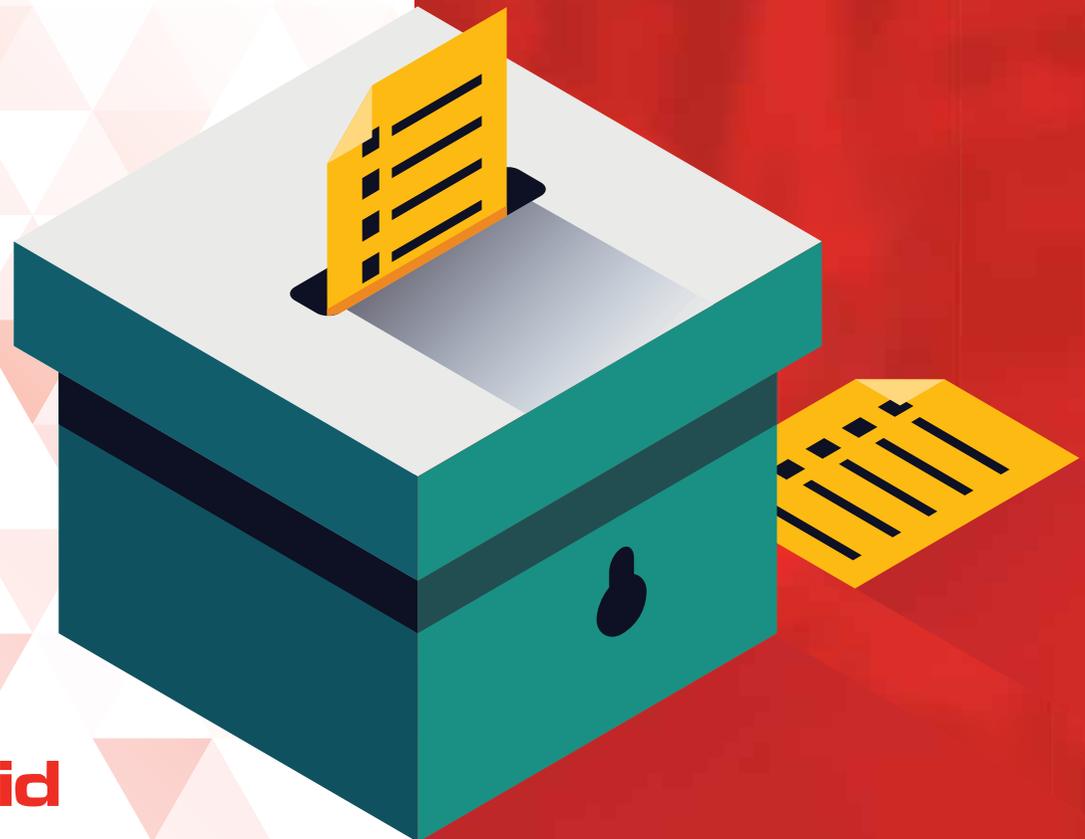


THE
ELECTORAL
ACT 2022
(AT A GLANCE)



Ford Foundation | **act:onaid**

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Towards Increased Citizens' Consciousness for a Transparent Judiciary

The Citizens' Led Engagements on Judicial Accountability in Post-Election Justice Delivery in Nigeria (CLEAP-Justice) is a citizen-centered and citizen-driven intervention that will contribute to promoting accountability in post-election justice delivery in Nigeria.

Credible, free, and fair elections form integral building blocks for a thriving democracy; A true democracy is a catalyst for nation-building and can strengthen national unity and socio-development. The capacity of Citizens in terms of knowledge of electoral processes and electoral litigation processes, is a critical tool for holding duty bearers such as the Government accountable, to ensure that Post-Election Justice (which comprises election petitions processes and the integrity of election tribunals) is duly delivered.

As part of its intervention strategy, this simplified version of the Electoral Act 2022, shall serve to build citizen's consciousness on the statutory roles of the judiciary in dispensing elections-related justice and form a part of ActionAid Nigeria's resources for public education on the electoral adjudication process, beyond the 2023 General Elections. Against the notion of the dying reading culture around the world, this version has creatively been designed to be interactive, and appealing to the eyes, with salient contentious provisions of the Law highlighted in pop graphics.

I urge you to invest about thirty minutes or less to read through this document and share your thoughts, contributions, and or suggestions for our action via feedback.nigeria@actionaid.org

It is our social responsibility to learn about the Electoral processes to be empowered to ensure increased civic consciousness, participation, and engagement in electoral adjudication processes, promote mobilization and citizens' actions through which the arms of government especially the Judiciary will be held accountable for transparent justice dispensations in the electoral process. Collectively, this will be our contribution as Nigerians to reinforcing systems for judicial independence in electoral processes as a long-term catalyst.

My most profound gratitude goes to Ford Foundation for graciously funding this project for the good and development of Nigeria and her Citizens.

Andrew Mamedu
Country Director,
ActionAid Nigeria



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1 – 8

Provisions

PROVIDES FOR THE ESTABLISHMENT OF INEC, ITS FUNCTIONS ITS PRESENCE IN EACH STATE OF THE FEDERATION AND FCT AND LGA, INCLUDING STAFFING OF INEC

Key Points/Comment



The Electoral Act provides for the establishment of INEC offices not just in all states and the FCT, but also in all Local Government Areas in the country.

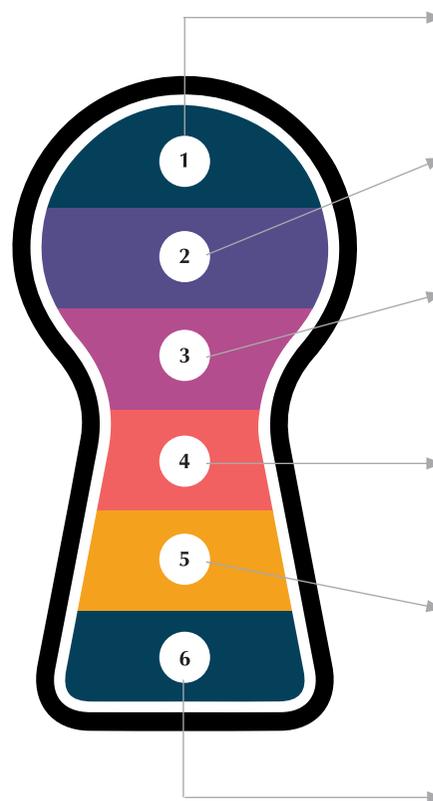
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Provisions

THESE SECTIONS PROVIDE ALL YOU NEED TO KNOW ABOUT THE NATIONAL VOTERS' REGISTER, VOTER REGISTRATION AND VOTERS' CARD.

IT ALSO PROVIDES FOR OFFENSES RELATING TO DOUBLE REGISTRATION, BUYING, AND SELLING OF VOTERS' CARD AND VOTERS' REGISTER.



Key Points/Comment

Registration to be eligible to vote in an election is now a continuous process.

All Nigerian Citizens above 18 years are qualified to be registered voters and to vote in elections.

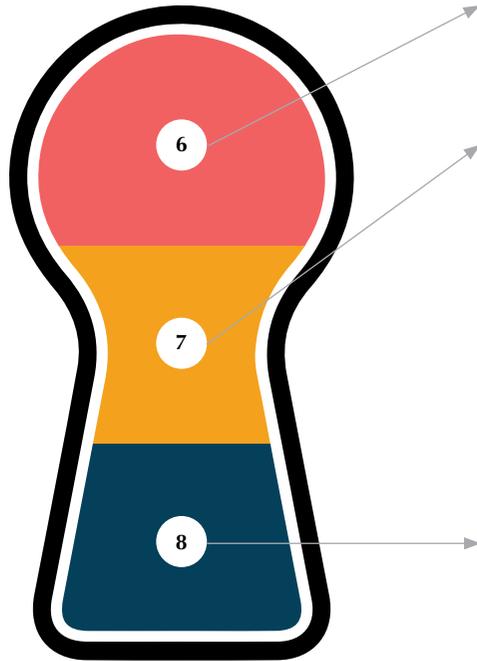
It is an offence to register more than once. (***A person convicted of double registration can be sentenced to a fine of N100,000 or one-year imprisonment.***)

Registered voters can apply to transfer their registration to a new state or constituency closest to them before elections (as directed by INEC) to ease access to a polling unit.

The provisions grant all citizens a right to apply for a copy of the voters register, upon fulfilling the required conditions.

While INEC is mandated to issue voters' cards to registered voters, it is an offence to hold more than one valid voter's card. (***Contravention of this provision carries a fine of N500,000 or imprisonment for a period of one year or both.***)

Key Points/Comment



Misplaced, defaced or damaged voters' cards may be replaced by INEC upon application not later than 90 days before an election day.

The Act makes it compulsory for INEC to display voters' register at each LGA, Area Council or Ward and on its website, and citizens have the right to raise objections within 14 days, on any irregularities seen on the register of votes.

Offences relating to voter's card:

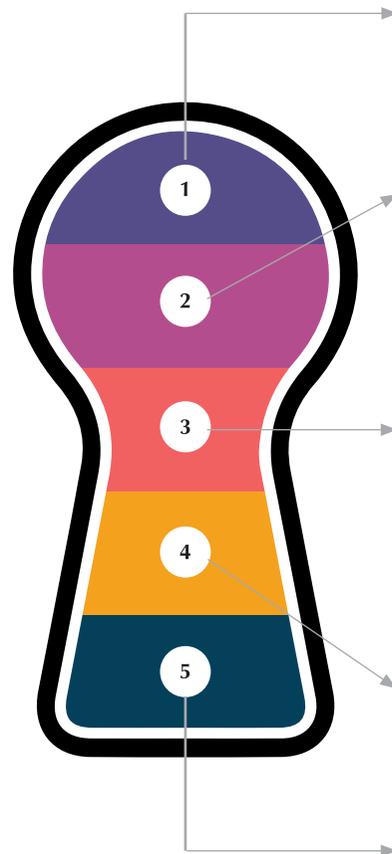
Anyone found in unlawful possession of any voter's card sells or attempting to sell, buy or offer to buy a voter's card commits an offence and on conviction will be liable to a fine of up to N500,000.00 or imprisonment for up to 2 years or both fine and imprisonment.

Also, any person who intentionally does anything leading to the inclusion/registration of persons not qualified to be registered commits an offence and if convicted, shall be liable to a fine of N100,000.00 or imprisonment for up to a year. Where a person unlawfully hinders an eligible person from registering to vote, he also commits an offence and could be sentenced to a fine of N500,000.00 and imprisonment for up to 5 years.

SECTIONS 24 – 26

Provisions

THESE SECTIONS MAKE PROVISION FOR SOME OF THE POWERS INEC EXERCISES OVER CONDUCT OF, AND POSTPONEMENT OF ELECTIONS IN CERTAIN SITUATIONS.



Key Points/Comment

Even in an emergency the Act mandates INEC to as far as practicable ensure persons displaced get to vote.

INEC reserves the right to postpone an election if there is a cogent and verifiable reason to believe there is likely to be a serious breach of peace, it becomes impossible to conduct the election due to natural disaster or other emergencies, disruption of the election, a threat to peace and security of electoral officials and material.

The section also makes provisions for persons empowered to announce the results of the election at every stage of the election and venues for such announcements. E.g. by the Presiding officer at the polling unit; Ward Collation Officer at the Registration Area or Ward Collation Centre; Local Government Area Collation Officer at the Local Government Areas, State Collation Officers at State Collation Centres;

National Collation Centre in the case of the President and by the Chief Electoral Commissioner as the returning officer.

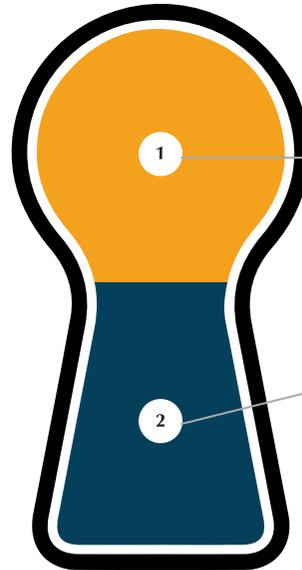
Section 26 makes provisions for oath-taking for loyalty, impartiality and neutrality by all staff and electoral officers. ***The Act makes failure to take the oath an offence with a fine of up to N500,000.00 or imprisonment of up to 12 months.***

SECTIONS

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Provisions

POWER OF INEC TO
ENGAGE AD-HOC STAFF



Key Points/Comment

The Provision grants INEC the power to engage temporary staff who are not partisan for the registration of voters and conduct of elections.

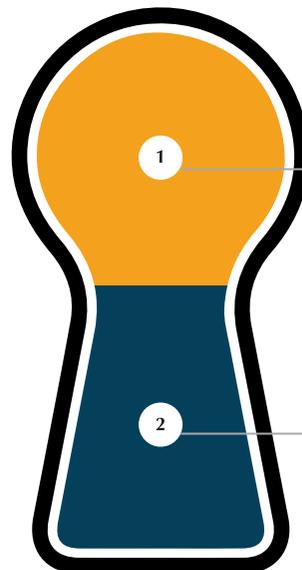
It also grants INEC the power to request security personnel for the registration of voters and elections. However, requesting for the deployment of the Nigerian Armed Forces shall only be for the purpose of securing the distribution of election material and protection of election officials.

SECTIONS

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Provisions

MANDATE TO GIVE
NOTICE OF ELECTION AND
SUBSTITUTION IN THE
EVENT OF BY-ELECTIONS.



Key Points/Comment

The section provides for the issuance of a notice to be given not less than 360 (14 days for a by-election) days before the day of election which shall be published in each state, stating the date, and place where nomination papers are to be delivered.

The section prohibits the substitution of a candidate where there is a by-election except where a candidate dies.

SECTIONS 29

Provisions

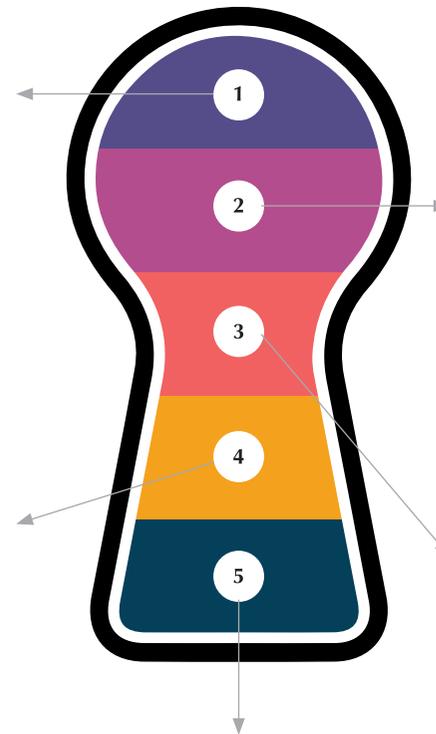
SUBMISSION OF LIST OF CANDIDATES BY POLITICAL PARTIES

Key Points/Comment

All Political parties must submit a list of candidates they sponsor for the elections accompanied by affidavits by them not later than 180 days to the election to INEC. Such a candidate must have emerged from a valid primary conducted.

INEC shall also cause the list to be published in the candidate's constituency.

The act makes it an offence for a political party to present a candidate who does not meet the qualification stipulated and is liable to a fine of N10,000,000.00



Anybody may apply for details submitted on a candidate and the commission shall avail them of the records within 14 days. An aspirant who participated in the primaries is given the power to challenge any false information submitted by the candidate at the Federal High Court.

Where the court finds that false information contained in the affidavit relates to the constitutional requirement of eligibility, the court shall disqualify the candidate and political party and declare the candidate with the second highest number of valid votes the winner.

SECTIONS

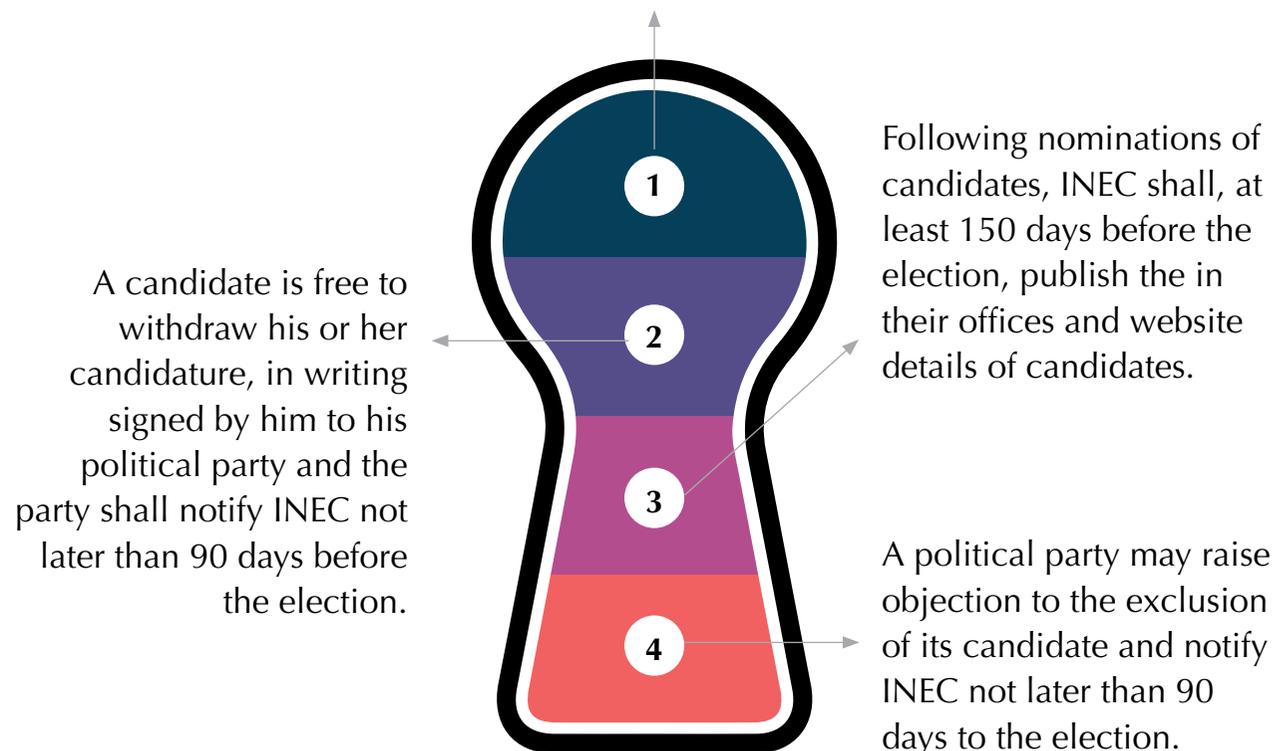
30 – 39

Provisions

NOMINATION AND CANDIDATES

Key Points/Comment

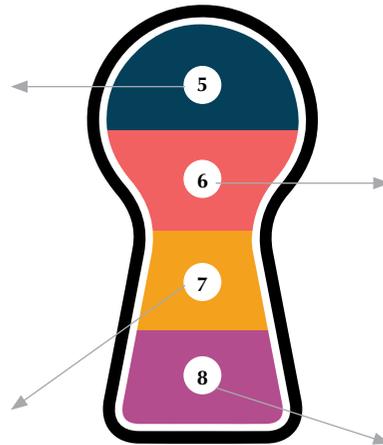
The Act provides for the nomination of a candidate for election and also prohibits the nominating of more than one candidate for the same office. ***Violating this provision is an offence punishable with a fine of N100,000 or imprisonment for up to 3 months or both.***



Key Points/Comment

A political party reserves the right to change or substitute a candidate whose name has already been submitted only when the candidate dies or withdraws his candidacy. Provided the political party conducts a fresh primary within 14 days of the death or withdrawal to produce a new candidate.

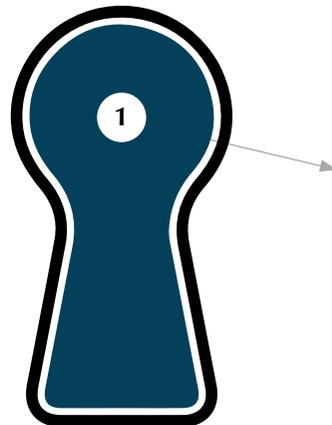
Double nomination by more than one party or constituency is not allowed.



Where a candidate dies after the commencement of polls, the commission shall suspend the process, and the party shall within 14 days conduct a new primary and submit a new candidate to INEC. If it is an election for president, governor or FCT area council election, the running mate shall continue and nominate a new running mate.

For the position of President or governor of a state, elections must be held even if the candidate is unopposed. In other cases, the unopposed candidate shall be declared the winner.

SECTIONS 40



Key Points/Comment

INEC is given the mandate to divide each LGA into at least 10 Electoral Wards, and an adequate number of polling units in each Electoral ward.

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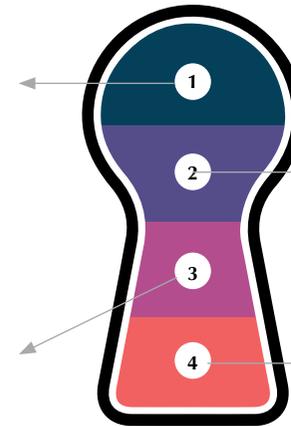
Provisions

BALLOT BOXES/DEVICES/
BALLOT PAPERS

Key Points/Comment

The commission is given the mandate to provide suitable devices for voting including electronic voting machines, and to determine the form to be used in the conduct of the election.

INEC is also mandated to invite all political parties at least 20 days to an election to inspect and approve or object to their symbol on the proposed ballot papers.



This section grants polling agents the right to be present at the distribution of all election materials and to inspect them before the commencement of the elections.

INEC is also mandated to invite all political parties at least 20 days to an election to inspect and approve or object to their symbol on the proposed ballot papers.

SECTIONS

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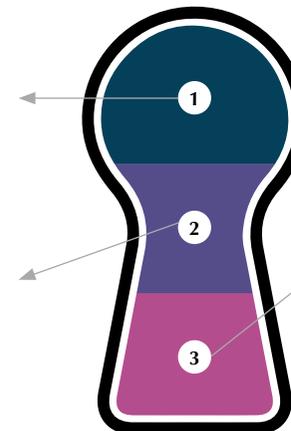
Provisions

POLLING AGENTS

Key Points/Comment

Political parties may appoint a polling agent for each polling unit and collation centre where it has a candidate.

Political office holders or persons with a political appointment are prohibited from acting as agents.



Failure of the party agent to present himself to act or fails to carry out an act for which he has a right to so do, will not invalidate any action carried out by INEC in his absence so long as the act was done properly.

SECTIONS

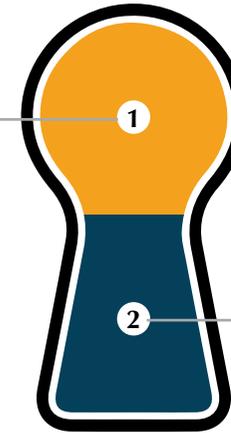
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Provisions

POLLS

Key Points/Comment

INEC shall not later than 14 days to the day of the election publish the day and hours fixed for the poll, persons entitled to vote; and the location of polling units.



The presiding officer shall display the empty ballot and voting materials for all present at the polling unit, and the ballot box kept where everyone can view it before the commencement of voting.

SECTIONS

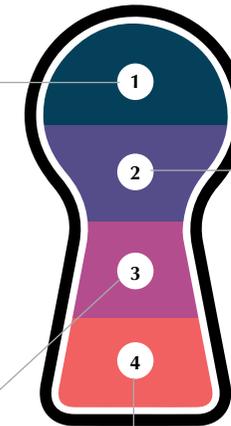
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Provisions

ACCREDITATION AND VOTING

Key Points/Comment

Before a person casts his vote, he is required to present his voter's card, and the presiding officer shall authenticate the voter and voter's card using a smart card reader or any device prescribed by INEC to authenticate the voter.



Party agents present may challenge the right of a person to vote in accordance with the Act.

If the smart card reader fails to work, and another one is not provided, the election in that polling unit will be cancelled and rescheduled within 24 hours, where INEC is satisfied that the results from that polling unit will substantially affect the final result of the whole election.

In states where sharia is practised separate queues for men and women shall be maintained.

SECTIONS

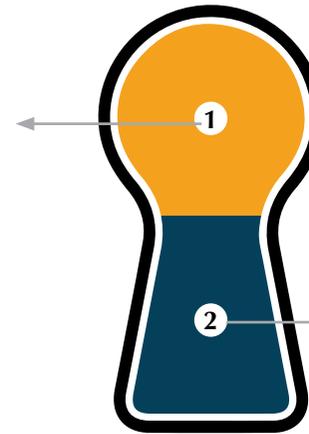
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Provisions

CONDUCT OF POLL BY
OPEN SECRET BALLOT

Key Points/Comment

The Act provides for an open secret ballot. INEC is authorized to determine the procedure to be adopted in voting and transmission of results.



A voter casts his vote by marking the ballot paper as prescribed by INEC and dropping it in the ballot box in public.

SECTIONS

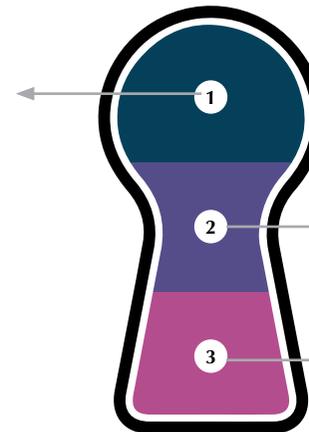
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Provisions

OVERVOTING/BALLOT
PAPERS

Key Points/Comment

Voters are entitled to one vote each at an election. If at the conclusion of voting, it is discovered that the number of votes is more than the number of accredited voters in a polling unit, the presiding officer shall cancel the result.



If INEC is convinced that the result in such a polling unit may substantially affect the final result, INEC will direct another poll to be held in the affected polling unit.

Marking a ballot paper for the purpose of identifying it is prohibited and such ballot paper will be rejected.

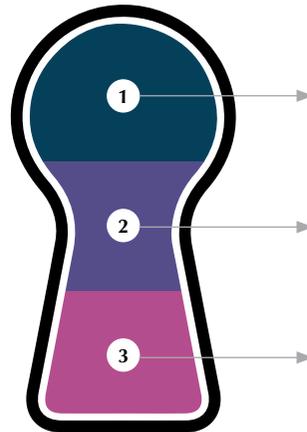
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Provisions

PROVISIONS FOR VISUALLY
IMPAIRED, VOTING BY
PROXY, IMPERSONATION

Key Points/Comment



A visually impaired voter may be accompanied to vote by a person of his choice. INEC is further urged to take steps to ensure persons with disabilities are assisted at the polling place.

Voting cannot be by proxy and voting must be done at the polling unit a person is assigned.

Where any INEC official or security personal believes a voter is impersonating another or is below the age of 18, such a voter may be arrested by the police.

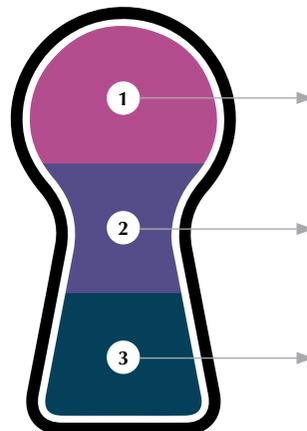
SECTIONS

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Provisions

CONDUCT AT POLLING
UNITS

Key Points/Comment



The only persons allowed access to a polling unit by the presiding officers are candidates, polling agents, poll clerks and persons lawfully entitled to be admitted including accredited observers.

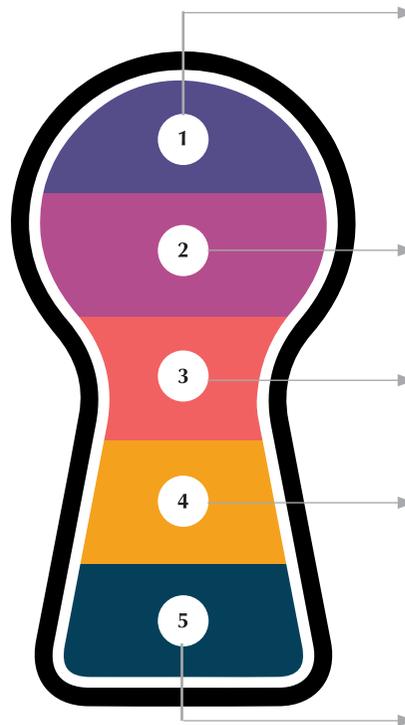
A person may be ordered to be removed from the polling unit for disorderly behaviour or failing to obey a lawful order. However, such a person may still be permitted to enter and cast his vote.

At the hour prescribed for the closing of voting no new voter will be admitted to the polling unit. But all those already present shall be allowed to vote.

SECTIONS 60 – 61

Provisions

VOTE AND FORMS
COUNTING



Key Points/Comment

The Presiding officer shall count the votes and announce results at the polling unit and enter votes scored by each candidate in a prescribed form, which shall be counter-signed by the candidates or their agents where available.

A copy shall be given to the polling agents and the police officer if present.

The presiding officer shall then record the total votes and total accredited voters.

A presiding officer who violates this section commits an offence and if convicted, is liable to a fine of N500,000.00 or imprisonment for at least six months.

A candidate or his agent may request a recount of votes, but the same cannot be done more than once.

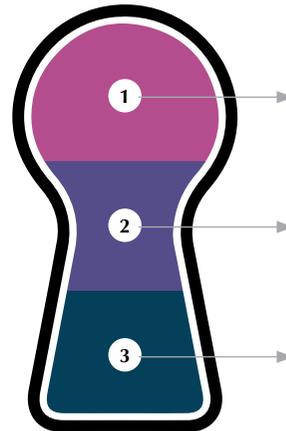
SECTIONS

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Provisions

POST-ELECTION

Key Points/Comment



After recording and announcement of the result the presiding officer shall deliver the result with the election materials accompanied by security and candidates or party agents to a person as INEC may direct.

The commission is mandated to keep and constantly update a National Electronic Register of Election Results. And anyone can apply to have copies of results from any election.

A ballot paper which does not carry the official mark of the commission shall not be counted except the presiding officer is satisfied same was obtained out of the book of ballot papers supplied by INEC for use in the election.

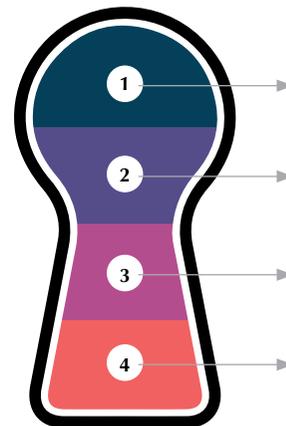
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Provisions

REJECTED BALLOT PAPERS

Key Points/Comment



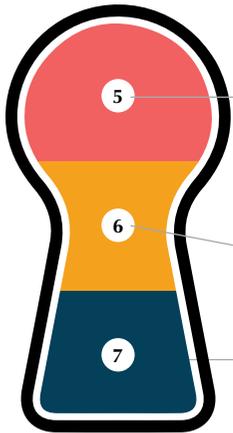
A ballot paper which carries a possible identifiable mark shall be marked rejected and will not be counter. The returning officer reserves the right to overrule the decision of the presiding officer.

If there is an objection to a rejected ballot paper, it shall be marked "rejected" "but objected to".

The statement prepared to this effect by the Presiding officer giving reason for the rejection shall be made available to a candidate or agent on request.

A collation or returning officer shall announce the result of an election upon confirming that (a) the number of accredited voters stated on the results is consistent with the number of accredited voters recorded and transmitted directly from polling units. (b) the votes contained in the collated results are consistent with votes recorded and transmitted directly from polling units.

Key Points/Comment



Where there is a dispute on collation during the collation of the results, the officer shall determine the dispute by (a) The original of the disputed collated results for each disputed polling unit (b) the smart card readers or other technological device used for accreditation (c) data of accreditation recorded and transmitted directly from each disputed polling unit, (d) the votes and results of election recorded and transmitted directly from each disputed polling unit.

Where the collation officer finds merit in the objection he shall re-collate and announce a new result.

Intentionally announcing a false result by the collation or returning officer is an offence with a fine of ***N5,000,000.00 or imprisonment for a term of at least three years or both fine and imprisonment.***

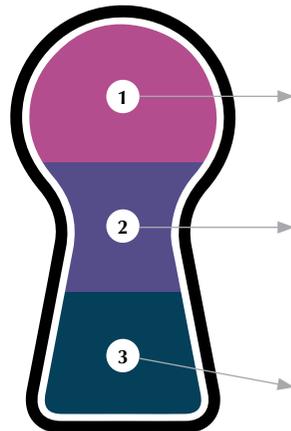
SECTIONS

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Provisions

DECISION OF RETURNING OFFICER ON BALLOT PAPERS

Key Points/Comment



With respect to any issue of unmarked ballot paper, rejected ballot paper; and declaration of scores and return of a candidate, the decision of the returning officer shall be final.

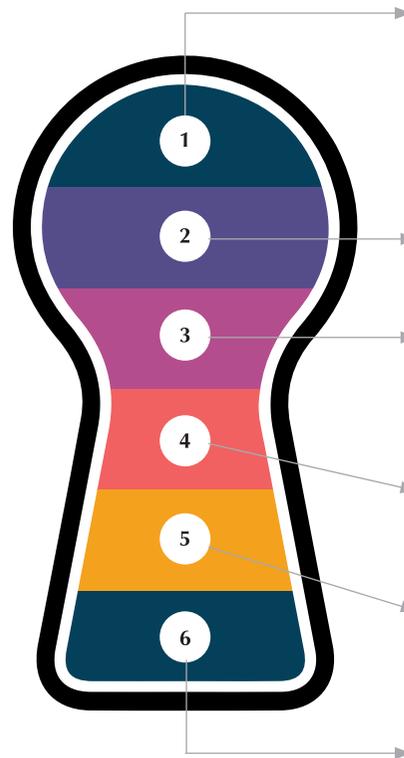
INEC has the power to still review within 7 days the return of a candidate and where it discovers that the declaration and return was not made voluntarily or was made in violation of the law, regulations and guidelines.

A candidate is at liberty to challenge the decisions of a returning officer at an Election petition.

SECTIONS 66 – 71

Provisions

DECLARATION OF RESULT



Key Points/Comment

Subject to the powers of a candidate to challenge the election, a candidate that receives the highest number of votes shall be declared elected.

Where there is a tie between two candidates, no winner shall be declared until a fresh election is held for the candidates who had equal number of votes.

Apart from announcing the results, INEC shall also publish the same on their website and notice board.

All statements of results and ballot papers relating to the election shall be kept in the custody of INEC.

INEC is permitted to make guidelines for the step-by-step recording of the poll in the electoral forms.

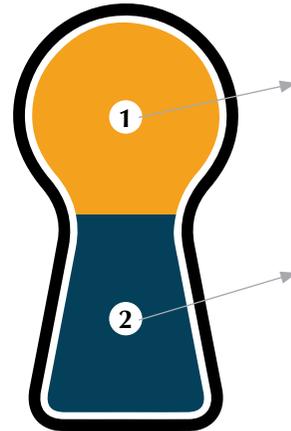
Results at all levels of election must be stamped, signed and counter-signed by electoral officers and polling agents and copies given to the police and polling agents.

SECTIONS

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Provisions

CERTIFICATE OF RETURN



Key Points/Comment

A certificate of return shall be issued to the declared winner within 14 days.

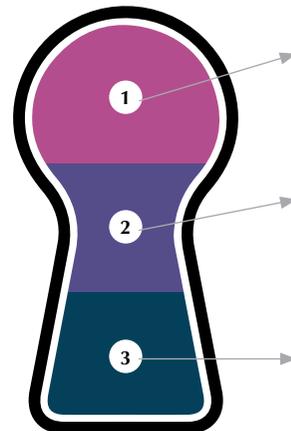
Where there is a petition and the court nullifies a candidate's certificate and declares another winner, INEC shall within 48 hours of the receipt of the court order, issue the successful candidate a valid certificate of return.

SECTIONS

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Provisions

FORMS FOR USE AT ELECTIONS



Key Points/Comment

INEC determines the forms to be used at elections.

Before the conduct of polls at the polling unit, the presiding officer shall record quantity, serial numbers and other particulars of results sheets, ballot papers and other sensitive materials made available by INEC. An election held without prior recording shall be invalid.

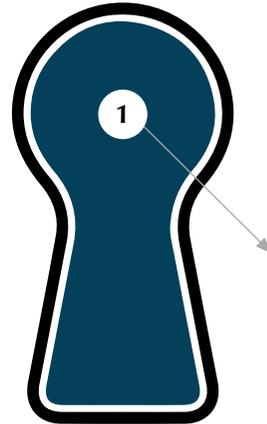
A presiding officer who intentionally announces or signs any election result without complying with this provision commits an offence and ***shall be liable to a fine of N10,000,000.00 or imprisonment for at least 1 year or both if convicted.***

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Provisions

ACCESS TO ELECTION
DOCUMENTS



Key Points/Comment

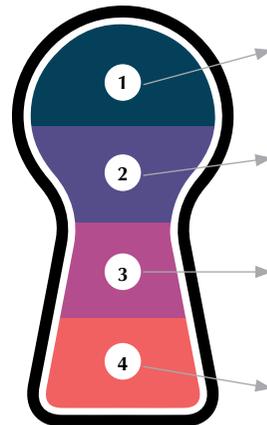
The Resident Electoral Commissioner in a state shall make available to an applicant CTC such documents requested. Failure to comply with this provision is an offence which carries a maximum fine of ***N2,000,000 or 12 months imprisonment or both.***

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Provisions

POLITICAL PARTIES



Key Points/Comment

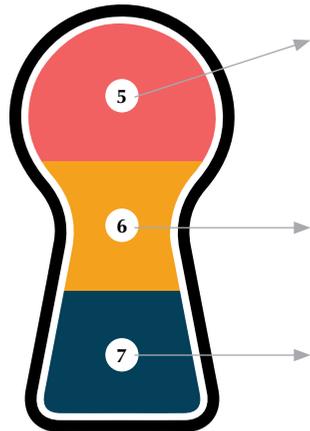
INEC is empowered to register political parties upon application so long as such application is made not later than 12 months before a general election.

Where the applicant association has not fulfilled the required conditions for registration, INEC shall within 90 days notify it of the reason for non-registration.

An association that meets all the conditions shall be registered within 60 days.

Giving false information to be registered is an offence if convicted, the association shall be liable to a fine of ***N5,000,000.00 and each principal officer to a fine of N3,000,000 or imprisonment for at least two years or both.***

Key Points/Comment



The refusal to register an association can be challenged at the Fed. High Court within 14 days from the date of receipt of the decision on non-registration.

A political party registered can sue and be sued in its name, political parties maintain both soft and hard copies of a register of its members, which shall be made available to the commission at least 30 days before its primaries, congresses, or convention.

Any political party that violates section 227 of the constitution, (i.e. operating as a quasi-military organisation) commits an offence and is liable to a fine of up to N7,000,000 where convicted. A person who aids the political party shall be liable to a fine of up to N5,000,000.00 or imprisonment for a term of 5 years or both.

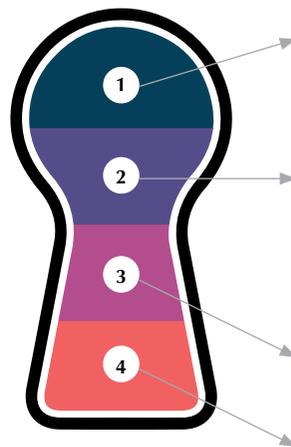
SECTIONS

79

Provisions

SYMBOLS OF POLITICAL PARTIES

Key Points/Comment



INEC shall register and keep the symbol and names of political parties, as long as it does not contravene an existing symbol, and is not offensive.

Symbol that portrays the coat of Arms of the Federation, or that of another country, any emblem that is normally associated with official acts of government, with armed forces of Nigerian, police force etc, regalia of a chief, any tribe or ethnic group, any religion or cult; or any portrait of a person living or dead, are not allowed.²

Where a political party is deregistered, no one can use the same name, symbol or logo of the deregistered party within five years.

Symbols of a party shall be allocated to candidates in that party.

SECTIONS

81

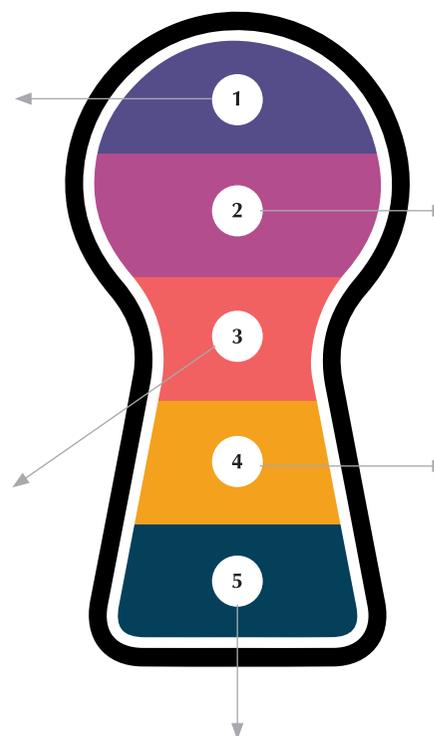
Provisions

MERGER OF POLITICAL PARTIES

Key Points/Comment

Two or more political parties may merge, on approval of the commission. Parties intending to merge shall give the commission at least 9 months' notice before a general election.

Where the parties fulfil all the obligations, the commission shall approve and communicate the approval within 60 days of the application.



The application shall be accompanied by a special resolution, proposed full name and acronym, constitution, manifesto symbol or logo of the party etc., and evidence of payment of fees charged.

The applicants may challenge the failure of INEC to approve their application if the approval is not received within 60 days.

Once the merger is approved, INEC shall withdraw and cancel the certificate of all the individual parties involved in the merger.

SECTIONS

82

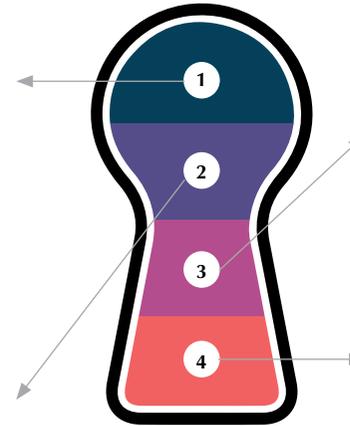
Provisions

NOTICE OF CONVENTION
AND CONGRESS

Key Points/Comment

Every registered political party shall give INEC at least 21 days' notice of any convention, congress, conference, or meeting convened for any merger, electing members of its executive or nominating candidates for any elective offices.

INEC may with or without informing the party attend and observe the event.



Election of Members of the executive of the party, or any governing body must be conducted in a democratic manner allowing all members or delegates to vote in support of their candidate.

Failure to notify INEC as provided by the act shall render the convention, congress, conference or meeting invalid.

SECTIONS

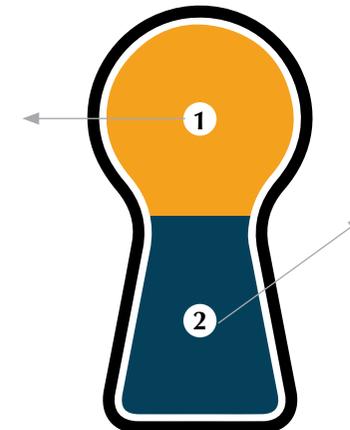
83

Provisions

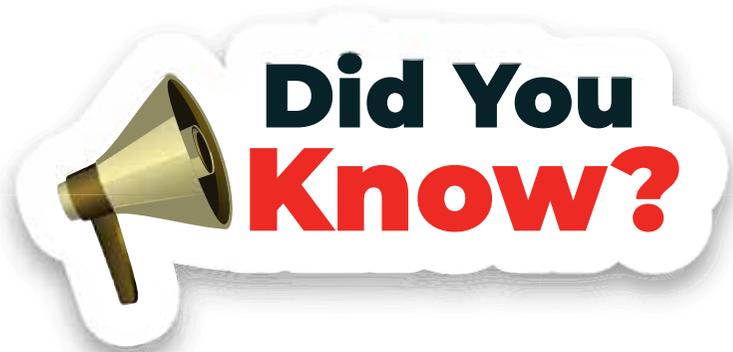
MONITORING OF
POLITICAL PARTIES

Key Points/Comment

The commission shall keep records of the activities of all political parties and may seek information or clarification from any party on its activities which may be contrary to the constitution or any other existing law.



A political party that fails to provide the required information requested by INEC or obey any lawful directive given by INEC is liable to a fine of not more than N1,000,000.



2

What are the grounds for challenging an election result?

That the person declared winner was not qualified to contest the election in the first place.

That election was invalid due to corrupt practice or non-compliance with the electoral act; or

That the winner did not score the majority of lawful votes

1

What court does a Presidential Election petition matter start from?

Court of Appeal and ends at the Supreme Court where an appeal is filed

3

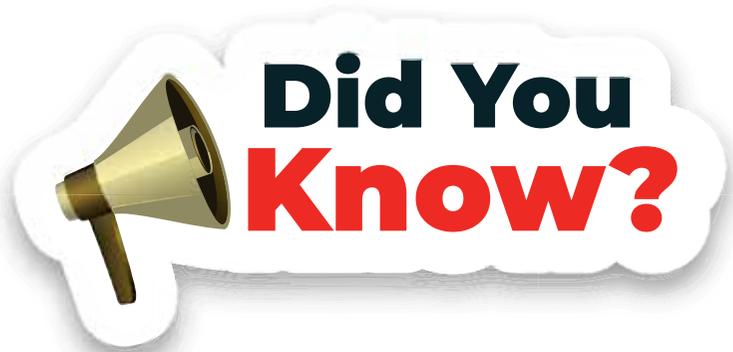
What is the time frame for a matter before an election tribunal?

- 180 days from the filing of the petition
- 60 days for an appeal

4

What is the timeline for a candidate to file a petition from the day the result was announced?

- 21 days



5

What is the number of days to appeal an election tribunal's judgement?

- 14 days for interlocutory appeals
- 21 days for final judgment

6

Who can bring an election petition to court?

The candidate who contested and/or the political party

7

When will an election tribunal order a rerun of an election?

- Where the tribunal finds the person returned was not validly elected, the election shall be nullified and order a rerun.
- When the election is inconclusive following the cancellation of election due to irregularities such as overvoting, and where the votes from such a polling unit(s) can substantially affect the final outcome of the election, a rerun will be ordered in such polling units.

8

When will an election tribunal order the reinstatement of the person with the second-highest votes in an election?

Where a person declared winner by INEC is found not to have been qualified to contest. The person with the second highest number of valid votes will be declared the winner.

SECTIONS

84

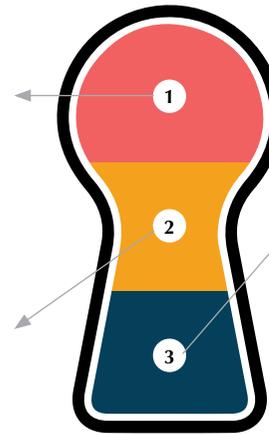
Provisions

NOMINATION OF
CANDIDATES

Key Points/Comment

The Act provides that a party seeking to nominate candidates for election shall hold primaries for aspirants to all elective positions and be monitored by INEC.

The Act provides that the ways for the nomination of candidates for various positions shall be by direct, indirect primaries or consensus.



Political parties have been prohibited from imposing nomination qualification or disqualification criteria, conditions, guidelines or rules for the nomination of candidates for election except as prescribed by the constitution.

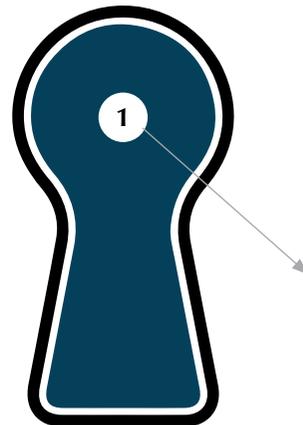
SECTIONS

84 (4)

Provisions

DIRECT PRIMARIES

Key Points/Comment



Where a party selects direct primaries, they shall give all aspirants equal opportunity of being voted by all registered members of the party at different levels and wards. Special conventions or congresses shall then be held to ratify the candidates with the highest number of votes.

SECTIONS 84 (4)

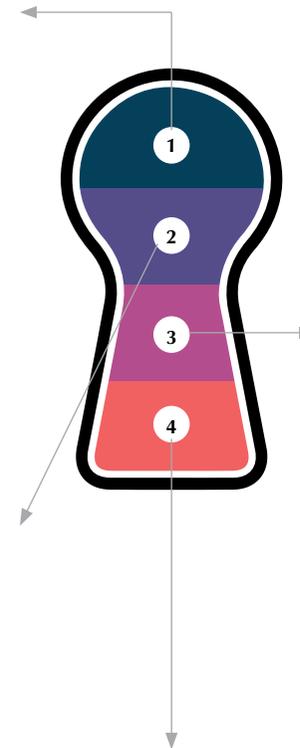
Provisions

INDIRECT PRIMARIES

Key Points/Comment

Where a party adopts indirect primaries to choose candidates it shall hold a special Presidential convention in the FCT or any other state where delegates shall vote for aspirants of their choice in the case of Presidential candidates, and the candidate with the highest number of votes shall be declared the winner.

Political parties who adopt indirect primaries must provide the procedure for the election of delegates in a democratic manner in their constitution.



For senatorial candidates, and members of the House of Representatives, and members of the state house assembly, the party shall hold special congresses in the senatorial District, Federal Constituency and State Assembly Constituency respectively with delegates voting their choice. Aspirants with the highest number of votes will be declared the winner. In the case of chairmanship of the Area Council, delegates of the Area Council shall vote, and in the case of a councillorship candidate, the procedure is by direct primaries in the ward.

For governorship candidates, a special congress in the state where delegates shall vote for aspirants of their choice. The aspirant with the highest number of votes shall be declared the winner.

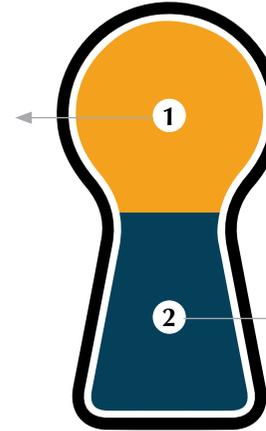
SECTIONS 84 (9)

Provisions

CONSENSUS CANDIDATE

Key Points/Comment

Where a party adopt the consensus candidate procedure, they must obtain written consent of all cleared aspirants for the position, indicating their voluntary withdrawal and endorsement of the consensus candidate.



After which a special convention or congress shall be held to ratify the choice of consensus candidates at designated centres at national, State, senatorial, federal and state constituencies as the case may be.

SECTIONS 84 (9)

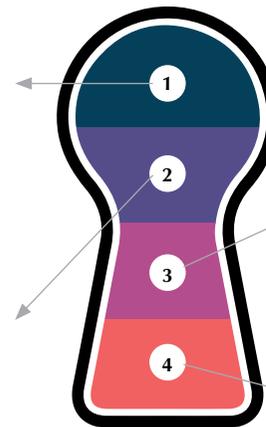
Provisions

POLITICAL APPOINTEES AS DELEGATES OR ASPIRANTS

Key Points/Comment

Political appointees at all levels are prohibited from being voting delegates or standing to be voted for at the convention or congress of a party.

Any candidate who violates this provision shall be excluded from the election.



An aspirant who complains of noncompliance with the provision of the Electoral Act or guidelines of a political party in selecting or nominating a candidate for election may apply to the Federal High Court for redress.

The courts are also prohibited from granting orders to stop the holding of primaries or general elections under the Act.

SECTIONS 85 – 89

Provisions

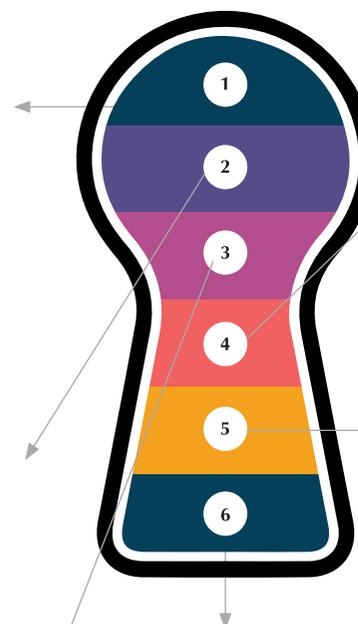
OFFENCES IN RELATION TO FINANCES OF POLITICAL PARTIES

Political parties shall not hold or possess funds outside Nigeria in violation of the constitutional provisions in section 255 (3) (a) **contravention of this provision carries a fine of at least N5,000,000.**

Political parties shall submit a detailed annual statement of assets and liabilities an analysis of its sources of funds and other assets and a statement of expenditure to INEC.

Any official of a party who contravenes this provision commits an offence and is liable to a fine of **N1,000,000 or imprisonment for a term of six months or both.**

Key Points/Comment



The commission shall have the power to limit the amount of money or assets an individual contributes to a political party or candidate.

A violation of the limit placed by INEC is punishable with a fine of N10,000,000.00 for the political party and five times the amount donated more than the limit placed for individuals.

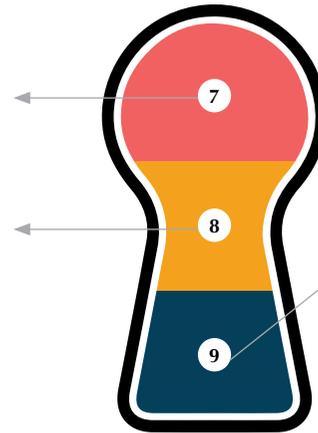
Election expenses are limited as follows:

- N5,000,000,000.00 for presidential candidates
- N1,000,000,000.00 for governorship candidates
- N100,000,000.00 and N70,000,000.00 for senatorial candidates and House of Reps candidates respectively
- N30,000,000.00 for State Assembly election candidates
- N30,000,000.00 for chairmanship candidate to an Area council
- N5,000,000.00 for Councillorship candidates.

Key Points/Comment

Donations to the candidate has been pegged at N50,000,000.00

Individuals who contravene this provision are liable to a fine ranging from N500,000.00 to N3,000,000.00 or imprisonment ranging from 9 months to three years, or both fine and imprisonment.



Any political party that fails to submit its election expenses within 6 months after the election commits an offence and upon conviction, is liable to a maximum fine of N1,000,000 and the court may impose a fine of N200,000.00 for every day of default.

SECTIONS

90

Provisions

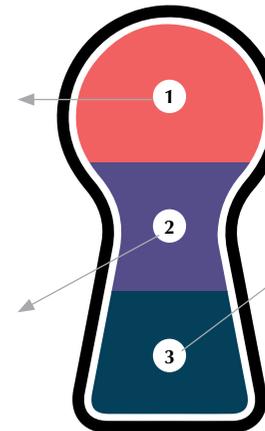
DISCLOSURE BY POLITICAL PARTIES

Key Points/Comment

A Political party shall not accept or keep any anonymous monetary or other contributions.

A political party shall keep a record of all donations received, names and address of persons and entity that makes a donation in excess of N1,000,000.00.

And shall not accept monetary contributions beyond N50,000,000.



The political party shall within 3 months after the announcement of the result of the election, submit a report of contributions made by individuals and entities.

SECTIONS

91, 92, 93

Provisions

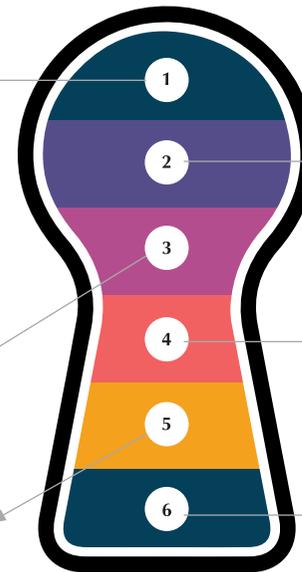
POLITICAL RALLIES AND PROCESSIONS / PROHIBITION OF CERTAIN CONDUCT AT POLITICAL CAMPAIGNS

Key Points/Comment

The police and other security agencies are given the responsibility of providing security to political parties, to ensure peaceful political rallies and processions.

Campaign or slogan shall not directly or indirectly be likely to injure, religious, ethnic, tribal or sectional feelings.

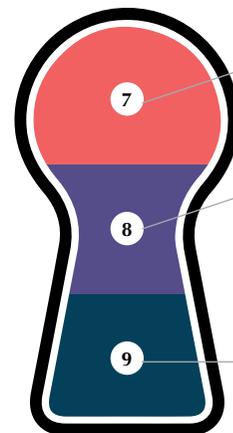
Religious places of worship, police stations and public offices shall not be used for political campaigns and rallies.



No political party, its aspirants or candidates shall be prevented from holding rallies at any time and venue of their choice but the police shall, in consultative manner resolve any conflict of time and venue between and amongst parties where it arises.

Abusive, slanderous statements, and innuendoes likely to provoke violence are prohibited.

Masquerades shall not be used during campaigns or political processions.



Use of touts to display physical force by political parties is prohibited. The use of armed private security organisations is prohibited.

Contravention of any of the provisions above carries a maximum fine of N1,000,000.00 or imprisonment for a term of 12 months in the case of an aspirant or candidate. In the case of the party a fine of up to N2,000,000.00

The act of threatening another or group of persons whether directly or indirectly during campaigns to compel support or discourage them from supporting another is prohibited. ***Contravening this provision is punishable with a fine of up to N1,000,000.00 or imprisonment of 12 months. In the case of the party a fine of N2,000,000.00***

SECTIONS

94

Provisions

LIMITATION BROADCAST
AND CAMPAIGN

SECTIONS

97

Provisions

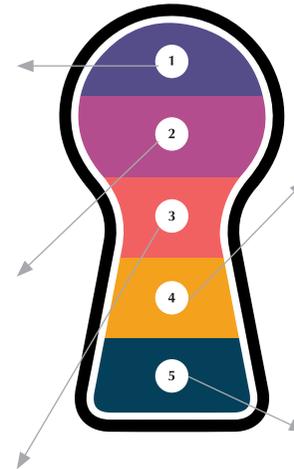
CAMPAIGN BASED ON
RELIGION OR TRIBE

Key Points/Comment

Public Political campaigns shall commence 150 days before polling day and end 24 hours before the polling day.

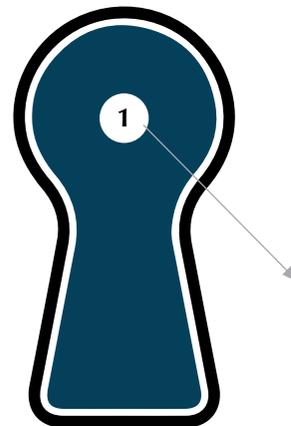
Violating this provision is an offence punishable with a maximum fine of N500,000

State apparatus including media shall not be employed to the advantage or disadvantage of any political party or candidate.



Media time shall be allocated equally amongst political parties or candidates. **A person who contravenes this provision is guilty of an offence and liable to a fine of up to N5,000,000 for public media and principal officers of the media house, up to N1,000,000 or imprisonment of up to 6 months.**

Any organisation or person who carries out or causes any campaign to be carried out through its medium within 24 hours of polling day commits an offence and is liable to **N1,000,000 for a corporate company and the sum of N1,000,000.00 for an individual plus a term of imprisonment of up to six months or both fine and imprisonment.**



Key Points/Comment

A candidate, person or association who engages in campaigning or broadcasting based on religion, tribal or sectional reasons commits an offence. **Which carries a fine of N1,000,000.00 or imprisonment for a term of 12 years or both, and in the case of the party, to a fine of N10,000,000.00**

SECTIONS

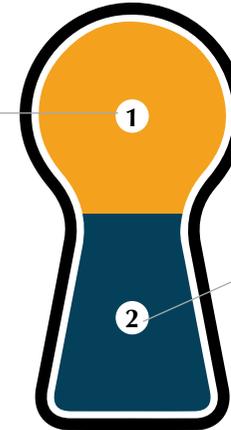
98

Provisions

PROCEDURE FOR ELECTION
TO AREA COUNCIL

Key Points/Comment

The commission shall direct and supervise the conduct of elections into the office of Chairman, Vice Chairman and Members of Area Council and their recall. The register of voters compiled, and polling units established by the commission and other regulations shall be used for such elections.



There shall also be elected a Chairman and Vice Chairman for each Area Council in the FCT and a Councillor for each Electoral Ward in the Area Council of FCT.

SECTIONS

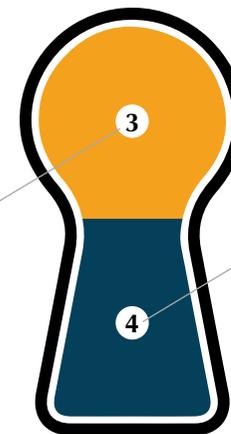
100

Provisions

DIVISION OF AREA
COUNCILS INTO
ELECTORAL WARDS

Key Points/Comment

INEC shall divide each Area Council into at least 10 registration Areas or Electoral Wards but not more than 20.



INEC shall review the division of every Area Council at intervals of not less than 10 years and may alter such registration Area as desirable.

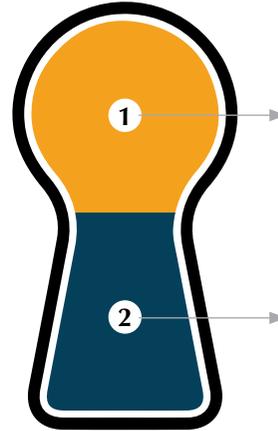
SECTIONS

101

Provisions

QUALIFICATION TO BE
VOTED FOR

Key Points/Comment



A Person is qualified for election as chairman, vice Chairman or councillor if he is a Nigerian Citizen, is a registered voter, has attained the age of 25 years for Councillor and 30 years for Chairman and Vice Chairman, educated up to school Certificate level and is a member of a political party.

A person is disqualified for Area Council elections if he has voluntarily acquired the citizenship of another country, is adjudged a lunatic or of unsound mind, is under a sentence of death by a court in Nigeria, within 10 years of the election has been convicted and sentenced for an offence involving dishonesty, is an undischarged bankrupt, is employed in the public service, is a member of a secret society, presented a forged certificate, dismissed from the public service has already held the position twice.

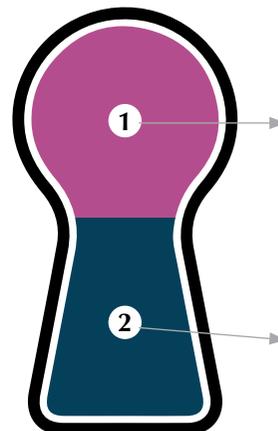
SECTIONS

103

Provisions

DATE OF AREA COUNCIL
ELECTION & METHOD OF
VOTING

Key Points/Comment



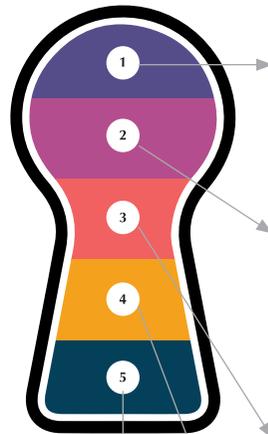
All elections into Area Councils shall be held on the same date throughout the FCT, such election shall not be earlier than 150 days before and not later than 30 days before the expiration of office of the holder of the office. Bye-election to fill vacancies shall be held within 30 days of the vacancy.

Voting shall be by open secret ballot.

SECTIONS 104, 105

Provisions

FILING NOMINATIONS



Key Points/Comment

The procedure for filing nominations and the casting and counting of votes for Area Council elections shall be the same as other elections as captured in this Act.

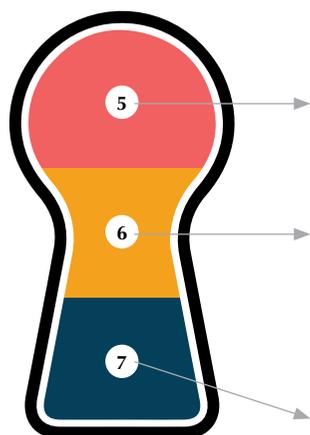
If after the expiration of the time for delivery of nomination papers and withdrawal of the candidate for Councillors, there remains only one candidate duly nominated, the candidate shall be declared and returned unopposed. Otherwise, a poll shall be taken.

In the case of a Chairman, where only 1 candidate has been nominated or only one remains for any other reason, INEC shall extend the time for nomination by 7 days only. After which the candidate shall be no further extension.

In an election to the office of Chairman of an Area Council a candidate shall be deemed elected where if a sole candidate, has a majority YES votes over No votes cast in not less than one-third in at least two-thirds of the wards in the Area Council. If he fails to be elected then there shall be fresh nomination.

Where there are two nominees the person with the majority of votes cast at the election with not less than one-quarter of the votes cast at each of at least two-thirds of all the wards.

Key Points/Comment



Where no winner emerges, the commission shall within 14 days conduct a second election between the two candidates and the candidate who scores the majority of votes cast shall be deemed duly elected.

Where there are more than 2 candidates the person with the highest number of votes cast at the election; and the required percentage in all wards. Where no one is returned, there shall be a second election within 14 days Participants shall be the two candidates with the highest number of votes. A candidate with the highest number of votes and the required percentage shall be declared the winner.

If no candidate emerges again, another election shall be conducted and the person with the highest number of votes shall be declared winner.

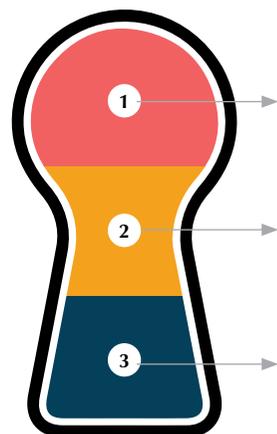
SECTIONS

107

Provisions

DEATH OF CHAIRMAN OR VICE BEFORE OATH OF OFFICE

Key Points/Comment



Where an elected Chairman dies before taking the oath of office the person elected with him or his vice chairman shall be sworn in as Chairman, who shall then nominate with approval of members of the Area Legislative Council a new vice chairman.

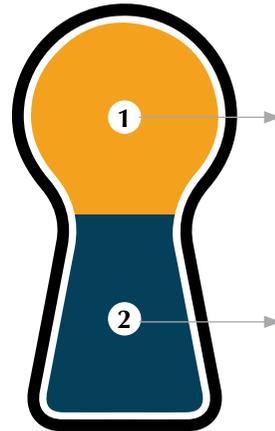
Where both Chairman and Vice die before the oath, INEC shall conduct a fresh election within 21 days.

Where a candidate dies after the commencement of the election before the declaration of the result, the process shall be cancelled and another election held within 21 days, in the case of Area Council Chairmanship the running mate of the deceased shall continue with the election and nominate a new running mate.

SECTIONS 108, 109

Provisions

DISSOLUTION OF AREA
COUNCIL



Key Points/Comment

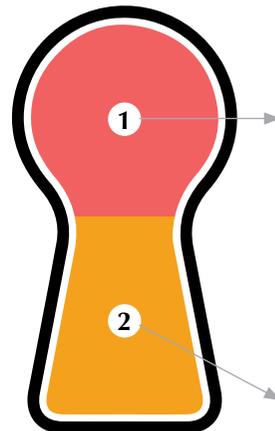
An area Council shall stand dissolved at the expiration of four years commencing from the date when the Chairman took oath of office. In the case of a re-run, if the person earlier sworn in wins the re-run, the time spent in office before the election was annulled shall be taken into account.

A member of an Area Council shall vacate office by resignation, if he or she becomes employed full-time; becomes a member of the secret society or does anything disqualifying him or her from holding office as Chairman or Councillor under the Act, or if recalled.

SECTIONS 110–112

Provisions

REMOVAL OF CHAIRMAN

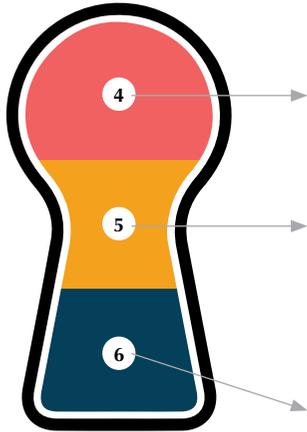


Key Points/Comment

The chairman or Vice-Chairman may be removed if they are guilty of misconduct as determined by the Area Legislative Council. This shall cause an investigation to be carried out by a panel of 7 appointed by the Chief Judge of the FCT. Where the allegation is not proved the matter ends. Where the report of the panel shows that the allegation is established. The Area Legislative Council shall by a vote of at least two-thirds majority remove the holder of the office from the date of adoption of the report.

A Chairman or Vice Chairman shall cease to hold office if, by a two-thirds majority of all members of the Executive Council of the Area Council, it is declared that the Chairman or Vice is incapable of discharging the functions of his or her office, based on the strength of a medical report.

Key Points/Comment



The Vice Chairman shall hold the office of the Chairman of the Area Council if the office becomes vacant by death, resignation, permanent incapacity or removal.

In the absence of the Vice Chairman, the Speaker of the Area Legislative Council shall hold office of the Chairman for at least 3 months during which a new chairman of the Area Council who shall hold office for the remainder of the term of the last holder shall be elected.

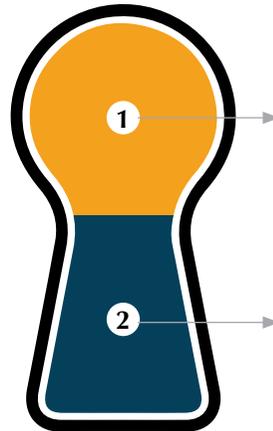
A member of an area council may be recalled by the conduct of a referendum conducted by the commission within 90 days for a simple majority upon the receipt of a petition signed by not less than one-half of persons registered to vote in the constituency.

SECTIONS 114–118

Provisions

ELECTORAL OFFENCES

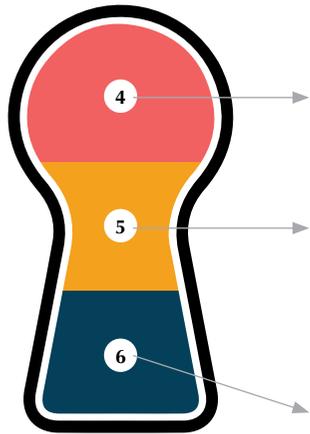
Key Points/Comment



A person who destroys or mutilates, defaces any notice required for registration, presents his or herself to be included in the register of voters for a constituency in which he or she is not entitled to be resisted, registers in more than one constituency, makes false publication on the election, obstructs registration officers, impersonates an election officer, forges registration card, carries out registration at a centre not approved by the commission ***commits an offence and liable to fine of N1,000,000.00 or imprisonment for a term of 12 months or both.***

A person who forges nomination result form, destroys any nomination paper or result form wilfully, forges or destroys any ballot paper or official mark, gives ballot paper or result to anyone without authority, wilfully places or removes an authorised paper in or out of a ballot box, destroys or interferes with ballot box, accepts to be a candidate knowing he is ineligible, ***commits an offence and liable to a maximum term of two years imprisonment.***

Key Points/Comment



A person who without authority prints ballot paper, is found in possession of ballot paper without authority, deals in any election appliance or voting device or mechanism, ***commits an offence and is liable to a fine of N50,000,000 or imprisonment at least 10 years or both.***

Any person who gives his voters, card to another to be used, receives a voters' card of another to be used at an election, has more than one voters card without authority, buys or sells, a voters card, commits an offence and is liable to maximum fine of N1,000,000 or imprisonment for a term of 12 months or both.

A person who uses a government vehicle to convey a person to a polling unit commits an offence and is liable to a fine of ***N500,000 or imprisonment for a term of six months or both.***

SECTIONS 119

Provisions

IMPERSONATION AND
VOTING

Key Points/Comment

Any person who registers any other name not belonging to him or her, allows his name to be included in a constituency list of voters different from his, applies for ballot paper in the name of another, votes twice at the same election, voting or attempting to vote or procures another to vote at an election they are not qualified to vote at, ***commits an offence and liable to a fine of N500,000.00 or imprisonment for a term for 12 months or both.***

SECTIONS 120

Provisions

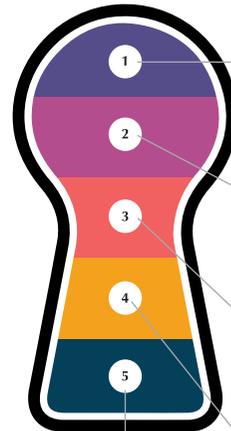
DERELICTION OF DUTY

SECTIONS 121

Provisions

BRIBERY AND
CONSPIRACY

Key Points/Comment



Any officer who without lawful excuse commits any act or omits to act in breach of his or her official duty **commits an offence and is liable to a fine of N500,000.00 or imprisonment for a term of 12 months or both.**

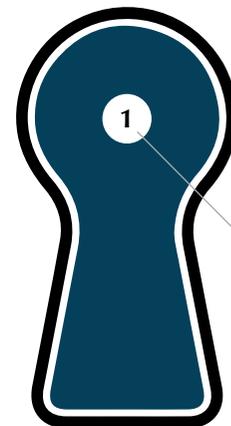
A polling official who comes late to his or her polling unit on election day without lawful excuse **commits an offence and is liable to a fine of N500,000.00 or a prison term of 12 months or both.**

Any polling agent, or political party agent who conspires to make a false declaration of result **commits an offence and is liable to imprisonment of N500,000.00 or a prison term of 12 months or both.**

Publishing an election result knowing the same to be false **carries an imprisonment term of 36 months.**

Knowingly delivering a false certificate of return is an offence which carries a prison term of 3 years.

Key Points/Comment

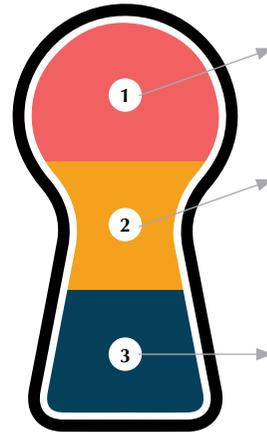


Any person who, directly or indirectly offers a gift, loan, promise etc. in order to induce the person to procure the return of any person as elected or buy the vote of a voter, and who receives such gift or inducement, pays any bribe at any election, receives money after the election for having voted or refrained from canvassing for votes for himself or herself **commits an offence and is liable to a fine of N500,000.00 or 12 months imprisonment or both.** Anyone who abets aids or conspires to bribe is also guilty of the same punishment.

SECTIONS 122

Provisions

REQUIREMENT OF
SECURITY IN VOTING



Key Points/Comment

All persons at a polling unit charged with the conduct of an election shall maintain and aid in maintaining the secrecy of the voting.

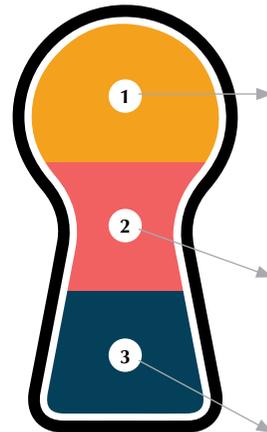
No person shall communicate to any person informing as to the name or number on the register of any voter who has or has not voted.

No person shall interfere with a voter casting his or her vote, or attempt to obtain details of the candidate voted by a voter. Anyone who violates the requirement for secrecy **commits an offence and is liable to a maximum fine of N100,000 or imprisonment for a term of 3 months or both.**

SECTIONS 123

Provisions

WRONGFUL VOTING AND
FALSE STATEMENTS



Key Points/Comment

Any person who votes or procures another to vote knowing they are prohibited from voting or knowingly and falsely publishes any statement that a candidate has withdrawn, or publish a defamatory statement of a candidate to prejudice his changes or gaining an advantage **commits an offence and is liable to a maximum fine of N100,000.00 or imprisonment for a term of six months or both.**

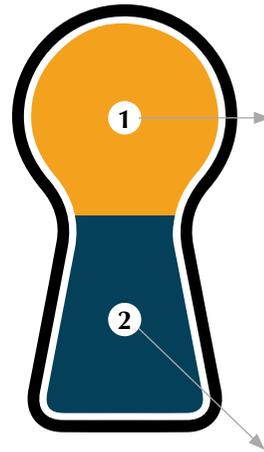
Knowingly voting or attempting to vote at a constituency where a person to vote **commits an offence and is liable on conviction to a fine of N100,000.00 or imprisonment for a term of six months or both.**

Any person who acts or incites others to be disorderly at an election **commits an offence punishable with a fine of N500,000.00 or imprisonment for a term of 12 months or both.**

SECTIONS 126

Provisions

OFFENCES ON ELECTION
DAY



Key Points/Comment

Any person who on election day canvasses for votes, solicits for votes, persuades a voter not to vote shouts slogans concerning the election, is in possession of an offensive weapon or carries anything calculated to intimidate, uses a vehicle bearing the colour or symbol of a party, loitering without lawful excuse, snatch or destroys election materials, blares sirens, or convenes and hold or attend a public meeting during the hours of polls as may be prescribed by the commission, operates a public address system, wears or carries a badge, poster, banner, flag or symbol relating to a political party or to the election, within 300meters of a polling unit on the date of which an election is held **commits an offence punishable with fine of N100,000.00 or imprisonment for a term of six months for each offence.**

A person who snatches or destroys any election material or election device, **commits an offence and is liable on conviction to imprisonment for a term of 24 months.**

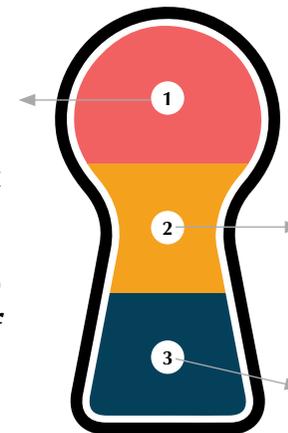
SECTIONS 127–129

Provisions

UNDUE INFLUENCE

Any person who corruptly gives or pays to another to influence such a person to vote or refrain from voting, and whoever accepts payment to vote or refrain from voting **commits an offence which carries a fine of N100,000.00 or imprisonment for a term of 12 months or both.**

Key Points/Comment



Whoever uses or threatens violence to himself or another for the purpose of inducing a voter to vote or refrain from voting, or by abduction, duress or fraudulent device impedes or prevents the free use of a voter's vote or prevents any aspirant from free use of the media or designed vehicles **commits an offence and liable to a fine of N1,000,000.00 or imprisonment for a term of 3 years.**

The same offences captured here also apply to processes for the recall of a member of the Legislative House and a member of an Area Council.

SECTIONS

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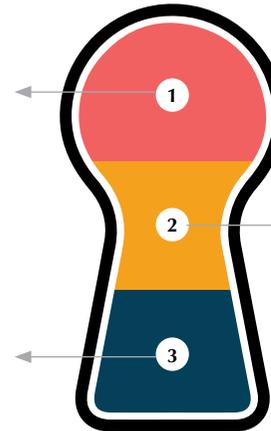
Provisions

DETERMINATION OF
ELECTION PETITIONS

Key Points/Comment

The only manner in which an election under the act can be challenged is by filing a petition at the election tribunal or court.

The Election tribunal must be constituted at least 30 days before the election and open its registry 7 days before the election.



For the presidential petition tribunal it shall be the Court of Appeal, for other elections, it shall be at the tribunal established by the constitution or the Act.

SECTIONS

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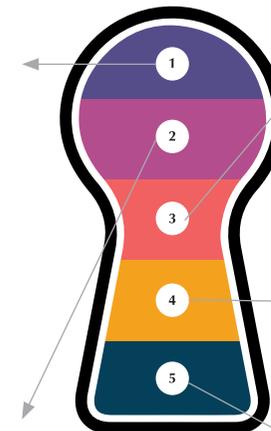
Provisions

UNDUE INFLUENCE

Key Points/Comment

Establishes the Federal Capital Territory Election Tribunal known as the Area Council Election Tribunal with jurisdiction to determine petition on whether any person has been validly elected to the office of Chairman or Vice Chairman or Councillor, their term of office, whether the seat of a member has become vacant; whether a petition has been properly or improperly bought.

The Area Council Election Tribunal shall consist of a chairman and two others.



The chairman who shall be a chief Magistrate and the 2 other members among magistrates or a legal practitioner of at least 10 years post-call experience shall be appointed by the Chief Judge of the FCT High Court.

The Area Council Election Tribunal shall be constituted at least 21 days before the election, and open their registries not later than eight days after the election.

The tribunal shall deliver its judgment in writing not later than 90 days from the filing of the petition.

SECTIONS

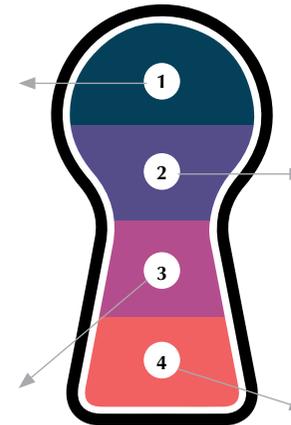
132

Provisions

ESTABLISHMENT OF AREA
COUNCIL ELECTION
APPEAL TRIBUNAL

Key Points/Comment

The Federal Capital Territory Area Council Election Appeal Tribunal is established to hear and determine all appeals arising from the Area Council Election Petition Tribunal, and their decision is final.



The appeal Tribunal shall consist of a Chairman and Two other members made of members of the judiciary in the FCT not below the rank of High Court Judge as Chairman and not below the rank of Chief Magistrate for other members, appointed by the Chief Judge of the FCT High Court.

An election petition shall be filed within 21 days after the date of the declaration of results.

An appeal from the Area Council Election Tribunal shall be heard and disposed of within 60 days from the date of the delivery of the judgment of the tribunal.

SECTIONS

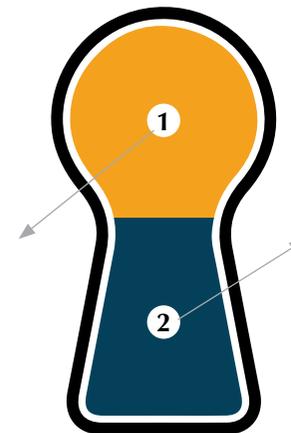
133

Provisions

PERSONS ENTITLED
TO PRESENT ELECTION
PETITION

Key Points/Comment

A petition may be presented by either a candidate in an election or a political party which participated in the election.



Where the petition complains of an electoral officer, it is sufficient to include the Commission as a party without necessarily joining the individual officers complained about.

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Provisions

GROUNDS OF PETITION

Key Points/Comment

An election may be questioned on any of the following grounds-

- a. That the person declared was not qualified to contest the election.
- b. That the election was invalid because of corrupt practices or non-compliance with the Electoral Act
- c. The person declared did not score the majority of lawful votes

SECTIONS

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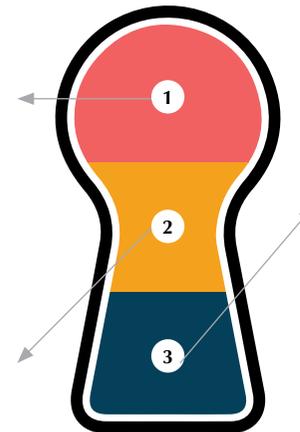
Provisions

ESTABLISHMENT OF AREA
COUNCIL ELECTION
APPEAL TRIBUNAL

Key Points/Comment

Despite the noncompliance of an election with the provision of the act if it appears to the tribunal that there was substantial compliance, it shall not invalidate the election.

A defect in the title of a person conducting the election or acting in the office shall not be a ground to question an election.



An election shall not be questioned or cancelled due to a mistake or inconsistency in the data contained in the result signed by the returning officer or other officer of the commission.

SECTIONS

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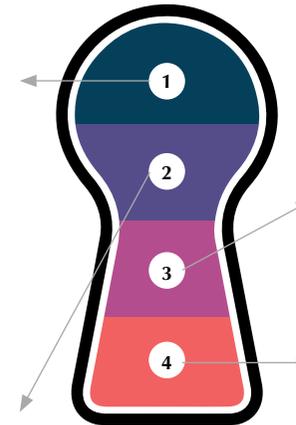
Provisions

NULLIFICATION OF ELECTION BY TRIBUNAL OR COURT

Key Points/Comment

If the tribunal finds that a candidate returned was not validly elected the tribunal shall nullify the election and order a fresh election within 90 days after the decision.

If the tribunal finds that the person returned was not qualified to contest the election, the person with the second highest number of valid votes is duly elected.



If the tribunal declares that the person returned did not score the majority of valid votes, the tribunal shall declare the candidate who scored the highest number of valid votes as elected.

All objections filed in an election petition shall be determined at the time of final judgment.

SECTIONS

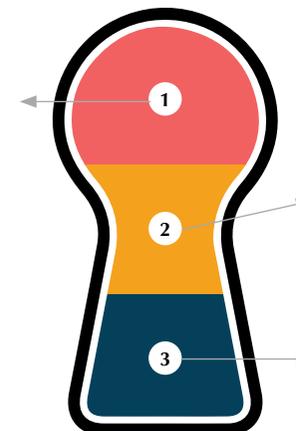
138–139

Provisions

PERSONS ENTITLED TO PRESENT ELECTION PETITION

Key Points/Comment

If the complaint at the tribunal is non-compliance with, the provision of the Act it shall not be necessary for a party to call witnesses to give oral evidence if the originals or CTC copies disclose the fact.



Notwithstanding the nullification of the election of the person returned by the tribunal, he or she shall remain in office until after the determination of the appeal, except where no appeal is filed after the 21 days allowed for the filing of the notice of appeal.

Where INEC is made a respondent in a petition, it may be represented by a legal officer or a private legal practitioner.

SECTIONS

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Provisions

RULES OF PROCEDURE
FOR ELECTION PETITION

Key Points/Comment

The rules of procedure for election petitions and appeals are as set out in the first schedule to the Electoral Act. The president of the Court of Appeal may issue practice directions for pre and post-election appeals and election tribunal post-election matters.

SECTIONS

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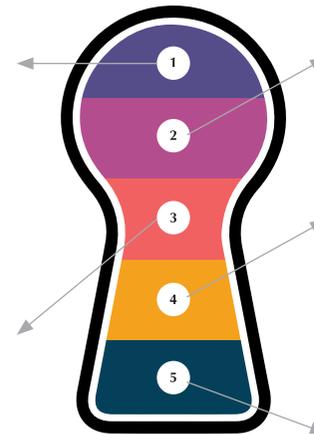
Provisions

MISCELLANEOUS
PROVISION

Key Points/Comment

No person holding an elective office or being a registered member of a political party shall be appointed to carry out the duties of an electoral officer.

No person who voted shall be required to disclose whom he or she voted in any legal proceedings arising from the election.

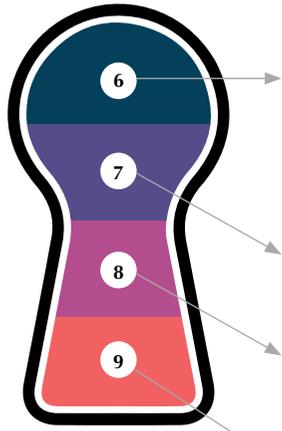


The commission may prescribe fees for the remuneration of officers appointed for the conduct of elections.

INEC shall consider recommendations made to it by a tribunal with respect to the prosecution of any person for an offence disclosed in any election petition.

Offences under the Act shall be triable in the Magistrate Court or a High Court of a State or FCT.

Key Points/Comment



The tribunal may grant an order for the inspection of electoral documents in custody of INEC. Where INEC fails to obey the order for inspection, it shall be summoned to show cause why it cannot comply before it can be deemed to have disobeyed. **Failure to comply with the order when established is punishable with imprisonment for at least two years without an option of a fine.**

INEC may delegate any of its power to any national Electoral Commissioner, Resident Electoral Commission, Electoral Officer or other officer of the Commission, subject to any conditions imposed.

The Commission may issue regulations and guidelines or manuals for the conduct of elections.

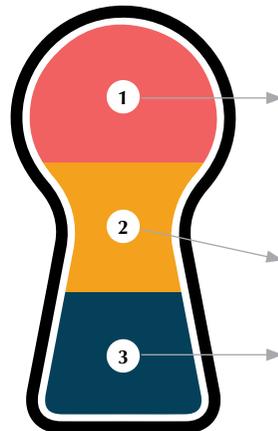
Any defect or error arising on account of any notice form or document made or given or thing done by the official or any rules made remain valid unless otherwise challenged and declared invalid by a court.

SECTIONS 150–153

Provisions

PROCEDURE FOR LOCAL
GOVERNMENT ELECTION

Key Points/Comment



The procedure regulating elections conducted by the commission to Area Councils in FCT under the Electoral Act shall also apply with equal force as the procedure regulating elections conducted to Local Government Areas by any state commission.

The 2010 Act was repealed.

Section 152 provides for interpretation section defining terms used in the Act.

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ActionAid Nigeria is an affiliate of the ActionAid Federation with footprints in over 70 countries across the globe. As an anti-poverty non-governmental organization, we have been working in Nigeria to combat poverty and promote social justice across the 36 states of the federation and the FCT for over 20 years.

Our strategic objectives include: enhancing people's power in democratic and inclusive governance, working to protect women and girls from violence by creating opportunities for economic independence and decision-making, enhancing women's leadership in accountable humanitarian and resilience systems, and strengthening systems and increasing resource diversification for quality programme delivery.

ActionAid Nigeria believes that poverty can be eradicated if the right redistribution of resources and resilience are prioritized.

The Citizens' Led Engagements on Judicial Accountability in Post-Election Justice Delivery in Nigeria (CLEAP-Justice) is a 12-month citizen-centred and citizen-driven intervention that will contribute to promoting accountability in post-election justice delivery in Nigeria.



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