

ELECTORAL ACT, 2002



2002 Act No. 4

AN ACT TO REGULATE THE CONDUCT OF FEDERAL, STATE AND LOCAL GOVERNMENT ELECTIONS AND TO REPEAL THE ELECTORAL ACT 2001 ; AND FOR CONNECTED PURPOSES

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

[14th October, 2002]

PART I—NATIONAL REGISTER OF VOTERS AND VOTERS' REGISTRATION

1.—(1) No general election shall be conducted before the Commission has concluded the compilation and updating of the National Voters Register, in this Act referred to as the "Register of Voters", which shall include the names of all persons entitled to vote in any Federal, State, or Local Government Election.

(2) The Commission shall maintain as part of the Register of Voters a Register for Voters for each State of the Federation and the Federal Capital Territory.

(3) The Commission shall maintain as part of the Register of Voters for each State, and Federal Capital Territory, a Register of Voters for each Local Government Area Council within the State and the Federal Capital Territory.

(4) The Register shall contain in respect of every person the particulars required in Form EC.1A in the Second Schedule to this Act including the principal name and such one or more further names by which a person is usually or may be known and his address which for the purposes of this subsection may be the name of a village or in the case of a town, the name of the street, if the Commission thinks fit, but no person shall be registered under a principal name alone being a single name or without his address.

(5) The registration of voters and the up-dating of the Register of Voters under this section shall stop not later than 60 days before any Election covered by this Act.

(6) At least 30 days before the commencement of the general registration exercise, the Commission shall issue to all the Political Parties a booklet containing the full list of all the Registration Centres in the country.

(7) Every political party shall have the right to send up to two representatives or agents to each Registration Centre to observe the registration exercises.

2.—(1) A person shall be qualified for registration as a voter if such a person : (a) is a citizen of Nigeria ;

(b) has attained the age of eighteen years ;

(c) is ordinarily resident, works in, originates from, or is an indigene of the Local Government Area or Ward covered by the Registration Centre ;

(d) presents himself to the Registration Officers of the Commission for

Commence-
ment

National
Register of
Voters and
Voters'
Registration.

Qualification
for
Registration.

registration as a voter within the period stipulated by the Commission for registration of voters ;

(e) is not subject to any legal incapacity to vote under any law, Rule or Regulations in force in Nigeria ;

(2) No person shall register in more than one registration centre or register more than once in the same registration centre.

(3) Any person who contravenes the provisions of subsection (2) of this section commits an offence and is liable on conviction to a fine not exceeding ₦100,000 or imprisonment for a term not exceeding one year or both.

Transfer of
Registered
Voters.

3.— (1) A person who before the election is resident in a Constituency other than the one in which he was registered may apply to the Resident Electoral Commissioner of the State where he is currently resident for his name to be entered on the Transferred Voters List for the Constituency.

(2) An application under subsection (1) of this section shall be accompanied by the applicant's voters' card and be made not less than 30 days before the date of an election in the Constituency where the applicant is resident.

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

(4) Whenever an Electoral Officer on the direction of the Resident Electoral Commissioner enters the name of any person on the Transferred Voters' List for his Constituency he shall—

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

(b) issue the person with a new voters' card ; and

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

Appointment
of Officers.

4.— (1) For the purpose of maintaining and updating the Voters' Register, the Commission shall appoint such registration, revision, or update officers as it may require, provided that such officers shall not be members of any Political Party.

(2) Any person may raise an objection against any officer during the registration or updating exercise and failure to raise such objection shall not vitiate the Register.

(3) The officers appointed under subsection (1) of this section shall exercise such functions and duties as may be specified by the Commission, in accordance

with the provisions of this Act, and they shall not be subject to the direction or control of any other person or authority other than the Commission in the performance of their functions and duties.

5.—(1) Each Electoral Officer shall have charge and custody of the voters' register for his Local Government Area under the general supervision of the Resident Electoral Commissioner.

Custody of
the Voters
Register.

(2) The voter's register shall be kept in such form as may be prescribed by the Commission.

6. In the performance of his or her duties under this Act, a registration officer and an update officer may—

Demand for
information
regarding
Registration.

(a) demand from any applicant the information necessary to enable him to ascertain whether the applicant is qualified to be registered as a voter in accordance with the provisions of this Act ;

(b) require any voter or applicant to complete an application within a period specified by the Commission.

7.—(1) The Commission shall design, print and control the issuance of voters' cards to voters whose names appear in the register.

Power to
Print and
issue Voters'
Cards.

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

(3) Any person who contravenes subsection (2) of this section commits an offence and is liable on conviction to a fine not exceeding ₦100,000 or imprisonment not exceeding one year or both.

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

8.—(1) Whenever a voters' card is lost, destroyed, defaced, torn or otherwise damaged, the voter shall, at least seven days before polling day, apply in person to the Electoral Officer or any other officer duly authorized for that purpose by the Resident Electoral Commissioner, stating the circumstances of that loss, destruction, defacement or damage.

Power to
issue
duplicate
Voter's Cards.

(2) If the Electoral Officer or that other officer is satisfied as to the circumstances of the loss, destruction, defacement or damage of the voter's card, he shall issue to the voter a duplicate copy of the voter's original voter's card with the word "DUPLICATE" clearly marked or printed on it, showing the date of issue.

(3) No person shall issue a duplicate voter's card to any voter on polling day or within seven days before polling day.

(4) Any person who contravenes subsection (3) of this section commits an offence and is liable on conviction, to a fine not exceeding ₦100,000 or imprisonment not exceeding one year or both.

Power to
print and
issue Register
of Voters.

9.—(1) The Commission shall cause a voters' register for each State to be printed, and any person may obtain from the Commission, on payment of such charges and subject to such conditions as may be prescribed, copies of any voters' register for the State or for a Local Government Area or Ward within it.

(2) Where the voters' register has been printed under this subsection (1) immediately before any election or a by-election and it contains the names of the voters who will be entitled to vote at that election, the Commission may publish a notice declaring that the printed voters' register shall be used for the purpose of identification of voters at that election.

Display of
the copies of
the Voters
List.

10.—(1) Subject to the provisions of section 2 (2) of this Act, the Commission shall, by notice appoint a period of not less than 5 days and not exceeding 14 days, during which a copy of the voters' register for each Local Government Area or Ward shall be displayed for public scrutiny and during which period any objections or complaints in relation to the names omitted, or included in the voters' register or in relation to any necessary corrections, shall be raised or filed.

(2) During the period of the display of the voters' register under this Act, any person may raise an objection on the form prescribed by the Commission against the inclusion in the voters' register of any name of a person on grounds that the person is not qualified to vote or to be registered as voter in the State, Local Government Area, or Ward, or that the name of a person qualified to vote or to be registered has been omitted or that a name of a deceased person is included.

(3) Any objection under subsection (2) of this section shall be addressed to the Resident Electoral Commissioner through the Electoral Officer in charge of the Local Government Area of the person raising the objection.

Revision
officer for
hearing of
claims, etc.

11. The Commission may appoint as a Revision Officer any person to hear and determine claims for and objection to an entry in or omission from the preliminary list; and may appoint such number of other persons as it deems necessary to assist the Revision Officer.

Proprietary
Right in
Voters Card.

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

Offence of
buying and
Selling Voters
Card.

13. Any person who—

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

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

(c) buys or offers to buy any voter's card whether on his or her own behalf or on behalf of any other person,

commits an offence and is liable on conviction to a fine not exceeding ₦200,000 or imprisonment not exceeding two years or both.

14.—(1) Any person who—

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

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

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

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

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

(f) by himself or any other person procures the registration of a fictitious person, commits an offence and is liable on conviction to a fine not exceeding ₦100,000 or imprisonment not exceeding one year or both.

(2) Any person who—

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

(b) in any way hinders another person from registering as a voter, commits an offence and is liable on conviction to a fine not exceeding ₦200,000 or imprisonment not exceeding two years or both.

Offences
relating to
registration
of Voters

PART II—PROCEDURE AT ELECTION

15. Elections into the offices of the President, Governors, Senators, House of Representatives and State Houses of Assembly shall be held on the same day.

Day for
Election.

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

Postpone-
ment of
Election.

(2) Where an election is postponed under this Act on or after the last date for the delivery of nomination papers, and a poll has to be taken between the candidates then nominated, the Electoral Officer shall, on a new date being appointed for the election, proceed as if the date appointed were the date for the taking of the poll between the candidates.

(3) Where the Commission appoints a substituted date in accordance with subsections (1) and (2) of this section, there shall be no return for the election until polling has taken place in the area or areas affected.

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

(5) The decision of the Commission under subsection (4) may be challenged by any of the contestants at a Court of Law or Tribunal of competent jurisdiction and on such challenge, the decision shall be suspended until the matter is determined.

Announce-
ment of
election
results.

17.—(1) The Local Government Electoral Officer shall act as Returning Officer for election to the office of Local Government Chairman and Councillor.

(2) Results of all the elections shall be announced by—

(a) the Presiding Officer at the Polling Station ;

(b) the Ward Returning Officer at the Ward Collation Centre ;

(c) the Returning Officer at the Local Government Area Centre ;

(d) the Returning Officer at the State Constituency ;

(e) the Returning Officer at the Federal Constituency collection centre ;

(f) the Resident Officer at the Senatorial District collection centre

(g) the Resident Electoral Officer at the Governorship elections ; and

(h) the Chief Electoral Officer at the Presidential election.

(2) No person who is a member of a political party or who has openly expressed support for any candidate shall be appointed into any position for the purposes of registration of voters or election under this Act.

Oath of
loyalty by
Election
Officers.

18. All Electoral Officers, Presiding Officers, and Returning Officers shall affirm or swear an Oath of Loyalty and Neutrality indicating that they would not accept bribe or gratification from any person, and shall perform their functions and duties impartially and in the interests of the Federal Republic of Nigeria without fear or favour.

Appointment
of other
officers for
the conduct
of Elections.

19. The Commission shall for the purpose of an election under this Act appoint such other officers as may be required provided that they shall not be registered members of any Political Party.

Notice of
Election.

20.—(1) Not less than 90 days before the date appointed for holding of an election under this Act, the Commission shall publish a notice in each State of the Federation and the Federal Capital Territory—

(a) stating the date of the election ; and

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

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

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

21.—(1) Every political party shall not later than 90 days before the date appointed for a general election under the provisions of this Act, submit to the Commission in the prescribed forms the list of the candidates the Party proposes to sponsor at the elections.

Submission of
List of
Candidates
and their
Affidavits by
Political
Parties.

(2) The list shall be accompanied by an Affidavit sworn to by each candidate at the High Court of a State, indicating that he has fulfilled all the constitutional requirements for election into that office.

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

(4) Any person who has reasonable grounds to believe that any information given by a candidate in the Affidavit is false may petition the Commission or file a Suit at the High Court of a State or Federal High Court against such person seeking a declaration that the information contained in the Affidavit is false.

(5) If the Court determines that any of the information contained in the Affidavit is false the Court shall issue an Order disqualifying the candidate from contesting the election and if already elected the Court shall issue an Order against the person to vacate the office and the next person with the highest number of votes shall be declared duly elected.

(6) The Attorney-General of the Federation may in addition initiate criminal proceedings where appropriate against the candidate and if convicted he shall be sentenced to a fine of ₦200,000 or to imprisonment for two years or both.

(7) Any Political Party which knowingly or recklessly presents to the Commission the name of a candidate who does not meet the qualifications stipulated in this section, shall be—

(a) guilty of an offence and on conviction shall be liable to a fine of ₦500,000; and

(b) be disqualified from participating in that particular election for that office in the same Constituency.

(8) The decision of the Commission as to the qualification or disqualification of a candidate for an election may be challenged by a candidates.

(9) Any legal action challenging the decision of the Commission shall commence within five working days and be disposed of not later than one week before the election.

Prohibition
of double
nomination,
etc.

22.—(1) No person shall nominate more than one person for an election to the same office.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and on conviction be liable to a fine of ₦20,000 or 1 month imprisonment or both but his action shall not invalidate the nomination.

(3) No account shall be taken of the signature of a person on a nomination paper where the candidate had died, withdrawn or where the nomination paper was held invalid.

(4) No person who has subscribed as a nominator shall so long as the candidate stands nominated withdraw his nomination.

Political
Parties
changing
Candidates.

23. Any political party which wishes to change any of its candidates for any election under this Act may signify its intention in writing to the Commission not later than 30 days to the date of Election.

Publication
of nomina-
tion.

24. The Commission shall, at least fourteen (14) days before the day of the election publish by displaying or causing to be displayed at the place or places appointed for the delivery of nomination paper and in such other places as it deems fit, a statement of the full names of all candidates standing nominated and the persons nominating them with their respective addresses and occupations.

Withdrawal
of Candi-
dates.

25.—(1) A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself to the Political Party that nominated him for the election, and the Political Party shall convey such withdrawal to the Commission and which shall only be allowed not later than 14 days to the election.

(2) Where a candidate withdraws as provided in subsection (1) of this section, his Political Party shall be allowed to nominate another candidate.

(3) Renomination under this section shall only be allowed not later than 14 days before the date of the election.

Death of a
candidate.

26.—(1) If after the time for the delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Chief Electoral Commissioner or the Resident Electoral Commissioner shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate and the Commission shall appoint some other convenient date for the election.

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

27. If a nomination form, signed by a candidate and by the persons nominating him, is lodged in more than one constituency, his candidature shall be void in each constituency. Invalidation of double nomination.
28. Where at the close of nomination there is no candidate validly nominated, the Commission shall extend the time for nomination and fix a new date for the election. Failure of Nomination.
29. —(1) A candidate and his party shall campaign for the elections in accordance with such rules and regulations as may be determined by the Commission. Campaign for Election.
- (2) State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.
- (3) Media time shall be allocated equally among the political parties at similar hours of the day.
- (4) At any public electronic media, equal airtime shall be allotted to all political parties during prime times at similar hours each day, subject to the payment of appropriate fees.
- (5) At any public print media, equal coverage and conspicuity shall be allotted to all political parties.
- (6) Any public media that contravenes subsections (3) and (4) of this section shall be guilty of an offence and on conviction be liable to a fine of ₦500,000 in the first instance and to a fine of ₦1,000,000 for subsequent conviction.
30. Subject to the other provisions of this Act, if after the latest time for the delivery of nomination papers and the withdrawal of candidates for an election under this Act, more than one person remains validly nominated, a poll shall be taken. Contested Election.
31. A poll shall take place in accordance with the provisions of this Act with respect to the following, that is— When Poll is required.
- (a) in the case of an election to the office of the President or Governor of a State, whether or not only one person is validly nominated in respect of such office ;
- (b) in the case of an election in respect of any other office, if after the expiry of the time of delivery of nomination papers there is more than one person standing nominated.
32. —(1) If after the expiry of time for delivery of nomination papers and withdrawal of candidates and the extension of time as provided for in this Act there is only one person whose name is validly nominated in respect of an election, other than to the office of President or Governor, that person shall be declared elected. Uncontested Election.

(2) Where a person is declared elected under the provisions of subsection (1) of this section, a declaration of result Form as may be prescribed shall be completed and copy thereof issued to the person by the Returning Officer while the original of the form shall be returned to the Commission as in the case of a contested election.

Establishment of Polling Stations.

33. The Commission shall establish sufficient number of Polling Stations in each Ward and shall allot voters in such Polling Stations.

Ballot Boxes.

34. The Commission shall provide suitable boxes for the conduct of elections.

Format of Ballot Papers.

35.— (1) The Commission shall prescribe the format of the ballot papers which shall include the symbol adopted by the Political Party of the candidate and such other information as it may require.

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

Polling Agents.

36.—(1) All political parties may by notice in writing signed and addressed to the Electoral Officer of the Local Government Area appoint persons (in this Act referred to as "Polling Agents") to attend at each polling station in the Local Government Area for which they have candidate(s), and the notice shall set out the names and addresses of the polling agents and be given to the Electoral Officer before the date fixed for the election.

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

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

Notice of Poll.

37. The Commission shall, not later than 14 days before the day of the election, cause to be published, in such manner as it may deem fit a notice specifying the following matters, that is to say—

- (a) the day and hours fixed for the poll ;
- (b) by way of indication, the persons entitled to vote; and
- (c) the location of the polling stations.

Hour of Poll.

38. For a particular election voting shall take place on the same day and at the same time throughout the Federation.

Display of Ballot Boxes.

39. —(1) At the hour fixed for opening of the poll, before the commencement of voting, the Presiding Officer shall open the empty ballot box and show same to such persons as may lawfully be present at the Polling Station

and shall then close and seal the box in such manner as to prevent its being opened by unauthorised persons.

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

40.—(1) Every person intending to vote shall present himself to a Presiding Officer at the polling unit in the Constituency in which his name is registered with his voter's card.

Issue of
Ballot Paper.

(2) The Presiding Officer shall, on being satisfied that the name of the person is on the Register of Voters, issue him a ballot paper; and indicate on the Register that the person has voted.

41. A candidate or a Polling Agent may challenge the right of a person to receive a Ballot Paper on such grounds and in accordance with such procedures as are provided for in this Act.

Right to
challenge
issue of
Ballot Paper.

42. 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

Separate
queues for
men and
women.

43.—(1) Voting at an election under this Act shall be by open secret ballot.

Conduct of
Poll by Open
Secret Ballot.

(2) A voter on receiving a ballot paper shall mark it in the manner prescribed by the Commission.

(3) All ballots at an election under this Act at any Polling Station shall be deposited in the Ballot Box in open view of the public.

44.—(1) No voter shall vote for more than one candidate or record more than one vote in favour of any candidate at any one election.

Over Voting.

(2) Where the votes cast at an election in any Constituency or Polling Station exceed the number of registered voters in that Constituency Polling Station, the election for that Constituency Polling Station shall be declared null and void by the Commission and another election shall be conducted at a date to be fixed by the Commission.

(3) Where an election is nullified in accordance with subsection (2) of this section, there shall be no return for the election until another poll has taken place in the affected area.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section the Commission may, if satisfied that the result of the election will not substantially be affected by voting in the area where the election is cancelled, direct that a return of the election be made.

45.—(1) Where a voter makes any writing or mark on a Ballot paper by which he may be identified, such Ballot Paper shall be rejected provided that any print resulting from the staining of the thumb of the voter in the voting com-

Ballot not to
be marked by
voter for
identifica-
tion.

partment shall not be or be deemed to be a mark of identification under this section.

(2) The Commission shall use indelible ink for any thumb mark by voters on ballot papers.

Accidental
destruction or
marking of
Ballot
Papers.

46. A voter who by accident deals with his ballot paper in such a manner that it may not be conveniently used for voting, may deliver it to the Presiding Officer and if the Presiding Officer is satisfied that the ballot paper is spoilt he shall issue another ballot paper to the voter in place of the ballot paper delivered up, and the spoilt ballot paper shall be immediately marked cancelled by the Presiding Officer.

Blind and
incapacitated
voters.

47. A voter who is blind or is otherwise unable to distinguish symbols or who suffers any other physical disability may be accompanied into the polling station by a person chosen by him and the person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting compartment and assist the voter to make his mark in accordance with the procedure prescribed by the Commission.

Personal
attendance.

48. No Voter shall record his vote otherwise than by personally attending at the Polling Station and recording his vote in the manner prescribed by the Commission.

Voting at
appropriate
Polling
Station.

49. No person shall be permitted to vote at any Polling Station or Unit other than the one to which he is allotted.

Imperson-
ation by
applicant for
ballot Paper.

50.—(1) If at the time a person applies for a ballot paper and before he has left the polling station or unit, a polling agent, polling station official or security agent informs the Presiding Officer that he has reasonable cause to believe that the person is under the age of 18 years or has committed the offence of impersonation and gives an undertaking on a prescribed form to substantiate the charge in a court of law, the Presiding Officer may order a Police Officer to arrest that person and the Presiding Officer's order shall be sufficient authority for the Police Officer so to act.

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

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

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

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

Tendered
Ballot Paper.

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

(3) The ballot paper shall on delivery to the Presiding Officer and in view of all present be set aside by the Presiding Officer in a packet intended for tendered votes and no tendered ballot paper shall be counted by the Returning Officer.

(4) The Presiding Officer shall, when he tenders a ballot paper under this section, enter the name of the voter and his number in the register of voters on the list to be called tendered vote list ; and the tendered vote list shall be produced in any legal proceedings arising out of the election.

52.—(1) The Presiding Officer shall regulate the admission of voters to the polling station and shall exclude all persons other than the candidates, polling agents, poll clerks and persons lawfully entitled to be admitted including accredited observers, and the Presiding Officer shall keep order and comply with the requirements of this Act at the polling station.

Conduct at
Polling
Stations.

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

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

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

(5) The Poll Clerk shall enjoy and exercise all the powers of the Presiding Officer in respect of a Polling Station or Unit except that he shall not order the arrest of a person or the exclusion or removal of a person from the polling station or Unit without the authority of the Presiding Officer

Closing of
Poll.

53.—(1) At the prescribed hour for the close of poll, the Presiding Officer shall declare the poll closed and no more person(s) shall be admitted into the Polling Station and only those already inside the polling station shall be allowed to vote.

(2) After the declaration of the close of polls, no voter already inside the polling station shall be permitted to remain in the polling station unless otherwise authorised under this Act.

Counting of
Voters and
Forms.

54.—(1) The Presiding Officer shall, after counting the votes at the polling station or unit, enter the votes scored by each candidate in a form to be prescribed by the Commission as the case may be.

(2) The Form shall be signed and stamped by the presiding Officer and counter signed by the candidates or their polling Agents where available at the polling station.

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

(4) The Presiding Officer shall count and announce the result at the polling station.

Recount.

55. A candidate or a Polling Agent may, where present at a polling station when counting of votes is completed by the Presiding Officer, demand to have the votes recounted, but the Presiding Officer shall cause the votes to be so recounted only once.

Post-Election
procedure and
collation of
election
results.

56. After the recording of the result of the election, the Presiding Officer shall announce the result and deliver same and election materials under security to such persons as may be prescribed by the Commission.

Rejection of
Ballot Paper
without
official mark.

57.— (1) Subject to subsection (2) of this section, a ballot, which does not bear the official mark, shall not be counted.

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

Endorsement
on rejected
Ballot paper.

58.—(1) The Presiding Officer shall endorse the word "rejected" on the ballot rejected under section 61 and for any other reason, and the ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.

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

(3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection and their serial number, he shall on request allow a candidate or a Polling Agent to copy the statement.

59. The decision of the Returning Officer on any question arising from or relating to—

- (a) unmarked ballot ;
- (b) rejected ballot ; and
- (c) declaration of scores of candidates and the return of a candidate,

shall be final subject to review by a tribunal or Court in an election petition proceedings under this Act.

Decision of returning officer on Ballot Paper.

60. 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 receives the highest number of votes shall be declared elected by the appropriate Returning Officer.

Declaration Result.

61. Where two or more candidates poll equal number of votes being the highest in an election, the Returning Officer shall not return any of the candidates and a fresh election shall be held for the candidates on a date to be appointed by the Commission.

Equality of Vote.

62. The Commission shall cause to be posted on its notice board a notice showing—

- (a) the candidates at the election and their scores ; and
- (b) the person declared as elected or returned at the election.

Posting of Results.

63. The Chief National Electoral Commissioner or any officer authorised by him shall keep official custody of all the documents, including statement of results and ballot papers relating to the election, which are returned to the Commission by the Returning Officers.

Custody of Document.

64. Subject to the provisions of this Act, the Commission shall issue and publish in the *Gazette*, Guidelines for the elections which shall make provisions, among other things, for the step by step recording of the poll in the electoral Forms as may be prescribed beginning from the polling station or unit to the last collation center for the ward or constituency where the result of the election shall be declared.

Step by step recording of poll.

65. Every Result Form completed at the Ward, Local Government, State and National levels in accordance with the provisions of this Act or any Guidelines issued by the Commission shall be stamped, signed and countersigned by the relevant officers and Polling Agents at those levels and copies given to the police officers and the polling Agents, where available.

Result Forms to be signed and Counter-signed.

Certificate of
Return at
Election.

66. A sealed Certificate of Return at an election in a prescribed form shall be issued to every candidate who has won an election under this Act.

Forms for
use at
Election.

67.—(1) The forms to be used for the conduct of elections to the offices mentioned in Section 15 of this Act, election petitions arising therefrom shall be substantially set out in Second Schedule to this Act or as may be otherwise determined by the Commission from time to time.

(2) Notwithstanding the provisions of subsection (1) of this section, the Commission shall have power to design any forms it deems necessary for the discharge of its functions under this Act.

(3) The Polling Agents shall certify the election materials from the office to the polling booth.

Powers of
the
Commission
to register
Political
Parties.

PART III—POLITICAL PARTIES

68.—(1) Any political association which complies with the provisions of the Constitution and of this Act for the purposes of registration, shall be registered as a political party.

(2) No association by whatever name called shall function as a political party, unless it produces evidence of payment of registration fee of ₦100,000 or as may be fixed from time to time by an Act of the National Assembly.

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

(4) The Commission shall after the inspection of the Headquarters of the Association, issue an acknowledgement to the Association indicating that the offices have been so inspected.

(5) Any political Association that meets the conditions stipulated in the Constitution and this Act shall be registered by the Commission as a political party within 30 days and if after the 30 days the Association is not registered by the Commission it shall be deemed to be so registered.

(6) If the Association has not fulfilled all the conditions as under this section, the Commission shall within 30 days notify the Association in writing stating the reasons.

(7) Any Association which through the submission of false or misleading information pursuant to the provisions of this section procures a certificate of registration shall have such certificate cancelled.

69. The decision of the Commission not to register any association as a Political Party may be challenged in a Court of Law; Provided that any legal action challenging the decision of the Commission shall be commenced within 14 days from the date of receipt of the letter of notification of non registration from the Commission or the expiration of the 30 days referred to in section 68 (6) of this Act.

Decision of the Commission subject to Judicial review.

70. Every Political Party registered under this Act shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Political Parties to be bodies corporate.

71.—(1) Any Political Party or Association, which contravenes the provisions of section 227 of the Constitution is guilty of an offence and liable on conviction to a fine of-

Contravention of Section 227 of the 1999 Constitution.

- (a) ₦500,000.00 for the first offence ;
- (b) ₦700,000.00 for any subsequent offence ; and
- (c) ₦50,000 for every day that the offence continues.

(2) Any person or group of persons who aids or abets a political party in contravening the provisions of section 227 of the Constitution shall be guilty of an offence and be liable on conviction to a fine of ₦200,000 or two years imprisonment or both.

72. —(1) The Commission shall keep a register of symbols for use at elections.

Symbol of Political Parties.

(2) The Commission shall register the symbol of a Political Party upon payment of the prescribed fee if it is satisfied that—

- (a) no other symbol of the same design is registered ;
 - (b) the symbol is distinctive from any other symbol already registered ;
- and
- (c) its use will not be offensive or otherwise objectionable.

(3) The Commission shall remove a symbol from the register of symbols, if—

- (a) a Political Party in whose name it is registered requests the removal ;
- or
- (b) the Commission is of the opinion that the Political Party in whose name the symbol is registered has ceased to exist or to use the symbol.

(4) Nothing in this section shall authorize the allotment or registration for use at any election of a symbol or material as symbol of a Party, if it portrays-

- (a) the Coat of Arms of the Federation ;

- (b) the Coat of Arms of any other country ;
- (c) any device or emblem which in the opinion of the Commission is normally associated with—
 - (i) the official acts of Government ;
 - (ii) any of the Armed Forces of the Federation or the Nigerian Police Force or other uniformed service ;
 - (iii) the regalia of a chief ;
 - (iv) any tribe or ethnic group ;
 - (v) any religion or cult ;
 - (vi) any portrait of a person living or dead ; or
- (d) any symbol or part of a Symbol which under the provisions of this section continues to be registered by another political party.

(5) Subject to the foregoing provisions of this section, the symbol allotted to a Political Party and in use immediately before the coming into force of this Act shall continue to be available to, and be used by, that Political Party without payment of the fee mentioned in sub-section (2) of this section.

Allocation of
Symbol.

73. Where a symbol is registered by a Political Party in accordance with this Act, the Commission shall allot the symbol to any candidate sponsored by the Political Party at any election.

Merger of
Political
Parties.

74.— (1) Any two or more registered Political Parties may merge on approval by the Commission following a formal request presented to the Commission by the Political Parties for that purpose. PROVIDED that there shall at no time be less than three political parties registered in the country.

(2) Political Parties intending to merge shall give to the Commission 90 days notice of their desire to do so, and the notice shall be accompanied by—

(a) a special resolution passed by the National Convention of each of the parties proposing to merge, approving the merger;

(b) the proposed full name and acronym, Constitution, manifesto, symbol or logo of the party together with the addresses of the National and State offices of the merged party; and

(c) evidence of payment of processing fee of ₦100,000 or as may be fixed from time to time by an Act of the National Assembly.

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

(4) On receipt of the request for merger of any Political Parties the Commission shall consider the request, and if the parties have fulfilled the requirements of the Constitution and this Act, approve the proposed merger and communicate its decision to the Parties concerned before the expiration of thirty (30) days from the date of the receipt of the formal request.

(5) Where the request for the proposed merger is approved, the Commission shall forthwith withdraw and cancel the certificates of registration of all the Political Parties opting for the merger and substitute therefore, a single certificate of registration in the name of the merged Party.

(6) Notwithstanding the provisions of subsection (2) of this section no application for merger of Political Parties received by the Commission less than six months before any general election in the country shall be considered by the Commission.

75.— (1) Every registered Political Party shall give the Commission at least 21 days notice of any convention, congress, conference or meeting convened for the purpose of electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices specified under this Act.

Notice of
Convention,
Congress,
etc.

(2) The Commission may with or without prior notice to the Political Party monitor and attend any convention, congress, conference or meeting which is convened by a Political Party for the purpose of—

- (a) electing members of its executive committees or other governing bodies ;
- (b) nominating candidates for an election at any level ; or
- (c) approving a merger with any other registered Political Party.

(3) Notice of any congress, conference or meeting for the purpose of nominating candidates for Local Government or Area Council elections shall be given to the State Independent Electoral Commission at least 21 days before such congress, conference or meeting

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

Monitoring
of Political
Parties.

(2) The Commission may seek information or clarification from any registered political party in connection with any activity of the political party which may be contrary to the provisions of this Act or any other law, guidelines, rules or regulations.

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

(4) A Political Party which fails to provide the required information or clarification under subsection (2) of this section or carry out any lawful directive given by the Commission in conformity with the provisions of this section is guilty of an offence and liable on conviction to a fine of not more than ₦500,000.

Offences relating to finances of a Political Party.

77. Any Political Party that—

(a) holds or possesses any funds outside Nigeria in contravention of section 225 (3) (a) of the Constitution of the Federal Republic of Nigeria 1999 commits an offence and shall forfeit the funds or assets to the Commission and on conviction shall be liable to a fine of not more than ₦500,000.00.

(b) retains any fund or other assets remitted or sent to if from outside Nigeria in contravention of Section 225 (3) (b) of the Constitution of the Federal Republic of Nigeria 1999 is guilty of an offence and shall forfeit the funds or assets to the Commission and on conviction shall be liable to a fine of not more than ₦500,000.00”

Period to be covered by Annual Statement.

78.—(1) The Statement of Assets and Liabilities referred to in Section 81 of this Act shall be in respect of the period 1st January to 31st December in each year, and that in the year in which this Act comes into operation, it shall be for the period beginning with the registration of such party and ending on the following 31st December.

(2) The Commission shall arrange for the annual examination and auditing of the funds and accounts of political parties and publish a report on such examination and audit in three National Newspapers.

Statement as to Election Expenses.

79.—(1) Notwithstanding any other provision of this Act, the statement relating to the election expenses of a political party as prescribed in section 100 of this Act shall be submitted to the Commission in a separate audited account as in the prescribed form not later than 90 days from the date of the election.

(2) Any political party which fails to submit to the Commission the audited return of election expenses in accordance with the provisions of this Act is guilty of an offence and shall be liable on conviction to a fine of ₦100,000 payable jointly and severally by the leaders of the Political Party.

Grant to Political Parties for Election.

80.—(1) The National Assembly may approve a grant for disbursement to the political parties contesting elections after the coming into force of this Act.

(2) The grant approved in pursuance of subsection (1) of this section shall be made to the commission which shall distribute the grant to the Political Parties in the following manner.

(a) 30% of the grant shall be shared equally among the registered political parties participating in respect of a general election for which the grant has been made ; and

(b) the remaining 70% of the grant shall be shared among the Political Parties, after the result of the elections have been known, in proportion to the number of seats won by each party in the National Assembly.

Annual Grants to Political Parties for their operations.

81.—(1) Notwithstanding the provisions of this Act, the National Assembly may make an annual grant to the Commission for distribution to the registered Political Parties to assist them in their operation.

(2) The Commission shall distribute such grant as follow—

(a) 30 per cent of the grant shall be shared equally among all the registered Political Parties ;

(b) the remaining 70 per cent of the grant shall be shared among the registered political parties in proportion to the number of seats won by each party in the National Assembly.

82. No Political Party shall be eligible to receive a grant under sections 93 unless it wins a minimum of 10 per cent of the total votes cast in the local government elections in at least two-thirds of the States of the Federation.

Eligibility to receive grant.

83.—(1) The Commission shall have power to place limitation on the amount of money or other assets, which an individual or corporate body can contribute to a Political Party.

Power to limit Contribution to a Political Party.

(2) Every Political Party shall maintain a record of all contributors and the amounts contributed.

84.—(1) For the purposes of an election, “election expenses” means expenses incurred by a Political Party within the period from the date notice is given by the Commission to conduct an election up to and including the polling day in respect of the particular election.

Election Expenses of Political Parties.

(2) Election expenses incurred by a Political Party for the management or the conduct of an election shall not exceed in the aggregate the sum determined by multiplying 20 Naira by the number of names appearing in the final voters’ list for each Constituency where there is a candidate sponsored by the Political Party.

(3) Election expenses of a Political Party shall be submitted to the Commission in a separate audited return within three months after polling day and such shall be signed by the party’s auditors and counter-signed by the Chairman of the Party as the case may be and shall be supported by a sworn affidavit by the signatories as to the correctness of its contents.

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

(5) The Political Party shall cause the return submitted to the Commission pursuant to subsection (4) of this section to be published in at least two (2) National Newspapers.

(6) Any Political Party which incurs election expenses beyond the limit stipulated in this Act is guilty of an offence and shall be liable on conviction to a fine of ₦500,000.

(7) The Commission shall make available for public inspection during regular business hours at its national and state offices the audit returns of the

political parties required by subsection (3) of this section which shall include the name, address, occupation, and amount contributed by each contributor to a party.

Conduct of
Political
rallies and
processions,
etc.

85.— (1) For the purpose of the proper and peaceful conduct of political rallies and processions, the Commissioner of Police in each State of the Federation and in the Federal Capital Territory, Abuja, is by this Act empowered to provide adequate security for processions at political rallies in the States and the Federal Capital Territory, Abuja, as the case may be.

(2) A person who, while present at a political rally or procession or voting centre, has with him any offensive weapon or missile otherwise than in pursuance of a lawful duty is guilty of an offence and liable on conviction to a fine of ₦100,000 or imprisonment for a term of 2 years or both.

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

(4) In this section, "offensive weapon or missile" includes any cannon, gun, rifle, carbine, revolver, pistol or any other fire arm, bow and arrow, spear, cutlass, knife, dagger, axe, cudgel, or any other thing capable of being used as an offensive weapon or missile, including teargas, acid, and any inflammable substance capable of injuring a person.

Prohibition
of certain
conduct, etc.
at Political
Campagin.

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

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

(3) Places designed for religious worship, palaces of traditional rulers, army formations or barracks, police station, public offices and educational institutions shall not be used.

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

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

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

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

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

(7) Notwithstanding the provision of subsection (6) of this section a candidate at an election may keep or use a private security or individual for his personal protection during campaigns, rallies or processions.

(8) A political party or person who contravenes any provision of this section is guilty of an offence and liable on conviction—

(a) in the case of an individual, to a fine of ₦50,000 or imprisonment for a term of 6 months ; and

(b) in the case of a political party, to a fine of ₦50,000 in the first instance, and ₦100,000 for any subsequent offence, payable jointly by the Chairman, Secretary and Treasurer of the Political Party at the National, State, Local Government Area, Area Council or Ward level, as the case may be.

87.—(1) No candidate, person or group of persons shall directly or indirectly offer or aid in offering inducement in any form whatsoever to a person at a political campaign for the purpose of corruptly influencing that person or any other person to support or refrain from supporting a political party or candidate.

Prohibition
of Corrupt
Practices.

(2) No candidate, person or group of persons shall directly or indirectly give or offer to give any money or valuable consideration to any person during a political campaign in order to induce that person or any other person to support or refrain from supporting a political party or candidate.

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

(4) No person or group of persons shall accept any inducement, money or valuable consideration from any person, candidate or political party in order to compel that person or any other person to support or refrain from supporting a political party or candidate.

(5) Any person who or political party which contravenes the provisions of this section is guilty of an offence and liable on conviction-

(a) in the case of an individual, to a fine of ₦100,000 or imprisonment for a term of one year; and

(b) in the case of a political party, to a fine of ₦250,000 in the first instance, and ₦500,000 for any subsequent offence, payable jointly by the Chairman, Secretary and Treasurer of the political party at the National, State, Local Government Area, Area Council or Ward level, as the case may be.

Prohibition of use of force or violence during political campaign.

88. No candidate, person or group of persons shall directly or indirectly threaten any person with the use of force or violence during any political campaign in order to compel that person or any other person to support or refrain from supporting a Political Party or candidate.

Conformity with the Law.

89. All Political Parties, candidates, agents and supporters of Political Parties shall conform with the provisions of this Act, guidelines on political campaigns and all party activities.

Effect on elected officer where political party ceases to exist.

90. Where a Political Party ceases to exist in accordance with any provisions of this Act, a person elected on the platform of the Political Party in an election under this Act shall remain validly elected, complete his tenure, and, for purposes of identification, be regarded as a member of the Political Party under which he was elected, but such a person cannot stand for re-election in the name of that political party.

Saving of existing Political Parties.

91. Any Political Party registered by the Commission in accordance with the provisions of any law in force immediately before the coming into force of the 1999 Constitution shall be deemed to have been duly registered under this Act.

Limitation on Political Broadcast and campaign by Political Parties.

92.—(1) A registered Political Party which through any person acting on its behalf during the twenty four hours before polling day—

(a) advertises on the facilities of any broadcasting undertaking ; or

(b) procures for publication or acquiesces in the publication of an advertisement in a Newspaper for the purpose of promoting or opposing a particular candidate ;

is guilty of an offence under this Act and upon conviction shall be liable to a fine of ₦500,000.

Limitation on Political Broadcast and Campaign by Candidate.

93. A candidate who directly or through any person acting on his behalf

(a) during twenty four hours immediately preceding polling day, or on polling day advertises on the facilities of any broadcasting undertaking; or

(b) procures for publication or acquiesces in the publication during the period described in paragraph (a) of an advertisement in a newspaper for the purpose of promoting or opposing a particular registered party or the election of a particular candidate,

is guilty of an offence against this Act and on conviction shall be liable to a fine of ₦50,000 or to imprisonment for six months.

94.—(1) A government owned print or electronic medium shall give equal access on daily basis to all registered political parties or candidates of such political parties.

Limitation on Political Broadcast and Campaign by any other person.

(2) A denial of such access and equal time constitute an offence punishable in the first instance with a fine of ₦500,000 and the withdrawal of the licence of the offending electronic media house by the National Broadcasting Commission for a period of 12 months on any subsequent violation.

(3) A person other than a Political Party or a candidate who procures any material for publication for the purposes of promoting or opposing a particular Political Party or the election of a particular candidate over the radio, television, newspaper, magazine, handbills or any print or electronic media whatsoever called during 24 hours immediately preceding or on polling day is guilty of an offence and liable on conviction to a fine of ₦50,000 or imprisonment for six (6) months or to both.

95.—(1) A person, print or electronic medium who broadcasts, publishes, advertises or circulates any material for the purpose of promoting or opposing a particular Political Party or the election of a particular candidate over the radio, television, newspaper, magazine, handbills, or any print or electronic medium whatsoever called during twenty four hours immediately preceding or on polling day is guilty of an offence under this Act.

Prohibition of Broadcast, etc. 24 hours preceding or on polling day.

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

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

(a) in the case of a body corporate to a fine of ₦500,000 and

(b) in the case of an individual to a fine of ₦100,000 or to imprisonment for 12 months.

96. Any candidate, person or association who engages in campaigning or broadcasting based on religious, tribal, or sectional bias for the purpose of promoting or opposing a particular Political Party or the election of a particular candidate, is guilty of an offence under this Act and on conviction shall be liable to a fine of ₦100,000 or imprisonment for twelve months or to both.

Campaign based on religion, tribe, etc.

PART IV — PROCEDURE FOR ELECTION TO AREA COUNCIL

Power of the
Commission.

97.—(1) The conduct of elections into the offices of Chairman, Vice-Chairman and a member of an Area Council and the recall of a member of an Area Council shall be under the direction and supervision of the Commission in accordance with the provisions of this Act using the Register of Voters compiled and the polling units established by the Commission and any other regulations, guidelines, rules or manuals issued or made by the Commission not being inconsistent with the provisions of this Act.

Election to
offices of
Chairman,
Vice-
Chairman
and
Councillors.

98.—(1) There shall be elected for each Area Council in the Federal Capital Territory a Chairman and a Vice-Chairman.

(2) There shall be elected from every ward in an Area Council, a Councillor.

Division of
Local
Government
Area and
Area Council
into wards.

99. —(1) Subject to the provision of this section, the Commission shall divide each Area Council into such number of wards not being less than 10 and not more than 20 as the circumstance of each Area Council may require.

(2) The boundaries of each ward shall be such that the number of inhabitants of the ward is as nearly equal to the population quota of the ward as is reasonably practicable.

(3) The Commission shall review the division of every Area Council into wards at intervals of not less than 10 years and may alter such wards in accordance with the provisions of subsection (1) of this section to such extent as it may consider desirable in the light of the review.

(4) Notwithstanding the provisions of subsection (3) of this section, the Commission may, at any time, carry out such a review and alter the wards in accordance with the provisions of this section to such extent as it considers necessary in consequence of any amendment to section 3 of the Constitution or any provision replacing that provision or by reason of the holding of a National Population Census or pursuant to an Act of the National Assembly.

Qualification.

100. A person shall be qualified for election under this part of this Act if—

(a) he is a citizen of Nigeria ;

(b) he is registered as a voter ;

(c) he has attained the age of 25 years ;

(d) he is educated up to at least the School Certificate level or its equivalent ;

- (e) he is a member of a Political Party and is sponsored by that Party; and
- (f) he has produced evidence of tax payment as and when due or tax exemption for a period of three years immediately preceding the year of election.

101.—(1) A person shall not be qualified to contest an Area Council election under this Act if— Disqualification.

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

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

(c) he is under a sentence of death imposed on him by any competent court of law or tribunal in Nigeria or a sentence of imprisonment or fine for an offence involving dishonesty or fraud (by whatever name called) money laundering, drug related offence, or any other offence imposed on him by such a court or tribunal substituted by a competent authority for any other sentence imposed on him by such a court or tribunal ;

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

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

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

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

(h) he has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal set up under the Tribunals of Inquiry Act, a Tribunal of Inquiry Law or any other Law by the Federal or State Government which indictment has been accepted by the Federal or State Government, as the case may be ;

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

(j) he has been dismissed from the public service of the Federation or a State ; or

(k) he has been elected to such office at any two previous elections.

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

- (a) adjudged to be a lunatic ;
- (b) declared to be of unsound mind ;
- (c) sentenced to death or imprisonment ; or
- (d) adjudged or declared bankrupt,

any appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or as the case may be, the appeal lapses or is abandoned, whichever is earlier.

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

Date of Area
Council
Elections and
methods of
Voting.

102.—(1) Election to all the Area Councils shall be held on the same date and day throughout the Federal Capital Territory.

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

(3) The date mentioned in subsection (1) of this section shall not be earlier than sixty days before and not later than 30 days before the expiration of the term of office of the last holder of that office.

(4) Where a vacancy occurs less than 3 months before the day on which the Area Council stands dissolved there shall be no by-election to fill the vacancy.

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

(6) Voting shall be by open-secret ballot.

Procedure for
Area Council
Election.

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

Procedure for
Nominations,
etc.

104.—(1) If after the expiration of time for the delivery of Nomination Papers and the withdrawal of candidates for election of Councillors under this Act only one candidate remains duly nominated, that candidate shall be declared returned unopposed.

(2) If after the expiration of time for the delivery of Nomination Papers and the withdrawal of candidates for election of Councillors under this section more than one candidate duly nominated, a poll shall be taken in accordance with the provisions of this Act.

(3) Where in an election to the office of Chairman at the close of nomination one of the candidates—

(a) has been nominated ; or

(b) nominated for the election is the only candidate by reason of the disqualification, withdrawal, incapacitation, disappearance, or death of the other candidates ;

The State Independent Electoral Commission shall extend the time for nomination by 7 days, Provided that where after the extension only one candidate remains validly nominated, there shall be no further extension.

105.—(1) A candidate for an election to the Office of Chairman shall be deemed to have been duly elected to the office where being the only candidate nominated for the election he has—

Election of
Area Council
Chairman.

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

(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.

but where the only candidate fails to be elected in accordance with this subsection then there shall be fresh nominations.

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

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

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

(3) If no candidate is duly elected under subsection (2) of this section, the Commission shall within 7 days conduct a second election between the two candidates, and the candidate who scored the majority of votes cast at the election shall be deemed duly elected at the election.

(4) A candidate for an election to the office of Chairman shall be deemed to have been duly elected where, there being more than two candidates for the election:

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

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

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

(a) the candidate who scored the highest number of votes at the election held under Subsection (5) of this section ; and

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

(6) In default of a candidate duly elected under these subsections, the Commission shall within 7 days of the result of the election held under the said subsections arrange for another election between the two candidates and a candidate at such an election shall be deemed to have been duly elected to the office of a Chairman of the Area Council if—

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

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

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

(8) If a person duly elected as Chairman dies before taking and subscribing the Oath of Allegiance and Oath of Office or is for any reason whatsoever unable to be sworn in, the person elected with him as Vice-Chairman shall be sworn in as Chairman and he shall nominate a new Vice-Chairman who shall be appointed by the new Chairman with the approval by a simple majority of the Area Legislative Council

Dissolution
of Area
Council.

106. An Area Council shall stand dissolved at the expiration of a period of three years commencing from the date—

(a) when the Chairman took the Oath of Office ; or

(b) when the Legislative Arm of the Council was inaugurated ;

whichever is earlier.

107. A member of an Area Council shall vacate his seat in the Council—

Vacation of
seat of
members.

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

(b) if he becomes Vice-President, Deputy Governor, Vice-Chairman of the Area Council, Minister of the Government of the Federation or a Commissioner of the Government of a State ; or

(c) being a person whose election was sponsored by a Political Party, he resigns from that party or becomes a member of another Political Party before the expiration of the period for which the Area Council was elected;

Provided that his membership of the latter political party is not as a result of a division in the political party of which he was previously a member or of a merger of two or more political parties or factions by one of which he was previously sponsored ; or

(d) if he becomes a member of a secret society or does any other thing disqualifying him from holding the office of Chairman or Councillor under this Act ; or

(e) if the Speaker of the Area Legislative Council receives a certificate under the hand of the Commission stating that the provisions of section 123 of this Act have been complied with in respect of the recall of that member.

(3) The Speaker of the Area Legislative Council shall give effect to subsection (1) of this section, so that the Speaker shall first present evidence satisfactory to the Area Council that any of the provisions of that subsection has become applicable in respect of that member

108.—(1) The Chairman or Vice-Chairman may be removed from office in accordance with the provisions of this section.

Removal of
Chairman or
Vice-
Chairman.

(2) Whenever a notice of any allegation of gross misconduct in writing signed by not less than one-third of the members of the Area Legislative Council stating that the holder of the office of Chairman or Vice-Chairman is guilty of misconduct in the performance of the functions of his office, detailed particulars of which shall be specified is presented to the Speaker of the Area Legislative Council, the Speaker of the Area Legislative Council shall within 7 days of the notice, cause a copy of the notice to be served on the holder of the office and on each member of the Area Legislative Council and shall also cause any statement made in reply to the allegation by the holder of the office to be served on each member of the Area Legislative Council.

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

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

(5) Within 7 day's of the passing of a motion under subsection (4) of this section, the Speaker of the Area Legislative Council shall inform the Chief Judge of the Federal Capital Territory, Abuja, who shall appoint a Panel of seven persons who in the opinion of the Chief Judge are of unquestionable integrity not being members of -

- (a) any public or civil service ;
- (b) a legislative house ; or
- (c) a political party.

to investigate the allegation as provided in this section.

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

(7) A Panel appointed under this section shall—

- (a) have such powers and exercise its functions in accordance with such procedure as may be prescribed by an Act of the National Assembly. ; and
- (b) within three months of its appointment, report its findings to the Area Legislative Council.

(8) Where the Panel reports to the Area Legislative Council that the allegation has not been proved no further proceedings shall be taken in respect of the matter.

(9) Where the report of the Panel is that the allegation against the holder of the office has been proved, then within 14 days of the receipt of the report, the Area Legislative Council shall consider the report with the holder of the office being present at the meeting and if by a resolution of the Area Council supported by not less than two-thirds majority of all its members, the report of the Panel is adopted then the holder of the office shall stand removed from office as from the date of the adoption of the report.

Recall.

109. A member of a Local Government Legislative Council may be recalled as a member if—

- (a) there is presented to the Chairman of the Commission a petition in that behalf signed by more than two-third of the persons registered to vote in that member's constituency alleging their loss of confidence in that member ; and

(b) the petition is thereafter approved in a referendum conducted by the Commission within 90 days of the date of the receipt of the petition by a two-third of the votes of the persons registered to vote in that member's constituency.

PART V—PROCEDURE FOR LOCAL GOVERNMENT COUNCIL ELECTIONS

110. Voting in Local Government Council Elections shall be by open-secret ballot.

Voting by open secret ballot

111. The procedure for filing nominations and the casting and counting of votes for Local Government Council elections shall be the same as is applicable to other elections under this Act.

Procedure for Local Government Elections.

112.—(1) If after the expiration of time for the delivery of Nomination Papers and the withdrawal of candidates for election of Councillors under this Act only one candidate remains duly nominated, that candidate shall be declared returned unopposed.

Procedure for nomination, etc.

(2) If after the expiration of time for the delivery of Nomination Papers and the withdrawal of candidates for election of Councillors under this section more than one candidate are duly nominated, a poll shall be taken in accordance with the provisions of this Act.

(3) Where in an election to the office of Chairman at the close of nomination one of the candidates—

(a) has been nominated ; or

(b) nominated for the election is the only candidate by reason of the disqualification, withdrawal, incapacitation, disappearance, or death of the other candidates.

The State Independent Electoral Commission shall extend the time for nomination by 7 days. Provided that where after the extension only one candidate remains validly nominated, there shall be no further extension.

113.—(1) A candidate for an election to the Office of Chairman shall be deemed to have been duly elected to the office where being the only candidate nominated for the election he has—

Election of Chairman.

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

(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 Local Government,

but where the only candidate fails to be elected in accordance with this subsection then there shall be fresh nominations.

(2) A candidate for an election to the office of the Chairman shall be deemed to have been elected where, there being only two candidates for the election—

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

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

(3) If no candidate is duly elected under subsection (2) of this section, the State commission shall within 7 days conduct a second election between the two candidates, and the candidate who scored the majority of votes cast at the election shall be deemed duly elected at the election.

(4) A candidate for an election to the office of Chairman shall be deemed to have been duly elected where, there being more than two candidates for the election—

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

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

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

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

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

(6) In default of a candidate duly elected under this section, the State Independent Electoral Commission shall within 7 days of the result of the election held under the said subsections arrange for another election between the two candidates and a candidate at such an election shall be deemed to have been duly elected to the office of a Chairman of Local Government if he has—

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

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

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

PART VI—ELECTORAL OFFENCES

114. Any person who—

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

Offences in relation to registration.

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

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

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

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

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

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

(h) forges a registration card ; or

(i) carries out registration or revision of voters at a centre or place not designated by the Commission,

commits an offence and liable on conviction to a fine of ₦100,000 or to twelve months imprisonment or to both.

Offence in
request of
nomination,
etc.

115.— (1) A person commits an offence if he—

(a) forges any nomination paper ;

(b) wilfully defaces or destroys any nomination paper ;

(c) delivers to an electoral officer any nomination paper knowing it to be forged ;

(d) signs a nomination paper as a candidate in more than one constituency at the same election ;

(e) forges any ballot paper or official mark on any ballot paper or any certificate of return ;

(f) wilfully destroys any ballot paper or official mark on any ballot paper or any certificate of return ;

(g) without authority gives a ballot paper to any person ;

(h) wilfully places in any ballot box any unauthorized paper ;

(i) wilfully removes from a polling station any ballot paper whether or not the ballot paper was issued to him in that polling station ;

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

(k) signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at that election ;

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

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

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

(o) manufactures, constructs, imports into Nigeria, has in his possession, supplies to any election official or uses for the purpose of an election, or causes to be manufactured, constructed or imported into Nigeria, supplies to any election official for use for the purpose of any election, any Ballot Box including any compartment, appliance, device or mechanism on or by which a ballot paper may or could be secretly placed or stored in, or having been deposited during polling may be secretly diverted, misplaced or manipulated;

(2) A person who commits an offence under subsection (1) is liable on conviction to a fine of ₦200,000 or to imprisonment for 2 years or to both.

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

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

Disorderly
behaviour at
political
meetings.

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

(b) has in his possession an offensive weapon or missiles;

commits an offence and liable on conviction to a fine of ₦100,000 or imprisonment for twelve months or both.

117. Any person who—

Improper use
of Voters,
Cards.

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

(b) not being an officer acting in the course of his duty under this Act, receives any Voters Card in the name of some other person for use at an election ;

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

(d) buys, sells, procures or deals, with a Voters Card otherwise than as provided in this Act ;

commits an offence and is liable on conviction to a fine of ₦100,000 or imprisonment for twelve months or both.

Improper use
of vehicles.

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

(2) Any person who contravenes the provisions of this section commits an offence and liable on conviction to a fine of ₦50,000 or to imprisonment for six months or to both.

Impersonation
and voting
when not
qualified.

119.—(1) Any person who—

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

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

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

(d) having voted once at an election applies at the same election for another Ballot Paper ;

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

(f) induces or procures any other person to vote at an election knowing that such other person is not qualified to vote at the election.

commits an offence and is liable on conviction to a fine of ₦100,000 or 12 months imprisonment or both.

(2) Any person who commits the offence of impersonation or who aids, abets, counsels or procures the commission of that offence, shall be guilty of an offence and be liable on conviction to a fine of ₦100,000 or imprisonment for twelve months or both.

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

120.—(1) Any officer appointed for the purposes of this Act, who without lawful excuse commits any act or omit to act in breach of his official duty commits an offence and is liable on conviction to a fine of ₦100,000 or to imprisonment for twelve months or both.

(2) Any Polling Officer who fails to report promptly at his polling station on an election day without lawful excuse commit an offence of dereliction of duty and on conviction is liable to a fine of ₦100,000 or 12 months imprisonment or both.

Dereliction
of Duty.

(3) Any Polling Officer who fails to discharge his lawful duties at his polling station without lawful excuse commits an offence of dereliction of duties and on conviction is liable to a fine of ₦100,000 or 12 months imprisonment or both.

(4) Any person who announces or publishes an election result knowing same to be false or which is at variance with the signed certificate or return commits an offence and on conviction is liable to a fine of ₦200,000 or 24 months imprisonment or both.

(5) Any Returning Officer or Collation Officer who delivers or causes to be delivered a false certificate or return knowing same to be false to the Commission or a State Independent Electoral Commission, commits an offence and on conviction is liable to a fine of ₦200,000 or 24 months imprisonment or both.

(6) Any person who delivers or causes to be delivered a false Certificate or Return knowing same to be false to any news media commits offence and on conviction is liable to a fine of ₦100,000 or twelve months imprisonment or both.

121.—(1) Any person who does any of the following—

Bribery and
Conspiracy.

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

(b) promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote, to refrain from voting, or corruptly does any such act on account of such voter having voted or refrained from voting, at any election ;

(c) directly or indirectly, by himself or by any other person on his behalf, corruptly makes any gift, loan, offer, promise, procurement or agreement to or for any person. in order to induce such person to procure or to endeavour to

procure the return of any person as a Member of a Legislative House or to an elective office or the vote of any voter at any election ;

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

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

(f) after any election directly, or indirectly, by himself, or by any other person on his or her behalf receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting or having induced any candidate to refrain from canvassing for votes for himself at any such election ;

commits an offence and on conviction is liable to a fine of ₦100,000 or 12 months imprisonment or both.

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

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

(4) Any person who commits the offence of bribery is liable on conviction to a fine of ₦100,000 or imprisonment for twelve months or both.

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

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

122.—(1) Any person who is convicted of an offence under this part of this Act which amounts to corrupt practice or is convicted of aiding, abetting, counselling or procuring the commission of such offence shall, in addition to any other penalty, be disqualified during a period of four years from the date of his conviction from being—

Disqualification for certain corrupt practices.

(a) registered as a voter or voting at any election ; and

(b) elected under this Act or if elected before his conviction, from retaining the office to which he was elected.

(2) For the purposes of this section, a candidate shall be deemed to have committed a corrupt practice if it was committed with his knowledge and consent or the knowledge and consent of a person who is acting under the general or special authority of the candidate with reference to the election

123.—(1) Every person in attendance at a Polling Station including every officer charged with the conduct of an election and his or her assistants and every Polling Agent and candidate in attendance at a polling station or at the Collation Centre, as the case may be, shall maintain and aid in maintaining the secrecy of the voting.

Requirement of secrecy in voting.

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

(3) No person shall—

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

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

(4) Any person acting contrary to the provisions of this section commits an offence and is liable upon conviction to a fine of ₦50,000 or to imprisonment for six months or both.

124. Any person who—

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

Wrongful voting and false statement.

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

(c) before or during an election publishes any statement as to the personal character or conduct of a candidate calculated to prejudice the chance of election of the candidate or to promote or procure the election of another candidate and such statement is false and was published without reasonable grounds for belief by the person publishing it that the statement was true,

commits an offence and is liable on conviction to a fine of ₦50,000 or imprisonment for a term of six months or both.

Voting by
unregistered
Person.

125.—(1) Any person who knowingly votes or attempts to vote in a Constituency in respect of which his name is not on the register of voters commits an offence and is liable on conviction to a fine of ₦50,000 or to imprisonment for six months or both.

(2) Any person who knowingly brings into a polling station during an election a voters card issued to another person commits an offence and is liable on conviction to a fine of ₦50,000 or to imprisonment for six months or both.

Disorderly
conduct at
elections.

126 Any person who at an election acts or incites others to act in a disorderly manner commits an offence and is liable on conviction to a fine of ₦50,000 or imprisonment for a term of six months or both.

Offence on
election day.

127.— (1) No person shall on the date on which an election is held do any of the following acts or things in a polling station or within a distance of 300 meters of a Polling Station—

(a) canvass for votes ;

(b) solicit the vote of any voter ;

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

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

(e) shout slogans concerning the election ;

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

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

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

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

(j) snatch or destroy any election materials ; and

(k) blare siren.

(2) No person shall in the vicinity of a polling unit or collation centre on the day of which an election is held—

(a) convene, hold or attend any public meeting during the hours of poll as may be prescribed by the Commission ; or—

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

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

(3) A person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine of ₦5,000 or imprisonment for 6 months for every such offence.

128. A person who—

Treating.

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

(b) being a voter, corruptly accepts or takes money or any other inducement during any of the period stated in paragraph (a) of this section commits an offence and is liable on conviction to a fine of ₦100,000 or 12 months imprisonment or both.

129. A person who—

Undue
influence.

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

(b) inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss on or against a person in

order to induce or compel that person to vote or refrain from voting, or on account of such person having voted or refrained from voting ; or

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

(d) by preventing any political aspirants from free use of the media, designated vehicles, mobilization of political support and campaign at an election,

commits the offence of undue influence and is liable on conviction to a fine of ₦100,000 or imprisonment for twelve months, and shall in addition be guilty of corrupt practice under Section 133 of this Act and the incumbent be disqualified as a candidate in the election.

Offences
Relating to
Recall.

130. The offences referred to in this Act apply to recall of a member of a Legislative House and a member of a Local Government Council.

PART VII—DETERMINATION OF ELECTION PETITIONS ARISING FROM ELECTIONS

Proceedings
to question
on election.

131.—(1) No election and no return at an election under this Act shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Act referred to as an “election petition”) presented to the competent tribunal or court in accordance with the provisions of the Constitution or of this Act, and in which the person elected or returned is joined as a Party.

(2) In this section “tribunal or court” means—

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

(b) in the case of any other elections under this Act, the Election Tribunal established by the Constitution or by this Act ;

The Election Tribunals provided for under the Constitution and this Act shall be constituted not later than 14 days before the Election.

Time for
presenting
election
Petition.
Person
entitled to
present
election
Petitions.

132. An election petition under this Act shall be presented within thirty (30) days from the date the result of the election is declared ;

133.—(1) An election petition may be presented by one or more of the following persons—

(a) a candidate at an election ;

(b) a Political Party which participated at the election.

(2) The person whose election is complained of is, in this Act, referred to as the Respondent, but if the petition complains of the conduct of an Electoral Officer, a Presiding Officer, a Returning Officer or any other person who took part in the conduct of an election, such officer or person shall for the purpose of this Act be deemed to be a Respondent and shall be joined in the election petition in his or her official status as a necessary party.

134.—(1) An election may be questioned on any of the following grounds, that is to say— Ground for Petition.

(a) that a person whose election is questioned was, at the time of the election, not qualified to contest the election ;

(b) that the election was invalid by reason of corrupt practices or non-compliance with the provisions of this Act ;

(c) that the respondent was not duly elected by majority of lawful votes cast at the election ; or

(d) that the petitioner or its candidate was validly nominated but was unlawfully excluded from the election.

(2) An act or omission which may be contrary to an instruction or directive of the Commission or of an officer appointed for the purpose of the election but which is not contrary to the provisions of this Act shall not of itself be a ground for questioning the election.

135.—(1) An Election shall not be liable to be invalidated by reason of non compliance with the provisions of this Act if it appears to the Election Tribunal or Court that the election was conducted substantially in accordance with the principles of this Act and that the non compliance did not affect substantially the result of the election. Certain defects not to invalidate election.

(2) An election shall not be liable to be questioned by reason of a defect in the title, or want of title of the person conducting the election or acting in the office provided such a person has the right or authority of the Commission to conduct the election.

136.—(1) Subject to subsection (2) of this section, if the Tribunal or the Court as the case may be, determines that a candidate who was returned as elected was not validly elected on any ground, the Tribunal or the Court shall nullify the election. Notification of election by Tribunal or Court.

(2) If the Tribunal or the Court determines that a candidate who was returned

as elected was not validly elected on the ground that he did not score the majority of valid votes cast at the election, the Election Tribunal or the Court, as the case may be, shall declare as elected the candidate who scored the highest number of valid votes cast at the election and satisfied the requirements of the Constitution and this Act.

(3) On the motion of a respondent in an election petition, the Election Tribunal or the Court, as the case may be, may strike out an election petition on the ground that it is not in accordance with the provisions of this Part of this Act, or the provisions of First Schedule of this Act.

Accelerated hearing of election petition.

137. Without prejudice to the provisions of section 294 subsection (1) of the Constitution of the Federal Republic of Nigeria, 1999, an election petition and an appeal arising therefrom under this Act shall be given accelerated hearing and shall have precedence over all other cases or matters before the Tribunal or Court

Person elected to remain in office pending determination of appeal.

138.—(1) If the Election Tribunal or the Court, as the case may be, determines that a candidate returned as elected was not validly elected, and if notice of appeal against that decision is given within 21 days from the date of the decision, the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal or the Court, remain in office pending the determination of the appeal.

(2) If the Election Tribunal or the Court, as the case maybe, determines that a candidate returned as elected was not validly elected, the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal or the Court, remain in office pending the expiration of the period of 21 days within which an appeal may be brought.

Procedure for election petition First Schedule.

139. The rules of procedure to be adopted for election petitions and appeals arising therefrom shall be those set out in First Schedule to this Act.

PART VIII—MISCELLANEOUS

Persons disqualified from acting as election officers.

140. No person holding an elective office to which this Act relates or a registered member of a Political Party shall be eligible for or be appointed to carry out the duties of a returning officer, an electoral officer, presiding officer or a poll clerk; and any officer appointed to carry out any of those duties shall be ineligible for nomination as a candidate for election while the continues to hold any such appointment.

Lost of registration card.

141. If the registration card of a voter is lost or accidentally destroyed the voter may attend in person at the office of the registration officer and apply for another registration card and the registration officer shall make such enquires as the Commission may prescribe for the purpose; and where the registration officer

is satisfied as to the loss or accidental destruction of the registration card, he may issue another card to the voter.

142.—(1) The Commission may prescribe—

Election
expenses by
the
Commission.

(a) a scale of remuneration for officers appointed under this Act for the conduct of elections;

(b) a scale of maximum charges in respect of other expenses incurred by an Electoral Officer, a Presiding Officer or a Returning Officer in connection with an election, and may revise the scale as it thinks fit or expedient.

(2) An Electoral Officer, Presiding Officer, or Returning Officer shall, in addition to any remuneration prescribed under paragraph (a) of subsection (1) of this section be entitled to such sums in respect of expenses not exceeding the prescribed scale, in connection with the conduct of an election as are reasonable.

(3) The Commission may pay such honoraria as it may determine to all other persons and officers who may be involved in one way or the other in conducting an election under this Act, or in carrying out any task in connection with an election or election petitions arising therefrom.

(4) All fees and other remuneration approved under subsection (1) of this section shall be charged upon the Consolidated Revenue Fund of the Federation and shall be paid in such manner as the Commission deems fit.

143. No person who has voted in any election under this Act shall in any legal proceedings arising out of the election, be required to say for whom he voted.

Secrecy of
Ballot.

144. The Attorney-General of the Federation or of a State shall consider any recommendation made to him or a tribunal by the Commission with respect to the prosecution by him of any person for an offence disclosed in an election petition.

Prosecution
of Offence
disclosed in
Election
Petition.

145.—(1) An offence committed under this Act shall be tried in a Court of competent jurisdiction in the State in which the offence is committed, or the Federal Capital Territory, Abuja.

Trial of
Offences.

(2) Without prejudice to section 26, subsection (8) of this Act, prosecution under this Act shall be undertaken by—

(a) the Attorney-General of the State in which the offence is committed or by a legal officer in the Ministry of Justice of that State; or

(b) the Attorney-General of the Federation or by a legal officer in the Federal Ministry of Justice, if the offence is committed in the Federal Capital Territory, Abuja ;

Inspection of documents.

146.— (1) An order for an inspection of a polling document or an inspection of a document or any other packet in the custody of the Chief National Electoral Commissioner or any other officer of the Commission may be made by the Election Tribunal or the Court if it is satisfied that the order required is for the purpose of instituting or maintaining an election petition.

(2) A document other than a document referred to in subsection (1) of this section relating to an election and which is retained by the Chief National Electoral Commissioner or any other officer of the Commission in accordance with this section shall be open for inspection on an order made by the Election Tribunal or a Court in exercise of its powers to compel the production of documents in legal proceedings, but shall not otherwise be open for inspection.

Custody of documents.

147.— (1) The Chief National Electoral Commissioner or any other officer of the Commission authorized by him shall retain for twenty-four months all documents relating to an election forwarded to him or her in accordance with the provisions of this Act and shall then, unless—

(a) otherwise ordered by the Election Tribunal or the Court, as the case may be ; or

(b) he is aware that legal proceedings are pending in respect of the election, cause them to be transferred to the National Archives for preservation.

(2) A document other than a document referred to in subsection (1) of this section relating to an election and which is retained by the Chief National Electoral Commissioner or any other officer of the Commission in accordance with this section shall be open for inspection on an order made by the Election Tribunal or a Court in exercise of its powers to compel the production of documents in legal proceedings, but shall not otherwise be open for inspection.

Delegation of powers of the Commission.

148. Without prejudice to the other provisions of this Act, the Commission may delegate any of its powers and functions to any National Electoral Commissioner, Resident Electoral Commissioner, Electoral Officer, any other officer of the Commission or any other officer appointed under the provision of this Act subject to any conditions or limitations which it may consider necessary or expedient to impose and no such delegation shall be construed to limit the right of the Commission to exercise such power, itself.

Regulation.

149. The Commission may, subject to the provisions of this Act, issue regulations, guidelines, or manuals for the purpose of giving effect to the provisions of this Act and for the due administration thereof.

Validation.

150. Notwithstanding any defect or error in any notice, form or document made or given or other thing whatsoever done in pursuance of the provisions of this Act or rules made thereunder, such notice, form or document, is hereby validated with effect from the date on which it was made, given or done respectively.

151.— (1) In this Act, unless the context otherwise requires—

Interpretation.

“appointment” includes appointment to an office, confirmation of appointment, promotion or transfer ;

“Area Councils” means Area Councils recognised and existing by virtue of section 3(6) of the 1999 Constitution and as set out in Part II of the First Schedule thereof and any additional Area Councils provided for by an Act of the National Assembly in accordance with section 8(5) of the Constitution.

“Association” means any body of persons (corporate or incorporate) who agree to act together for any common purpose and includes an association formed for any ethnic, social, cultural, occupational or religious purpose ;

“Attorney-General of the Federation” means the Chief Law Officer of the Federation ;

“authority” includes government or government agency ;

“Chief Electoral Commissioner” means the Chairman of Independent National Electoral Commission ;

“Civil Service” means service of the Federation, State or Local Government in a civil capacity as staff of the Federal, State, or Local Government assigned with the responsibility of any business of the Government ;

“Clerk” means the Clerk of the National Assembly, Clerk of the State House of Assembly, and Clerk of the Legislative House of the Local Government or Area Council or any person acting in that capacity ;

“Commission” means the Independent National Electoral Commission established by the Constitution ;

“Constitution” means the Constitution of the Federal Republic of Nigeria 1999 ;

“decision”, means in relation to court or tribunal, any determination of that court or tribunal and includes a judgment, decree, conviction, sentence, order or recommendation ;

“Electoral Officer” means a staff of the Commission who is the head of the Commission’s office at a Local Government Area or Area Council level ;

“Federation” means the Federal Republic of Nigeria ;

“Function” includes power and duty ;

“General Election” means an election held in the Federation at large and at all levels, a regularly recurring election to select officers to serve after the expiration of the full terms of their predecessors ;

“Government” includes the Government of the Federation, of a State or of a Local Government Area or Area Council, or any person or organ exercising power or authority on its behalf ;

“House” or Legislative House” means the House of Assembly of a State, the House of Representatives or the Senate and includes the Legislative House of a Local Government Area or Area Council ;

“Leader of an association” means every person holding an executive position in that association, including in particular, the Chairman, Secretary or Treasurer of the association and every member of its committee of management, however described ;

“Leader of a Political Party” means every person holding an executive position in that Political Party, including in particular, the Chairman, Secretary or Treasurer of the Political Party and every member of its committee of management, however described ;

“Legal Incapacity” means a person disqualified under the Constitution or the present Act or any other Law, Rules and Regulations from registering as a voter or from contesting elections ;

“Local Government” means Local Government recognised and existing by virtue of section 3(6) of the 1999 Constitution and set out in Parts I and II of the First Schedule thereof and any additional Local Government provided for by an Act of the National Assembly in accordance with section 8(5) of the Constitution.

“National Assembly” means the Senate and the House of Representatives ;

“Offensive weapon or missiles” includes any cannon, gun, rifle, carbine, machine gun, cap-gun, flint-lock gun, revolver, pistol, air gun, air pistol, or other firearms (whether whole or in detached pieces), bow and arrow, spear, cutlass, machete, knife, dagger, cudgel, or any piece of wood, metal, bottle, or stone, acid, corrosive powder, irritating pressurized gaseous liquid ;

“Office” or “Public Office” means any of the offices the occupation to which is by election or appointment under this Act ;

“Petition” means an election petition under this Act ;

“Political Party” includes any association of persons whose activities include canvassing for votes in support of a candidate for election under this Act and registered by the Commission ;

“Polling Station” means the place, enclosure, booth, shade or house at which voting takes place under this Act and includes polling unit ;

“Power” includes function and duty ;

“President” means the President of the Federal Republic of Nigeria ;

“Registrar” includes Chief Registrar, Deputy Chief Registrar and Registrar of other grades of the Supreme Court, Court of Appeal, Federal High Court and the High Court of a State ;

“Registration Officer” includes supervisory assistant registration officer and assistant registration officer ;

“Resident Electoral Commissioner” means the Commissioner deployed for the time being to a State ;

“Return” means the declaration by a Returning Officer of a candidate in an election under this Act as being the winner of the election ;

“School Certificate or its equivalent” means the following—

(a) a Secondary School Certificate or its equivalent or Grade II Teachers’ Certificate, the City and Guilds Certificate ; or

(b) education up to Secondary School Certificate level ; or

(c) Primary Six School Leaving Certificate or its equivalent and:

(i) service in the public or private sector of the Federation in any capacity acceptable to the Commission for a minimum of 10 years ; and

(ii) attendance at courses and training in such institutions as may be acceptable to the Commission for periods totalling up to a minimum of 1 year ; and

(iii) the ability to read, write, understand and communicate in the English Language to the satisfaction of the Commission ; and

(d) any other qualification acceptable by the Commission ;

“Secret Society” includes any association, group or body of persons (whether registered or not)—

(a) that uses secret signs, oaths, rites or symbols and which is formed to promote a cause, the purpose or part of the purposes of which is to foster the interest of its members and to aid one another under any circumstances without due regard to merit, fairplay or justice to the detriment of the legitimate interest of those who are not members ;

(b) the membership of which is with the function or dignity of any public office under this Act or any other enactment and whose members are sworn to observe oaths of secrecy ;

(c) the activities of which are not known to the public at large ;

(d) the names of whose members are kept secret ; and

(e) whose meetings and other activities are held in secret ;

“State” when used otherwise than in reference to one of the component parts of the Federal Republic of Nigeria shall include government of a State;

“State Commission” means State Independent Electoral Commission established by section 197 of the Constitution.

All references in this Act to a State in the Federation shall, where appropriate, be deemed to include references to the Federal Capital Territory.

152. The Electoral Act of 2001 is hereby repealed.

Repeal of
Electoral Act
2001.

153. This Act may be cited as the Electoral Act 2002.

Citation.

EXPLANATORY MEMORANDUM

This Act seeks to regulate the conduct of Federal, State and Local Government Elections and also provide penalties accordingly.

FIRST SCHEDULE

Section 139

PROCEDURE FOR ELECTION PETITIONS

Interpretation.

In this Schedule:

“Attorney-General” means the Attorney-General of the Federation and includes the Attorney-General of a State where the context admits ;

“Civil Procedure Rules” means the Civil Procedure Rules of the Federal High Court for the time being in force ;

“Election” means any election under this Act to which an election petition relates ;

“Registry” means a Registry set up for an Election Tribunal established by the Constitution or this Act or the Registry of the Court of Appeal ;

“Secretary” means the Secretary of an Election Tribunal established by the Constitution or this Act and shall include the Registrar of the Court of Appeal or any officer or Clerk acting for him ;

“Tribunal” means an Election Tribunal established under this Act or the Court of Appeal ;

“Tribunal Notice Board” means a notice board at the Registry or a notice board at the place of hearing where notice of presentation of election petition or notice of hearing an election petition or any other notice may be given or posted.

Security for costs.

2.— (1) At the time of presenting an election petition, the petitioner shall give security for all costs which may become payable by him to a witness summoned on his behalf or to a respondent.

(2) The Security shall be of such amount not less than ₦5,000.00 as the Tribunal or Court may order and shall be given by depositing the amount with the Tribunal or Court.

(3) Where two or three persons join in an election petition, a deposit as may be ordered under sub-paragraph (2) of this paragraph of this Schedule shall be sufficient.

(4) If no security is given as required by this paragraph, there shall be no further proceedings on the election petition.

Presentation of election Petition. Form TF 002 Second Schedule.

3.— (1) The presentation of an election petition under this Act shall be made by the petitioner (or petitioners if more than one) in person, or by his Solicitor, if any, named at the foot of the election petition to the Secretary, and the Secretary shall give a receipt which may be in Form TF. 002 set out in Second Schedule to this Act.

(2) The Petitioner shall, at the time of presenting the election petition, deliver to the Secretary a copy of the election petition for each respondent and ten other copies to be preserved by the Secretary.

(3) The Secretary shall compare the copies of the election petition received in accordance with sub-paragraph (2) of this paragraph with the original petition and shall certify them as true copies of the election petition on being satisfied by the comparison that they are true copies of the election petition.

(4) The petitioner or his Solicitor, as the case may be, shall, at the time of presenting the election petition, pay the fees for the service and the publication of the petition, and for certifying the copies and, in default of the payment, the election petition shall be deemed not to have been received, unless the Tribunal or Court otherwise orders.

4.—(1) An election petition under this Act shall—

- (a) specify the parties interested in the election petition ;
- (b) specify the right of the petitioner to present the election petition ;
- (c) state the holding of the election, the scores of the candidates and the person returned as the winner of the election ; and
- (d) state clearly the facts of the election petition and the ground or grounds on which the petition is based and the relief sought by the petitioner.

(2) The election petition shall be divided into paragraphs each of which shall be confined to a distinct issued or major facts of the election petition, and every paragraph shall be numbered consecutively.

(3) The election petition shall further—

- (a) conclude with a prayer or prayers, as for instance, that the petitioner or one of the petitioners be declared validly elected or returned, having polled the highest number of lawful votes cast at the election or that the election may be declared nullified, as the case may be ; and
- (b) be signed by the petitioner or all petitioners or by the Solicitor, if any, named at the foot of the election petition.

(4) At the foot of the election petition there shall also be stated an address of the petitioner for service at which address documents intended for the petitioner may be left and its occupier.

(5) If an address for service is not stated as specified in sub-paragraph (4) of this paragraph, the petition shall be deemed not to have been filed, unless the Tribunal or Court otherwise orders.

(6) An election petition which does not conform with sub-paragraph (1) of this paragraph or any provision of that sub-paragraph is defective and may be struck out by the Tribunal or Court.

Contents of
election
Petition.

(7) The Form TF.001 set out in Schedule 2 of this Act or one substantially like it, shall be sufficient for the purpose of this paragraph.

Further particulars.

5. Evidence need not to be stated in the election petition, but the Tribunal or Court may order such further particulars as may be necessary—

(a) to prevent surprise and unnecessary expense ;

(b) to ensure fair and proper hearing in the same way as in a civil action in the Federal High Court ; and

(c) on such terms as to costs or otherwise as may be ordered by the Tribunal or Court.

Address of Service.

6. For the purpose of service of an election petition on the respondents, the petitioner shall furnish the Secretary with the address of the respondents' abode or the addresses of places where personal service can be effected on the respondents.

Action by Secretary.

7.—(1) On the presentation of an election petition and payment of the requisite fees, the Secretary shall forthwith—

Form TF 003.

(a) cause notice, in Form TF.003 set out in Second Schedule of this Act, of the presentation of the election petition, to be served on each of the respondents ;

(b) post on the tribunal notice board a certified copy of the election petition ; and

(c) set aside a certified copy for onward transmission to the person or persons required by law to adjudicate and determine the election petition

(2) In the notice of presentation of the election petition, the secretary shall state a time, not being less than five days but not more than seven days after the date of service of the notice, within which each of the respondents shall enter an appearance in respect of the election petition.

(3) In fixing the time within which the respondents are to enter appearance, the Secretary shall have regard to—

(a) the necessity for securing a speedy hearing of the election petition ; and

(b) the distance from the Registry or the place of hearing to the address furnished under sub-paragraph (4) of paragraph 4 of this Schedule.

Personal Service on Respondent.

8.—(1) Subject to Sub-paragraphs (2) and (3) of this paragraph, service on the respondents—

(a) of the documents mentioned in Sub-paragraph (1) (a) of paragraph 7 of this Schedule ;

(b) and of any other documents required to be served on them before entering appearance, shall be personal.

(2) Where the petitioner has furnished, under paragraph 6 of this Schedule, the addresses of the places where personal service can be effected on the respondents and the respondents or any of them cannot be found at the place or places the Tribunal or Court on being satisfied, on an application supported by an affidavit showing that all reasonable efforts have been made to effect personal service, may order that service of any document mentioned in sub-paragraph (1) of this paragraph be effected in any ways mentioned in the relevant provisions of the Civil Procedure Rules for effecting substituted service in Civil cases and that service shall be deemed to be equivalent to personal service.

(3) The proceedings under the election petition shall not be vitiated notwithstanding the fact that :

(a) the respondents or any of them may not have been served personally ; or

(b) a document of which substituted service has been effected pursuant to an order made under sub-paragraph (2) of this paragraph did not reach the respondent, and in either case, the proceedings may be heard and continued or determined as if the respondents or any of them had been served personally with the document and shall be valid and effective for all purposes.

9.—(1) Where the respondent intends to oppose the election petition, he shall—within such time after being served or deemed to be served with the election petition; or where the Secretary has stated a time under sub-paragraph (2) of paragraph 7 of this Schedule, within such time as is stated by the Secretary, enter an appearance by filing in the Registry a memorandum of appearance stating that he intends to oppose the election petition and giving the name and address of the Solicitor, if any, representing him or stating that he acts for himself, as the case may be, and, in either case, giving an address for service at which documents intended for him may be left or served.

Entry of
appearance.

(2) If an address for service and its occupiers are not stated, the memorandum of appearance shall be deemed not to have been filed, unless the Tribunal or Court otherwise orders.

(3) The memorandum of appearance which may be as in Form TF.004 set out in Second Schedule to this Act shall be signed by the respondent or his Solicitor, if any.

Form TF
004. Second
Schedule.

(4) At the time of filing the memorandum of appearance, the respondent or his Solicitor, as the case may be, shall leave a copy of the memorandum of appearance for each ; of the other parties to the election petition and three other copies of the memorandum to be preserved by the Secretary ; and pay the fees for service as may be prescribed or directed by the Secretary; and in default of the copies being left and the fees being paid at the time of filing the memorandum of appearance, the memorandum of appearance shall be deemed not to have been filed, unless the Tribunal or Court otherwise orders.

(5) A respondent who has a preliminary objection against the hearing of the election petition on grounds of law may file a conditional memorandum of appearance.

Non-filing
memorandum
of appearance.

10.—(1) If the respondent does not file a memorandum of appearance as required under paragraph 9 of this Schedule, a document intended for service on him may be posted on the Tribunal notice board and that shall be sufficient notice of service of the document on the respondent.

(2) The non-filing of a memorandum of appearance shall, not bar the respondent from defending the election petition if the respondent files his reply to the election petition in the Registry within a reasonable time, but, in any case, not later than twenty one (21) days from the receipt of the election petition.

Notice of
appearance.

11. The Secretary shall cause copies of the memorandum of appearance to be served on, or its notice to be given to the other parties to the election petition.

Filing of
reply.

12.—(1) The respondent shall, within fourteen (14) days of entering an appearance file in the Registry his reply, specifying in it which of the facts alleged in the election petition he admits and which he denies, and setting out the facts on which he relies in opposition to the election petition.

(2) Where the respondent in an election petition, complaining of an undue return and claiming the seat or office for a petitioner intends to prove that the claim is incorrect or false, the respondent in his reply shall set out the facts and figures clearly and distinctly disproving the claim of the petitioner.

(3) The reply may be signed by the respondent or the Solicitor representing him, if any

(4) At the time of filing the reply, the respondent or his Solicitor, if any, shall leave with the Secretary copies of the reply for services on the other parties to the election petition with ten extra copies of the reply to be preserved by the Secretary, and pay the fees for service as may be prescribed or directed by the Secretary, and in default of leaving the required copies of the reply or paying the fees for service, the reply shall be deemed not to have been filed, unless the Tribunal or Court otherwise orders.

Service of
reply.

13. The Secretary shall cause a copy of the reply to be served on each of the other parties to the election petition.

Amendment
of election
petition and
reply.

14.—(1) Subject to sub-paragraph (2) of this paragraph, the provisions of the Civil Procedure Rules relating to amendment of pleadings shall apply in relation to an election petition or a reply to the election petition as if for the words "any proceedings" in those provisions there were substituted the words "the election petition or reply"

(2) After the expiry of the time limited by—

(a) section 154 of this Act for presenting the election petition, no amendment shall be made :

(i) introducing any of the requirements of sub-paragraph (1) of paragraph 4 of this Schedule not contained in the original election petition filed, or

(ii) effecting a substantial alteration of the ground for, or the prayer in, the election petition ; or

(iii) except anything which may be done under the provisions of sub-paragraph (3) of this paragraph, effecting a substantial alteration of or addition to, the statement of facts relied on to support the ground for, or sustain the prayer in the election petition ; and

(b) paragraph 12 of the Schedule for filing the reply, no amendment shall be made—

(i) alleging that the claim of the seat or office by the petitioner is incorrect or false ; or

(ii) except anything which may be done under the provisions of sub-paragraph (3) of this paragraph, effecting any substantial alteration in or addition to the admissions or the denials contained in the original reply filed, or to the facts set out in the reply.

15. When a petitioner claims the seat alleging that he had the highest number of valid votes cast at the election, the party defending the election or return at the election shall set out clearly in his reply particulars of the votes, if any, which he objects to and the reasons for his objection against such votes, showing how he intends to prove at the hearing that the petitioner is not entitled to succeed.

Particulars of voters rejected.

16.—(1) If a person in his reply to the election petition raises new issues of facts in defence of his case which the petition has not dealt with, the petitioner shall be entitled to file in the Registry, within five (5) days from the receipt of the respondent's reply, a petitioner's reply in answer to the new issues of fact, so however that—

Petitioner's reply.

(a) the petitioner shall not at this stage be entitled to bring in new facts, grounds or prayers tending to amend or add to the contents of the petition filed by him ;

(b) and the petitioner's reply does not run counter to the provisions of sub-paragraph (1) of paragraph 14 of this Schedule.

(2) The time limited by sub-paragraph (1) of this paragraph shall not be extended.

17.—(1) If a party in an election petition wishes to have further particulars or other directions of the Tribunal or Court, he may, at any time after entry of appearance, but not later than ten days after the filing of the reply, apply to the Tribunal or Court specifying in his notice of motion the direction for which he prays and the motion shall, unless the Tribunal or Court otherwise orders, be set down for hearing on the first available day.

Further particulars or direction.

(2) If a party does not apply as provided in sub-paragraph (1) of this paragraph, he shall be taken to require no further particulars or other directions and the party shall be barred from so applying after the period laid down in sub-paragraph (1) of this paragraph has lapsed

(3) Supply of further particulars under this paragraph shall not entitle the party to go beyond the ambit of supplying such further particulars as have been demanded by the other party, and embark on undue amendment of, or additions to, his petition or reply, contrary to paragraph 14 of this Schedule.

Hearing of petition to be in open Tribunal or Court.

18. Every election petition shall be heard and determined in an open tribunal or Court.

Time and place of hearing petition.

19.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the time and place of the hearing of an election petition shall be fixed by the Tribunal or Court and notice of the time and place of the hearing, which may be as in Form TF.005 set out in Second Schedule of this Act, shall be given by the Secretary at least five days before the day fixed for the hearing by—

(a) posting the notice on the Tribunal notice board ; and

(b) sending a copy of the notice by registered post or through a messenger to—

(i) the petitioner's address for service ;

(ii) the respondent's addresses for service, if any ; or

(iii) the Resident Electoral Commissioner or the Commission as the case may be;

(2) In fixing the place of hearing, the Tribunal or Court shall have due regard to the proximity to and accessibility from the place where the election was held.

Notice of hearing.

20. The Resident Electoral Commissioner or Commission as the case may be shall publish the notice of hearing by causing a copy of the notice to be displayed in the place which was appointed for the delivery notice to be displayed in the place which was appointed for the delivery of nomination papers prior to the election or in some conspicuous place or places within the constituency, but failure to do so or any miscarriage of the copy of notice of hearing shall not affect the proceedings if it does not occasion injustice against any of the parties to the election petition.

Posting of notice on Tribunal notice board deemed to be good notice.

21. The posting of the notice of hearing on the Tribunal notice board shall be deemed and taken to be good notice, and the notice shall not be vitiated by any miscarriage of the copy or copies of the notice sent pursuant to paragraph 19 of this Schedule.

22.—(1) The Tribunal or Court may, from time to time, by order made on the application of a party to the election petition or at the instance of the Tribunal or Court, postpone the beginning of the hearing to such day as the Tribunal or Court may consider appropriate, having regard at all times to the need for speedy conclusion of the hearing of the election petition.

Postponement
of hearing.

(2) A copy of the order shall be sent by the Secretary by registered post or messenger to the Electoral Officer or the Resident Electoral Commissioner or the Commission who shall publish the order in the manner provided in paragraph 20 of this Schedule for publishing the notice of hearing, but failure on the part of the Electoral Officer or Resident Electoral Commissioner or the Commission to publish the copy of the order of postponement shall not affect the proceedings in any manner whatsoever.

(3) The Secretary shall post or cause to be posted on the tribunal notice board a copy of the order.

(4) Where the Tribunal or Court gives an order of postponement at its own instance a copy of the order shall be sent by the Secretary by registered post or messenger to the address for service given by the petitioner and to the address for service, if any, given by the respondents or any of them.

(5) The provisions of paragraph 21 of this Schedule shall apply to an order or a notice of postponement as they do to the notice of hearing.

23. If the Chairman of the Tribunal or Presiding Justice of the Court has not arrived at the appointed time for the hearing or at the time to which the hearing has been postponed, the hearing shall be by reason of that fact stand adjourned to the following day and so from day-to-day.

Non arrival
of Chairman
of Tribunal
or Presiding
Justice of
Court.

24.—(1) No formal adjournment of the Tribunal or Court for the hearing an election petition shall be necessary, but the hearing shall be deemed adjourned and may be continued from day to day until the hearing is concluded unless the Tribunal or Court otherwise directs as the circumstances may dictate.

Hearing to
continue
from day to
day.

(2) If the Chairman of the Tribunal or the Presiding Justice of the Court who begins the hearing of an election petition is disabled by illness or otherwise, the hearing may be recommended and concluded by another Chairman of the Tribunal or Presiding Justice of the Court appointed by the appropriate authority.

25.—(1) After the hearing of an election petition has begun, if the inquiry cannot be continued on the ensuing day or, if that day is a Sunday or a Public holiday, on the day following the same, the hearing shall not be adjourned *sine die* but to a definite day to be announced before the rising of the Tribunal or Court and notice of the day to which the hearing is adjourned shall forthwith be posted by the Secretary on the notice board.

Adjournment
of hearing.

(2) The hearing may be continued on a Saturday or a on a public holiday if circumstances dictate.

ver of the
Chairman of
Tribunal
Presiding
Justice of
Court dispose

26.—(1) All interlocutory questions and matters may be heard and disposed of by the Chairman of the Tribunal or the Presiding Justice of the Court who shall have control over the proceedings as a Judge in the Federal High Court.

Interlocutory
Matters.

(2) After the hearing of the election petition is concluded, if the Tribunal or Court before which it was heard has prepared its judgment but the Chairman or the Presiding Justice is unable to deliver it due to illness or any other cause, the judgment may be delivered by one of the members, and the judgment as delivered shall be the judgement of the Tribunal or Court and the member shall certify the decision of the Tribunal or Court to the Resident Electoral Commissioner, or to the Commission.

Subject of
Determination
of Election
Petition.

27.—(1) At the conclusion of the hearing, the Tribunal shall determine whether a person whose election or return is complained of or any other person, and what person, was validly returned or elected, or whether the election was void, and shall certify the determination to the Resident Electoral Commissioner or the Commission.

(2) If the Tribunal or Court has determined that the election is invalid, then, subject to Section 159 of this Act where there is an appeal and the appeal fails, a new election shall be held by the Commission.

(3) Where a new election is to be held under the provisions of this paragraph, the Commission shall appoint a date for the election which shall not be later than 3 months from the date of the determination.

Withdrawal,
Cancellation of
Election
Petition.

28.—(1) An election petition shall not be withdrawn without leave of the Tribunal or Court.

(2) Where the petitioners are more than one no application for leave to withdraw the election petition shall be made except with the consent of all the petitioners.

(3) The application for leave to withdraw an election shall be made by motion in Form TF.006 set out in Schedule 2 of this Act after notice of the application has been given to the respondents.

(4) The notice of motion shall state the grounds on which the motion to withdraw is based, supported with affidavit verifying the facts and reasons for withdrawal, signed by the petitioner or petitioners in the presence of the Secretary.

(5) At the time of filing the notice of motion the petitioner or petitioners shall leave copies for service on the respondent.

(6) The petitioner or petitioners shall also file the affidavits required under paragraph 29 of this Schedule together with copies for each respondent and pay the fees prescribed or directed by the Secretary of services.

29. Before the leave for withdrawal of an election petition is granted, each of the parties to the petition shall produce an affidavit, stating that—

Affidavit against illegal terms of withdrawal.

(a) to the best of the deponent's knowledge and belief no agreement or term of any kind whatsoever has been made ; and

(b) no undertaking has been entered into, in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement and shall make the foregoing statement subject to what appears from the affidavit.

30.—(1) The time for hearing the motion for leave to withdraw the election petition shall be fixed by the Tribunal or Court.

Time for hearing motion for leave to withdraw petition.

(2) The Secretary may give notice of the day fixed for the hearing of the motion to the respondents and post or cause to be posted on the Tribunal notice board a copy of the notice.

31. If the election petition is withdrawn, the petitioner shall be liable to pay appropriate costs to the respondents or any of them unless the Tribunal or Court otherwise orders.

Payment of cash to the respondents.

32.—(1) If a sole petitioner or the survivor of several petitioners dies then, subject to sub-paragraphs (2) and (3) of this paragraph, there shall be no further proceedings on the election petition and the Tribunal or Court may strike it out of its cause list.

Abatement of proceeding in election petition.

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred in the course of proceedings in respect of the election petition prior to its abatement.

(3) Where notice, with copies for each party to the election petition supported by the affidavit of two witnesses testifying to the death of a sole petitioner or of the survivor of several petitioners, is given to the Secretary, he shall submit the notice to the Tribunal or Court and if the Tribunal or Court so directs, the Secretary shall—

(a) serve notice thereof on the other parties to the petition ;

(b) post or cause to be posted a notice thereof on the Tribunal notice board ; and

(c) cause notice thereof to be published in conspicuous places in the constituency, in such form as the Tribunal or Court may direct.

33.—(1) If before the hearing of an election petition, a respondent, other than the Electoral Officer, the Returning Officer or Presiding Officer, gives to the Tribunal or Court notice in writing signed by him or his Solicitor before the Secretary that he does not intend to oppose the election petition, the Secretary shall—

Notice of no opposition to petition.

(a) serve notice thereof on the other parties to the election petition ; and

(b) post or cause to be posted a notice thereof on the Tribunal notice board.

(2) The respondent shall file the notice with a copy for each other party to the election petition not less than six days before the day appointed for hearing of the election petition.

(3) A respondent who has given notice of his intention not to oppose the election petition shall not appear or act as a party against the election petition in any proceeding on it, but the giving of the notice shall not of itself cause him to cease to be a respondent.

Courtmand
of notice of
hearing.

34.—(1) Where a notice of—

(a) the petitioner's intention to apply for leave to withdraw an election petition ; or

(b) the death of the sole petitioner or the survivor of several petitioners ;
or

(c) the respondent's intention not to oppose an election petition, is received after notice of hearing of the election petition has been given, and before the hearing has begun, the Secretary shall forthwith countermand the notice of hearing.

(2) The countermand shall be given in the same manner, and, as near as may be, as the notice of hearing.

Discretion of
the Tribunal
or Court if
no reply.

35. Where the respondent has not entered an appearance, or has not filed his reply within the prescribed time or within such time as the Tribunal or Court may have allowed, or has given notice that he does not intend to oppose the petition, then if—

(a) there remains no more than one other candidate in the election who was not returned ; or

(b) the election petition contains no prayer for a determination that the election was void ; or

(c) there are no facts or grounds stated in the election petition or in the reply, if any, or stated in any further particulars filed in the proceedings or otherwise appearing on proof of which it ought to be determined that the election was void ; or

(d) the election petition is one complaining of undue return and claiming the seat or office for the candidate who was not returned and the respondent has not raised any formal or written objections to any of the votes relied on by the petitioner, the Tribunal or Court may, if it deems fit, determine the proceedings on the election petition without hearing evidence or further evidence, and in any case, the proceedings shall be continued and determined on such evidence or otherwise as the Tribunal or Court may deem necessary for the full and proper determination of the election petition.

Fees.

36.—(1) The fee payable on the presentation of an election petition shall not be less than ₦1,000.00

(2) A hearing fee shall be payable for the hearing at the rate of ₦40 per day of the hearing but not exceeding ₦2000 in all, but the Tribunal or Court may direct a different fee to be charged for any day of the hearing.

(3) For the purpose of sub-paragraph (2) of this paragraph, the petitioners shall make a deposit of not less than ₦200 at the time of presenting his petition.

(4) Subject to the provisions of this paragraph, the fees payable in connection with an election petition shall be at the rate prescribed for civil proceedings in the Federal High Court.

(5) No fees shall be payable by the Attorney-General of the Federation (acting in person or through any other legal officer) or by a respondent who was the Commission or any of its officers appointed pursuant to the provisions of this Act.

(6) No fees shall be payable for the summoning of witnesses summoned by the Tribunal or Court at its own instance.

37.—(1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the election petition in such manner and in such proportions as the Tribunal or Court may determine, regard being had to the disallowance of any costs, charges or expenses, which may in the opinion of the Tribunal or Court have been caused by vexatious conduct, unfounded allegation or unfounded objection on the part of the petitioner or of the respondent, as the case may be; and the discouragement of any needless expenses by throwing the burden of defraying the expenses on the Party by whom it has been caused; whether that Party is or is not on the whole successful.

Allocation
of costs.

(2) Where the Tribunal or Court declares an election to be void, it may, if satisfied that the invalidity was due either wholly or in part to the culpable default of an officer responsible for the conduct of the election in the performance of his duties imposed by this Act, order that the whole or part of the cost awarded to the successful petitioner be paid by that officer.

38. Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it deposited or to the person entitled to receive it by order of the Tribunal or Court which may be made on motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Tribunal or Court may require.

Return of
Security.

39.—(1) The Tribunal or Court may, on application made by a person to whom any costs, charges or expenses is payable, order it to be paid out of a deposit made to secure it, after notice to the party by or on whose behalf the deposit was made, requiring him to file a statement within a specified time whether he opposes the application and the ground of his opposition.

Payment of
costs out of
Security.

(2) Where a dispute arises on an application under sub-paragraph (1) of this paragraph, the Tribunal or Court shall afford every person affected by the dispute an opportunity of being heard and shall make such order there on as it may deem fit.

(3) A person shall be deemed to have been afforded the opportunity of being heard if notice of the appointed time for the inquiry into the dispute was given to him, though the person may not have been present at the making of the inquiry.

(4) A notice to be given to a person under this paragraph may be given by the Secretary handing him the notice or sending it to him by registered letter—

(a) in the case of a party, at the address for service ;

(b) in the case of an application for payment, at the address given in his application, so however, that the provisions of this sub-paragraph shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorized by the Tribunal or Court.

(5) Execution may be levied under an order for payment made by the Tribunal or Court under this paragraph in the same manner and to the same extent as execution may be levied under judgment for the payment of money.

Calling
witness.

40.—(1) On the hearing of an election petition, the Tribunal or Court may summon a person as a witness who appears to the Tribunal or Court to have been concerned in the election.

(2) The Tribunal or Court may examine a witness so summoned or any other person in the Tribunal or Court although the witness or person is not called and examined by a party to the election petition, and thereafter he may be cross-examined by or on behalf of the petitioner and the respondent.

(3) The expenses of a witness called by the Tribunal or Court at its own instance shall, unless the Tribunal or Court otherwise orders, be deemed to be costs of the election petition and may, if the Tribunal or Court so directs, be paid in the first instance by the Secretary in the same way as State witness' expenses and recovered in such manner as the Tribunal or Court may direct.

(4) Where the Tribunal or Court summons a person as a witness under this paragraph, the provisions of the Civil Procedure Rules relating to the expenses of persons ordered to attend a hearing shall apply as if they were part of this paragraph.

(5) The Tribunal or Court shall—

(a) in making and carrying into effect an order for the production and inspection of documents used in the election ;

(b) and in the examination of any witness who produces or will produce a document, ensure that the way in which the vote of a particular person has been given shall not be disclosed.

41.—(1) A person called as a witness in a proceeding in the Tribunal or Court shall not be excused from answering a question relating to an offence or connected with an election on the grounds that the answer thereto may incriminate or tend to incriminate him, or on the ground or privilege.

Privileges of a witness.

(2) A witness who answer truly all questions which he is required by the Tribunal or Court to answer shall be entitled to receive a certificate of indemnity under the hand of the Chairman or the Tribunal or Presiding Justice of the Court stating that the witness has so answered.

(3) An answer by a person to a question before the Tribunal or Court shall not, except in the case of a criminal proceeding for perjury in respect of the answer, be admissible in any proceeding, civil or criminal, in evidence against him.

(4) When a person has received a certificate of indemnity in relation to an election and legal proceedings are at any time brought against him for an offence against the provisions of this Act, committed by him prior to the date of the certificate at or in relation to that election, the Tribunal or Court having cognizance of the case shall, on proof of the certificate, stay the proceeding, and may, at its discretion, award to that person such costs as he may have been put to in the proceeding.

42. At the hearing of an election petition complaining of an undue return and claiming the seat or office for a petitioner, the respondent may, subject to the provisions of sub-paragraph (2) of paragraph 12 of this Schedule, give evidence to prove that the election of the petitioner was undue in the same manner as if he were the person presenting the election petition complaining of the election.

Evidence by respondent.

43.—(1) The Tribunal or Court shall have power, subject to the provisions of section 154 of this Act and paragraph 14 of this Schedule, to enlarge time for doing any act or taking any proceedings on such terms (if any) as the justice of the case may require except otherwise provided by any other provision of this Schedule.

Enlargement and abridgement of time.

(2) An enlargement of time may be ordered although the application for the enlargement is not made until after the expiration of the time appointed or allowed.

(3) When the time for delivering a pleading or document or filing any affidavit, answer or document, or doing anything or act is or has been fixed or limited by any of the sections, paragraphs or rules under or in pursuance of this Act or by a direction or an order of the Tribunal or Court, the costs of an application to extend the time, where allowed or of an order made thereon shall be borne by the party making the application unless the Tribunal or Court otherwise orders.

(4) Every application for enlargement or abridgement of time shall be supported by affidavit.

(5) An application for abridgement of time may be *ex parte*, but the Tribunal or Court may require notice of the application to be given to the other parties to the election petition.

(6) An application for enlargement of time shall be made by motion after notice to the other party to the election petition but the Tribunal or Court may, for good cause shown by affidavit or otherwise, dispense with the notice.

(7) A copy of an order made for enlargement or abridgement of time shall be filed or delivered together with any document filed or delivered by virtue of the order.

Service of
notice.

44.—(1) Where a summons, notice or document, other than a notice or document mentioned in sub-paragraph 1 of paragraph 7 of this Schedule, is required to be served on a person for a purpose connected with an election petition, it may be served by delivering it to the person or by leaving it at his last known place of abode in the constituency with any person there found who is a resident of the abode and appears to be 18 years of age or more.

(2) After a party has given an address for service it shall be sufficient if, in lieu of serving him personally with a document intended for him, the document is served—

(a) on the person appearing on the paper last filed on his behalf as his Solicitor wherever the person may be found or, if the person is not found at his office, on the clerk there apparently in charge ; or

(b) on the person named as occupier in his address for service wherever the person may be found or, if the person is not found at the address, on—

(i) the person there found apparently in charge, if such address is a place or business, or

(ii) a person, other than a domestic servant, there found who is a resident of the address and appears to be 18 years of age or more.

(3) A party may change his address for service by giving notice of his new address for service and its occupier to the Secretary and to each party to the election petition, but, until a notice is received by the Secretary, his old address for service shall continue to be his address for service.

(4) Where service by one of the modes specified in this paragraph has proved impracticable, the Tribunal or Court may, on being satisfied, on an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect service—

(a) order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules relating to substituted service which service shall be sufficient ; or

(b) dispense with service or notice as the Tribunal or Court deems fit.

45. Where two or more candidates may be made respondents to the same petition and their case may, but for all purposes (including the taking of security) the election petition shall be deemed to be a separate petition against each of the respondents.

Two or more candidates as respondents.

46. Where two or more petitions are presented in relation to the same election or return, all the petitions shall be consolidated, considered and be dealt with as one petition unless the Tribunal or Court shall otherwise direct in order to do justice or an objection in line against one or more of the petitions has been upheld by the Tribunal or Court.

Consolidation of petitions.

47.—(1) Where an election petition complains of the conduct of an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission he shall for all purposes be deemed to be a respondent and joined in the election petition as a necessary party, but an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission shall not be at liberty to decline from opposing the petition except with the written consent of the Attorney-General of the Federation.

Electoral officer, etc. a respondent.

(2) If consent is withheld by the Attorney-General under sub-paragraph (1) of this Paragraph the Government of the Federation shall indemnify the Electoral Officer, Presiding Officer, Returning Officer or such other official of the Commission against any costs which may be awarded against him by the Tribunal or Court in respect of the election petition.

(3) Where the Commission, an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission has been joined as a respondent in an election petition, a Legal Officer of the Commission or a Legal Practitioner engaged by the Commission, or the Attorney-General of the State concerned (acting in person or through any of his Legal Officers), or the Attorney-General of the Federation (acting in person or through any of his Legal Officers) shall represent the Commission Electoral Officer, Presiding Officer, Returning Officer or other official of the Commission at the Tribunal or Court.

(4) A private Legal Practitioner engaged by the Commission under sub-paragraph (3) of this paragraph shall be entitled to be paid his professional fees and a legal officer so engaged shall be paid such honorarium as may be approved by the Commission.

48. In the absence of express provision in this Schedule, a party filing any document or process paper in connection with any step being taken in the proceedings of an election petition shall, unless the Secretary otherwise directs, leave with the Secretary copies of the document or process paper for service on each of the parties to the election petition in addition to three copies which the Secretary may preserve.

Duplicates of documents.

Non-compliance with rules, etc.

49.—(1) Non-compliance with any of the provisions of this Schedule, or with a rule of practice for the time being operative, except otherwise stated or implied, shall not render any proceeding void, unless the Tribunal or Court so directs, but the proceeding may be set aside wholly or in part as irregular, or amended, or otherwise dealt with in such manner and on such terms as the Tribunal or Court may deem fit and just.

(2) An application to set aside an election petition or a proceeding resulting therefrom for irregularity or for being a nullity, shall not be allowed unless made within a reasonable time and when the party making the application has not taken any fresh step in the proceedings after knowledge of the defect.

(3) An application to set aside an election petition or a proceeding pertaining thereto shall show clearly the legal grounds on which the application is based.

(4) An election petition shall not be defeated by an objection as to form if it is possible at the time the objection is raised to remedy the defect either by way of amendment or as may be directed by the Tribunal or Court.

(5) An objection challenging the regularity or competence of an election petition shall be heard and determined before any further steps in the proceedings if the objection is brought immediately the defect on the face of the election petition is noticed.

Application of rules of Court.

50. Subject to the express provisions of this Act, the practice and procedure of the Tribunal or the Court in relation to an election petition shall be as nearly as possible, similar to the practice and procedure of the Federal High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules shall apply with such modifications as may be necessary to render them applicable having regard to the provisions of this Act, as if the petitioner and the respondent were respectively the plaintiff and the defendant in an ordinary civil action.

Practice and procedure of the Court of Appeal or the Supreme Court.

51. Subject to the provisions of this Act, an appeal to the Court of Appeal or to the Supreme Court shall be determined in accordance with the practice and procedure relating to appeals in the Court of Appeal or of the Supreme Court as the case may be regard being had to the need for urgency on electoral matters.

SECOND SCHEDULE

ELECTORAL ACT

SECTION A

Form Ec. 1

Section 1(4)

APPLICATION FOR INCLUSION IN REGISTER OF VOTERS

To the Registration Officer,

..... Constituency..... 20.....

I
of.....

apply to be included in the Preliminary List of the Register of Voters for the above constituency upon the grounds :

- 1. That I am a citizen of Nigeria ;
- 2. That I am 18 years or above 18 years of age ;
- 3. That I am now ordinarily resident at.....

.....
(here state town or village and if possible the street number if known)

4. And I declare that the above particulars are true to the best of my belief and—

* (a) that I am not already registered in this or any other Preliminary List or Register of Voters under the above Act (or I request that my name be now entered in the appropriate list) ; or

* (b) that I have already registered, but wish my name transferred to the area of my new abode. Particular of my former place of residence are given below—

	CODE
STATE.....
LOCAL GOVERNMENT AREA.....
REGISTRATION AREA.....
REGISTRATION UNIT.....
VOTER'S NUMBER.....
VOTER'S NAME.....

SECTION B

APPLICANT'S OTHER PARTICULARS (IN CAPITALS)

- 5. NAME IN FULL.....
(Family Name First)
- 6. OCCUPATION.....
- 7. AGE.....
- 8. SEX MALE (M) FEMALE (F).....

9. ADDRESS (i.e. HOUSE NUMBER, STREET NAME OR NAME OF VILLAGE OR HAMLET

.....
.....

*Signed

*Right thumb print impressed in the presence of witness to thumb print

.....
.....
.....

*Cross out whichever is inapplicable

SECTION 67
ELECTORA ACT, 2002
FORM EC.2

CLAIM FOR CORRECTION OF OR INSERTION OF NAME IN PRELIMINARY LIST

To the Supervisory Assistant Registration Officer

..... WARD
I, of
.....

hereby declare.

1. That I applied for inclusion in the Supplementary List for the Updating Register of Voters for the above Ward on the20.... and that my particulars have been omitted/inaccurately stated.

2. I am a citizen of Nigeria.

3. I am 18 years of age or over.

4. I am ordinarily resident at the above address or.....

.....
.....

5. I hereby apply for the Supplementary List to be completed/corrected accordingly.

6. I declare that the above particulars are true to the best of my belief and that I am not already registered in this or any Supplementary List or Register of Voters

.....
Date

.....
Signature or Thumb Print.

FORM E.C. 3.

Section 13(2)

OBJECTION TO NAME IN SUPPLEMENTARY LIST
To the Supervisory/Assistant Registration/Officer,

.....Constituency.....20.....
I.....of
(Address).....

whose name appears in the Supplementary List for the above Ward hereby give notice:

That I object to the inclusion in such list of the name
of.....
whose address is given as.....
.....on the following grounds.....

(HERE INSERT THE GROUNDS)

I wish to produce the following witnesses.....

Signed.....

Registered Voter

Dated this.....Day of.....20....

SECTION 23

FORM EC 3A

NOTIFICATION OF DEATH OF A PERSON NAMED IN THE REGISTER OF VOTERS
TO THE REGISTRATION OFFICER,

.....Constituency.....20.....
I.....hereby give notice
that.....whose name is on the Register of
Voters.....Registration Centre as.....is dead.

I wish to produce the following evidence witness.....

Signed

PARAGRAPH 4 FIRST SCHEDULE
FORM TF 001

ELECTORAL ACT, 2002

IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL/GOVERNORSHIP AND LEGISLATIVE
HOUSES ELECTION TRIBUNAL/COURT OF APPEAL.

HOLDEN AT.....

PETITION No.....

The election to the.....for.....Constituency or the office
held on the.....day of.....20.....

BETWEEN

A.B.....) *Petitioner(s)*
C.D.....) AND
E.F.....) *Respondent(s)*
G.H.....)

PETITION

The petition of A.B. of.....(or A.B. of.....and C.D.
of.....or as the case may be) whose names are subscribed.

Your petitioner A.B. was a candidate at the above election or claims to
have had a right to contest or be returned at the above election or was a registered
political party and your petitioner.....(here state in like
manner the right of each petitioner..... and
your petitioner(s) state(s) that the election was held on the..... day
of.....20.....when A.B. (and C.D.) and E.F. (and G.H.) were
candidate(s). And your petitioner(s) state(s) that (here stated facts and grounds
on which the petitioner(s) rely.....

Wherefore your petitioner(s) pray(s) that it may be determined that the
said E.F. (and G.H.) was (were) not duly elected (or returned) and that the (or his)
election was void or that the said A.B. (and C.D.) was (were) elected and ought
to have been returned, or as the case may be.

Signed.....A.B
.....C.D

Address for service.....

The name of my (or our) Solicitor is.....

Or I (or we) a (or are) acting for myself (or ourselves)

Signed.....A.B Petitioner(s)

.....C.D.

Signed before me this.....day of.....20.....

.....
Secretary

PARAGRAPH 3 SCHEDULE 1
FORM TF 002
ELECTORAL ACT, 2002

IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL/GOVERNORSHIP AND LEGISLATIVE
HOUSES ELECTION TRIBUNAL/COURT OF APPEAL

HOLDEN AT..... PETITION NO.....

BETWEEN

.....
.....*Petitioner (s)*
.....

AND

.....
.....*Respondent (s)*
.....

RECEIPT OF PETITION

Received on theday of.....20.... at the Registry of
the Tribunal, a petition touching the election of..... as a member
of...../to the office of.....purporting to be signed by.....
Dated atthis.....day of.....20.....

.....
Secretary

Secretary For Service on : Petitioner
.....
.....
.....

PARAGRAPH 7 FIRST SCHEDULE
FORM TF 003
ELECTORAL ACT, 2002

IN THE NATIONAL ASSEMBLY ELECTION/TRIBUNAL/GOVERNORSHIP AND LEGISLATIVE
HOUSES ELECTION TRIBUNAL/COURT OF APPEAL

HOLDEN AT.....

PETITION NO.....

BETWEEN

.....*Petitioner (s)*
.....

AND

.....*Respondent (s)*
.....*To Respondents (s):*

NOTICE OF PRESENTATION OF PETITION

TAKE NOTICE that a petition, a duplicate whereof is attached hereto, has this day been presented in the Registry of the Tribunal/Court of Appeal named above and that you are to enter an appearance in respect of the petition to the said Registry within.....days of the date when this notice was left at your address set out below, or as the Court may direct by order under paragraph 8(2) of First Schedule to this Act, otherwise proceedings on the petition may be continued and determined in default of your appearance, and any document intended for you may be posted up on the notice board, which shall be sufficient notice thereof. Dated.....this.....day of.....20.....

Secretary

To.....
.....
.....

PARAGRAPH 9 FIRST SCHEDULE
FORM TF 004

ELECTORAL ACT, 2002

IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL/GOVERNORSHIP AND LEGISLATIVE
HOUSES ELECTION TRIBUNAL/COURT OF APPEAL

HOLDEN AT..... PETITION No.....

BETWEEN

.....
..... Petitioner (s)

AND

..... Respondent (s)

To : The Secretary,
MEMORANDUM OF APPEARANCE

Election Tribunal/Court of Appeal

Please enter appearance for.....

who is.....

.....
in the above election petition.

The name and address of his Solicitor are as follows :

.....
.....
.....

Dated this.....day of.....20.....

Signed

For Service on: Petitioner:.....

PARAGRAPH 19 FIRST SCHEDULE

FORM TF 005

ELECTORAL ACT, 2001

IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL/GOVERNORSHIP AND LEGISLATIVE
HOUSES ELECTION TRIBUNAL/COURT OF APPEAL

HOLDEN AT.....

PETITION NO.....

BETWEEN

.....
..... *Petitioner (s)*
.....

AND

.....
..... *Respondent (s)*
.....
.....

The petition of.....(Petitioner) of.....
(or of.....of.....and.....(Petitioners) as the case
may be) whose name(s) are subscribed.

NOTICE OF HEARING

TAKE NOTICE the above election petition will be heard at.....on.....the.....day
of.....20..... and on such other days as the Court of Appeal may determine.

Dated this.....day of.....20.....

.....
Secretary

Address For Service : Petitioner

.....
.....
.....

Respondent

.....
.....
.....

PARAGRAPH 28 FIRST SCHEDULE
FORM TF 006

ELECTORAL ACT, 2002

IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL/GOVERNORSHIP AND LEGISLATIVE
HOUSES ELECTION TRIBUNAL/COURT OF APPEAL

HOLDEN AT.....

PETITION NO.....

BETWEEN

.....*Petitioner(s)*

.....

.....

AND

.....*Respondent(s)*

.....

.....

NOTICE OF MOTION TO WITHDRAW PETITION

TAKE NOTICE that this Honourable Tribunal/Court will be moved
on.....the.....day of.....20.....at the hour of 9 o'clock in the afternoon
or as soon thereafter as the Petitioner or Counsel on his behalf can be heard
praying the Tribunal/Court for an order enabling the Petitioner to withdraw the
above petition on the following grounds.....

Dated.....this.....day of.....20.....

.....
Petitioner(s) or Solicitor

For Service on:

.....

.....

.....

I Certify, in accordance with section 2 (1) of the Acts Authentication Act,
Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill
passed by both Houses of the National Assembly

IBRAHIM SALIM, CON
Clerk to the National Assembly

SCHEDULE TO THE ELECTORAL BILL, 2002

(1) <i>Short Title of Bill</i>	(2) <i>Long Title of Bill</i>	(3) <i>Summary of Contents Bill</i>	(4) <i>Date Passed by Senate</i>	(5) <i>Date Passed by House of Representative</i>
Electoral Bill, 2002	An Act to regulate the conduct of Federal, State and Local Government Elections, and other matters connected therewith.	This Bill seeks to regulate the conduct of Federal, State and Local Government Elections and also provide penalties accordingly.	11-6-2002	17-4-2002

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria 1990.

IBRAHIM SALIM, CON
Clerk to the National Assembly
4th Day of October, 2002

I certify that this Bill as duly passed has become an Act of the National Assembly in accordance with the provision of section 58 (5) of the 1999 Constitution of the Federal Republic of Nigeria.

Endorsed by :

SENATOR ANYIM PIUS ANYIM, GCON
Senate President
4th Day of October, 2002.

HONOURABLE GHALI UMAR NA-ABBA
Speaker of the House of Representatives
4th Day of October, 2002.