

**REPORT OF THE HOUSE COMMITTEE ON ELECTORAL AND POLITICAL PARTY MATTERS ON A BILL FOR AN ACT TO ESTABLISH THE ELECTORAL OFFENCES TRIBUNAL FOR THE PURPOSE OF TRYING ELECTORAL OFFENCES; AND A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN ELECTORAL OFFENCES COMMISSION CHARGED WITH THE RESPONSIBILITY OF PROHIBITION AND PROSECUTION OF ELECTORAL OFFENCES; AND FOR OTHER RELATED MATTERS (HBS 504 & 546)**

PROVISIONS OF THE BILL	PROVISIONS OF THE BILL	COMMITTEE'S RECOMMENDATIONS
A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN ELECTORAL OFFENCES COMMISSION BILL AND FOR RELATED MATTERS (HB 546)	A BILL FOR AN ACT TO ESTABLISH THE ELECTORAL OFFENCES TRIBUNAL FOR THE PURPOSE OF TRYING ELECTORAL OFFENCES AND FOR RELATED MATTERS (HB. 504)	A BILL FOR AN ACT TO ESTABLISH THE NIGERIAN ELECTORAL OFFENCES COMMISSION AND FOR RELATED MATTERS (HB 546)
ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:	ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:	Retained
<p><b>Establishment of the Nigerian Electoral Offences Commission.</b></p> <p>I. (1) There is established a body to be known as the Nigerian Electoral Offences Commission (in this Bill referred to as "the Commission") which shall be constituted in accordance with and shall have functions as are conferred on it by this Bill.</p> <p>(a) The Commission:</p> <p>(i) shall be a body corporate with perpetual succession and a common seal;</p> <p>(ii) may sue and be sued in its corporate name and may, for the purpose of its functions, acquire, hold or dispose of property (whether</p>	<p align="center"><b>PART I - ESTABLISHMENT AND OBJECTIVES</b></p> <p><b>Establishment of the Electoral Offences Tribunal of Nigeria.</b></p> <p>1. There is hereby established a tribunal to be known as the electoral offences tribunal of Nigeria (in this Act known as the "Tribunal").</p>	<p align="center"><b>PART I - ESTABLISHMENT</b></p> <p><b>The Nigerian Electoral Offences Commission.</b></p> <p>I. (1) There is established a body known as the Nigerian Electoral Offences Commission (in this Bill referred to as "the Commission") which shall be constituted in accordance with and shall have functions as are conferred upon it by this Bill.</p> <p>(2) The Commission:</p> <p>(i) shall be a body corporate with perpetual succession and a common seal;</p> <p>(ii) may sue and may be sued in its corporate name and may, for the purpose of its functions acquire, hold or dispose of property (whether moveable or immovable);</p>

moveable or immoveable);

(b) The Commission shall consist of a Chairman and fourteen (14) other members. at least two of whom shall come from each of the six geo-political zones amongst whom shall be:

(i) a representative of the Chairman of the Independent National Electoral Commission;

(ii) a representative of the Inspector of Police;

(iii) the Chairman of the Nigerian Bar Association or his representative;

(iv) a representative of the Civil Society;

(v) the Secretary to the Commission who shall be the head of administration.

(c) The Chairman of the Commission shall be a person who has held office as a judge of a Superior Court of Record of the Federal Republic of Nigeria not below the rank of a retired Justice of the Court of Appeal;

(d) The Chairman, Secretary and members of the Commission other than Ex-officio members shall be appointed by the National Judicial Council subject to confirmation by the Senate;

(e) The nomination of the Ex-officio members shall however be vetted and approved by the

(iii) the common seal of the Commission shall be kept in the custody of the Secretary and shall be authenticated by the signature of the Chairman or such other officer as the Commission may designate.

(iv) the Headquarters of the Commission shall be in Abuja, Nigeria and the Commission may establish an office or more branches in each State of the Federation and the Federal Capital Territory, Abuja to carry out its functions under this Act.

<p>National Judicial Council before been made subject to confirmation by the Senate.</p> <p>(2) Electoral Offences Tribunal:</p> <p>(a) There shall be established for each state of the federation and the Federal Capital Territory one or more Electoral Offences Tribunal and shall have jurisdiction to hear and determine electoral offences;</p> <p>(b) The Tribunal shall comprise of a Chairman who shall be a judge of the High Court or Federal High Court and two other members of the level of a magistrate not below the rank of Magistrate;</p> <p>(c) The Chairman and members shall be appointed by the President of the Court of Appeal in consultation with the National Judicial Council, the State Chief Judges, Grand Kadi of the Sharia Court of Appeal and Presidents of the Customary Court of Appeal.</p>		
		<p><b>Composition of the Commission</b></p> <p>2. The Commission shall consist of the following Members –</p> <p>(a) a Chairman who shall be a person of proven integrity; and</p> <p>(b) twelve other persons, who shall be known as National Commissioners.</p>

		<p>(3) In appointing the members of the Commission, regards shall be had to federal character and gender policy of the Federal Government.</p> <p>(4) Members of the Commission shall be non-partisan and of proven integrity and in –</p> <p>(a) the case of the Chairman, be not less than forty years of age; and</p> <p>(b) other members, be not less than thirty - five years of age.</p> <p>(5) The Chairman shall be the chief executive and accounting officer of the Commission.</p> <p>(6) The provisions of the First Schedule to this Act shall have effect with respect to the proceedings of the Commission and other matters mentioned therein.</p>
<p><b>Tenure.</b></p> <p>2. (1) The Chairman shall hold office for a period of five (5) years and may be re-appointed for another five (5) years but shall not be eligible for re-appointment thereafter. The other members of the Commission shall hold offices for a period of four (4) years and may be re-appointed for another four (4) years but shall not be eligible for re-appointment thereafter.</p> <p>(2) Notwithstanding the provision of Section</p>	<p><b>Objectives.</b></p> <p>2. The objectives of this Act is to establish electoral offences tribunal to-</p> <p>(a) Try electoral offences and thuggery committed by all persons, be it political contestants, non political contestant, government officials or any person;</p> <p>(b) Ensure that persons suspected to have violated electoral laws or persons who have caused other persons to violate the</p>	<p><b>Appointment and Tenure of Chairman and Members of the Commission.</b></p> <p>3. (1) The Chairman and members of the Commission shall be appointed by the President subject to confirmation by the Senate.</p> <p>(2) The Chairman shall hold office for a period of four (4) years and may be re-appointed for another four (4) years but shall not be eligible for re-appointment thereafter. The other members of the Commission shall hold office for a period of four (4) years and may be re-appointed for another four (4)</p>

<p>4(1) of this Bill, the Chairman or any member of the Commission may at any time be removed from office by the National Judicial Council acting on a motion supported by 2/3 of the Senate present and voting on the ground of the Chairman's and/or member(s) inability to discharge the functions of his office for reasons of infirmity of mind or body or for misconduct upon which a court of competent jurisdiction has found such a person guilty.</p> <p>(3) The Chairman or any member of the Commission may resign his appointment by notice in writing under his hand and addressed to the National Judicial Council and the Chairman or member(s) shall on the date of the receipt of the notice of resignation by the National Judicial Commission cease to be a member of the Commission.</p> <p>(4) The Chairman and members of the Commission shall hold office on such terms and conditions as may be specified in their instrument of appointment, and in the exercise of their functions.</p>	<p>electoral laws are tried and punished by the law;</p> <p>(c) Ensure Persons involved in electoral thuggery and violence or persons instigated to intimidate voters, electoral officers for the sole purpose of disrupting electoral process;</p> <p>(d) Ensure Persons linked with any form of payment to other persons for the purpose of disrupting elections in any part of Nigeria.</p>	<p>years but shall not be eligible for re-appointment thereafter.</p> <p>(3) The Chairman and members of the Commission shall have at least a first degree or its equivalent from a recognized institution in addition to a minimum of ten years' cognate experience in a relevant field.</p> <p>(4) The Chairman or any member of the Commission may be removed or suspended by the President:</p> <p>(a) if he is satisfied that it is not in the interest of the Commission or of the public for the person appointed to continue in office subject to confirmation by the Senate; or</p> <p>(b) acting on a motion supported by two-thirds majority of the Senate praying that the member be so removed for inability to discharge the functions of the office for reason of infirmity of mind or body or of misconduct upon which a court of competent jurisdiction has found such a person guilty.</p> <p>(5) A member of the Commission may resign his membership by notice in writing addressed to the President and that member shall, on the date of the receipt of the notice by the President, cease to be a member.</p> <p>(6) Where a vacancy occurs in the membership of the Commission, the President shall appoint a successor to hold office for a term of five years subject to confirmation by the Senate.</p>
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		<p><b>Emoluments, allowances etc.</b></p> <p>4. The Chairman and members of the Commission shall be paid such emoluments, allowances and benefits as may be determined by the appropriate Federal Government Agency, from time to time, in accordance with extant laws and regulations.</p>
<p><b>Functions of the Commission.</b></p> <p>3. The Commission shall be responsible for:</p> <p>(a) The co-ordination, enforcement and the due administration of the provisions of this bill</p>	<p><b>PART II - LOCATIONS OF THE TRIBUNAL</b></p> <p><b>Locations of the Tribunal.</b></p> <p>3. (1) Subject to the provision of this Act, the head quarters of the tribunal shall be</p>	<p><b>Functions and Powers of the Commission.</b></p> <p>5. (1) The Commission shall be responsible for:</p> <p>(a) The co-ordination, enforcement and the due administration of the provisions of this Bill and other</p>

<p>and other enforcement functions conferred on any other person or authority under this bill:</p> <p>(b) The investigation of all electoral offences and offences allied, connected with or incidental to the Commission of an electoral offence;</p> <p>(c) The examination and investigation of all reported cases of electoral offence with a view to locating, identifying and determining individuals, corporate bodies or groups involved;</p> <p>(d) The sensitization, enlightenment and orientation of the public on electoral offences and the liabilities there from through seminars, workshops, peer groups, talk shows etc;</p> <p>(e) The facilitation of rapid exchange of scientific and technical matters and conduct of joint operation to prevent Commission of electoral offences as well as adoption of other measures aimed at eradicating electoral offences;</p> <p>(f) The issuance of summons to persons to appear in persons or produce documents that would help in the unraveling of an electoral offence. Such summons issued under this bill shall be in duplicate and signed by the Chairman or any other officer as the Chairman may so direct to issue summons;</p>	<p>situated in the Federal Capital Territory of Abuja Nigeria and the tribunal shall establish and maintain operational offices in other parts of Nigeria; and</p> <p>(2) The Tribunal shall-</p> <p>(a) Have equal status with any High Court, it is therefore a superior court of record;</p> <p>(b) Except as may be otherwise provided by any enactment or law, have all the powers of a High court.</p> <p>(3) The composition of the tribunal shall consist of-</p> <p>(a) A president and seventeen Judges;</p> <p>(b) The president of the Tribunal shall be vested with the powers to make overall administrative regulations to enhance the smooth sitting of the tribunal for the purpose of attaining the goal for which this tribunal was composed;</p> <p>(c) The President of the Tribunal shall be appointed by the President, on the recommendation of the National Judicial Council, subject to confirmation by the Senate;</p> <p>(d) The appointment of the seventeen</p>	<p>enforcement functions conferred on any other person or authority under this Bill;</p> <p>(b) the investigation, enforcement and prosecution of all electoral malpractices and electoral offences created under the Constitution, Electoral Act and any other law related to electoral offences;</p> <p>(c) the advise of the electoral entities of any change in practices, systems or procedures compatible with the effective discharge of the duties of electoral entities as the Commission thinks fit to reduce the likelihood or incidence of electoral and related offences;</p> <p>(d) the sensitization, enlightenment and orientation of the public on electoral offences and the liabilities there from;</p> <p>(e) the facilitation of the exchange of scientific and technical information with other democracies on the conduct of joint operations and training geared towards the eradication of electoral fraud and malpractices;</p> <p>(f) the adoption of measures to identify, trace and prosecute political thuggery, electoral fraud, political terrorism and related electoral offences;</p> <p>(g) the adoption of measures to prevent and eradicate the commission of electoral malpractices including coordination, preventive and regulatory actions, introduction of investigative and control techniques, and the collaboration with election observers within and outside Nigeria;</p>
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(g) The seizure of any property (moveable or immovable) that is used or suspected to be used in the Commission of an electoral offence:

(h) Maintaining a liaison with the Independent National Electoral Commission, the Electoral offences Tribunals, The Attorney Generals of the states and the federation and such other institutions involved in the conduct of, or activities ancillary, incidental or arising from the conduct of elections:

(i) The Commission shall without prejudice to any other unit or committee set up the legal unit with the responsibility for:

(i) Prosecuting offenders under this act;

(ii) supporting the Commission with legal advice and assistance whenever it is required;

(iii) performing such other legal duties as the Commission may refer to it from time to time.

judge of the tribunal shall be made by the President upon recommendation from National Judicial Commission.

(h) the execution of such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under this Act or conferred upon it by an Act of the National Assembly.

(2) The Commission shall have powers to:

(a) investigate and prosecute any person suspected to have conspired to commit or has attempted to commit or has committed an electoral offence or an offence under this Act or the Electoral Act;

(b) issue of summons to persons to appear in person or to produce documents that would help in the investigation or prosecution of an electoral offence;

(c) seize any property (moveable or immovable) that is used or suspected to be used in the Commission of an electoral offence;

(d) examine the practices, systems and procedures of any electoral entity and where, in the opinion of the Commission, such practices, systems or procedures aid or facilitate electoral offences to advise on ways by which electoral offences may be eliminated or minimized by such entity;

(e) appoint, promote, dismiss and exercise disciplinary control over the staff of the Commission in accordance with the provisions of this Act;

(f) adopt measures including coordination, prevention



		<p>and regulatory actions, to –</p> <ul style="list-style-type: none"> <li>(i) identify, trace and prosecute political thuggery electoral fraud, political terrorism and other electoral offences; and</li> <li>(ii) prevent the commission of electoral malpractices; and,</li> <li>(g) enlist and foster public support in combating electoral offences.</li> </ul> <p>(3) The Commission shall —</p> <ul style="list-style-type: none"> <li>(a) formulate and provide the general policies and guidelines relating to the functions of the Commission;</li> <li>(b) issue guidelines and regulations to govern political party activities;</li> <li>(c) monitor the implementation of the policies and programmes of the Commission;</li> <li>(d) submit to the relevant statutory bodies for approval the terms and conditions of service, including remuneration of the employees of the Commission after consideration by the Management of the Commission;</li> <li>(e) cause to be kept, proper accounts and records of the Commission in respect of each financial year and shall cause the accounts to be audited not later than 6</li> </ul>
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		<p>months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation; and .</p> <p>(f) do any other thing which in the opinion of the Commission is necessary or expedient to ensure the efficient performance of the functions of the Commission.</p>
<p><b>Standing Orders.</b></p> <p>4. (1) The Chairman may issue administrative orders to be called 'standing orders' which shall conform with the provision on the general control, training and duties of officers' of the Commission and for such other matters that may enhance the efficient and effective functioning of the Commission.</p> <p>(2) The Commission may establish one or more branch offices in each State of the Federation and the Federal Capital Territory, Abuja to carry out its functions under this Act.</p>	<p><b>Qualification and eligibility of Judges.</b></p> <p>4. The President of the Tribunal and the seventeen Judges must not be above the age of 55 years at the time of appointment-</p> <p>(a) The president and all seventeen judges must not be Persons of questionable character in the eyes of the society and in the eyes of the law;</p> <p>(b) A person shall not be eligible to hold office as the President or a Judge of the tribunal, unless-</p> <p>(i) the person is qualified to practice as a legal practitioner in the Federal Republic of Nigeria;</p> <p>(ii) and the person has been so qualified for a period of not less than ten years:</p> <p>(iii) and the person has vast knowledge on electoral matters.</p>	<p><b>Standing Orders</b></p> <p>6. The Commission may issue administrative orders to be called standing orders for regulating its proceedings, any of its committees or units and for such matters that may enhance the efficient and effective functioning of the Commission as prescribed in the first schedule to this Bill.</p>

PART II - ELECTORAL OFFENCES

Offences in relating to Registration, etc.

5. (1) Any person who:

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

(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 whatever 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

Quorum.

5. (a) The tribunal shall sit in a quorum of two judges;

(b) Where the Tribunal is unable to form a quorum the court shall stand adjourned from day to day until a quorum is formed by the judges;

(c) The National Assembly may by law confer on the tribunal such additional powers as may be found necessary.

PART II: MANAGEMENT AND STAFF OF THE COMMISSION

Appointment and tenure of the Secretary to the Commission

7. (1) There shall be for the Commission, a Secretary who shall be appointed by the Commission.

(2) The Secretary shall hold office for a term of four years in the first instance and be eligible for re-appointment for another term of four years and no more.

(3) The Secretary shall possess at least a first degree or its equivalent from a recognized Institution with at least fifteen years cognate experience in a relevant field.

(4) The Secretary shall –

(a) be the head of administration of the Commission;

(b) keep records.

(c) conduct correspondence of the Commission; and

(d) perform such other duties and functions as the Commission or the Chairman may from time to time direct.

<p>which 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;</p> <p>(f) impedes or obstructs a registration officer or a revision officer in the performance of his duties;</p> <p>(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;</p> <p>(h) forges a registration card; or</p> <p>(i) carries out registration or revision of voters at a centre or place not designated by the Commission; commits an offence and is liable on conviction to a maximum fine of N1000 000 or to 12 months imprisonment or to both.</p>		
<p><b>Offences in respect of nomination, etc.</b></p> <p>6. (1) A person who:</p> <p>(a) forges any nomination paper or result form;</p> <p>(b) willfully defaces or destroys any nomination paper or result form;</p> <p>(c) delivers to an electoral officer any nomination paper or result form knowing it to</p>	<p><b>Precedence.</b></p> <p>6. The president of the Tribunal shall take precedence over all judges of the Tribunal in this Act and the appointed Seventeen Judges shall take precedence after the President of the tribunal and the president of the tribunal and shall rank equal with the Chief Judge of the Federal High Court or of the High Court of Federal Capital Territory in Precedence and the other</p>	<p><b>Other Staff of the Commission</b></p> <p>8. (1) The Commission may, from time to time, appoint such other staff or appoint officers on secondment from government security or law enforcement agencies or such other private or public services as it may deem necessary, to assist the Commission in the performance of its functions under this Act.</p> <p>(2) The staff of the Commission appointed under</p>

be forged:

(d) signs a nomination paper or result form 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 or result form:

(f) willfully destroys any ballot paper or official mark on any ballot paper or any certificate of return or result form;

(g) Without authority gives a ballot paper or result form to any person;

(h) willfully places in any ballot box any unauthorized paper or result form;

(i) willfully removes from a polling station any ballot paper or result form whether or not the ballot paper or result form 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 or result form 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

Judges in this act shall in like manner rank with judges of the High Court.

subsection (1) of this section shall be appointed on such terms and conditions of service as the Commission may determine in accordance with the approved Government Policy.

(3) The staff of the Commission shall be public officers as defined in the Constitution of the Federal Republic of Nigeria.

ineligible to be a candidate at that election, commit an offence.

(2) A person who commits an offence under subsection (1) of this section is liable on conviction to a maximum term of imprisonment for 2 years.

(3) A person who:

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

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

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

(d) 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

<p>or by which a ballot paper or result form deposited during polling may be secretly diverted, misplaced or manipulated, commits an offence.</p> <p>(4) A person who commits an offence under subsection (3) of this section is liable on conviction to a maximum fine of N50,000,000 or for a term of imprisonment of not less than 10 years or to both.</p> <p>(5) An attempt to commit any offence under this section shall be punishable in the same manner as the offence itself.</p>		
<p><b>Disorderly behaviour at political meetings.</b></p> <p>7. Any person who, at a political meeting held after the date for an election has been announced:</p> <p>(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</p> <p>(b) has in his possession an offensive weapon or missiles; commits an offence and liable on conviction to a maximum fine of 500,000 or imprisonment for 12 months or both.</p>	<p><b>Tenure of office of the President.</b></p> <p>7. Subject to the provision of this Act-</p> <p>(1) The president of the Tribunal in this Act can be removed from office, subject to the provision in the constitution of the Federal Republic of Nigeria for court of superior jurisdiction of its kind. Any of the Seventeen judges in this Act, may be removed from office for want of professionalism or gross misconduct upon recommendation by the National Judicial Commission-</p> <p>(2) (a)The President may nominate the most senior judge after him to temporarily preside over administrative procedure whenever he is to go on leave or be</p>	<p><b>Staff regulations.</b></p> <p>9. (1) The Commission may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Commission and, without prejudice to the generality of the foregoing, the regulations may provide for -</p> <p>(a) the appointment, promotion and disciplinary control, including dismissal, of employees of the Commission; and</p> <p>(b) appeals by such employees against dismissal or other disciplinary measures, and until the regulations are made, any instrument relating to the conditions of service of officers in the Civil Service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Commission.</p>

temporarily absent;

(b) The president of the tribunal may apply to the National Judicial Council given the name of a temporal president to replace him amongst the seventeen Judges when proceeding on leave;

(c) The application to the National Judicial Council for the replacement of the president of the Tribunal shall be done at least six weeks before proceeding on leave ;

(d) If at the end of three months the president of the tribunal is still absent without a cogent reason and a letter to the National Judicial Council explaining reason for a longer stay out of office, the National Judicial Council may recommend a new President for the Tribunal;

(e) The President and any of the Seventeen Judges may vacate office upon an allegation of misconduct and upon the investigation by the National Judicial Council and upon the recommendation by the National Judicial Council;

(f) The President or any of the Seventeen Judges may voluntarily vacate office:

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Commission, published in the Gazette and brought to the notice of all affected persons in such manner as the Commission may, from time to time, determine.



	<p>(g) The President and the seventeen Judges shall vacate the office upon attaining the age of 65 years of age.</p> <p>(3) Notwithstanding the provisions of this Act in this section, the President and the seventeen Judges shall not be precluded from investigation by other government investigating agencies upon allegation of misconduct.</p>	
<p><b>Improper use of voter's cards.</b></p> <p>8. Any person who:</p> <p>(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;</p> <p>(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 or persons for use at an election uses it fraudulently;</p> <p>(c) without lawful excuse has in his possession more than one Voters Card; or</p> <p>(d) buys, sells, procures or deals, with a voters card otherwise than as provided in this Act; commits an offence and shall be liable on conviction to a maximum fine of N1,000,000 or imprisonment for 12 months or both.</p>	<p><b>Emolument.</b></p> <p>8. (1) Subject to the provisions of this Act there shall be payment of Salaries and allowances to-</p> <p>(a) the President of the tribunal shall be paid salary as the Chief Judge of the Federal High Court or as the Chief Judge of the Federal Capital Territory Abuja and;</p> <p>(b) seventeen Judges in this Act, shall be paid such salaries and allowances as are payable to the Federal High Court judge and the judges of the High Court of the Federal Capital Territory Abuja</p> <p>(2) All Emoluments to Judges of the Tribunal shall be in accordance with the Constitution of the Federal Republic of Nigeria for Court of superior records and shall therefore be charged and payable out of the Consolidated Revenue Fund of the Federal Republic of Nigeria in</p>	<p><b>Pensionable service</b></p> <p>10. (1) Service in the Commission shall be public service for the purposes of the Pensions Reform Act and accordingly, officers and other persons employed by the Commission shall in respect of their service in the Commission, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.</p> <p>(2) For the purposes of the application of the provisions of the Pensions Reform Act, any power exercisable under the Act by a Minister or other authority of the Government of the Federation (not being the power to make regulations under the Act by a Minister) is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.</p> <p>(3) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms, which preclude the grant of pension and retirement benefits in respect of that office.</p>

	<p>Accordance with section 81(3)(C) of the 1999 Constitution of the Federal Republic of Nigeria as amended.</p>	<p>(4) The Commission shall in consultation with the National Salaries, Incomes and Wages Commission determine and review from time to time, the remunerations and allowances, payable to the Commission's staff.</p>
<p><b>Improper use of vehicles.</b>  <b>9.</b> (1) No person shall provide for the purpose of any other person to a registration office or to a polling unit 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 shall be guilty of an offence and liable on conviction to a maximum fine of N500, 000 or to imprisonment for six months or to both.</p>	<p><b>The Court Seal.</b>  <b>9.</b> (1) There shall be a seal bearing the inscription "Electoral Offences Tribunal".  (2) The court seal shall be approved by the President of the Tribunal and shall have duplicates copies which shall be kept by each of the other Judges of the Court and may be entrusted to officers of the Court who demonstrate utmost integrity.   (3) The Court Seal shall be used for the purposes which may be enacted by the Rules governing the Tribunal.</p>	<p><b>Appointment of experts.</b>  <b>11.</b> In exercising and performing the powers, functions and duties conferred on it under this Act, the Commission may appoint, contract, liaise or cooperate with various experts, including specialized agencies, academic or technical institutes, or advisory committees, in order to assist it in carrying out its functions or duties. □</p>
<p><b>Impersonation and voting when not qualified.</b>  <b>10.</b> (1) Any person who:   (a) applies 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 fictitious person;   (b) having once to his knowledge been properly included in a list of voters under this</p>	<p>PART III - JURISTIC POWERS OF THE COURT   <b>Juristic powers of the court.</b>  <b>10.</b> Subject to the provisions of this Act, the tribunal shall to the exclusion of any other court-   (1) try all electoral offences listed in this Act and electoral offences listed in Part VIII of the Electoral Act 2010 which may</p>	<p>PART III - FINANCIAL PROVISIONS   <b>Funds of the Commission.</b>  <b>12.</b> (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditures reasonably incurred by the Commission for the execution of its functions under this Bill.   (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section -</p>

<p>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:</p> <p>(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;</p> <p>(d) having voted once in an election applies at the same election for another ballot paper;</p> <p>(e) votes or attempts to vote at an election knowing that he is not qualified to vote at the election; or</p> <p>(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 shall be liable on conviction to a maximum fine of N500,000 or 12 months imprisonment or both.</p> <p>(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 shall be liable on conviction to a maximum fine of N500,000 or imprisonment for 12 months or both.</p> <p>(3) No person charged with the offence of impersonation shall be convicted except on the evidence of at least two witnesses.</p>	<p>be committed by any person with the intention of disrupting electoral process or any election held in Nigeria;</p> <p>(2) Try Persons who are suspected to have contravened any new electoral rules or law made by the National Assembly with the view to have a credible and successful election;</p> <p>(3) Offences committed during and after voter's registration whether carried out electronically or manually;</p> <p>(4) Offences listed below constitute electoral offence and crime in this Act-</p> <p>(1) Impersonating during voting;</p> <p>(2) Voting when not qualified;</p> <p>(3) Bribery with intention to disrupt election;</p> <p>(4) Threatening electoral officers;</p> <p>(5) Threatening voters;</p> <p>(6) Ballot box stuffing;</p> <p>(7) Ballot box snatching;</p> <p>(8) Destruction of campaign bill boards;</p>	<p>(a) such monies as may, in each year, be approved by the Federal Government for the purposes of the Commission;</p> <p>(b) all such moneys as shall, from time to time, be appropriated to the Commission by the National Assembly;</p> <p>(c) all such moneys as may, from time to time, be lent or granted to the Commission by the Government of the Federation, a State or Local Government;</p> <p>(d) charges paid to the Commission in relation to the registration of political parties, grant of licenses, permits and authorizations;</p> <p>(e) all moneys raised for the purpose of the Commission by way of donations, loans, grant-in-aid, testamentary disposition or otherwise; and</p> <p>(f) all other assets that may, from time to time, accrue to the Commission.</p> <p>(3) The fund shall be managed in accordance with rules made by the Commission, and without prejudice to the generality of the power to make rules under this subsection, the rules shall, in particular, contain provisions -</p> <p>(a) specifying the manner in which the assets of the Commission are to be held and regulating the making of payments into and out of the fund; and</p> <p>(b) requiring the keeping of proper accounts and</p>
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	<p>(9) Destruction of campaign posters:</p> <p>(10) Removes, defaces, mutilates, or alters figures already counted and written in electoral documents without the knowledge of all other party agents;</p> <p>(11) harass electoral officials at the time of election in any of the voting units or;</p> <p>(12) Any behavior that will lead to cancellation of election in any voting centre</p> <p>(13) Any behavior that will lead to disruption or delay of any election or voting centers;</p> <p>(14) Any unauthorized shooting of guns during elections.</p> <p>(15) Nothing in this act shall preclude any person from being tried and punished by virtue of contravention of all other offences prescribed by section 117, Part VIII of the Electoral Act 2010 as (amended).</p> <p>(16) Nothing in this act shall preclude any other offences that may be prescribed by the Independent National Electoral Commission (INEC).</p>	<p>records for the purpose of the fund in such form as may be specified in the rules.</p> <p>(4) The Commission may accept gifts of money or other property and upon such terms and conditions, if any, as may be specified by the person or organization making the gift provided that such terms and conditions are not inconsistent with the objectives and functions of the Commission.</p>
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**Dereliction of duty.**

11. (1) Any officer appointed for the purposes of this Act, who without lawful excuse commits any act or omits to act in breach of his official duty commits an offence and on conviction to a maximum fine of N500, 000 or to imprisonment for 12 months or both.

(2) Any Polling Officer who fails to report promptly at his polling unit on an election day without lawful excuse commits an offence of dereliction of duty and on conviction shall be liable to maximum fine of N500,000 or 12 months imprisonment or both.

(3) Any Polling Officer who fails to discharge his lawful duties at his polling unit without lawful excuse commits an offence of dereliction of duties and on conviction shall be liable to a maximum fine of N500,000 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 of return commits an offence and on conviction be liable to 36 months imprisonment.

(5) Any Returning Officer or Collation Officer who delivers or causes to be delivered a false

11. Subject to the provision of this Act-

(1) The Tribunal may receive complaints from the Nigerian Police or any of the Security Agencies to try;

(2) Any person or people who have been caught disrupting elections and caught with ballot boxes, caught with ballot papers or offenders engaged in any behavior that may disrupt election or course anxiety to the extent of delaying elections in any voting center and have contravened any related offences this Act or in the Electoral Act 2010 as amended under electoral offences section 117 Part VII.

**Administration of the Commission's Fund**

13. The Commission shall apply the proceeds of the fund established pursuant to provisions of this Act to the following purposes, the -

(a) cost of administration of the Commission;

(b) cost of acquiring any property, equipment or other facility necessary to the discharge of the functions and duties of the Commission under this Act; and,

(c) payments of salaries, allowances and other remunerations, payable to members, experts or employees of the Commission.

<p>certificate of return knowing same to be false, commits an offence and on conviction shall be liable to a maximum imprisonment for 3 years without an option of fine.</p> <p>(6) Any person who delivers or causes to be delivered a false certificate of return knowing same to be false to any news media commits an offence and on conviction shall be liable to imprisonment for 3 years.</p>		
<p><b>Bribery and conspiracy.</b></p> <p>12. (1) Any person who does any of the following:</p> <p>(a) directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers any money or valuable consideration;</p> <p>(b) 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;</p> <p>(c) upon or in consequence of any gift, loan, offer, promise, procurement or agreement corruptly procures, or engages or promises or endeavours to procure, the return of any person</p>	<p><b>Punitive powers.</b></p> <p>12. (1) The Tribunal shall have the power to impose punishment resulting from its ruling, where a suspect is found guilty of contravening any of the offences stipulated in this Act or in the Electoral Act-</p> <p>(a) The Tribunal shall impose punishment so proscribed by the Electoral Act;</p> <p>(b) The Tribunal having listened to complaints and being satisfied by all allegations and evidence before it may have mercy on such suspect provided that the tribunal shall give cogent reasons for such mercy.</p> <p><i>Enforcement of judgment.</i></p> <p>(2) The tribunal shall have the powers to enforce its judgment and accordingly may commit for contempt any person or suspect who commits any act which in the</p>	<p><b>Accounts and audit.</b></p> <p>14. The Commission shall cause to be kept, proper books of accounts and records in respect of each financial year and shall cause its accounts to be audited not later than six months after the end of each financial year by auditors appointed in accordance with guidelines issued by the Office of the Auditor-General of the Federation.</p>

as a member of a legislative house or to an elective office or the vote of any voter at any election;

(d) 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 wholly or in part expended in bribery at any election;

(e) after any election directly, or indirectly, by himself, or by any other person on his behalf receives any money or valuable consideration on account of any person having 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 shall be liable to a maximum fine of N500,000 or 12 months imprisonment or both.

(2) A voter commits an offence of bribery where 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.

opinion of the Tribunal constitutes contempt.

(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 maximum fine of N500,000 or imprisonment for 12 months or both.

(5) Any person who conspires, aids or abets 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.

**Requirement to secrecy in voting.**

13. (1) Every person in attendance at a polling unit including every officer charged with the conduct of an election and his or her assistants and every polling agent and candidate in accordance at a polling station or at the collation centre, as the case may be, shall

**Power to summon.**

13. (a) the Tribunal shall have the powers to summon any person in Nigeria to attend court session, whether to give evidence or produce any document or other things in his possession;

**Statement of estimated income and expenditure.**

15. The Commission shall submit to the National Assembly, for approval not later than 31st August, in each financial year, a statement of its estimated income and expenditure for the following financial year.



<p>maintain and aid in maintaining the secretary of the voting.</p> <p>(2) No person in attendance at a polling booth under this section shall, except for some purpose authorized 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.</p> <p>(3) No person shall:</p> <p>(a) interfere with a voter casting his vote, or by any other means obtain or attempt to obtain in a polling unit information as to the candidate for whom a voter in that place is about to vote for or has voted; or</p> <p>(b) communicate at any time to any other person information obtained in a polling unit as the candidate to whom voter is about to vote to has voted for .</p> <p>(4) Any person acting contrary to the provision of this section commits offence and shall be liable upon conviction to a maximum fine of N100, 000 or to imprisonment for 6 months or both.</p>	<p>(b) whether or not he is a political contestant or a member of any political party. Whether or not engaged by The Independent National Electoral Commission (INEC) as a full time Staff or Part Time;</p> <p>(c) Nothing in this Act and nothing in the Rules of Court made under or applied by this Act shall affect the mode of giving evidence in accordance with the provisions of the Evidence Act and other rules of evidence.</p>	
<p><b>Wrongful voting and false statement.</b> 14. Any person who:</p> <p>(a) votes at an election or induces or procures</p>	<p><b>Power to issue warrant.</b> 14. (1) Subject to the provision of this Act the president of the tribunal may issue warrant to search-</p>	<p><b>Bank Account</b> 16. The Commission shall open and maintain with any bank or financial institution, an account in which there shall be deposited all moneys received by the Commission within the contemplation of the provisions of this Act and</p>

any person to vote at an election, knowing that he or such person is prohibited from voting thereat;

(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 for 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 is true, commits an offence and shall be liable on conviction to a maximum fine of N100,000 or imprisonment for a term of 6 months or both.

(a) after being satisfied that there is a reasonable grounds for which the application was made;

(b) after being satisfied that electoral materials may be found in a place where it ought not to be; or

(c) after being satisfied that the security agents must present a search and arrest warrant of non authorized persons are in possession of such electoral materials which must be tendered in evidence.

(2)The president of the tribunal may issue warrant to a police officer or to any other member of a security agency to seize any vehicle place perceived to be used to store electoral materials illegally.

(3) The president may order a building or a place or any part thereof be sealed and seized and for the removal of any which was illegally placed in an unauthorized place, area or building and which is suspected to be a material relevant and connected to the use of an election;  
Provided that nothing in this section shall-

Contradict the operation of the Evidence Act or the means by which particular facts may be proved or disproved and the mode

from which all payments for and on behalf of the Commission shall be made.

<p><b>Voting by unregistered person.</b></p> <p>15. (1) Any person who knowingly votes or attempts to vote in a Constituency in respect of which his name is not on the register or voters commits an offence and is liable on conviction to a maximum fine of N100, 000 or to imprisonment for a term of 6 months or both.</p> <p>(2) Any person who knowingly brings into a polling unit during an election a voters card issued to another person commits an offence and shall be liable on conviction to a fine of N100,000 or to imprisonment for 6 months or both.</p>	<p>in which evidence thereof may be given.</p> <p style="text-align: center;">PART IV</p> <p><b>Sittings.</b></p> <p>15. Subject to the rules of the court and to any provisions pertaining to vacations as may be prescribed by the president of the court, the court shall open throughout the year for prosecution of offenders during any form of election conducted by the Independent National Electoral Commission both at the national or state level.</p> <p>Subject to the power of transfer contained in this Act the place for the trial of offences shall be as follows-</p> <p>(a) The tribunal shall sit for hearing a matter for any of the offences specified in this Act in the area or place where the offence was committed; or</p> <p>(b) when a person is accused of the commission of any of the offences specified by this Act by reason of anything which has been omitted to be done, and of any consequence for which it was committed in several other states before it was discovered, such offence may be tried by any of the Electoral Offence Tribunal exercising jurisdiction in those area or as directed by the President of the Tribunal.</p>	<p><b>Investment of funds.</b></p> <p>17. The funds of the Commission, which are not immediately required for current or contingent expenditure, may upon the decision of the Commission -</p> <p>(a) be invested on call or short term fixed deposit with any bank or financial institution: or</p> <p>(b) be deposited with the Central Bank of Nigeria or any other bank or financial institution in an investment account in such manner and for such periods as the Commission may, upon a resolution, approve.</p>
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<p><b>Disorderly on election day.</b> 16. Any person who at an election acts or incites others to act in a disorderly manner commits an offence and shall be liable on conviction to a maximum fine of N500, 000 or imprisonment for a term of 12 months or both.</p>	<p><b>Absolute jurisdiction.</b> 16. The jurisdiction conferred to the tribunal on issues of electoral offences is absolute and to this extent no High Court, be it that of a State or of the Federal Capital Territory or any other court below shall try these offences.</p>	<p><b>Annual reports.</b> 18. The Commission shall submit to the National Assembly not later than 30th June in each financial year, a report on its activities during the immediate preceding year and shall include in such report the audited accounts of the Commission.</p>
<p><b>Offences on election day.</b> 17. (1) No person shall on the date on which an election is held do any of the following acts or things in a polling unit or within a distance of 300 metres of a polling unit:</p> <p>(a) canvass for votes;</p> <p>(b) solicit for the vote of any voters</p> <p>(c) persuade any voter not to vote for any particular candidate;</p> <p>(d) persuade any voter not to vote at the election;</p> <p>(e) shout slogans concerning the election;</p> <p>(f) be in possession of any offensive weapon or wear any dress or have any facial or other decorations which in any event is calculated to intimidate voters;</p> <p>(g) exhibit, wear or tender any notice, symbol,</p>	<p><b>Judgment.</b> 17. Subject to the rules of the court and to any provisions pertaining to vacations as may be prescribed by the president of the court, the court shall open throughout the year for prosecution of offenders during any form of election conducted by the Independent National Electoral Commission both at the national or state level.</p> <p>Subject to the power of transfer contained in this Act the place for the trial of offences shall be as follows-</p> <p>(a) The tribunal shall sit for hearing a matter for any of the offences specified in this Act in the area or place where the offence was committed; or</p> <p>(b) when a person is accused of the commission of any of the offences specified by this Act by reason of anything which has been omitted to be done, and of any consequence for which it</p>	<p><b>PART IV - SPECIAL POWERS OF THE COMMISSION</b></p> <p><b>Training programme</b> 19. The Commission shall initiate, develop or improve specific training programs for its law enforcement and other personnel charged with responsibility for the detection, investigation and prosecution of offences created by this Act and such programs shall include - [ ]</p> <p>(a) methods used in the detection of electoral offences or offences created under this Act; [ ]</p> <p>(b) techniques used by persons involved in electoral offences or offences under this Act and appropriate counter-measures: [ ]</p> <p>(c) collection of evidence: [ ]</p> <p>(d) law enforcement techniques: [ ]</p> <p>(e) capacity building for prosecutors: and,</p>

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 after being refused to vote;

(j) snatch or destroy any election material; and

(k) blare siren.

(2) No person shall within 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;

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

(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

was committed in several other states before it was discovered, such offence may be tried by any of the Electoral Offence Tribunal exercising jurisdiction in those area or as directed by the President of the Tribunal.

(f) dissemination of information on electoral and related offences.

#### **Powers and immunities of officers** □

20. (1) Subject to the provisions of this Act, an officer of the Commission, when investigating or prosecuting an electoral offence shall have all the powers and immunities of a police officer under the Police Act and any other laws conferring power on the police or empowering and protecting law enforcement agents. □

(2) Where, in the course of any investigations or proceedings in a court in respect of the commission of an electoral offence or an offence under this Act by any person, there is disclosed an offence under any other written law, not being an electoral offence or offence under this Act, irrespective of whether the offence was committed by the same person or any other person, the officer of the Commission responsible for the investigation or proceedings, as the case may be, shall notify the Attorney – General of the Federation or any other officer charged with responsibility for the prosecution of criminal cases, who may issue such direction as shall meet the justice of the case. □

#### **Power to investigate and prosecute electoral offences.**

21. (1) The Commission shall investigate and prosecute all electoral offences created under the Electoral Act or any other law or Regulations on

and shall be liable on conviction to a fine of N100, 000 or imprisonment for 6 months for every such offence.

(4) Any person who snatches or destroys any election material shall be liable on conviction to 24 months imprisonment.

electoral offences.

(2) Every report relating to the commission of an electoral offence or any offence under this Act may be made orally or in writing to an officer of the Commission, and if made orally shall be reduced into writing and read over to the person making the report; and every such report shall be signed or thumb-printed by the person making it; and where the person making the report is an illiterate the officer obtaining the report shall endorse that fact on the report together with a statement to the effect that it was read over and interpreted to the maker.

(3) Every report, whether in writing or reduced into writing, shall be recorded and kept at the office of the Commission and there shall be appended to such entry the date and hour at which such report was made.

(4) Where an officer of the Commission has reason to suspect the commission of an offence following a report made under subsection (1) or information otherwise received by him, he shall cause investigation to be made and for such purpose may exercise all the powers of investigation provided for under this Act or any other law.

(5) A report made under subsection (1) of this section shall not be disclosed by any person other than to the officers of the Commission until the accused person has been invited, summoned or charged to court for an offence arising from such report.

		<p>(6) Any document certified by any officer of the Commission under subsection (2) in respect of a report under subsection (1) shall be admissible as evidence of the contents of the original and of the time, place and manner in which the report was recorded.</p>
<p><b>Undue influence.</b>  <b>18.</b> A person who:</p> <p>(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 plays 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</p> <p>(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 N100,000 or 12 months imprisonment or both.</p>	<p><b>Absolute jurisdiction.</b>  <b>18.</b> The jurisdiction conferred to the tribunal on issues of electoral offences is absolute and to this extent no High Court, be it that of a State or of the Federal Capital Territory or any other court below shall try these offences.</p>	<p><b>Power to examine persons.</b>  <b>22.</b> (1) An officer of the Commission investigating an electoral offence or an offence under this Act may -</p> <p>(a) order any person to attend before him for the purpose of being examined in relation to any matter which may, in his opinion, assist in the investigation of the offence;</p> <p>(b) order any person to produce before him any book, document or any certified copy thereof, or any other article which may, in his opinion, assist in the investigation of the offence: or</p> <p>(c) by written notice require any person to furnish a statement in writing made under oath or affirmation setting out therein all such information required under the notice, being information which, in such officer's opinion, would be of assistance in the investigation of the offence.</p> <p>(2) Subsection (1) (b) shall not apply to banker's books save in accordance with the provisions of the Evidence Act.</p>

		<p>(3) A person to whom an order under subsection (1) (a) has been given shall -</p> <p>(a) attend in accordance with the terms of the order to be examined, and shall continue to attend from day to day where so directed until the examination is completed; and</p> <p>(b) during such examination disclose all information which is within his knowledge.</p> <p>(4) A person to whom an order has been given under subsection (1) (b) shall not conceal, destroy, remove, mutilate, expunge or dispose of any book, document or article specified in the order or relevant to the investigation, or alter or deface any entry in such book or document, or cause such act to be done, or assist or conspire to do such act.</p> <p>(5) A person to whom a written notice has been given under subsection (1) (c) shall, in his statement, furnish and disclose truthfully all information required under the notice which is within his knowledge, or which is available to him.</p> <p>(6) Any person who contravenes any provision of this section shall be guilty of an offence punishable with a term of imprisonment not exceeding three months.</p>
<p><b>Threatening.</b> 19. A person who:</p> <p>(a) directly or indirectly, by himself or by</p>	<p><b>Judgment.</b> 19. The following shall be the way and manner judgment shall be carried out in this tribunal-</p>	<p><b>General provisions as to summons.</b> 23. (1) Subject to the provisions of subsections (1) and (6) of this section, the Commission may issue a summons directed to a person complained against or</p>



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 persons, any minor or serious 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 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 an offence and is liable on conviction to a fine N1,000,000 or imprisonment for 3 years.

(a) for the purpose of delivering Judgment or Ruling in any matter the Tribunal shall be deemed duly constituted with at least one Judge;

(b) every decision of this Tribunal upon sitting, shall be in writing;

(c) nothing in this act shall preclude two judges or more from sitting for the purpose of delivering Judgment in any matter as specified in this Act;

(d) The Tribunal may sit in any of its Judicial Division as the President of the Court may direct;

(e) the President of the Tribunal may assign Judicial function to any of the Seventeen Judges or assign Judicial function to any of the judges in respect of a particular matter if it is transferred due to conflict in a particular area or for the purpose of a peaceful trial.

any other person to attend before the Commission for the purpose of being examined in relation to the complaint or in relation to any other matter which may aid or facilitate the investigation of the complaint; and a summons so issued shall state the substance of the complaint, and the time and place at which the inquiry is to be held.

(2) Every summons issued by the Commission under this Act shall be in duplicate and signed by the Chairman or such other officer as the Chairman may authorize to issue summons.

(3) Every summons issued by the Commission under this Act shall be served by an officer of the Commission in the manner prescribed in the Sheriff's and Civil Process Act and any other law relating to the service of process and the person effecting the service shall have and exercise all the powers conferred by that Act and any other law relating to the service of process.

(4) Where the person summoned by the Commission is in the service of Government, the Commission may deliver the summons in duplicate to the Head of the Department in which such person is employed for the purpose of its being served on that person and such officer shall thereupon cause the summons to be served on that person.

(5) Where a summons has been served upon the person to whom it is addressed or is delivered to any other person, the person to whom it is addressed or

		<p>delivered, as the case may be, shall sign a receipt on the duplicate: and where service is not effected by handing the summons to an individual but by some other method approved by this Act, the person effecting service shall endorse on the duplicate particulars of the method by which the service was effected.</p> <p>(6) A person required to sign a receipt on the back of the duplicate summons to the effect that he has received the summons who refuses to do so may be arrested by the person serving the summons and shall be guilty of an offence and upon conviction be liable to one month imprisonment or a fine of five thousand Naira.</p> <p>(7) Where the Commission is satisfied that a summons directed to a person complained against or any person has been served and that person does not appear at the time and place appointed in the summons, the Commission shall have power to arrest and detain any such person.</p>
<p><b>Offences relating to recall.</b> 20. The offences referred to in this Act shall apply to recall of a member of a Legislative Houser and a member of an Area Council.</p>	<p><b>Power of transfer.</b> 20. For the Purpose of conducting peaceful hearing in a peaceful atmosphere, the judges sitting on any matter before final judgment, either with or without application from the suspect or the prosecuting officers transfer such matter to a more peaceful Division of the Tribunal.</p>	<p><b>Warrant to search premises.</b> 24. (1) Whenever it appears to the Chairman upon information, and after such inquiry as he shall consider necessary, that there is reasonable cause to suspect that in any place there is any evidence of the commission of an electoral offence or offence under this Act, he may by a written order direct an officer of the Commission to obtain a court order to -</p> <p>(a) enter any premises and search for, seize and take</p>

		<p>possession of any book, document or other article evidencing the commission of such offence; <input type="checkbox"/></p> <p>(b) inspect, make copies of or take extracts from any book, record or document: <input type="checkbox"/></p> <p>(c) search any person who is in or on such premises and, for the purpose of such search, detain such person and remove him to such place as may be necessary to facilitate such search, and seize and detain any article found on such person;</p> <p>(d) break open, examine, and search any article, container or receptacle: or <input type="checkbox"/></p> <p>(e) stop, search and seize any vehicle or conveyance. <input type="checkbox"/></p> <p>(2) Whenever directed, an officer of the Commission exercising any of the powers prescribed under subsection (1) of this section shall obtain a warrant from a judge or magistrate to -</p> <p>(a) break open any outer or inner door or window of any premises and enter thereto, or otherwise forcibly enter the premises and every part thereof; <input type="checkbox"/></p> <p>(b) remove by force any obstruction to such entry, search, seizure or removal as he is empowered to effect; or</p> <p>(c) detain any person found in or on any premises or in any conveyance searched under subsection (1) or until such premises or conveyance has been searched. <input type="checkbox"/></p>
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		(3) No person shall be searched under this section except by a person who is of the same gender as the person to be searched. □
<p><b>Monitoring of political parties.</b></p> <p>21. (1) The Commission shall monitor and keep records of the activities of all the registered political parties.</p> <p>(2) The Commission may seek information or clarification from any registered political party in connection with any activities of the political party which may be contrary to the provisions of the Constitution or any other law, guidelines, rules or regulations made pursuant to an Act of the National Assembly.</p> <p>(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 or Area Councilor Ward level, as the case may be.</p> <p>(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 less than N500, 000.</p>	<p><b>Appeal.</b></p> <p>21. (1) 1. Subject to the Constitution of the Federal republic of Nigeria, 1999, No appeal shall lie from the decision of the Tribunal to the Court of Appeal or any other Court except as may be prescribed by this Act or any other Act of the National Assembly.</p> <p>(2) An appeal shall lie as of right from the Tribunal to the Court of Appeal on question of Law and on question of fundamental Human right.</p>	<p><b>Obligation to give information.</b> □</p> <p>25. Subject to such limitation as is provided under this Act, every person required by an officer of the Commission to give any information on any subject which it is the duty of such officer to inquire into under this Act and which is in that person's statutory power to give, shall be bound to give such information, failing which, he shall be guilty of an offence and on conviction, liable to imprisonment for six months or a fine of ten thousand Naira or both.</p>
<p><b>Nomination of candidates by parties.</b></p> <p>22. (1) A political party seeking to nominate candidates for elections under this Act shall</p>	<p>PART V - MISCELLANEOUS</p> <p><b>The appointment of members of staff.</b></p>	<p><b>Obstruction of inspection and search.</b></p> <p>26. Any person who -</p> <p>(a) refuses any officer of the Commission access to any</p>

hold primaries for aspirants to all elective positions.

(2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct or indirectly primaries.

(3) A political party that adopts the direct primaries procedure shall ensure that all aspirants are given equal opportunity of being voted for by members of the party.

(4) A political party that adopts the system of indirect primaries for the choice of its candidate shall adopt the procedure outlines below:

(a) In the case of nominations to the position of Presidential candidate, a political party shall:

(i) hold special conventions in each of the 36 States of the Federation and FCT, where delegates shall vote for each of the aspirants at designated centres in each State Capital on specified dates;

(ii) a National Convection shall be held for the ratification of the candidate with the highest number of votes;

(iii) the aspirant with the highest number of votes at the end of voting in the 36 States of

22. Subject to the provisions of this act. The status and tenure of members of staff in this Tribunal shall be the same as any other Court in the Federal Republic of Nigeria-

(a) The power to appoint or make application for the recruitment of staff of the court shall be vested on the President of the Tribunal who shall make such request by application to the Federal Judicial Service Commission;

(b) Emolument and salaries of staff shall be same as any other court in the Federal Republic of Nigeria; or

(c) The power to discipline staff of the tribunal shall be vested on the President of the Tribunal or whoever the duty is delegated by the President.

premises or fails to submit to a search by any person authorized to search him under this Act:

(b) assaults or obstructs any officer of the Commission or any person authorized by the Commission in the execution of his duty under this Act;

(c) fails to comply with any lawful demand, notice, order or requirement of an officer of the Commission in the execution of his duty under this Act;

(d) fails to produce, or conceals or attempts to conceal from an officer of the Commission, any book, document, or article, in relation to which such officer has reasonable grounds for suspecting or believing that an electoral offence or offence under this Act has been or is being committed, or which is liable to seizure under this Act:

(e) rescues or endeavours to rescue or causes to be rescued any person who has been duly arrested or anything which has been duly seized; or

(f) destroys anything to prevent the seizure thereof or the securing of the thing.

shall be guilty of an offence punishable with imprisonment for one year without the option of a fine.

the Federation and F.C.T. shall be declared the winner of the Presidential primaries of the political party and the aspirants name shall be forwarded to the Independent National Electoral Commission as the candidate of the party after ratification by the national convention.

(b) In the case of nominations to the position of Governorship candidate, a political party shall, where they intend to sponsor candidates:

(i) hold special congress in each of the local government areas of the States with delegates voting for each of the aspirants at the congress to be held in designated centres on specified dates;

(ii) The aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and aspirant's name shall be forwarded to the Independent national Electoral Commission as the candidate of the party, for the particular State.

(c) In the case of nomination to the position of a Senatorial candidate, House of Representatives and State House of Assembly a political party shall, where they intend to sponsor candidates:

(i) hold special congresses In the Senatorial District, Federal Constituency and the State

Assembly Constituency respectively, with delegates voting for each of the aspirants in designated centres on specified dates;

(ii) the aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Independent National Electoral Commission as the candidate of the party.

(d) In the case of the position of a Chairmanship candidate of an Area Council a party shall, where they intend to sponsor candidates:

(i) hold special congresses in Area Councils, with delegates voting for each of the aspirants at designated centres on a specified dates;

(ii) the aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and aspirant's name shall be forwarded to the Independent national Electoral Commission as the candidate of the party.

(5) In the case of a councillorship candidate, the procedure for the nomination of the candidate shall be by direct primaries in the ward and the name of the candidate with the highest number of votes shall be submitted to the Independent National electoral commission as the candidate of the party.

(6) Where there is only one aspirant in a political party for any of the elective positions mentioned in sub section (4) (a). (b). (c) and (d). the party shall convene a special convention or congress at a designated centre on a specified date for the confirmation of such aspirant and the name of the aspirant shall be forwarded to the Independent National Electoral commission as the candidate of the party.

(7) A political party that adopts the system of indirect primaries for the choice of its candidate shall clearly outline in its constitution and rules the procedure for the democratic election of delegates to vote at the convention, congress or meeting.

(8) No political appointee at any level shall be a voting delegate at the Convention or Congress of any political party for the purpose of nomination of candidates for any election.

(9) Where a political party fails to comply with the provisions of this Act in the conduct of its primaries, its candidate for election shall not be included in the election for the particular position in issue.

(10) Notwithstanding the provisions of the Actor rules of a political party, an aspirant who complains that any of the provisions of this Act



<p>and the guidelines of a political party for election, may apply to the Federal High Court or the High Court of a State, for redress.</p> <p>(11) Nothing in this section shall empower the Courts to stop the holding of primaries or general election under this Act pending the determination of the suit.</p>		
<p><b>Offences in relation to finance of a political party.</b></p> <p><b>23.</b> Any Political Party that:</p> <p>(a) holds or possesses any fund outside Nigeria in contravention of Section 91(3) of this Act commits an offence and shall forfeit;</p> <p>(b) retains any fund or other assets remitted to it from outside Nigeria in contravention of section 91(3) of this Act 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 less than N500,000.</p>	<p><b>23.</b> (1) Subject to the provisions of this Act-</p> <p>(a) The Federal Judicial Service Commission may, from time to time, appoint the Chief Registrar of the Tribunal, who shall perform such administrative duties assigned to the office of the chief registrar, in the execution of the powers and authorities of the Tribunal as may, from time to time, be assigned to him by the guiding Rules of Tribunal and, subject thereto, by any special order of the President of the Tribunal;</p> <p>(b) Such a person to be appointed as the Chief Registrar of the Tribunal must be a Person of good repute and;</p> <p>(c) must be of un questionable character and;</p> <p>(d) must not be found wanting.</p> <p>(2) The Federal Judicial Service Commission may, from time to time,</p>	<p><b>Attempt or conspiracy</b></p> <p><b>27.</b> Any person who –</p> <p>(a) attempts or conspires to commit any electoral offence;</p> <p>(b) does any act preparatory to or in furtherance of the commission of any electoral offence; or</p> <p>(c) abets or is engaged in a criminal conspiracy to commit any electoral offence;</p> <p>commits an offence and shall on conviction, be liable to the punishment provided for such offence.</p>

	<p>appoint other registrars, deputy registrars and such other officers as may be deemed necessary who shall perform all such duties with respect to business before the Tribunal as may be directed by Rules guiding the Tribunal and upon the order of the President.</p> <p>(3) The Chief Registrar, registrars and deputy registrars shall have power to administer oaths and perform such other duties with respect to any proceedings in the Court as may be prescribed by the rules or by any special order of the President of the Tribunal.</p>	
<p><b>Period to covered by annual statement.</b></p> <p>24. (1) Every political party shall submit to the Commission a detailed annual statement of Assets and Liabilities and analysis of its sources of funds and other assets, together with statement of its expenditure in such a form as the Commission may from time to time require.</p> <p>(2) The Statement of Assets and Liabilities referred to in subsection (1) of this section shall be in respect of the period 1st January to 31st December in each year, and that in the year 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.</p>	<p><b>Interpretation.</b></p> <p>24. In this act unless the context so requires-</p> <p>"Tribunal" and "court" means the electoral offences tribunal established under section 2 of this act and changed with the responsibility to try offenders:</p> <p>"Offences "the electoral act 2010 as amended in 2014 or any of the offences listed in this Act; .</p> <p>"President" Means president of the federal republic of Nigeria;</p> <p>"President of the tribunal" Means the most senior judge of the court vested with the</p>	<p><b>Bail of offenders, etc.</b></p> <p>28. (1) Every electoral offence or offence under this Act shall be a billable offence for the purposes of the Criminal Procedure Act or Code. !!</p> <p>(2) Every person arrested under this Act may be released from custody on his executing a bond with sureties, as an officer of the Commission may require. !!</p> <p>(3) Any person who has been released from custody under subsection (2) may be re-arrested without warrant by any officer of the Commission -</p> <p>(a) if such officer has reasonable grounds for believing that any condition on which such person was released or otherwise admitted for bail has been</p>

<p>(3) Every political party shall grant to any officer authorized in writing by the Commission, access to examine the records and audited accounts kept by the political party in accordance with the provisions of this Act and the political party shall give to the officer all such information as may be requested in relation to all contributions received by or on behalf of the party.</p> <p>(4) The Commission shall publish the report on such examinations and audit in three National Newspapers.</p>	<p>right to preside over other judges and administratively lead the tribunal.</p> <p>"Electoral Act" means the electoral Act of the federal republic of Nigeria as amended (the electoral act 2010 as amended in 2014);</p> <p>"Constitution" means the Constitution of the Federal Republic of Nigeria.</p>	<p>broken; or</p> <p>(b) on being notified in writing by the surety of such person that such person has broken or is likely to break any condition on which such person was released and that the surety wishes to be relieved of his obligation as surety.</p> <p>(4) Any person arrested under subsection (3) who is not released on bail shall, without unreasonable delay, and in any case within twenty-four hours (excluding the time for any necessary journey) be produced before the Court and if it appears to the Court that any condition on which such person was released or otherwise admitted for bail has been or is likely to be broken, the court may -</p> <p>(a) remand such person in custody; or <input type="checkbox"/></p> <p>(b) admit such person to bail on the same conditions or on such other conditions as it thinks fit. <input type="checkbox"/></p> <p>(5) Where a person who is arrested for an electoral offence or offence under this Act is serving a sentence of imprisonment or is in detention under any law relating to preventive detention or is otherwise in lawful custody, he shall, upon an order in writing by an officer of the Commission, be produced before such officer or before any other officer of the Commission for the purpose of investigation and for such purpose he may be kept in lawful custody for a period not exceeding fourteen days.</p> <p>(6) A person who is detained in lawful custody under</p>
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		<p>subsection (5) or otherwise under any other written law may, at any time, be made available to an officer of the Commission for the purpose of investigation, or may be taken to any other place for the purpose of searching the place, or seizing any property, or identifying any person or for any other purpose related to the investigation. []</p> <p>(7) The period during which a person is under lawful custody under subsection (6) shall count towards the period of his imprisonment, detention or other custody. []</p>
<p><b>Power to limit contribution to a political party.</b>  <b>25.</b> The Commission shall have power to place limitation on the amount of money or other assets, which an individual or group of persons can contribute to a political party.</p>	<p><b>Short title.</b>  <b>25.</b> This Bill may be cited as the Electoral Offences Tribunal of Nigeria Bill, 2016.</p>	<p><b>PART V - DIRECTIONS, INQUIRY, DISPUTE RESOLUTION AND APPEALS</b></p> <p><b>Public inquiry</b>  <b>29.</b> (1) The Commission may hold a public inquiry on any matter of a general nature that relates to the administration of this Act or any other legislation, which will serve the objects of this Act.</p> <p>(2) The Commission may hold a public inquiry under subsection (1) of this section—</p> <p>(a) in response to a written request from a person or entity; or</p> <p>(b) on its own initiative,</p> <p>where it is satisfied that the matter is of significant interest to the public, current or prospective party under this Act.</p> <p>(3) The Commission may, for the purposes of an inquiry,</p>

		<p>exercise any or all of its investigation and information-gathering powers as provided for in this Act.</p> <p>(4) Subject to subsection (1) of this section, where the Commission decides to hold a public inquiry, the Commission shall publish, in the manner that it deems appropriate, notice of the —</p> <ul style="list-style-type: none"><li>(a) fact that it is holding the inquiry;</li><li>(b) period during which the inquiry is to be held;</li><li>(c) nature of the matter to which the inquiry relates;</li><li>(d) period of at least 21 days, within which, and the form in which, members of the public are invited to make submissions;</li><li>(e) matters that the Commission would like the submissions to be dealt with; and</li><li>(f) address or addresses to which the submissions may be sent.</li></ul> <p>(5) The Commission shall consider any submissions received within the time limit as specified in the notice and the submissions made by the members of the public shall be in the form and of the nature as specified in the notice.</p> <p>(6) Notwithstanding the provisions of subsection (1) of this section, an inquiry or a part of an inquiry may be conducted in private where the Commission is satisfied that—</p> <ul style="list-style-type: none"><li>(a) the documents or information that may be given, or a</li></ul>
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		<p>matter that may arise during the inquiry or a part of the inquiry, is of a confidential nature;</p> <p>(b) it is against national interest to hold the inquiry in public; or</p> <p>(c) holding the inquiry or part of the inquiry or a matter, or part of a matter, in public would not be conducive to the due administration of this Act.</p> <p>(7) Where an inquiry takes place in public and the Commission is of the opinion that—</p> <p>(a) the evidence or other materials presented to the inquiry; or</p> <p>(b) the written submissions lodged with the Commission is of a confidential nature, the Commission may direct that—</p> <p>(i) the evidence or material should not be published; or</p> <p>(ii) its disclosure be restricted.</p> <p>(8) Where an inquiry or part of an inquiry takes place in private, the Commission—</p> <p>(a) shall give a direction as to the persons who may be present at the inquiry or part of the inquiry; and</p> <p>(b) may give a direction restricting the disclosure of evidence or other material presented at the inquiry or part of the inquiry.</p> <p>(9) Notwithstanding the provisions of subsection (8) of this section, a person who without reasonable excuse, fails</p>
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		<p>to comply with a direction given by the Commission shall be liable to the payment of fine as the Commission may determine. from time to time.</p> <p>(10) The Commission shall publish a report on its findings on any inquiry it conducts within 60 days of the conclusion of the inquiry.</p> <p>(11) Civil proceedings shall not lie against a person in respect of any loss, damage or injury of any kind suffered by another person on grounds of the making of a statement or giving of a document or information to the Commission in relation to an inquiry under this Part</p> <p>(12)The Commission shall maintain a register of all reports made pursuant to an inquiry under this Part.</p>
<p><b>Limitation on election expenses.</b></p> <p>26. (1) Election expenses shall not exceed the sum stipulated in subsection (2)-(7) of this section.</p> <p>(2) The maximum election expenses to be incurred by a candidate at a Presidential election shall be one billion naira (N1,000,000,000).</p> <p>(3) The maximum election expenses to be incurred by a candidate at a Governorship election shall be two hundred million naira (N200,000,000).</p> <p>(4) The maximum election expenses to be in respect of Senatorial seat by a candidate at an election to the National Assembly shall be forty million naira (N40,000,000) while the</p>		<p><b>Investigation for purposes of administrative inquiry, etc.</b></p> <p>30. (1) The Commission may investigate any matter pertaining to the administration of this Act where the Commission has grounds to believe that an infringement of the provisions of this Act was, is or will be committed.</p> <p>(2) The Commission may conduct an investigation on a matter referred to in subsection (1) of this section upon a written complaint by a person and the complaint shall specify the person against whom the complaint is made.</p> <p>(3) If a complaint has been made to the Commission under this section, the Commission may make inquiries of the respondent for the purpose of deciding whether the Commission should, in its discretion, investigate the matter.</p> <p>(4) If the Commission decides not to investigate, or not to</p>

seat for House of Representatives shall be twenty million naira (N20,000,000).

(5) In the case of State Assembly election, the maximum amount of election expenses to be incurred shall be ten million naira (N10,000,000).

(6) In the case of Chairmanship election to an Area Council, the maximum amount of election expenses to be incurred shall be ten million naira (N10,000,000).

(7) In the case of Councillorship election to an Area Council, the maximum amount of election expenses to be incurred shall be one million naira (N1,000,000).

(8) In determining the total expenditure incurred in relation to the candidature of any person at any election no account shall be taken of:

(a) any deposit made by the candidate on his/her nomination in compliance with law;

(b) any expenditure incurred before the notification of the date fixed for the election with respect to services rendered or material supplied before such notification;

(c) Political party expenses in respect of the candidate standing for a particular election.

investigate further, a matter to which a complaint relates, it shall not later than 30 days from the date of receipt of the complaint and in such manner as it thinks fit, inform the complainant and the respondent of the decision and the reasons for the decision.

(5) The Commission shall before commencing an investigation of a matter to which the complaint relates, inform the respondent that the matter is to be investigated.

(6) An investigation under this Part shall be conducted as the Commission thinks fit and the Commission may, for the purposes of an investigation, obtain information from such persons as it thinks fit.

(7) Subject to subsection (4) of this section, a complainant or respondent may, at the Commission's discretion, be given an opportunity to appear before the Commission in connection with an investigation.

(8) The Commission shall not, as a result of the investigation, make a finding that is adverse to a complainant or a respondent unless it has given the complainant or respondent an opportunity to make written submissions about a matter to which the investigation relates within a time period of not less than 21 days.



(9) No individual or other entity shall donate more than one million naira (N1,000,000) to any candidate.

(10) A candidate who knowingly acts in contravention of this section commits an offence and on conviction shall be liable:

(a) in case of Presidential election to a maximum fine of N1,000,000 or imprisonment of 12 months or both;

(b) In the case of a Governorship election to a fine of N800,000 or imprisonment for 9 months or both;

(c) in the case of Senatorial seat election in the National Assembly election to a fine of N600,000 or imprisonment for 6 months or both;

(d) in the case of House of Representatives seat election in the National Assembly election to a fine of N500,000 or imprisonment for 5 months or both;

(e) in the case of a State House of Assembly election to a fine of N300,000 or 3 months imprisonment or both;

(f) in the case of Chairmanship election to a fine of N300,000 or 3 months imprisonment or both;

(g) in the case of Councillorship election to a

<p>fine of N100,000 or 1 month imprisonment or both.</p> <p>(11) Any individual who knowingly acts in contravention of subsection (9) shall on conviction be liable to maximum fine of N500,000 or 9 months imprisonment or both.</p> <p>(12) Any Accountant who falsifies or conspires or aids a candidate to forge or falsify a document relating to his expenditure at an election or receipt or donation for the election or in any way aids and abets the breach of the provision of this section of this Act commits an offence and on conviction is liable to 10 years imprisonment.</p>		
<p><b>Election expenses of political parties.</b></p> <p>27. (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.</p> <p>(2) Election expenses of a political party shall for the management or the conduct of an election shall be determined by the Commission in consultation with the political parties.</p> <p>(3) (a) Election expenses of a political party shall be submitted to the Commission in</p>		<p><b>Conduct of investigation.</b></p> <p>31. (1) The Commission shall consider the submissions made by the complainant or the respondent under <b>section 29</b> of this Act before making its decision.</p> <p>(2) The Commission may, after concluding an investigation, prepare and publish a report which shall cover—</p> <p>(a) the conduct of the investigation concerned;</p> <p>(b) any finding that the Commission has made as a result of the investigation;</p> <p>(c) the evidence and other materials on which those</p>

<p>separate audited return within six months after an election and such return shall be signed by the political party's auditors and counter-signed by the Chairman of the party and be supported by a sworn affidavit by the signatories as to the correctness of its contents:</p> <p>(b) Any political party which commits a breach of this section is guilty of an offence and shall be liable on conviction to a maximum fine of N1, 000,000 and in the case of failure to submit an accurate audited return within the stipulated period, the court may impose a maximum penalty of N200, 000 per day on any party for the period after the return was due until it is submitted to the Commission.</p> <p>(4) The return referred 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.</p> <p>(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 National Newspapers.</p> <p>(6) Any political party that incurs election expenses beyond the limit stipulated in this Act is guilty of an offence and shall be liable on conviction to a maximum fine of N1.000,000</p>		<p>findings were based; and</p> <p>(d) such other matters relating to, or arising out of the investigation as the Commission deems fit.</p>
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<p>and forfeiture to the Commission, of the amount by which the expenses exceed the limit set by the Commission.</p> <p>(7) The Commission shall make available for public inspection during regular business hours at its Headquarters and State offices the audit returns of the political parties required by subsection (3) of this section which shall include the names, addressees, occupation, and amount contributed by each contributor to a party.</p>		
<p><b>Disclosure by political party.</b></p> <p>28. (1) No political party shall accept or keep in its possession any anonymous monetary or other contributions, gifts, properties, etc from any source whatsoever.</p> <p>(2) Every political party shall keep an account and asset book into which shall be recorded:</p> <p>(a) all monetary and other forms of contribution received by the party; and</p> <p>(b) the name and address of any person or entity that contributes any money or assets which exceeds N1,000,000 .</p> <p>(3) No political party shall accept any monetary or other contribution exceeding N100,000 unless it can identify the source of the money or other contribution to the</p>		<p><b>Information-gathering powers</b></p> <p>32. (1) This section applies to any person who the Commission has reason to believe —</p> <p>(a) has any information including but not limited to accounts and records or any document that is relevant to the exercise of the Commission's powers and functions under this Act; or</p> <p>(b) is capable of giving any evidence relevant to the exercise of the Commission's powers and functions under this Act.</p> <p>(2) The Commission may, by a written notice, direct any person to -</p> <p>(a) give the Commission; within the period and in the manner and form specified in the notice, any such information;</p>

Commission.

(4) Every political party sponsoring the election of a candidate shall, within three months after the announcement of the results of the election, file a report of the contributions made by individuals and entities to the Commission.

(b) produce to the Commission, within the period and in the manner specified in the notice, any such document, whether in a physical or electronic form; or  
(c) make copies of any document and to produce those copies to the Commission within the period and in the manner specified in the notice.

(3) The Commission shall allow the person so directed under subsection (2) of this section a reasonable time to produce any information or documents specified in the notice.

(4) Any person who is required to provide information or documents under subsection (2) of this section shall ensure that the information or documents provided are true, accurate and complete, and such person shall provide a representation to that effect, including a representation that he is not aware of any other information which would make the information provided untrue or misleading.

(5) A person who fails to disclose or omits to give any relevant information or evidence or document, or provides information or evidence or document that he knows or has reason to believe is false or misleading, in response to a direction issued by the Commission under this Part commits an offence and is liable on conviction to a fine not exceeding N1,000,000.00 or to imprisonment for a term not exceeding one year or to both.

(6) The Commission may take and retain for as long

		as is necessary, the possession of a document produced under this Part.
<p><b>Conduct at political rallies, and processions, etc.</b></p> <p>29. (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 the Federal Capital Territory, Abuja, shall provide adequate security for processions at political rallies in the States and the Federal Capital Territory, Abuja.</p> <p>(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 lawful duty is guilty of an offence and liable on conviction to a maximum fine of N2,000,000 or imprisonment for a term of 2 years or both,</p> <p>(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.</p>		<p><b>Resolution of disputes.</b></p> <p>33. (1) The Commission shall have powers to resolve disputes between persons regarding any matter under this Act.</p> <p>(2) The Commission shall establish and maintain a dispute resolution panel pursuant to the provisions of subsection (1) of this section.</p> <p>(3) The Commission may publish guidelines setting out the principles and procedures that it may take into account in resolving disputes or a class of disputes under this Part.</p> <p>(4) An attempt shall first be made by the parties to resolve any dispute between them through negotiation before the involvement of the Commission.</p> <p>(5) Where one of the parties to the dispute has provided an undertaking that is relevant to the subject matter of the dispute and the Commission in accordance with this Part has registered the undertaking, the parties may adopt the conditions of the undertaking for the purposes of resolving the dispute.</p> <p>(6) The Commission may only resolve a dispute under this Part if it is notified in writing of the dispute and requested by either or both parties to</p>

		<p>intervene thereon.</p> <p>(7) The Commission shall, upon receipt of the notification of the dispute referred to in subsection (1) of this section, as soon as practicable, convene a meeting to decide the dispute, if it is satisfied that -</p> <p>(a) an agreement shall not be reached or will not be reached within a reasonable time;</p> <p>(b) the notification of the dispute is not trivial, frivolous or vexatious; and</p> <p>(c) the resolution of the dispute would promote the objects of this Act.</p> <p>(8) The Commission may resolve the dispute in such a manner, including but not limited to Alternative Dispute Resolution, upon such terms and conditions as it may deem fit.</p> <p>(9) The Commission, in carrying out its functions under subsection (1) of this section, shall always be guided by the objective of establishing a sustained dispute resolution process that is fair, just and effective.</p> <p>(10) The terms and conditions of any resolution of a dispute by the Commission under this Part shall be in writing stating the reasons and the Commission shall provide the parties to the dispute with a copy of its decision.</p>
Prohibition of certain conduct, etc at		Appeals and review of decisions.

**political campaigns.**

30. (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 designated for religious worship, police station, and public offices shall not be used:

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

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

(4) Masquerades 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, organize, 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

34. (1) A person who is aggrieved or whose interest is adversely affected by any decision of the Commission made pursuant to the exercise of the powers and functions under this Act may within a period of not more than 45 days from the date upon which a decision is made, request in writing for a review of the Commission's decision and specify therein the reasons and basis for his request.

(2) The Commission upon such written request by an aggrieved person shall meet to review its decision taking into consideration the submissions of the aggrieved person under subsection (1) of this section.

(3) The Commission shall not later than 30 days from the date of receipt of the aggrieved person's written submissions, conclude its review of the decision and inform the aggrieved person in writing of its decision thereon and the reasons thereof.

(4) The Commission shall not be required to publish or to disclose to the aggrieved person, a statement of reasons or a part of a statement of reasons if the publication or disclosure would—

(a) disclose a matter that is, in the opinion of the Commission, of a confidential character;

(b) be likely to prejudice the fair trial of a person.

(5) The Commission may, in carrying out the review of its decision, use and exercise any of its powers under (a) this part.



promoting any political objective or interests, or in such manner as to arouse reasonable apprehension that they are organized, 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) A political party or person who contravenes any of the provision of this section is guilty of an offence and shall be liable on conviction:

(a) in the case of an individual, to a maximum fine of N1,000,000 or imprisonment for the term of 12 months; and

(b) in the case of a political party, to a fine of N2,000,000 in the first instance, and N1,000,000 for any subsequent offence.

(8) Any person or group of persons who aids or abets a political party in contravening the provisions of subsection (5) of this section guilty of an offence and is liable on conviction to a fine of N500,000 or 3 years imprisonment or both.

(6) In this part, "decision" includes any action, order, report or direction.

<p><b>Prohibition of use of force or violence during political campaign.</b></p> <p>31. (1) 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 to support or refrain from supporting a political party or candidate.</p> <p>(2) Any person or political party that contravenes the provisions of this section is guilty of an offence and liable on conviction:</p> <p>(a) in the case of an individual, to a maximum fine of N1,000,000 or imprisonment for a term of 12 months; and</p> <p>(b) in the case of a political party, to a fine of N2,000,000 in the first instance, and N500,000 for any subsequent offence.</p>		<p><b>PART VI - MISCELLANEOUS</b></p> <p><b>Power to make regulations.</b></p> <p>35. (1) The Commission may make rules or regulations with respect to the exercise of any of the duties, functions or powers of the Commission under the Act.</p> <p>(2) Regulations made under this Act shall be transmitted to the Senate within 90 days after gazetting.</p>
<p><b>Effect on elected officer where political party ceases to exist.</b></p> <p>32. Where a political party ceases to exist in accordance with the Constitution and 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.</p>		<p><b>Offence by an officer of the Commission. [ ]</b></p> <p>36. Where an officer of the Commission commits an offence, or aids or abets the commission of an offence under this Act or any other law, he may be liable on conviction to the maximum punishment prescribed for such an offence. [ ]</p>
<p><b>Existing political parties.</b></p>		<p><b>Legal proceedings.</b></p>

<p>33. 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 Constitution of the Federal Republic of Nigeria and this Act shall be deemed to have been duly registered under this Act.</p>		<p>37. No civil action shall be commenced against the Commission or its authorised officers until 30 days pre-trial notice have been served on the Commission</p>
<p><b>Limitation on political broadcast and campaign by political parties.</b></p> <p>34. (1) For the purpose of this Act, the period of campaigning in public by every political party shall commence 90 days before polling day and end 24 hours prior to that day.</p> <p>(2) A registered Political Party which through any person acting on its behalf during the 24 hours before polling day:</p> <p>(a) advertises on the facilities of any broadcasting undertaking; or</p> <p>(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 maximum fine of N500,000.</p>		<p><b>Restriction on execution against property of the Commission. □</b></p> <p>38. In any action or suit against the Commission, no execution shall be levied or attachment process issued against the property of the Commission; unless not less than three months' notice of the intention to execute or attach has been given to the Commission. □</p>
<p><b>Campaign for election.</b></p> <p>35. (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.</p>		<p><b>Indemnity of officers of the Commission.</b></p> <p>39. A member of the Commission, Secretary to the Commission or Staff of the Commission shall be indemnified out of the assets of the Commission against any proceedings brought against him in his</p>

<p>(2) State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.</p> <p>(3) Media time shall be allocated equally among the political parties or candidates at similar hours of the day.</p> <p>(4) At any public electronic media, equal airtime shall be allotted to all political parties or candidates during prime times at similar hours each day, subject to the payment of appropriate fees.</p> <p>(5) At any public print media, equal coverage and conspicuity, shall be allotted to all political parties.</p> <p>(6) Any public media that contravenes subsections 3 and 4 of this section shall be guilty of offence and on conviction be liable to a maximum fine of N500, 000 in the first instance and to a maximum fine of N1, 000,000 for subsequent conviction.</p>		<p>capacity as a member of the Commission, Secretary to the Commission or Staff or employee of the Commission where the act complained of is not ultra vires his powers.</p>
<p><b>Prohibition of broadcast 1 etc 24 hours proceeding or polling day.</b>  36. (1) A person, print or electronic medium that broadcasts, publishes, advertises or circulates any materials for the purpose of promoting or opposing a particular political</p>		<p><b>Transitional provisions.</b>  40. (1) Any person who immediately before the commencement of the Act was a staff of the Independent National Electoral Commission but handling issues relating to the investigation and prosecution of political offences shall continue in office and be deemed to have been appointed under this Act for purposes of Pension.</p>

<p>party or the election of a particular candidates over the radio I television, newspaper, magazine, handbills, or any print or electronic media whatsoever called during twenty four hours immediately preceding or on polling day is guilty of an offence under this Act.</p> <p>(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.</p> <p>(3) Where any person is convicted of an offence under this section he shall be liable:</p> <p>(a) in the case of a body corporate to a maximum fine of N1,000,000; and</p> <p>(b) in the case of an individual to a maximum fine of N500,000 or to imprisonment for 12 months.</p>		<p>(2) Any part-heard proceedings pending before any court, in relation to any electoral offence, immediately before the coming into force of this Act, shall be continued and completed as if this Act had not been made.</p> <p>(3) This Act and the Electoral Act (as amended) shall be read and construed together in so far as it is necessary to give effect to the intendment and tenor of this Act.</p> <p>(4) Without prejudice to subsection (3) of this section, the functions conferred upon the Independent National Electoral Commission in relation to the prosecution of electoral offences and other related matters in the Electoral Act, shall, as from the commencement of this Act, be conferred upon and exercisable by the Commission established under section 1 of this Act and accordingly, all references to the "Independent National Electoral Commission", whether express or implied, in the Electoral Act shall, unless the context otherwise requires, be construed as references to the "Electoral Offences Commission."</p>
<p><b>Campaign based on religion, tribe, etc.</b></p> <p>37. Any candidate, person or association who engages in campaigning or broadcasting based on religious, tribal, or sectional reason 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 maximum fine of N1,000,000 or imprisonment for twelve months or to both.</p>		<p><b>Interpretation</b></p> <p>40. In this Act -</p> <p>"Chairman" means the Chairman of the Commission appointed under Section 1 (2) of this Bill;</p> <p>"Commission" means the Nigerian Electoral Offences Commission established under Section 1 of this Bill;</p> <p>"Constitution" means Constitution of the Federal</p>

		<p>Republic of Nigeria 1999 (as amended);</p> <p>“Corporate Body” means any legal entity artificial or otherwise recognized by companies and Allied Matters Act or created under the authority of any law in Nigeria;</p> <p>“Electoral offence” means any offence prescribed under this Act, the Electoral Act, any Act of the National Assembly or in a regulation;</p> <p>“Person: includes a natural person, anybody or persons (corporate or incorporate);</p> <p>“Political Party has the same meaning as in the Constitution and the Electoral Act”</p> <p>“President” means the President of the Federal Republic of Nigeria;</p> <p>“Financial Institution” means a bank or other financial institution as defined in the Banks and Other Financial Institutions Act;</p> <p>“Member” means any member of the Commission appointed in accordance with section 1 of this Bill;</p> <p>“Judge of Superior Court of Record” means a judge holding any of the offices defined by Section 6(5) of the Constitution.</p>
Application of rules of court.		Short title.

<p>38. Subject to the express provisions of this bill, the practice and procedure of the Tribunal in respect of matters brought before it shall be as nearly as possible, similar to the practice and procedure of the Criminal Procedure Act.</p>		<p>42. This Bill may be cited as "the Nigerian Electoral Offences Commission Bill, 2017."</p>
<p><b>Practice and procedure of Court of Appeal and Supreme Court.</b>  39. Subject to the provisions of this Act, an appeal to the Court of Appeal and thereafter to the Supreme Court shall be determined in accordance with the practice and procedure as regards criminal appeals in those Courts.</p>		<p style="text-align: center;">SCHEDULES</p> <p style="text-align: center;">FIRST SCHEDULE</p> <p style="text-align: center;">SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION</p> <p style="text-align: right;"><i>[Section 1 (6)]</i></p> <p><i>Proceedings of the Commission</i></p> <p>1. Subject to the provisions of this Act and section 27 of the Interpretation Act, the Commission shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Commission may, from time to time determine.</p> <p>2. There shall be at least one ordinary meeting of the Commission in each quarter of the year and subject thereto, the Commission shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than four other members, he shall convene a meeting of the Commission to be held within 30 days from the date on which the notice was given.</p> <p>3. Every meeting of the Commission shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the</p>

meeting shall elect one of them to preside at the meeting.

4. The minutes of the Commission shall be recorded by the Secretary and signed by the Chairman or the person who presided at the meeting, after confirmation by the Commission.

5. A quorum at a meeting of the Commission shall be one-third of the total number of members

6. The Commission may co-opt any person to attend and participate at any of its meetings provided that the person so co-opted shall only be in attendance and shall not count towards the quorum or votes at the meeting.

**Convening of Meetings of the Commission**

7. The Chairman shall, at any time, if five other members request in writing, convene an emergency meeting of the Commission, provided that not less than 48 hours' notice is given to members for the meeting.

8. If the office of Chairman is at any time vacant, or the Chairman is absent from Nigeria or is in the opinion of the Commission permanently or temporarily unable to perform the functions of his office, the Secretary to the Commission shall convene such meetings of the Commission as are required during the period of vacancy, absence or otherwise.

9. The Commission shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.

10. A question put before the Commission at a meeting shall be decided by consensus and where this is not



possible, by a majority of the votes of the members present and voting.

11. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

12. Where the Commission seeks the advice of any person on a particular matter, the Commission may invite that person to attend for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards the quorum.

#### **Committees**

13. The Commission may appoint one or more committees to carry out on behalf of the Commission such of its functions as the Commission may determine and report on any matter with which the Commission is concerned.

14. A committee appointed under paragraph 13 of this Schedule shall be presided over by a member of the Commission and shall consist of such number of persons (not necessarily all members of the Commission) as may be determined by the Commission, and a person other than a member of the Commission shall hold office on the committee in accordance with the terms of his appointment.

15. A person who is not a member of the Commission shall hold office on the committee in accordance with his letter of appointment.

16. A decision of a committee of the Commission shall be of no effect until it is confirmed by the Commission.

of the Commission  
by the signature of the  
Chairman or the Secretary to the Commission  
on behalf of the Commission.

		<p><b>Seal of the Commission</b></p> <p>17. The application of the common seal of the Commission shall be authenticated by the signature of the Chairman or the Secretary to the Commission on behalf of the Commission.</p> <p>18. A contract or an instrument which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Commission by the Secretary to the Commission or by any person generally or specifically authorized to act for that purpose by the Commission.</p> <p>19. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.</p> <p><b>Miscellaneous</b></p> <p>20. The validity of any proceeding of the Commission or its committees shall not be affected by -</p> <ul style="list-style-type: none"><li>(a) any vacancy in the membership of the Commission or its committees</li><li>(b) reason that a person not entitled to do so took part in the proceedings; or</li><li>(c) any defect in the appointment of a member.</li></ul> <p>21. Any member of the Commission or committee who has a personal interest in any arrangement entered into or proposed to be considered by the Commission or any committee shall -</p>
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		<p>(a) disclose his interest to the Commission or committee; and</p> <p>(b) not vote on any question relating to the arrangement.</p> <p>22. A resolution of the Commission is valid, even though it is not passed at a meeting of the Commission, if:</p> <p>(a) the notice in writing of the proposed resolution was given to each member; and</p> <p>(b) the resolution is signed or assented to by a majority of members of the Commission, including the Secretary to the Commission.</p>
<p><b>Interpretations.</b></p> <p>40. "Chairman" means the Chairman of the Commission appointed under Section 3(2) of this Bill;</p> <p>"Commission" means the Nigerian Electoral Offences Commission established under Section 3 of this Bill;</p> <p>"Constitution" means Constitution of the Federal Republic of Nigeria 1999 (as amended);</p> <p>"Corporate Body" means any legal entity artificial or otherwise recognized by companies and Allied Matters Act or created under the authority of any law in Nigeria;</p> <p>"Corruption" includes bribery, fraud, money laundry and other related acts;</p>		<p><b>EXPLANATORY MEMORANDUM</b></p> <p>This Bill seeks to establish an Electoral Offences Commission charged with the responsibility of investigation and prosecution of electoral offences and other matters connected therewith.</p>

"Gratification" means:

(a) Money, donation, gift, loan, fee, reward, value security, property or interest in property being property of any description whether moveable or immovable or any other similar advantage, given or promised to any person with intent to influence such a person in the performance or non-performance of his duties;

(b) Any offer, dignity, employment, contract of employment or services and any agreement to give employment or render services in any capacity;

(c) Any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;

(d) Any valuable consideration of any kind, any discount, commission, rebate, bonus, deduction or percentage;

(e) Any forbearance to demand any money or money's worth or valuable things;

(f) Any other service or favour of any description, such as protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise

of any official power or duty; and

(g) Any offer, undertaking or promise, whether conditional or unconditional, of any gratification within the meaning of any of the preceding paragraph (a) - (f).

“Member” means any member of the Commission appointed in accordance with Section 3 of this Bill;

“Person” includes a natural person, anybody or persons (corporate or incorporate);

“Political Party” means anybody of persons or association registered by the Independent National Electoral Commission (INEC) as a political party under the Political Parties (Registration and Activities) Decree 1998 or any Act amending or replacing same including Associations granted provisional registration to contest any particular election;

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

“Financial Institution” means a bank or other financial institution as defined in the Banks and Other Financial Institutions Act;

“Judge of Superior Court of Record” means a judge holding any of the offices defined by Section 6(5) of the Constitution.

<p>Short title. 41. This bill may be cited as the Nigerian Electoral Offences Commission Bill, 2016.</p>		
<p>EXPLANATORY MEMORANDUM</p> <p>A Bill for an act to establish the Nigerian Electoral Offences Commission charged with the responsibility of prohibition and prosecution of electoral offences and other matters connected therewith.</p>	<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to establish a Tribunal dedicated to the speedy trial of electoral offenders and for them to be punished accordingly, in order to achieve a peaceful and credible election in our Nation.</p>	