

# OUTLINE OF ELECTORAL OFFENCES IN NIGERIA







**Outline of Electoral Offences  
in Nigeria**

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# INTRODUCTION

In modern times, elections are seen as one of the most essential features of democratic governance. It is for this reason that governments all around the world try to ensure that elections are free, fair and credible. In Nigeria, the Electoral Act 2010 (as amended) was enacted to embody a framework and rules guiding the electoral process. These rules and procedures must be complied with, unless where exceptions are made. Besides the rules, the Electoral Act also provides the various actions and inactions which are deemed breaches or violations at different stages of the electoral process. This booklet lists all the electoral offences that the Electoral Act has outlined under the provisions of the legislation. Electoral offences may be committed by an individual or group of persons and such individuals would be liable to criminal trials and sanctions, if convicted.

This simplified pamphlet helps provide knowledge and enlightenment on the nature of electoral offences and penalties for violation. It is hoped that it will contribute to promote a conducive electoral environment in Nigeria, thus improving the quality of elections in the country.

## SECTION 117

### Crimes or offences against voter registration such as

- Destroying or altering voter registration documents;
- Providing false information or documents for inputting false data into the voters register;
- Intentional multiple registration;
- Obstructing a registration officer or a revision officer in the performance of his duties;
- Impersonating or purporting to be a registration officer or assistant registration officer;
- Forging a registration card;
- Carrying out registration or revision of voters at a centre or place not designated by INEC.

#### PENALTIES

EITHER



OR



OR



## SECTION 118(1)

### Offences in respect of nomination such as

- Forging or destroying a nomination paper or result form;
- Delivering a forged nomination form to an electoral officer;
- Forging, destroying ballot paper;
- Willfully destroying a ballot box and its contents .

#### PENALTY



## SECTION 118(2)

- Committing or attempting to commit an offence relating to unauthorized printing, possession, or importation of ballot paper, result forms or any sort of ballot box.

### PENALTIES

EITHER



10 years

OR



N50,000,000

OR



both

## SECTION 119

### Misconduct at Political Gatherings

- Disorderly behavior at political meetings after an election date has been announced.
- Possession of weapons or missiles at Political Meetings after election date has been announced.

EITHER



10 years

OR



N50,000,000

OR



both

## SECTION 120

### Improper use of voters' card

- Fraudulent possession and use of voters cards.
- Possession of more than one voter's card without lawful excuse.
- Buying and Selling of voters card.

#### PENALTIES

EITHER



12 months

OR



N1,000,000

OR



both

## SECTION 121

### Improper use of vehicles (during elections)

- Using a vehicle/boat owned by any government or public corporation to convey a person to a polling unit

#### PENALTIES

EITHER



6 months

OR



N500,000

OR



both



## SECTION 122

### Impersonation and Voting when not qualified

- Impersonating a voter.
- Voting when not qualified.
- Applying for ballot paper in the name of another.
- Procuring another not qualified to vote to vote at an election.

#### PENALTIES

EITHER



12 months

OR



N500,000

OR



both

## SECTION 123

### Dereliction of duty by electoral official:

- Act or omission to do any act in breach of official duty.
- Failure to report promptly at polling unit on an election day without lawful excuse.
- Failure to discharge lawful duties at polling unit without lawful excuse.
- Conspiring to make false declaration of result.

#### PENALTIES

EITHER



12 months

OR



N500,000

OR



both

- Knowingly publishing or announcing false election result or results different from the signed certificate of return.

#### PENALTY



36 months

- Knowingly delivering or causing to be delivered, a false certificate of return .
- Knowingly delivering or causing to be delivered, a false Certificate of return to any news media .

#### PENALTY



3 years

## SECTION 124

### Bribery and Conspiracy

- Bribery and inducement in elections.
- Voter coercion.
- Bribery through gifts or money to voters, or promises of such.
- Receipt of bribes by voters.

#### PENALTIES

EITHER



12 months

OR



N500,000

OR



both

## SECTION 125

### Violating the Secrecy of the Ballot

- Violating the secrecy of vote or the right to cast vote freely.
- Interfering with a voter's right to vote.

#### PENALTIES

EITHER



6 months

OR



N100,000

OR



both

## SECTION 126

### Wrongful Voting and False Statements

- Procuring a person prohibited from voting to do so.
- Voting when prohibited from so doing.
- Knowingly propagating false news or statements regarding a candidate before or during an election in order to prejudice the candidate in question.

#### PENALTIES

EITHER



6 months

OR



N100,000

OR



both

## SECTION 127

### Voting by an Unregistered Person

- Voting by an unregistered person.
- Knowingly bringing another's voter's card to a polling unit.

#### PENALTIES

EITHER



6 months

OR



N100,000

OR



both

## SECTION 128

### Disorderly Conduct at Elections

- Acting or inciting others to act in a disorderly manner during elections

#### PENALTIES

EITHER



6 months

OR



N100,000

OR



both

## SECTION 129

### Offences on Election Day

Doing the following in a polling unit or within a distance of 300 metres of a polling unit on an election day :

- Canvassing or soliciting for votes
- Persuading a voter not to vote
- Shouting slogans concerning the election;
- Possession of an offensive weapon
- Voter intimidation
- Exhibiting any type of symbol concerning a political party or the elections
- Loitering after voting or after being refused to vote
- Blaring siren
- Making unauthorized official announcements over any public address system
- Exhibiting party or election-related symbols within the vicinity of a polling unit or collation centre on the day of election
- Convening, holding or attending any public meeting during polling hours

EITHER



6 months

OR



N100,000

OR



both

## SECTION 129 (4)

- Snatching or destroying election materials on election day.

### PENALTY



24 months

## SECTION 130

### Undue Influence

- Undue influence on voter to vote or refrain from voting through monetary inducement after the date of election have been announced.
- Corruptly accepting such monetary offer or inducement .

### PENALTIES

EITHER



12 months

OR



N100,000

OR



both

## SECTION 131

### Threat to Voter or Political Aspirants

- Threatening use of force, violence or restraint on a voter.
- Inflicting or threatening to inflict injury on a voter to induce, compel him to vote or refrain from voting.
- Preventing the exercise of the right to vote through abduction, duress, or fraud.
- Other forms of threats to political aspirants.

#### PENALTY

EITHER



OR



# *Notes*



# *Notes*

# *Notes*



Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes.

The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.

