST READING

WEDNESDAY, 27TH NOVEMBER, 2019

SECOND READING

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TUESDAY, 13TH JULY, 2021

NATIONAL ELECTORAL OFFENCES COMMISSION (ESTABLISHMENT) BILL, 2021



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A BILL
FOR

AN ACT TO ESTABLISH THE NATIONAL ELECTORAL OFFENCES COMMISSION AND FOR RELATED MATTERS, 2021 (SB. 220)

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-
PART I: ESTABLISHMENT OF NATIONAL ELECTORAL OFFENCES COMMISSION, ETC.

{ } Commencement.

1.

- (1) The Commission shall –
 - (a) be a body corporate with perpetual succession, a common seal and may sue and be sued in its corporate name
 - (b) The commission headquarters shall have its headquarters located in the Federal Capital Territory and establish offices in All the State of the Federation including the FCT
 - (c) Have all such powers that are necessary for or incidental to the performance of its functions under this Bill.

Establishment of the
National Electoral
Offences
Commission

2.

- (1) The Commission shall consist of the following members who shall not be registered members of any political party –
 - (a) a Chairman, who shall be –
 - (i) the Chief Executive and Accounting Officer of the Commission;
 - (ii) a distinguished Nigerian with unblemished public reputation and not less than Fifteen (15) years cognate experience in public service.
 - (b) (i) a Secretary who shall be the Commission's head of administration;
 - (ii) the Secretary shall be equivalent of a permanent secretary in the civil service with not less than 15 years cognitive experience in law
 - (c) a representative each of the following Federal Ministries –
 - (i) Justice;
 - (ii) interior;
 - (iii) Defence;
 - (iv) Information
 - (d) the Inspector-General of Police or his representative;
 - (e) the Chairman, Independent National Electoral Commission or his representative;
 - (f) the Chairman, National Human Rights Commission or his representative;
 - (g) the Commandant General, Nigeria Security and Civil Defence Corps;
 - (h) the Director General Nigeria Financial Intelligence Unit or his representative;
 - (i) the Director-General Legal Aid Council of Nigeria; and
 - (j) six Nigerians, with cognate experience in any of the following, that is law, security, electoral management, engineering and information technology, one representing each geo-political zone of the country; at least two of whom shall be women.
- (2) The members of the Commission, other than the Chairman and Secretary, shall be part-time members.
- (3) The Chairman and members of the Commission other than the ex-officio members mentioned in Clause 2(1) (c) – (i) shall be appointed by the President, subject to confirmation by the Senate.

Members of the
Commission

3. (1) The Chairman and members of the Commission other than the ex officio members mentioned in Clause 2(1)(c) – (i) shall hold office for a period of five (5) years and may be reappointed for a further term of five (5) years and no more. Tenure of office
- (2) A member of the Commission may be removed from office by the President acting on an address supported by two-third (2/3) of the Senate praying that he be so removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct; or if it is not in the interest of the public that the member should continue in office.
- (3) A member of the Commission may resign his membership by notice in writing addressed to the President and that member shall, on the date of the receipt of the notice by the President, cease to be a member of the Commission.
4. Where a vacancy occurs in the membership of the Commission, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, but the successor shall represent the same interest or appointment criteria stipulated as his predecessor, and as stipulated by this Bill. Vacancy in Membership
5. The Commission may make regulations running the affairs of its proceedings or those of any of its committees or units. Standing Orders

PART II: FUNCTIONS OF THE COMMISSION

6. (1) The Commission shall – Functions of the Commission
- (a) enforce and administer the provisions of this bill;
- (b) investigate all electoral offences created in any law relating to elections in Nigeria;
- (c) prosecute offenders under this bill subject to the provisions of clause 174 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (on the power of the Attorneys-General of the Federation respectively to institute, continue, takeover or discontinue criminal proceedings against any person in any court of law).
- (d) liaise with the Attorney-General of the Federation and electoral bodies in the Federation and government security and law enforcement bodies and agencies in discharges its duties under this Bill;
- (e) maintain records of all persons it investigated and prosecuted;
- (f) liaise with other bodies within or outside Nigeria involved in the investigation or prosecution of electoral offences;
- (g) adopt measures to prevent, minimize and eradicate the commission of electoral offences throughout the Federation; and
- (h) carry out such other activities as shall be necessary or expedient for the full discharge of all or any of its functions under this Bill.
- (1) The Commission shall have power to – Powers of the Commission
- (a) investigate, arrest and prosecute any person, corporate body or organization –
- (i) alleged to have committed an offence under this Bill, the Electoral Act No. 6,

- 2010 (as amended) or any other law relating to elections in force in the Federation or a part thereof,
- (ii) alleged to have corruptly perverted or undermined the course of electoral justice.
- (b) adopt measures to prevent, minimize and eradicate the commission of electoral offences throughout the Federation

PART III: STAFF OF THE COMMISSION

8. (1) There shall be established for the Commission a secretariat which shall be headed by the Secretary of the Commission. Staff of the Commission
- (2) The Secretary shall be-
- (a) the head of the Commission's secretariat;
- (b) responsible for the administration of the Commission's secretariat and the keeping of the Commission's books and records;
- (c) subject to the supervision and control of the Chairman of the Commission and the Commission.
- (3) The Commission may appoint such other staff or second officers from government security or law enforcement agencies or such other private or public services as it may deem necessary, to assist the Commission in the performance of its functions under this Bill.
- (4) The staff of the Commission appointed under sub-clause (3) of this Clause shall be appointed upon such terms and conditions as the Commission may determine, subject to consultation with and approval by the Federal Civil Service Commission.
- (5) For the purpose of carrying out or enforcing the provisions of this Bill, officers of the Commission involved in the enforcement of the provisions of this Bill shall have the same powers, authorities and privileges (including power to search persons or premises, effect arrest of any person and bear arms) as are given by law to members of the Nigeria Police Force.
9. The Commission shall have power to initiate, develop and implement specific training programmes for its law enforcement and other personnel charged with the eradication of electoral offences and such programmes shall include – Special Programmes
- (a) methods used in the detection of electoral offences;
- (b) techniques used by persons involved in electoral offences and appropriate counter-measures;
- (c) collection of evidence;
- (d) law enforcement techniques;
- (e) legal prosecution and defence; and
- (f) dissemination of information on electoral offences and good electoral conducts.
10. (1) The Commission shall have the following Units - Establishment of Special Units
- (a) Investigation, Legal and Prosecution Unit;
- (b) Elections Monitoring and Operations Unit;
- (c) Administration Unit; and
- (d) Research and Training Unit.
- (2) Notwithstanding the provisions of sub-clause (1) of this Clause, the Commission may set up any unit or committee as may be necessary for the optimal exercise of its powers and performance of its functions.

11. (1) The Investigation, Legal and Prosecution Unit shall be charged with responsibilities for – Special Duties of the Units
- (a) the prevention and detection of electoral offences;
 - (b) the arrest and apprehension of perpetrators of electoral offences;
 - (c) dealing with matters connected with mutual international assistance in criminal matters involving electoral offences.
 - (d) prosecuting persons accused of committing electoral offences, electoral corruption, violation of electoral due process and perversion of electoral justice; and
 - (e) performing such other legal duties as the Commission may refer to it from time to time.
- (2) There shall be appointed for each of the units a principal officer who shall be known by such designation as the Commission may determine.
- (3) The responsibilities of other units shall be as prescribed by the Commission from time to time.

PART IV: ELECTORAL OFFENCES

12. (1) Any person who violates or acts in breach of the provisions of the Electoral Act No. 6., 2010 (as amended) or any other law on or regarding elections in force in the Federation, or a part thereof, shall be guilty and sanctioned to the extent of such violation or breach as prescribed in the relevant or applicable law. Offences arising from violating existing laws
- (2) All national officers or executives of any association or political party, as the case may be, that contravene the provision of Clauses 221, 225(1), (2), (3) and (4) and 227 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) shall be guilty of an offence and shall be liable, on conviction to imprisonment for a term of at least five (5) years or to a fine of at least Ten Million Naira (N10,000,0000), or both.
- (3) Any officer or executives of any association or political party, as the case may be, that contravene the provision of Clauses 221, 225(1), (2), (3) and (4) and 227 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) shall be guilty of an offence and shall be liable, on conviction to imprisonment for a term of at least five (5) years or to a fine of at least Ten Million Naira (N10,000,0000), or both.
13. Any person who – Offences by any Person
- (1) knowingly makes any false statement on or in connection with any application to be placed on the National Register of Voters kept by the Independent National Electoral Commission; or
 - (2) forges or fraudulently defaces or fraudulently destroys any document for the purpose of nomination for an elective office, or delivers to the Independent National Electoral Commission or a State Electoral Commission any document for the purpose of nomination for an elective office knowing it to be forged; or
 - (3) forges or counterfeits or fraudulently defaces or fraudulently destroys any electoral document or the official perforation, stamp or mark on any electoral document issued by the Independent National Electoral Commission or a State Electoral Commission; or

- (4) without due authority supplies any electoral document issued by the Independent National Electoral Commission or a State Electoral Commission to any person; or
- (5) sells or offers to sell any electoral document issued by the Independent National Electoral Commission or a State Electoral Commission to any person or purchases or offers to purchase any electoral document from any person; or
- (6) not being a person entitled to be in possession of any electoral document which has been marked with any official perforation, stamp or mark of the Independent National Electoral Commission or a State Electoral Commission has any such electoral document in his possession; or
- (7) puts into any ballot box approved by the Independent National Electoral Commission or a State Electoral Commission anything other than the ballot paper which he is authorised by law to put in; or
- (8) without due authority takes out of a polling station any electoral document or is found in possession of any electoral document outside a polling station; or
- (9) without due authority destroys, takes, opens or otherwise interferes with any ballot box, ballot paper or packet of ballot papers or electoral documents in use or intended to be used for the purposes of an election; or
- (10) without due authority prints any electoral document or ballot paper or what purports to be or is capable of being used as an electoral document or ballot paper at an election; or
- (11) for the purposes of an election, manufactures, constructs, imports, has in his possession, supplies or uses, or causes to be manufactured, constructed, imported, supplied or used, any appliance, device or mechanism by which a ballot paper or results of elections may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at any election; or
- (12) not being authorized to do so under the provisions of this Bill, makes any mark on any ballot paper issued to any person other than to himself; or
- (13) votes at any election when he is not entitled to vote, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding fifteen (15) years, or a minimum of N3,000,000 or both.

14. Any person who –

- (a) without due authority makes, prepares or prints a document or paper purporting to be a register of voters or a voter's card; or
- (b) without due authority makes, prepares or prints any electoral document or purporting to be an electoral document; or
- (c) not being a person authorised to be in possession of any voter's card bearing the name of another person or which has not been written in the name of any person, has such voter's card in his possession; or
- (d) without due authority supplies a voter's card to any person; or
- (e) without due authority destroys, damages, defaces or makes any alteration on a voter's card; or
- (f) sells or offers to sell any voter's card to any person or purchases or offers to purchase any voter's card from any person; or
- (g) aids, abets, counsels or procures the commission of or attempts to commit any of the offences referred to in paragraphs (a) to (f), (?) shall be guilty of an offence

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

and liable, on conviction, in the case of an offence under paragraphs (a) to (f), (?) to imprisonment for a term not exceeding fifteen (15) years, and in the case of an offence under paragraph (g), to imprisonment for a term not exceeding ten (10) years.

15. Any person having any duty to perform pursuant to any written law relating to any election who –
- Offences by Election Officials
- (a) makes, in any record, return or other document which he is required to keep or make under such written law, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true; or
 - (b) permits any person whom he knows or has reasonable cause to believe not to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be; or
 - (c) refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person or an incapacitated person to vote in the manner provided for blind persons or incapacitated persons, as the case may be; or
 - (d) willfully prevents any person from voting at the polling station at which he knows or has reasonable cause to believe such person is entitled to vote; or
 - (e) willfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with the provisions of such written law; or
 - (f) willfully counts any ballot paper as being cast for any candidate, which he knows or has reasonable cause to believe was not validly cast for such candidate; or
 - (g) gives false evidence or withholds evidence at the trial of an election petition for the purpose of perverting the course of justice; or
 - (h) announces or declares a false result or a result which is false or he ought to know is false at an election; or
 - (i) is without reasonable cause guilty of any act or omission in breach of his official duty, shall be guilty of an offence and liable, on conviction, to imprisonment for a term of at least ten (10) years.
16. (1) A person who at an election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person or who, having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of impersonation and shall be liable, on conviction, to imprisonment for a term of not more than one (1) year.
- (2) For the purposes of this clause, a person who has applied for a ballot paper for the purpose of voting in person shall be deemed to have voted.
- Impersonation
17. A person shall be guilty of the offence of undue influence who directly or indirectly, by himself or by any other person acting on his behalf, makes use of or threatens any force, violence or restraint, or any temporal or spiritual injury, damage or loss, or any fraudulent device, trick or deception, or social boycott, calamity of any kind, fear or promise, or by boast, coercion, blackmail or intimidation for the purpose of or on account of –
- Undue Influence
- (a) inducing or compelling a person to give or refrain from giving his vote, whether to a particular candidate or not, at an election; or
 - (b) otherwise impeding or preventing the free exercise of the franchise of a voter; or

- (c) inducing or compelling a person to refrain from becoming a candidate or to withdraw if he has become a candidate; or
- (d) impeding or preventing a person from being nominated as a candidate for an election or from being registered as a voter.

18.

A person shall be guilty of the offence of bribery who –

Bribery

- (a) directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter or to or for any other person, in order to induce any voter to give or refrain from giving his vote, whether to a particular candidate or not, or does any such act as aforesaid on account of such voter having given or refrained from giving his vote at any election, whether to a particular candidate or not; or
- (b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavor to procure, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to give or refrain from giving his vote, whether to a particular candidate or not, or does any such act as aforesaid on account of any voter having so given or refrained from giving his vote at any election; or
- (c) directly or indirectly by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the election of any person, or the vote of any voter at any election; or
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the election of any person, or the vote of any voter at an election; or
- (e) advances or pays or causes to be paid any money to, or to the use of, any other person with the intent that such money or any part thereof shall be expended in bribery at any election or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election; or
- (f) being a voter, before or during any election directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or for any other person, for giving or agreeing to give or for refraining or agreeing to refrain from giving his vote, whether to a particular candidate or not, at any such election; or
- (g) after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having given or refrained from giving or having induced any other person to give or to refrain from giving, his vote, whether to a particular candidate or not, at any such election; or
- (h) directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for having voted or for agreeing or having agreed to vote for any candidate at an election, or on account of and as payment

for his having assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent or agents; for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment or for the promise of any office, place or employment; or

- (i) directly or indirectly, by himself or by any person on his behalf, in order to induce any other person to agree to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure or to endeavor to procure any office, place or employment, to or for such other person, or gives or lends, or agrees to give or lend, or offers, or promises to procure or to endeavour to procure any money or valuable consideration to or for any person or to or for such other person, or to or for any person on behalf of such other person.

19.

- (1) A person who –
- (a) commits the offence of personation, undue influence or bribery in Clauses 18, 19 and 20 of this Bill respectively; or
- (b) makes or publishes in print and electronic media including on the Internet, before or during any election, for the purpose of promoting or procuring the election of any candidate, any false statement of the withdrawal of any other candidate at such election,
- (c) or aids, abets, counsels or procures the commission of or attempts to commit any such offence shall be guilty of corrupt practice and liable, on conviction, in the cases referred to in paragraph (a) of this clause, to imprisonment for a term of at least fifteen (15) years, and in any other case in this clause, to imprisonment for a term of at least ten (10) years, or a minimum fine of N5,000,000 or both.

Punishment and Incapacities for Corrupt Practice

20.

- (1) A judicial officer or officer of a Court or Tribunal shall be guilty of perverting electoral justice if before, during or after an election, he directly or indirectly receives or accepts for himself or for any other person or on behalf of other persons, any money, gift, loan, property, valuable consideration, office, place, employment or appointment, or a promise of personal enrichment for the purpose of giving, rendering, procuring or directing a judicial decision in favour of or against a particular person or party in an election petition or any matter relating to an election conducted pursuant to the provisions of the Constitution of the Federal Republic 1999 (as amended), Electoral Act No. 6, 2010 (as amended) or any other law regarding elections in force in the Federation or a part thereof.
- (2) A judicial officer or officer of a Court or Tribunal who is guilty under sub-clause (1) of this clause shall be liable, on conviction, to imprisonment for a term of at least fifteen (15) years without an option of a fine.

Perversion of Electoral Justice

21.

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

Election official, security personnel not to cause influence

22. (2) Any person who commits an act in contravention of sub-clause (1) of this Clause shall be guilty of an offence of breach of electoral peace and liable, on conviction to imprisonment for a term of at least six (6) months or a fine of at least Five Hundred Thousand Naira (N500,000), or both.
- (1) No person shall, from three (3) hours prior to the commencement of an election to the completion of the election on the day of an election, directly or indirectly disturb public peace by doing any of the following acts in the house, building or place where a polling station is located or in any private or public house, building or land in the neighbourhood thereof so as to cause obstruction to the election or to voters or to persons or election officials who are conducting the election at the polling station:
- (a) Using loudspeakers, megaphones or similar devices, or
- (b) Playing musical instruments, singing and dancing, holding assembly or function of any kind whatsoever, making or causing to make commotion or manhandling or shouting.
- (2) Any person who commits an act in contravention of sub-clause (1) of this Clause shall be guilty of an offence of breach of electoral peace and liable, on conviction to imprisonment for a term of at least six (6) months or a fine of at least One Hundred Thousand Naira (N100,000), or both.
23. (1) No person acting for himself or on behalf of any organisation or political party or candidate or his agent or other person shall, with an intention of prejudicing the result of any election, damage or defame, in any manner, the character of any candidate in an election or his family member by making, saying, printing, publishing, distributing, posting up, airing, or televising, or cause to be made, said, printed, published, distributed, posted up, aired or televised, before or during any election, any matter in the print or electronic media including radio, television, the Internet, online or social media, which he knows or believes to be false in relation to the personal character or conduct of the candidate or his family member or by making false accusation on any matter in a manner likely to make others believe such matter to be true.
- (2) Any person who commits an act in contravention of sub-clause (1) of this Clause shall be guilty of an offence of serious corrupt practice and liable, on conviction to imprisonment for a term of at least ten (10) years or a fine of at least Ten Million Naira (N10,000,000), or both.
24. (1) Election campaigns materials including posters, pamphlets, bills, advertisements etc. prepared for the purpose of campaigning in an election shall bear the name and address of the political party, aspirant, candidate or person to whom/which they belong.
- (2) No person shall print, publish, distribute, post up, air or televise in print or electronic media including radio, television, the Internet, online or social media as the case may be, or cause to be so printed, published, distributed, posted up, aired or televised, any electioneering campaign audio, video, or printed advertisement, handbill, placard or poster which refers to any election and which does not clearly or loudly bear upon its face or presentation the names and addresses of the political party, candidate or person getting them printed, published, distributed,

Prohibition
disturbing
peace on
public

Prohibition
damaging
character of

Restriction on
election campaigns

posted up, aired or televised.

- (3) No person shall affix, or cause to be affixed, any election campaign material including posters, pamphlets, bills, advertisements or such papers to, or write, or cause to be written on, any religious, archaeological or historical buildings, monuments or structures.
- (4) No person shall affix, or cause to be affixed, any election campaign materials including posters, pamphlets, bills, advertisements or such papers to, or write, or cause to be written on any private house, shop, wall or other structure without the permission of the owner thereof.
- (5) No person shall, with the object of soliciting or giving votes for or against any political party or candidate at an election, convene or organise meetings, processions or raise slogans and campaign in any other manner within an election area during the period from Twenty-Four (24) hours prior to the day of the election to the end of the election.
- (6) Any person who commits an act in contravention of sub-clause (1) to (5) of this clause shall be guilty of an offence and liable, on conviction, to imprisonment for a term of at least five (5) years or a fine of at least Ten Million Naira (N10,000,000), or both.

25.

- (1) No person shall propagate or cause to be propagated anything or information that:
 - (a) undermines or is capable of undermining the independence, sovereignty, territorial integrity, or unity of the Federation;
 - (b) promotes or is capable of promoting feeling of enmity or hate on the basis of any religion, community, caste, tribe, language or territorial region; or
 - (c) causes or is capable of causing people to vote on the basis of any religion, community, caste, tribe, language or territorial region.

Prohibition on campaign against national interest

- (2) Any person who commits an act in contravention of subclause (1) of this clause shall be guilty of a serious electoral offence and liable, on conviction, to imprisonment for a term of at least twenty (20) years without an option of a fine.

26.

- (1) No candidate or agent of his or any other person shall grab, loot, damage or destroy in any manner ballot boxes or ballot papers or any other electoral document or material before, during or after an election, or take or attempt to take or cause to be taken ballot boxes or ballot papers or any other electoral document or material before, during or after an election without the permission of election official in charge of the election at a polling station or election official in charge of the electoral materials or abet to the commission of such act or cause obstruction of any kind in any manner to any other acts relating to an election.
- (2) Any person who commits any act in contravention of subclause (1) of this clause shall be guilty of an electoral offence and liable, on conviction, to imprisonment for a term of at least Twenty (20) years or a fine of at least Forty Million Naira (N40,000,000)

Prohibition on obstructing votes counting or other acts inhibiting electoral due process

27.

- (1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made –
 - (a) on account of the conveyance of voters to or from the poll, whether for the hiring of vehicles, vessels or animals of transport of any kind whatsoever, or for railway fares, or otherwise; or
 - (b) to or with a voter on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or account of the exhibition of

Certain expenditure to be illegal practice

any address, bill or notice.

- (2) Subject to such exception as may be allowed in pursuance of this Bill, if any payment or contract for payment is knowingly made in contravention of this clause either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, in contravention of this clause, shall also be guilty of an illegal practice.
 - (3) A person shall not let, lend, or employ for the purpose of conveyance of voters except family members to and from the poll any vehicle, vessel or animal of transport of any kind whatsoever which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such vehicle, vessel or animal of transport knowing that it is intended to be used for the conveyance of voters to and from the poll he shall be guilty of an illegal practice.
 - (4) A person shall not hire, borrow, or use for the purpose of conveyance of votersexcept family members to and from the poll any vehicle, vessel or animal of transport of any kind whatsoever which he knows the owner thereof is prohibited by subclause (3) of this clause to let, lend, or employ for that purpose, and if he does so he shall be guilty of an illegal practice.
 - (5) Nothing in sub-clause (3) or (4) of this clause shall prevent a vehicle, vessel or animal of transport of any kind being let to, or hired, employed, or used by a voter or several voters at their joint cost for the purpose of being conveyed to or from the poll.
 - (6) Notwithstanding anything to the contrary in this clause –
 - (a) where it is the ordinary business of a voter as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such voter, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this clause;
 - (b) where voters are unable at an election to reach their polling stations from their place of residence without crossing the sea or a branch or arm thereof or a river, means may be provided for conveying such voters to their polling stations, or to enable them to cross in order to reach their polling stations: PROVIDED that such means of conveyance shall be made available equally to all such voters who wish to avail themselves thereof.
 - (7) A person who aids, abets, counsels or procures the commission of, commits or attempts to commit any illegal practice under this clause shall be liable, on conviction, to imprisonment for a term of at least fifteen (15) years.
- 18.
- (1) Every employer shall, on polling day, allow to every voter in his employ a reasonable period for voting, and no employer shall make any deduction from the pay or other remuneration of any such voter or impose upon or exact from him any penalty by reason of his absence during such period.
 - (2) Any employer who, directly or indirectly, refuses or by intimidation, undue influence,

Employers to allow employees reasonable period for voting

or in any other manner, interferes with the granting to any voter in his employ, of a reasonable period for voting, as provided in this clause, shall be guilty of an offence and liable, on conviction, to a fine of at least Six Million Naira (N6,000,000) or to imprisonment for a term of least three (3) years, or both.

- (3) The provisions of this clause shall not extend to –
- (a) members of the Armed Forces, the Nigerian Police Force, State Security Service, the Nigerian Prisons Service and all Federal Government security and law enforcement agencies;
 - (b) any employee who at the election in question is acting as an election official under the Electoral Act No. 6, 2010 (as amended) or any electoral law in force in the Federation or a part thereof; and
 - (c) other employees in reasonably essential public or private service.

29. (1) No person shall furnish or supply any musical instrument or loud speaker to any person with intent that it shall be used by any person in any way or used in or upon vessels, animals, motor cars, trucks, or other vehicles as or for the purpose of political propaganda on polling day and no person shall with any such intent use himself or use in or upon any vessel, animal, motor car, truck, or other vehicle any such musical instrument or loud speaker on polling day.

Limitation of political
propaganda on
polling day

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

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

Offences relating to
false information

(2) The penalty for the offence under subclause (1) of this clause shall be imprisonment for a term of at least Two (2) years and not more than Three (3) years,

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

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

Offences relating to
Election Expenses

(2) A candidate at an election who contravenes the provisions of subclause (1) of this clause shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term of at least Six (6) months and a fine equal to the amount of money specified in the relevant law as the maximum for election expenses for the

particular elective office in question.

- (3) A statement of the election expenses submitted under subclause (1) of this clause may be audited by an auditor appointed by the Commission for compliance or otherwise with the law.
- (4) A candidate at an election shall be guilty of an offence if his –
 - (a) statement of election expenses is false; or
 - (b) election expenses are substantially above the ceiling stipulated by law for the elective office in question,

and shall in these respects be liable, on conviction, to a fine which shall not exceed the amount of money stipulated in the law as the ceiling for election expenses for that office.

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

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

- (6) Prior to issuing an order for a fine on a candidate under subclause (5) of this clause, the Commission shall give a reasonable opportunity to the concerned person to defend himself and the Commission shall not issue any such order if the candidate's failure to submit the statement of election expenses is reasonably justified.
- (7) All moneys received by the Commission under the provisions of subclause (5) of this clause shall be paid into the consolidated Revenue Fund of the Federation.

32.

- (1) A person who, in the course of politics or elections, uses or directs the use of threatening words, behaviour or action, or displays or directs the display of any written material which is threatening or incites violence, is guilty of an offence if –
 - (a) he/she intends thereby to stir up ethnic, religious, or racial hatred, social or political insecurity or violence against anyone or group of persons; or
 - (b) having regard to all the circumstances, ethnic, religious, or racial hatred or social or political insecurity or violence is likely to be stirred up thereby;

Prohibition on Hate
Speech

PROVIDED that nothing in this subclause shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different belief system to cease practising their belief

system. Subjective descriptions of a person's actions or behaviour, however abhorrent, crass or objectionable, may not be considered an attempt to spread hate unless the motive is clearly defined as such.

- (2) Any person who commits offence under subclause (1) of this clause shall be liable, on conviction, to imprisonment for a term of at least Ten (10) years or a fine of at least Forty Million Naira (N20,000,000), or both.

PART V: COURTS

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| 33. | <p>(1) The Federal High Court, High Court of a State or the High Court of the Federal Capital Territory Abuja shall have the jurisdiction to try alleged offenders under this Bill.</p> <p>(2) Notwithstanding anything to the contrary in any other enactment, the Federal High Court, High Court of a State or the High Court of the Federal Capital Territory Abuja shall have power, –</p> <p style="margin-left: 20px;">(a) to impose the penalties provided for in this Bill;</p> <p style="margin-left: 20px;">(b) to ensure that all matters brought before the Court by the Commission against any person, body or authority shall be given accelerated hearing;</p> <p style="margin-left: 20px;">(c) to adopt measures necessary to avoid unnecessary delays and abuse in the conduct of matters brought by the Commission against any person, body or authority.</p> <p>(3) The Chief Judge of the Federal High Court or a High Court of a State or the High Court of the Federal Capital Territory Abuja, as the case may be, may designate a court or judge or such number of courts or judges as he shall deem appropriate to hear and determine matters brought pursuant to the provisions of this Bill.</p> <p>(4) A court or judge so designated under sub-clause 3 of this clause shall give such matters priority over all other matters.</p> | <p>Jurisdiction and special powers of Court</p> |
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PART VI: FINANCIAL PROVISIONS

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| 34. | <p>(1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditures reasonably incurred by it in the execution of its functions.</p> <p>(2) There shall be paid and credited to the fund established pursuant to subclause (1) of this clause, such monies as may in each year be approved by the National Assembly for the purpose of the Commission.</p> <p>(3) The Commission may accept gifts of land, money or other property (whether within or outside Nigeria) upon such terms and conditions, if any, as may be specified by the person or organisation making the gift provided that the terms and conditions are not contrary to the objectives and functions of the Commission.</p> | <p>Commission's fund, budgetary appropriation and gifts</p> |
| 35. | <p>The Commission shall keep proper accounts, in a form which conforms to accepted commercial standards of its receipts, payments, assets and liabilities and shall submit the accounts annually, for auditing by a qualified auditor appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor General of the Federation.</p> | <p>Accounts and Audit</p> |
| 36. | <p>The Commission shall, not later than the 30th day of September in each year, submit to the</p> | <p>Submission of annual report</p> |

President and National Assembly, a report of its activities during the immediately preceding year and shall include in such report the audited accounts of the Commission.

PART VII: MISCELLANEOUS PROVISIONS

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| 37. | <p>(1) The Commission shall seek and receive information from any person, political party, organization, authority, corporation or company without let or hindrance in respect of offences it is empowered to enforce under this Bill.</p> <p>(2) A person who -</p> <p style="padding-left: 20px;">(a) willfully obstructs the Commission or any of its authorised officers in the exercise of any of the powers conferred on the Commission; or</p> <p style="padding-left: 20px;">(b) fails to comply with any lawful enquiry or requirements made by any authorised officer of the Commission, commits an offence under this Bill and shall be liable, on conviction to imprisonment for a term of least Five (5) years or to a fine of at least Two Million Naira (N2,000,000.00), or both.</p> | Power to receive information without hindrances, etc. |
| 38. | <p>(1) Any property used for the planning or execution of an electoral offence under this Bill may be seized by the Commission -</p> <p style="padding-left: 20px;">(a) upon an application to a court for an interim order in the first instance where the seizure is incidental to a lawful arrest or search executed by the Commission; or</p> <p style="padding-left: 20px;">(b) upon an order of final forfeiture issued by a court following a successful application made by the Commission.</p> <p>(2) Whenever property is seized or forfeited under subclause (1) of this clause, the Commission may -</p> <p style="padding-left: 20px;">(a) place the property under seal; or</p> <p style="padding-left: 20px;">(b) remove the property to a place designated by the Commission.</p> <p>(3) Property taken or detained under this clause shall be deemed to be in the custody of the Commission and owned by the Federal Government, subject only to an order of a court of competent jurisdiction.</p> | Seizure and forfeiture of property |
| 39. | <p>A person who -</p> <p>(1) attempts to commit any electoral offence under this Bill, the Electoral Act No. 6, 2010 or under any other law in force in the Federation or a part thereof or does any act preparatory to or in furtherance of the commission of any electoral offence shall be guilty of an offence and shall on conviction, be liable to the punishment provided for such offence; or</p> <p>(2) aids, counsels or procures another person to commit an electoral offence shall be deemed to have taken part in the commission of that offence and to be guilty of the offence and may be charged with actually committing the offence.</p> | Attempt to commit electoral offence, etc |
| 40. | <p>(1) Commission shall not be compelled to disclose the source of information or identity of their informants except by the order of a competent court or tribunal upon a successful application seeking the discretion of the court to do so.</p> <p>(2) Any person who makes or causes another person to make any statement to an official of the Commission or to any other Public Officer who is exercising the duties</p> | Protecting informants and information, etc., and penalty for false information Officers of the |

of his office, which statement to the knowledge of its maker, or the person causing it to be made –

- (a) is false, or intended to mislead or is untrue in any material particular;
- (b) is not consistent with any other statement previously made by such person to any other person having authority or power under any law to receive or require to be made such other statement notwithstanding that the person making the statement is not under any legal or other obligation to tell the truth,

shall be guilty of an offence and shall be liable, on conviction, to a fine of at least Two Million Naira (N2,000,0000) or to imprisonment for a term of at least Two (2) years, or both.

- (3) Where any person who has made a statement to an officer of the Commission, subsequently makes any other statement to any person having authority or power under any law to receive or require to be made such other statement regardless of whether or not the person making the statement is under a legal or other obligation to tell the truth, he shall if such other statement is materially inconsistent with any statement previously made to an officer of the Commission or such other public officer, be guilty of an offence and shall be liable, on conviction, to a fine of at least Five Hundred Thousand Naira (N500,0000) or to imprisonment for a term of at least Six (6) months, or both.
- (4) For the purpose of sub-clause (1) and (2) of this clause, any statement made in the course of any legal proceedings before any court or tribunal, whether civil or criminal, or any statement made by any person in the course of any disciplinary proceedings, whether such legal proceedings or disciplinary proceedings are against the person making the statement or not, shall be deemed to be a statement made to a person having authority or power under the law to receive the statement so made.

- 41. Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), an application for stay of proceedings in respect of any criminal matter brought by the Commission before the High Court shall not be entertained until judgment is delivered by the High Court. Appeals against interlocutory ruling, etc.
- 42. Subject to the provisions of this Bill, an officer of the Commission when investigating or prosecuting a case under this Bill, shall have all the powers and immunities of a Police Officer under the Police Act and any other law conferring power on the, police, or empowering and protecting officials or personnel of law enforcement agencies. Immunities
- 43. Any offence committed or proceedings instituted before the commencement of this Bill under the provisions of – General Savings
 - (a) the Electoral Act No. 6, 2010 (as amended); and
 - (b) any other law or regulation relating to electoral offences,shall, as the case may require, be enforced or continue to be enforced by the National Electoral Offences Commission established under this Bill.
- 44. The Attorney General of the Federation may make rules or regulations with respect to the exercise of any of the duties, functions or powers of the Commission under this Bill. Regulations

15.

(1) In this Bill –

Interpretation

"Court" means the Federal High Court or the High Court of the Federal Capital Territory or the High Court of a State,

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

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

"Federation" means the Federal Republic of Nigeria; and

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

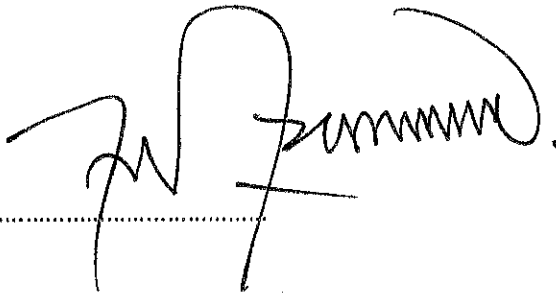
(2) Any word or expression used in this Bill, the meaning of which is defined in any written law relating to any election, shall have the same meaning in this Bill, for the purposes of and with reference to such election, as it has in the said written law; and any reference in this Bill to any person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

16.

This Bill may be cited as the National Electoral Offences Commission (Establishment) Bill, 2021.

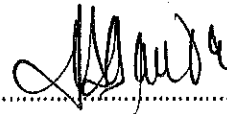
Short Title

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 13TH JULY, 2021



.....
President,

Senate of the Federal Republic of Nigeria



.....
Clerk,

Senate of the Federal Republic of Nigeria