

**SIMPLIFIED CITIZENS' GUIDE/HANDBOOK ON THE  
ELECTORAL ACT 2022**



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## ACKNOWLEDGEMENT

The Citizens' Guide/Handbook is a powerful tool for improving electoral voter turnout and citizen participation.

I wish to appreciate the Catholic Bishops Conference of Nigeria (CBCN) for their support and sponsorship of this development process. Their goodwill and prayers have seen to the eventual birth of this project.

I also wish to acknowledge the contributions of CARITAS Nigeria/ JDPC technical team in the design and production of this laudable Document meant to mobilize and build the capacity of Nigerian voters.

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## FOREWORD

This citizens' electoral companion is made up of prose-texts and pictorials: the prose-texts which are in bullet-points bring out the core contents of the relevant provisions of the Act herein referred to, while the pictorials communicate the message of the said core contents at a glance. This electoral companion is, as already stated in the Act itself, divided into 9 Parts, with a bullet-pointed provision of the contents under each Part.

Following the format of the Act, Part I is on the Establishment and Functions of the Independent National Electoral Commission (INEC). Part II details the Staff of the Commission. Part III dwells on the National Register of Voters and Voters' Registration. Part IV outlines the Procedure at Election; Part V is on Political Parties; Part VI is on Procedure for Election to Federal Capital Territory's (FCT) Area Councils; Part VII spells out Electoral Offences; Part VIII dwells on the Determination of Election Petitions arising from Elections; and Part IX is on the Miscellaneous Provisions.

The sectional references to the provisions of the Act are herein provided in brackets for verifications and further readings. The bullet-point presentations of the provisions of the Act is for sharp grasp and easy mastery of the relevant contents of the Act herein presented.

Obviously, not all the provisions of the Act are touched upon in this Document. The much dwelt upon are considered basic and rudimentary to grooming a more politically conscious and participatory electorate.

It is hoped that the efforts put in this work will kindle greater political participation in the Nigerian masses, as well as attract a boost of interest in studying the Act itself.

I hereby recommend this Companion to every Nigerian including citizen-groups.

## INTRODUCTION

The Electoral Act 2022 (“the Act”) was, on 25<sup>th</sup> February, 2022, signed into law by the President of the Federal Republic of Nigeria, Muhammadu Buhari, GCFR. The Act, which repealed the Electoral Act, 2010, regulates the conduct of Federal and State elections in Nigeria as well as the Federal Capital Territory (FCT) Area Councils elections. In its application, the Act restricts the qualifications for the elective offices to the provisions of the 1999 Constitution of the Federal Republic of Nigeria. It provides for the use of Card Readers and other technological devices in elections. It further provides a time line for the submission of the list of candidates for elections by political parties as well as the criteria for the substitution of candidates where such is necessitated by unforeseen events of life. It has addressed the issue of omission of names of candidates or logos of political parties for elections; and has gone further to place a limit to the allowable campaign expenses by political parties and candidates. Very significantly, the Act allows the Independent National Electoral Commission (INEC) the discretion on electronic transmission of election results.

But, do the Nigeria voting populace know all these?

Since the return to democracy in 1999 at least, there has been a steady decline in the voter turnout and citizen engagement in the democratic and electoral processes. This unfortunate behaviour tends to discourage the growth of governance structures across board. A contributing factor is poor knowledge and ownership of the legal framework governing elections by the electorate due mostly to technicalities and language of the election legislations.

To bridge this gap, the development of a simplified citizens guide/handbook is necessary to provide a document which citizens can easily identify with and refer for knowledge impartation and direction.

CARITAS Nigeria/Justice Development and Peace Commission (CCFN/JDPC), desirous of getting the Nigerian citizenry more involved in politics, elections, and issues bordering on civic governance commissioned the development, production and dissemination of The Citizen Guide/Handbook to the Electoral Act 2022. Some relevant provisions of the Act, as deemed directly applicable to the Nigerian masses, have therefore been simplified in this *vade mecum* for the easy grasp of the citizenry. It is hoped that this handy document evokes and engenders the Nigeria populace to a greater political consciousness, activism, commitment, and participation in the subsequent upcoming electoral processes in Nigeria.

## PART 1: ESTABLISHMENT AND FUNCTIONS OF INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)

- INEC is created by the Nigerian Constitution (Cf: Section 1[1])
- The main functions of INEC include, to:
  1. conduct elections into Presidential, Governorship, National Assembly (NASS), State Houses of Assembly and Area Council Elections in the Federal Capital Territory (FCT)
  2. conduct voter and civic education
  3. promote knowledge for sound democratic election and
  4. **superintend and** conduct any referendum required to be conducted under the **provisions** of the **1999 Constitution of the Federal Republic of Nigeria (as amended)** or Act of the National Assembly (Cf: Section 2[a][b][c])
- “There is established the Independent National Electoral Commission Fund...”  
(Cf: Section 3)



## **PART 2: STAFF OF THE COMMISSION**

- INEC is composed of members of staff any of whom must not be a member of any Political Party (Cf: Section 8)





### PART 3: NATIONAL REGISTER OF VOTERS AND VOTERS' REGISTRATION

- INEC maintains a National Register of Voters (NRV) that contains all persons:
- entitled to vote
- with disability status disaggregated by type of disability  
(Cf: Section 9[1][a][b]).


**Independent National Electoral Commission [INEC]**  
 38, Mohammed Babangida Crescent, Buleja, Abuja

**EBONYI STATE OF NIGERIA**  
**VOTERS' REGISTRATION LIST**

S/N	ID NUMBER	SURNAME	OTHERNAMES	BIRTH DATE	SEX	REGISTERED
1	07032098611	Okeye	C. I.	1951-12-22	M	2014-02-27
2	07033575609	LAWAL	OLAIDE AHMED	1959-01-10	M	2014-02-27
3	07034375570	ENELI	SAMUEL	1958-05-10	M	2014-02-27
4	07034473250	Alo	L. R.	1953-03-24	F	2014-02-27
5	07036597910	Albam	BCE	1947-03-12	M	2014-02-27
6	07036673324	Agano	Moses A.	1974-06-08	M	2014-02-27
7	07057352639	Ogali	Ogbohanna S.	1975-03-02	M	2014-02-27
8	06022263197	Nwali	Peter A.	1952-01-21	M	2014-02-27
9	06025638540	Ituma	C.	1954-02-04	M	2014-02-27
10	08029628630	Isegin	Edward E.	1951-03-22	M	2014-02-27
11	06032695461	Nwode	Sunday N.	1955-05-30	M	2014-02-27
12	06034011177	Osu	F.	1951-05-30	M	2014-02-27

- The Registration of Voters, Updating and Revision of the Register of Voters shall stop not later than 90 days before any election (i.e., 90 clear days before the day of the election) (Cf: Section 9[6]).



- The registration of voters shall be at Registration Centers designated for that purpose by INEC and notified to the public (Cf: Section 9[7]).
- The Register (NRV) is continuously updated by registering New Voters and removing non-qualified persons (Cf: Section 10[1])

- A person that presents himself or herself to be registered as a voter should possess the following:
  - I. Birth certificate
  - II. National passport, identity card or driver's license
  - III. Any other document that will prove the identity, age and Nationality of the applicant  
(Cf: Section 10[2])
  
- For the purpose of maintaining and updating the Voters' register, INEC shall appoint Revision or Update Officers who shall not be members of any political party (Cf: Section 11[1])
- Every citizen has the right to raise objection against any officer during the registration or updating exercise (Cf: Section 11[2])
- To qualify for Registration as a Voter in Nigeria, such a person must:
  - be a citizen of Nigeria who is 18 years or above,
  - be a resident of the area,
  - be physically present at the point of registration
  - not have legal incapacitation  
(Cf: Section 12[1])
- It is a punishable offence for a person to register more than ONCE or/and have more than one Voter's Card (Cf: Section 12[2]).



- A Registered Voter can TRANSFER his or her voter registration information from one Polling Unit to another (Cf: Section 13).
- An Individual or a Political Party can request for a Certified True Copy (CTC) of the Register of Voters upon payment of prescribed fees by INEC (Cf: Section 15)
- INEC is the only body authorized by law to print and issue Voters' card (Cf: Section 16[1])

- It is a punishable offence for any voter to hold more than ONE valid voter's card (Cf: Section 16[2][3])



- A Voter can apply for a replacement of a lost, damaged or defaced card, which when approved shall have the word “REPLACEMENT” on the card. Such application must be made not less than 90 days to an election (Cf: Section 18[1][2][3][4])
- Subject to the provision of the Act, INEC shall, not later than 90 days to a general election, appoint a period of seven days during which a copy of the Voters’ register for each Local government, Area Council or Ward shall be displayed or published for public scrutiny at every registration area and on its official website or any website established by INEC for that purpose (Cf: Section 19[1]).
- Upon displaying or publishing the Voters’ Register in accordance with this section, INEC shall accept and consider objections and complaints in relation to names omitted or included in the Voters’ register or in relation to any necessary correction, within 14 days after displaying the Voters’ register (Cf: Section 19[2])



Independent National Electoral Commission [INEC]  
30, Mohammed Babangida Crescent, Guleja, Abuja

EBONYI STATE OF NIGERIA  
VOTERS' REGISTRATION LIST

S/N	ID NUMBER	SURNAME	OTHER NAMES	BIRTH DATE	SEX	REGISTERED
1	07032269511	Okeye	C. I.	1951-12-22	M	2014-02-27
2	07033575696	LAWAL	OLAIDE AHMED	1959-01-10	M	2014-02-27
3	07034375570	ENELI	SAMUEL	1955-05-10	M	2014-02-27
4	07034477250	Alo	U. R.	1963-03-24	F	2014-02-27
5	07038597010	Mbam	BCE	1947-03-12	M	2014-02-27
6	07036673324	Agana	Moses A.	1974-06-09	M	2014-02-27
7	07057352609	Ogali	Ogboannaya S.	1975-03-02	M	2014-02-27
8	06022243197	Nwali	Peter A.	1962-01-21	M	2014-02-27
9	06025638540	Ituma	C.	1954-02-04	M	2014-02-27
10	06025902630	Ichiege	Edward E.	1951-03-22	M	2014-02-27
11	06032695461	Nwode	Sunday N.	1960-05-30	M	2014-02-27
12	06034311177	Oro	F.	1961-06-30	N	2014-02-27

- It is a punishable offence for an INEC staff or officer not to publish the Voters' register as required by law (Cf: Section 19[5]).
- Any person dissatisfied with the determination by a Revision officer of his or her claims or objections shall within seven days appeal against the decision to the Resident Electoral Commissioner in charge of that State whose decision shall be final (Cf: Section 20[2])
- The Voters' Card is the property of INEC (Cf: Section 21)
- It is an offence for a person to unlawfully be in possession of, sell or buy a Voter's card (Cf: Section 22)
- It is a punishable offence for any person to:
  - withhold from INEC any information about Registration of Voters,
  - sign an application form for the registration of another person as a Voter,
  - transmit false declaration about registration,
  - intentionally procure the registration of a person who ought not to be registered, or
  - procure the registration of a non-existent person(Cf: Section 23[1])
- It is a punishable offence to prevent, force or induce an eligible person from registering as a Voter (Cf: Section 23[2])

## PART 4: PROCEDURE AT ELECTION

- No eligible person displaced by any form of emergency shall be prevented from voting during an election (Cf: Section 24[1])



- Elections can be postponed by INEC for verifiable reasons like natural disasters and other emergencies (Cf: Section 24[2])
- On-going elections can be suspended by INEC for reasons of threat to peace and security of electoral officials (Cf: Section 24[3])
- When a new date is appointed by INEC for postponed or suspended elections, no result for the elections in the area or areas can be announced without the conclusion of the suspended or postponed elections (Cf: Section 24[4])

The results of all elections shall be announced by the:

- Presiding officer at the polling unit;
- Ward collation officer at the Registration Area or Ward Collation Centre;
- Local government or Area Council Collation officer the Local Government or Area Council Collation Centre State



- The Returning Officer shall announce the result and declare the winner of the election at the:
  - Registration Area or Ward Collation Centre in the case of Councillorship elections in the Federal Capital Territory
  - Area Council Collation Centre in the case of Chairmanship and Vice Chairmanship elections in the Federal Capital Territory
  - State Constituency Collation Centre in case of State Assembly Elections
  - Federal Constituency Collation Centre in case of House of Representatives
  - Senatorial District Collation Centre in case of election to the Senate
  - State Collation Centre in case of election of a Governor of a State
  - State Collation Centre in case of a Presidential election; and
  - National Collation Centre in the case of election of the President  
(Cf: Section 25[2])
- INEC Chairman shall be the Returning Officer in the Presidential Election (Cf: Section 25[3])
- It is a punishable offence for any INEC staff not to be neutral and impartial in their actions; and not loyal to the Federal Republic of Nigeria (Cf: Section 26[1][2])
- No Staff of INEC shall be a member of a Political Party and must not show support for any Candidate (Cf: Section 27[1])
- INEC must in each constituency publish a notice of election at least 360 days before the election, stating the date of the Election (Cf: Section 28[1][2])
- No substitution of candidates in a Bye-election can be made except where a candidate of a Political party dies, the Party shall submit to the Commission, the name of its substitute candidate within 7 Days at the Constituency (Cf: Section 28[4])
- The Political Party must submit the identities/particulars of their Candidates to INEC not later than 180 days to the General Elections (Cf: Section 29[1])
- INEC must publish the identities of all Candidates in an election within 7 days of receiving the above names from political parties (Cf: Section 29[3])
- Any person may apply to INEC for any document submitted by a candidate at an election, upon payment of prescribed fees (Cf: Section 29[4])

- It is a punishable offence for any political Party who presents to INEC a candidate who does not meet the qualification stipulated (Cf: Section 29[8])
- It is a punishable offence for a registered Voter to nominate more than one Candidate for an Election to the same office (Cf: Section 30[2])
- There shall be no substitution of candidates in a general election except where a candidate of a political party dies or withdraws, the Party shall thereafter submit to INEC the name of its substituted candidate within 14 Days after a fresh primary election (Cf: Section 33)
- “If after the commencement of polls and before the announcement of results and declaration of a winner, a candidate dies-
  - The commission shall, being satisfied of the fact of the death, suspend the elections for a period not more than 21 days; and
  - In the case of election into legislative house, the election shall start afresh and the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 14 days of the death of its candidate and submit the name of a new candidate to the commission to replace the dead candidate:

**PROVIDED** that in the case of Presidential or Gubernatorial or Federal Capital Territory Council election, the Running mate shall continue with the election and nominate a new Running mate” (Cf: Section 34[3][a][b])

- Where a candidate knowingly allows himself or herself to be nominated by more than one political party or in more than one constituency, his or her nomination shall be void (Cf: Section 35)
- At the close of nomination, if no candidate emerges, INEC will extend the time for nomination and fix a new date for the election (Cf: Section 36)
- INEC shall provide suitable Boxes, electronic voting machines, or any other Voting device for the conduct of elections (Cf: Section 41[1])
- Political Party Agents are entitled to be present at distribution of election materials, electronic machines and voting devices to the Polling booth (Cf: Section 41[3])
- Polling Agents have the right, before the commencement, to inspect the originals of electoral materials to be used by INEC for any election and TO RECORD OR VIDEO THE INSPECTION (Cf: Section 41[4])

- INEC shall, before the commencement of voting at each election, provide all election materials for the conduct of election at the polling unit (Cf: Section 41[6])
- The ballot papers shall be numbered serially with differentiating colours for each office being contested (Cf: Section 42[1])
- No person holding elective or appointive position can be appointed as a polling Agent of a Political party at an election (Cf: Section 43[1])
- INEC shall publish a notice not later than 14 days before the day of the election, specifying:
  - a) Day and hour fixed for the polls
  - b) Persons entitled to vote and
  - c) Location of the polling units
- A Presiding Officer at a Polling Unit, before the commencement of the election, should show an opened ballot box and any other voting device to be used for the election, to persons who are lawfully present and thereafter close and seal appropriately in such a manner as to prevent it from being opened by unauthorized persons (Cf: Section 43[3])
- ‘The ballot box shall then be placed in full view of all present and be so maintained until the close of poll’ (Cf: Section 46[2])
- ‘A person who intends to vote in an election shall present himself with his voter’s card to a presiding officer for accreditation at the polling unit in the constituency in which his name is registered’ (Cf: Section 47[1])
- “To vote, the Presiding Officer shall use a Smart card Reader or any other accreditation device that may be prescribed by the Commission, for the accreditation of Voters, to verify, confirm or authenticate the particulars of the intending Voter in the manner prescribed the Commission” (Cf: Section 47[2])
- “Where a Smart Card reader or any other technological device deployed for accreditation of voters fails to function in any unit and a fresh Card Reader or Technological device is not deployed, the election in that unit shall be cancelled and another election shall be scheduled within 24 hours if the Commission is satisfied that the result of the election in that polling unit will substantially affect the final result of the whole election and declaration of the winner in the constituency concerned” (Cf: Section 47[3])



- A candidate or polling agent may challenge the right of a person to vote on such grounds and in accordance with the Electoral Act (Cf: Section 48)
- ‘The Presiding Officer shall separate the queue between men and women if in that area of the country, the culture is such that it does not permit the mingling of men and women in the same queue’ (Cf: Section 49)
- ‘Voting at an election shall be open secret ballot’ (Cf: Section 50[1])
- A voter on receiving a ballot paper shall mark it in the manner prescribed by the Commission (Cf: Section 50[3])
- All ballot at an election at any polling station shall be deposited in the ballot box in the open view of the public (Cf: Section 50[4])
- ‘No Voter shall vote for more than one Candidate or record more than one vote in favour of any Candidate at any one election’ (Cf: Section 51[1])
- ‘Where the number of votes cast at an election in any polling unit exceeds the number of accredited Voters in that polling unit, the Presiding Officer shall cancel the election in that Polling unit’ (Cf: Section 51[2])
- Where the result of an election is cancelled, there shall be no return until another poll has taken place in the affected polling unit (Cf: Section 51[3])
- If INEC is satisfied that the result from the cancelled polling unit(s) will not substantially affect the overall result of the election, it may direct that a return of the election be made (Cf: Section 51[4])
- The Presiding Officer has the right to reject a ballot paper which bears any mark with which the Voter can be identified, provided that such a mark is not a deliberate fault of the voter (Cf: Section 52[1])
- ‘The Commission shall use indelible ink for any thumb mark by voters on ballot papers’ (Cf: Section 52[2])
- A Voter who accidentally or mistakenly spoils a ballot paper such that it cannot be used for voting, may hand it over to the Presiding officer, who upon being satisfied, shall issue another ballot paper and cancel the spoilt paper on the spot (Cf: Section 53)
- A visually impaired voter or a voter with other forms of disability can be allowed by the Presiding Officer to have a necessary assistant to accompany the voter into the voting compartment and assist the voter to vote (Cf: Section 54[1])

- INEC shall ensure that Persons with Disabilities, Special needs and Vulnerable persons are assisted at the Polling Unit by the provision of appropriate means of communication (Cf: Section 54[2])
- Every interested voter must be physically present at the Polling unit to vote (Cf: Section 55)
- ‘No person shall be permitted to vote at any polling unit other than the one to which he or she is allotted’ (Cf: Section 56)
- A person who votes on behalf of someone else, or is under the age of 18 and votes in an election or attempts to vote, can be arrested at the order of the Presiding officer (Cf: Section 57[1][2][3][4])
- The presiding officer shall maintain law and order by ensuring that only candidates, eligible voters, accredited observers, polling agents and poll clerks are admitted to the polling unit (Cf: Section 58[1])
- The Presiding officer shall have power to remove from the Polling Unit or order the arrest of anyone who behaves in a disorderly manner, and unless re-admitted by the Presiding Officer, the person shall not enter the Polling unit during the election (Cf: Section 58[2][3])
- The Presiding Officer in exercising his power to maintain law and order shall ensure that the right of accredited voters to vote is upheld (Cf: Section 58[4])
- ‘In the absence of the Presiding Officer, the Poll clerk shall enjoy and exercise all the powers of the Presiding officer in respect of a Polling Unit’ (Cf: Section 58[5])
- The Presiding officer shall declare the poll closed at the prescribed time with only accredited voters within the polling unit allowed to vote (Cf: Section 59)
- The presiding officer shall ensure the counting of votes, announcement of results and recording of scores in appropriate INEC forms; and also ensure that the appropriate forms are duly signed by the Presiding Officer and counter signed by the Candidates or their polling agents, and thereafter are transferred/transmitted through the authorized means (Cf: Section 60[1][2][3][4][5])
- Votes can be recounted at the request of a Candidate or Polling Agent, but only once. (Cf: Section 61)

- It is the duty of the Presiding officer to safely and securely deliver the recorded and announced results of the election to the appropriate person prescribed by INEC (Cf: Section 62[1])
- A person or political party can request for a Certified True Copy (CTC) of any election result from the National Electronic Register of Election Results kept by INEC, after the payment of the prescribe fees (Cf: Section 62[2][3])
- A ballot paper without the official INEC markings shall not be counted except the returning officer is satisfied that such ballot paper was from a book of ballot papers from INEC (Cf: Section 63[1][2])
- The returning officer has the power to overrule the presiding officer with respect to rejected ballot papers with any form of identification mark. (Cf: Section 64[1])
- Where a candidate or a polling agent objects to the rejection decision of the Presiding Officer, the phrase “but objected to” shall be added to the word “rejected” (Cf: Section 64[2])
- A candidate or Polling Agent has a right to be allowed to a copy of the statement on rejected ballot papers (Cf: Section 64[3])
- “A collation officer or returning officer at an election shall collate and announce the result of an election subject to his or her verification and confirmation that the-
  - a. Number of accredited voters stated on the collated result are correct and consistent with the number of accredited voters recorded and transmitted directly from polling units under section 47[2] of this Act;
  - b. The votes stated on the collated result are correct and consistent with the votes or results recorded and transmitted directly from polling units under section 60[4] of this Act”  
(Cf: Section 64[4][a][b])
- There shall be use of the Smart Card Reader (SCR) or other technological devices for the resolution of disputed results by INEC (Cf: Section 64[6])
- It is a punishable offence for a returning officer to announce a false result intentionally (Cf: Section 64[9])
- The returning officer shall have the final power in respect of unmarked and/or rejected ballot papers and the declaration of election results subject to review by the Commission (Cf: Section 65)

- “In an election to the office of the President or Governor, whether or not contested and in any contested election to any other elective office, the result shall be ascertained by counting the votes cast for each candidate and subject to the provisions of Sections 133, 134, and 179 of the Constitution, the candidate that received the highest number of votes shall be declared elected by the appropriate Returning officer” (Cf: Section 66)
- Where none of the contesting candidates in an election poll the highest number of validly cast votes, INEC shall organize a re-run election (Cf: Section 67)
- INEC shall post on its website and notice boards a notice showing the scores of candidates at an election as well as the person declared elected and returned (Cf: Section 68)
  - INEC shall issue a certificate of return to a candidate who is declared winner in an election except where a court over-turns the election result (Cf: Section 72[1])
  - A Certified True Copy (CTC) of a court order shall be sufficient for swearing-in a candidate in the event of INEC’s refusal to issue a Certificate of Return (CoR) (Cf: Section 72[2])
  - An election conducted without INEC prescribed forms is invalid; and it is a punishable offence for the presiding officer to intentionally announce or sign the invalid election result (Cf: Section 73[2][3])
  - It is a punishable offence for a Resident Electoral Commissioner (REC) to fail to issue a certified true copy (CTC) of requested election documents by petitioners within 14 days from the date of such an application (Cf: Section 74[1][2])

## PART V: POLITICAL PARTIES

- ‘Any political association that complies with the provisions of the Constitution and this Act for the purposes of registration shall be registered as a political party’ (Cf: Section 75[1])



- It is a punishable offence for an association, its executive members or principal officer to give false or misleading information leading to the registration of the association as a political party (Cf: Section 75[5])
- The decision of INEC not to register a political party may be challenged in a court of competent jurisdiction (Cf: Section 76)
- “Any person or group of persons who aids or abets a political party in contravening the provisions of section 227 of the Constitution, commits an offence and is liable on conviction to a fine of N5,000,000 or imprisonment to a term of 5 years or both” (Cf: Section 78[2])
- Political parties must give at least 21 days’ notice of any conventions, meetings and congresses to INEC (Cf: Section 82[1])
- A political party must conduct primaries for all aspirant to elective positions and such exercises must be monitored by the Commission (Cf: Section 84[1])
- Qualification for nomination must be in accordance with the Constitution (Cf: Section 84[3])
- The primaries can be by direct, indirect or consensus methods (Cf: Section 84[4][5][6])
- “No political appointee at any level shall be a delegate or be voted for at the Convention or Congress of any political party for the purpose of the nomination of candidates for any election” (Cf: 84[12])
- It is a punishable offence for a political party not to submit its detailed Audited Accounts to INEC (Cf: Section 86[1][2])

- INEC shall audit and publish the audited results of political parties in 2 national newspapers and on its website (Cf: Section 86[3][4])
- Candidates in an election shall not exceed prescribed expenditure limits as established by this Law (Cf: Section 88[1][2][3][4][5][6][7])
- No individual or entity shall donate more than N50,000,000.00 to a political party campaign; and non-compliance is a punishable offence. (Cf: Section 88[8][9][10])
- It is a punishable offence for an accountant to aid in the falsification of expenditure report of a candidate or political party (Cf: Section 88[11])
- It is a punishable offence for a political party to exceed the prescribed expenditure limits set by INEC in consultation with the political parties (Cf: Section 89[2][4][7])
- INEC shall publish for public inspection the Audited returns of Political Parties (Cf: Section 89[8])
- All security agencies of Nigeria must provide adequate security for political party activities  
(Cf: Section 91[1][2][3])
- No registered political party in Nigeria, its aspirants and candidates, shall be prevented from holding rallies, processions or meetings at any time except where there is conflict as to time and venue  
(Cf: Section 91[4])
- Abusive words should not be used in political campaigns or slogans (Cf: Section 92[1][2])
- Places of worship, police stations and public offices shall not be used for political campaigns and rallies (Cf: Section 92[4])
- Masquerades shall not be used by political party or candidates during political campaigns (Cf: Section 92[4])
- The use of armed private security by political parties or candidates is not allowed before, during and after elections; and non-compliance is a punishable offence. (Cf: Section 92[5][6][7][8])  
The use of force or violence during political campaigns is a punishable offence (Cf: Section 93[1][2])
- The period of campaigning commences 150 days before polling day and ends 24 hours prior to the polling day (Cf: Section 94[1])

- It is a punishable offence for political parties or their candidates, individuals, or the media to campaign for a political party or candidate 24 hours prior to an election (Cf: Section 94[2][a][b]; 96[1])
- The use of state *apparati* including media to favour one political party or candidate over another is not allowed (Cf: Section 95[2])
- Election campaign or broadcasting based on religion, tribe or sectional reason is a punishable offence (Cf: Section 97[1][a][b])

## **PART VI: PROCEDURE FOR ELECTION TO AREA COUNCIL**

- The conduct of election and recall processes in the Federal Capital Territory shall be under the direction and supervision of INEC (Cf: Section 98[1])
- Qualification for election in the FCT shall be:
  - A citizen of Nigeria
  - Registered as a Voter
  - Attained 25 years for Councilor and 30 years for Chairman and Vice chairman
  - Educated up to (at least) School Certificate level or its equivalent
  - Is a member of a political party and is sponsored by that party.  
(Cf: Section 101[a]-[e])
- Grounds/Reasons for disqualification to contest an election in the FCT include the following (Cf: Section 102[1][a]-[j]):
  - Acquiring citizenship and pledging allegiance to another country
  - Adjudged to be a lunatic or person of unsound mind
  - Under the sentence of death by a court
  - Convicted within the last 10 years for dishonesty or guilty of the Code of conduct or undischarged bankruptcy
  - Employed in the services of the public service and has not resigned 30 days before an election as required by the statutes
  - Is a member of a secret society
  - Has presented a forged certificate in the last preceding 10 years
  - Dismissed from public service at any level

- Have been elected to such office in the last two previous elections in the case of the Chairman
- “A candidate to an election to the office of Chairman shall be deemed to have been duly elected were being the only candidate nominated for the election he or she has-
  - a) A majority of YES votes over NO votes cast at the election
  - b) Not less than one-third of the votes cast at the election in each of at least two-thirds of all the Wards in the Area council

Provided that where the only Candidate fails to be elected in accordance with this subsection, then, there shall be fresh election” (Cf: Section 106[2])

- “A candidate to an election to the office of Chairman shall be deemed to have been duly elected were there being only two candidates for the election he or she has:
  - a) A majority of the votes at the election
  - b) Not less than one-third of the votes cast at the election in each of at least two-thirds of all the Wards in the Area council
 (Cf: Section 106[4])
- When a winner of a Chairmanship election into an Area Council dies before taking the oath of allegiance, the vice chairman shall be sworn in as chairman and he shall nominate, with the approval of majority of members of Area legislative council, a new vice chairman (Cf: Section 107[1])
- Where both persons duly elected as chairman and vice chairman die before taking oath of office and the Area council has not been inaugurated, INEC shall, within 21 days, conduct an election to fill the vacancies (Cf: Section 107[3])
- An elected Chairman and Vice Chairman could be removed from office (Cf: Sections 110 and 111 respectively)
- The Vice Chairman shall hold the office of the Chairman if the office becomes vacant (Cf: Section 112[1]-[2])
- Vacancy of Vice Chairman shall be filled by the Chairman with approval of the Legislative arm (Cf: Section 112[3])
- A Member of an Area Council can be recalled (Cf: Section 113)





## **PART VII: ELECTORAL OFFENCES**

- It is a punishable offence for a person, without authority destroys, impersonates, falsify documents, obstructs a Registration Officer, and publishes false information during Voter registration process (Cf: Section 114[a]-[h])
- It is a punishable offence for a person to willfully destroy, forge, have knowledge of forgery, indulge or aid in multiple signing of nomination paper or result form; to willfully place in any ballot box any unauthorized paper or result form; and without authority, gives or destroys ballot paper, or indulge in impersonation during nomination process (Cf: Section 115[1])



- It is a punishable offence for a person without authority to deal or attempt to deal with the ballot paper (Cf: Section 115[2][3])

- Any disorderly behaviour or incitement for disorderly behaviour or possession of any weapon during a political meeting is punishable (Cf: Section 116[a][b])



- It is a punishable offence for a person to transfer, buy, sell, deal with or in Voter Card in an unlawful manner during an election (Cf: Section 117)
- It is a punishable offence to use government vehicle or boat without authorization during election (Cf: Section 118)
- It a punishable offence to impersonate and vote when not qualified (Cf: Section 119)
- Any INEC official, or Polling Agent who derelicts on his or her duty has committed a punishable offence (Cf: Section 120[1][2][3])
- Any person or Returning Officer or Collation officer who intentionally publishes results or cause the delivery of false Certificate of Return commits a punishable offence (Cf: Section 120[4][5][6])
- It is an offence **for any person** to give or conspire, induce or receive bribe or gratification before, during, and after an election (Cf: Section 121[1][a-d])
- It is an offence **for any voter** to give or conspire, induce or receive bribe or gratification before, during, and after an election (Cf: Section 121[2])



- Every person at a polling unit shall ensure the secrecy of the voting process (Cf: Section 122[1][2])
- It is a punishable offence to interfere with Voter confidentiality and the integrity of the Voting process (Cf: Section 122[3][4])



- It is a punishable offence to induce or procure a person prohibited by law to vote at an election (Cf: Section 123[a])
- It is a punishable offence to publish any false statement regarding or about or concerning a candidature, personal character or conduct of a candidate before or during election (Cf: Section 123[b][c])
- It is a punishable offence for any unregistered person to vote or attempt to vote in an election (Cf: Section 124[1][2])
- It is a punishable offence to knowingly bring another person's voter's card into a polling unit (Cf: Section 124[2])
- It is a punishable offence for any person to act or incite others to act in a disorderly manner in an election environment (Cf: Section 125)
- It is a punishable offence to:
  - I. Canvass or solicit for votes
  - II. Persuade any voter not to vote
  - III. Shout slogans concerning the elections
  - IV. Be in possession of any offensive weapon, dress, facial or other decoration calculated to dissuade
  - V. Use any symbol, photograph, notice, party card, vehicle, and color of a political party
  - VI. Loiter, snatch and destroy election materials and blaring siren around a polling or election environment
 (Cf: Section 126[1])
- It is a punishable offence to convene, hold or attend public meetings, make announcements, wear or carry any badge, poster, banner, flag or symbol relating to a

political party or to the election within 300m of a polling unit on election day (Cf: Section 126[2][a][b][c])

- It is a punishable offence to unduly influence voting at an election by paying or accepting money to or for any person (Cf: Section 127[a][b])
- It is a punishable offence for any person to use threat, abduction, contrivance, duress, fraud, injury, violence, force, restraint; directly or indirectly by himself or herself or another person on his or her behalf to obstruct voting and the electoral processes (Cf: Section 128[a][b][c][d])



## PART VIII: DETERMINATION OF ELECTION PETITIONS ARISING FROM ELECTIONS

- All electoral disputes arising from elections are to be settled or resolved by an Election Petition Tribunal and the Courts (Cf: Section 130-140)



## PART IX: MISCELLANEOUS PROVISIONS

- Definition Section (Cf: Section 141-153)