



# BILL SUMMARY

DECEMBER 2020

## PLAC BILL SUMMARY ON THE ELECTORAL ACT REPEAL AND RE-ENACTMENT BILL, 2020 (HB 981)

This document contains a summary of new proposed provisions or changes to the 2010 Electoral Act (as amended).

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
1.	Section 3	<p><b>Establishment of the Independent National Electoral Commission Fund</b></p> <p>3. (1) There shall be established for the Commission a fund to be known as Independent National Electoral Commission Fund.</p> <p>(2) There shall be paid into the Fund established in pursuance to subsection (1) of this Section-</p> <p>(a) such sums and payments available to the Commission for carrying out its functions and purposes under the Constitution and this Act and all other assets from time to time accruing to the Commission;</p>	<p><b>Proposed Section 3 establishing an Independent National Electoral Commission (INEC) Fund inserts timeline for payment of General Election funds to INEC.</b></p> <p>Subsection (2) (a) provides that sums or payments available to the commission for carrying out its functions under the Constitution and the Act shall be paid into the Fund, <b>provided that the funds for the General Elections shall be released to the Commission not later than 180 days to the election date</b></p>

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		<p>(b) such sums as may, from time to time, be credited to the Fund by way of interest from investments made from the fund;</p> <p>(c) <i>aid and</i> grants that may from time to time accrue to the Commission in order to carry out its functions.</p>	<p>A new subsection (2) (d) also indicates that all other assets from time to time accruing to the commission shall make up the Fund.</p>
2.	<b>Section 8</b>	<p><b>Secretary and Other Staff of the Commission</b></p> <p>Provides for the appointment and functions of the Secretary to the Independent National Electoral Commission (INEC), as well as other staff of the Commission.</p>	<p><b>Insertion of a new subsection "4A" after subsection 8 of the Principal Act</b></p> <p>Proposed amendment seeks to penalize persons who knowingly fail to disclose their affiliation or membership of a political party in a bid to secure an appointment with the Commission. Failure to disclose such information attracts a fine of at least N5, 000,000, imprisonment for at least 5 years or both.</p> <p>This position can be understood within the context of the Commission's principle of non-partisanship.</p>
3.	<b>Section 9</b>	<p><b>National Register of Voters and Voters' Registration.</b></p> <p>This provision requires the Commission to compile, maintain, and update, on a continuous basis, a National Register of Voters.</p>	<p><b>Insertion of a new 1A mandates INEC to keep an electronic register of voters in addition to manual or hard copies</b></p> <p>(1A) "The Commission shall keep the Register of Voters as the National Register of Voters in its National Headquarters and other locations as the Commission may determine:</p>

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			<p>Provided that the Commission shall keep the Register of Voters in -</p> <p>(a) electronic format in its central database, and</p> <p>(b) manual, printed, paper-based record or hard copy format;</p>
4.	<b>Section 15</b>	<p><b>Power to Print and Issue Register of Voters</b></p> <p>Mandates the Commission to print and issue a voters' register for each State. Furthermore, political parties or persons can obtain from the Commission a certified copy of the voters' register for the State, Local Government, Area Council or registration area.</p>	<p><b>Amendment to Section 15 by substituting with a new provision</b></p> <p>Says that "the Commission shall cause a voters' register for each State to be printed, reproduced, copied, duplicated or saved in an <b>electronic format.</b>"</p> <p>Any person or political party may obtain from the Commission, on payment of fees prescribed by the Commission, a certified copy of any voters' register for the State or for a Local Government or Area Council or registration area within it.</p>
5.	<b>Section 18</b>	<p><b>Power to Issue Duplicate Voter's Cards</b></p> <p>This enables the Electoral Officer or any other officer to issue another copy of the voters' card with the word "Duplicate" after being satisfied of the loss, destruction, defacement or damage to the Voters' card- section 18(2)</p>	<p><b>Amendment of Section 18 by insertion of a new subsection "1A" and "1B"</b></p> <p>The amendment to section 18(2) proposes that the Electoral Officer/ any other officer issue a Replacement Permanent Voters Card where he is satisfied of the loss, destruction, defacement or damage of the Voters Card - 18(1A)</p>

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		<p>Under the 2015 Amendment, an application to issue a duplicate voter's card when the original is lost, destroyed, defaced or otherwise damaged must be made no less than 60 days before polling day.</p> <p>It also mandates for the duplicate card to be issued at least 60 days before polling day.</p>	<p>It also seeks to alter the time frame for conclusion of replacement and issuance of the replacement voters' card from 60 days before polling day to 30 days before polling day in the proposed section 18 (1B).</p> <p><i>NB: The bill still maintains the extant provisions of 60 days, in section 18 (3) of the bill thus, creating a conflict on timeline.</i></p>
6.	<b>Section 19</b>	<p><b>Display of the copies of the voters' list</b></p> <p>Section 19(1) Mandates the Commission to appoint a period not less than 5 days and not more than 14 days to display the voters register for public scrutiny. Objections relating to omitted names must also be raised or filed within this period.</p> <p>Furthermore, under 19(3), such objections or claims must be addressed to the Resident Electoral Commissioner through the Electoral Officer in charge of the Local Government or Area Council.</p>	<p><b>Substituting subsection "1" with a new subsection "1" and inserting new subsections "19 (1) A and (3) A"</b></p> <p>In the new 19(1), the Commission is mandated to publish the voters register at every registration area, its official website(s) or any website established by the Commission for period of <b>7 days</b>. This is to give the public an opportunity to search for their names and draw the Commission's attention to any observation/omission. The Commission is also mandated to assign the period for publishing the voters' register <b>no later than 30 days to a general election</b>.</p> <p>Under the proposed subsection 19(1A), the Commission is mandated to consider all complaints to the voters register within 14 days of its publication.</p>

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			INEC officers who fail to publish the voters register within the time frame proposed could face a criminal penalty of 6 months imprisonment, a fine of N100, 000 or both under the proposed 19(3A).
7.	<b>Section 26</b>	<p><b>Conduct and Postponement of election in Emergency</b></p> <p><b>26 (3)</b> Where an election is postponed under this Act on or after the last date for the delivery of nomination papers, and a poll has to be taken between the candidates nominated, the Electoral Officer shall, on a new date being appointed for the election, proceed as if the date appointed were the date for the taking of the poll between the candidates.</p>	<p><b>New provision included to address emergencies resulting from threat to peace and security of electoral officials and materials when election has commenced</b></p> <p><b>26 (3)</b> Where an election has commenced and there is reason to believe that there is or has been substantial disruption of election in a polling unit or constituency or it is impossible to continue with the election occasioned by threat to peace and security of electoral officials and materials, the Commission shall suspend the election and appoint another date for the continuation of the election or the process thereof.</p>
8.	<b>Section 27</b>	<p><b>Announcement of elections result</b></p> <p>This provision clearly states electoral officials responsible for the collation and declaration of results at various levels.</p> <p><i>27. (1) The Results of all the elections shall be announced by-</i></p> <p><i>(b) the <b>Ward Collation Officer at the Ward Collation Centre;</b></i></p>	<p><b>Amendment of Section 27 by substituting subsection "1b" and "2a" with new subsection "1b" and "2a" to capture Registration Area Officer and Registration Area</b></p> <p>27. (1) The Results of all the elections shall be announced by-</p> <p>(1) (b) <b>The Registration Area</b> or Ward Collation Officer at the <b>Registration Area</b> or Ward Collation centre;</p>

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		<p>(2) <i>The Returning Officer shall announce the result and declare the winner of the election at:</i></p> <p>(a) <b>Ward Collation Centre</b> in the case of Councillorship election in the Federal Capital Territory;</p>	<p>(2) The Returning Officer shall announce the result and declare the winner of the election at:</p> <p>(2) (a) <b>Registration Area</b> or Ward Collation Centre, in the case of Councillorship election in the Federal Capital Territory (FCT);</p>
9.	<b>28</b>	<p><b>Oath of Neutrality by election officers</b></p> <p>28. (1) All staff appointed by the Commission taking part in the conduct of an election shall affirm or swear <b>before any court of law or Commissioner for Oaths</b> an Oath of Neutrality as in the second schedule to this Act.</p>	<p><b>Amended to indicate the persons who shall take the Oath of Neutrality</b></p> <p>They include: All Staff, Electoral Officers, Presiding Officers, Returning Officers, Security Officials and Staff taking part in the conduct of an election – 28 (1)</p> <p>The words <b>“before any court of law or Commissioner for Oaths”</b> is omitted in the proposed amendment</p>
10.	<b>Section 30</b>	<p><b>Notice of Election</b></p> <p>This mandates the Commission to publish a notice stating the date of an election and the place nomination papers are to be delivered at least <b>90 days</b> before the appointed day for holding an election in each State of the Federation and the Federal Capital Territory.</p> <p>Furthermore, the notice must state the date of the election and appoint a place, which nomination papers are to be delivered.</p>	<p><b>Substituting subsection “1” with a new subsection “1”</b></p> <p>Amendment alters the timeframe for publishing notice of election. It mandates the Commission to publish a notice of election at least <b>50 days</b> before the holding of an election in each State of the Federation and the Federal Capital Territory.</p> <p><b>Insertion of new subsection (4)</b></p> <p>(4) There shall not be substitution of candidates in a by-election except where a candidate of a political party in a by-election dies, the party shall submit to the Commission the name of its substitute candidate within 48 hours of the death of the candidate in the Form prescribed by the Commission.</p>

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11.	<b>Section 31</b>	<p><b>Submission of List of Candidates and their affidavits by political parties</b></p> <p>31. (1) Every political party shall, not later than 60 days before the date appointed for a general election under the provisions of this Act, submit to the Commission, in the prescribed forms, the list of the candidates the party proposes to sponsor at the elections, provided that the Commission shall not reject or disqualify the candidate(s) for any reason whatsoever.</p> <p>This provision also empowers the Court to disqualify a candidate from contesting the election on the determination that any of the information contained in the affidavit submitted by the candidate is false- 31(6)</p> <p>Political parties that fail to present to the Commission, the name of a candidate that does not meet the qualifications stipulated in this section shall be guilty of an offence and shall be liable to a fine of N500,000,- section 31(8)</p>	<p><b>Amendment of section 31 by substituting subsections "1", "6" and "8" with a new subsections "1", "6" and "8"</b></p> <p>S.31(1) – Submission of list of candidates to INEC: to be done by political parties <b>not later than 120 days</b> before the date appointed for a General Election. Candidates must have emerged from validly conducted primaries.</p> <p>31 (6) empowers the Courts to disqualify a candidate/political party from contesting an election on the determination that any of the information contained in his /her affidavit is false.</p> <p>However, it adds that <b>if the candidate is already elected, he/she is ineligible from re-contesting for another election which must be conducted within 90 days by INEC.</b></p> <p>The proposed 31(8) increases penalties for political parties that submit candidate names that do not meet the qualification stipulated under the Constitution. They are liable to payment of a fine of N1,000,000.</p>

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12.	<b>Section 33</b>	<p><b>Political Parties changing candidates</b></p> <p>Provides that a political party shall not be allowed to change or substitute its candidate whose name has been submitted pursuant to section 31 of this Act, except in the case of death or withdrawal by the candidate.</p>	<p><b>Amendment of section 33 by substituting subsection "1" with a new subsection "1"</b></p> <p>The amendment also prohibits a political party from changing its candidate whose name has been submitted except the candidate dies or withdraws from contesting an election.</p> <p>But it inserts an exception to the current provision, which says that in the case of such withdrawal or death of a candidate, the political party affected shall <b>within 10 days of the occurrence of the event, hold a fresh primary election</b> to produce and submit a fresh candidate to INEC for the election concerned.</p>
13.	<b>Section 34</b>	<p><b>"Publication of Nomination"</b></p> <p>This section provides for the publication of the full names and addresses of all candidates that are nominated to be published 30 days before an election at the Commission's offices and website.</p>	<p><b>Amendment of section 34 by insertion of subsections "2" "3" and "4"</b></p> <p>Under the proposed 34(2), candidates who notice that their names are missing on the <b>nomination list</b>, must notify the Commission in writing and affidavit, at least 21 days to election. The notification must be in writing by the candidate, signed and supported with an affidavit.</p>



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			<p>The consequences for failure to do this is that it will be deemed that the candidate has waived their right - 34(3).</p> <p>The proposed 34(4) mandates the Commission to produce ballot papers for the relevant elections after corrections have been made in conformity with clause 34(2).</p>
14.	<b>Section 35</b>	<p><b>Withdrawal of Candidate</b></p> <p>Candidates can withdraw their candidature by notice in writing signed by him and delivered to the political party that nominated him for the election and the political party shall convey such withdrawal to the Commission no later than <b>45 days to the election</b>.</p>	<p><b>Amendment of section 35 by changing the timeline for withdrawal</b></p> <p>A candidate can withdraw his candidature by notice in writing signed and delivered by him to the political party that nominated him for the election and the political party shall convey such withdrawal to the Commission at least <b>30 days</b> to the election.</p>
15.	<b>Section 36</b>	<p><b>Death of a Candidate</b></p> <p>Section 36 (1) of the Principal Act provides that where a candidate dies after the time for the delivery of nomination paper and before the commencement of the poll, the Chief National Electoral Commissioner or the Resident Electoral Commissioner shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate and the Commission shall appoint some other convenient date for the election within 14 days.</p>	<p><b>Amendment of 36 of the Principal Act by inserting a new subsection "3"</b></p> <p>A new subsection (3) seeks to empower the Commission to suspend elections in cases where a nominated candidate dies <b>after commencement of polls but before the announcement of result and declaration of winner</b> for a period not exceeding 21 days upon being satisfied of the death.</p>

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		<p>Also , the list of voters to be used at a postponed election shall be the official voters register which is to be used if the election had not been postponed- section 36(2)</p>	<p>This is to fill the lacuna in the law as was highlighted in the 2015 Kogi State governorship elections where a candidate died after the commencement of poll but before the declaration of election result.</p> <p>The proposal further allows the affected Political Party a period of fourteen-14 days from the death of its candidate to conduct new primaries to replace the deceased.</p> <p>After the periods indicated in the foregoing, INEC shall continue with the election, announce the final result and declare a winner.</p>
16.	<b>Section 38</b>	<p><b>Failure of Nomination</b></p> <p>This mandates the Commission to extend the time of nomination and fix a new date for election where no candidate is validly nominated at the close of elections.</p>	<p><b>Amendment of Section 38 by insertion of a new subsections "2" – "5"</b></p> <p>Proposed 38 (2) - This prevents the extension of the period for the nomination of candidates where there is a valid nomination by at least one political party. Failure of other parties to validly nominate a candidate won't be grounds for extension of time or postponement of elections.</p>

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			<p>The proposed subsection (3) grants polling agents the privilege to inspect electoral materials before the commencement of the election. The polling agents may record the process of inspection as written, audio-visual or by any other means. Accredited observers or official of the Commission are also allowed to make these recordings.</p> <p>(4) where it is determined that there's been <b>substantial compliance</b> with the provision of the above section at the PU, the election at the PU shall not be invalidated.</p> <p>A Presiding Officer who contravenes the provisions of subsections (3) and (4) could face a criminal penalty of 1 year imprisonment, a fine of N1,000,000 or both under the proposed subsection (5).</p>
17.	<b>Section 42</b>	<p><b>Establishment of polling Units</b></p> <p>42. The Commission shall establish sufficient number of Polling units in each Registration Area and shall allot voters to such Polling units.</p>	<p>42.-(1) The Commission shall divide each Local Government Area into Registration Areas not being less than 10 and not more than 20 as the circumstance of the Local Government Area may require.</p> <p>(2) The Commission shall establish sufficient number of polling units in each Registration Area/Electoral ward and shall allot voters to such polling units.</p>

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18.	<b>Section 43</b>	<p><b>Ballot Boxes</b></p> <p>(4) The Polling Agent shall be entitled to be present at the distribution of election materials, voting, counting, collation and the announcement of election results.</p>	<p><b>Insertion of new subsections "4A" "4B" and 4C"</b></p> <p>Repetition of provisions in proposed 38 (3), (4) and (5) which allows for inspection of election materials before commencement of elections</p> <p>Difference is the proposed (4B) which says that :</p> <p>An election conducted at any polling unit in violation of subsections (3), (4), (4A) or (5) of this section shall be invalid. (i.e. failure to comply with provisions related to inspection of election materials)</p> <p>Section 38 (4) had earlier said that substantial compliance shall not invalidate the election at the polling unit</p>
19.	Section 44	<p><b>Format of Ballot Papers</b></p> <p>The Commission is responsible for prescribing the format of the ballot paper, which must contain the symbol of the political parties and any other information required- Section 44(1)</p> <p>Ballot papers shall also be bound in booklets and numbered serially with different colors for each office being contested- Section 44(2)</p>	<p><b>Insertion of new subsections "3" "4" and 5"</b></p> <p>The new insertions in section 44 prescribes that the Commission, no later than 20 days to an election, shall invite political parties in writing to inspect its identity appearing on samples of relevant electoral materials.</p>

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			<p>The political party is expected to confirm within 2 days of its invitation by the Commission as to whether it approves or disapproves of its identity as it appears on the samples. It further seeks to preclude any political party so invited and who has failed to raise an issue here from complaining of unlawful exclusion afterwards.</p> <p>Political parties that fail to comply with an invitation by the Commission shall be deemed to have approved its identity on the samples proposed.</p>
20.	Section 47	<p><b>Hour of polls</b></p> <p>47. Voting in any particular election under this Act shall take place on the date and time appointed by the Commission throughout the Federation.</p>	<p><b>Amendment of section 47</b></p> <p>47. Voting in any particular election under this Act shall take place on the date and time appointed by the Commission – the words <b><i>“throughout the Federation” is omitted</i></b></p>
21.	<b>Section 48</b>	<p><b>Display of Ballot Boxes</b></p> <p>This mandates the Presiding officer to open the empty ballot box and show same to persons lawfully present at the polling unit and then seal the boxes to prevent them from being opened by unauthorized persons at the opening of the poll and before voting commences- Section 48(1)</p>	<p><b>Amendment of section 48 by substituting subsection “1” with a new subsection “1”</b></p> <p>Under the proposed 48(1), the Presiding officer must open the empty ballot box and show same to persons lawfully present at the polling unit and then seal the boxes to prevent them from being opened by unauthorized persons at the opening of the poll and before <b>accreditation</b> and voting commences.</p>

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22.	<b>Section 49</b>	<p><b>Issue of Ballot Papers</b></p> <p>Provides that persons intending to vote with their vote's card must present themselves to a Presiding Officer at the polling unit where his name is registered- section 49(1)</p> <p>However, the Presiding Officer will only issue him a ballot paper and indicate that he has voted on the register after confirming that his name is on the Register of Voters under section 49 (2).</p>	<p><b>Amendment of section 49 by substituting the section</b></p> <p>Under the proposed section 49(1), a person must present himself with his voter's card to a Presiding officer for accreditation at the polling unit where his name is registered.</p> <p>The new subsection 49(2) mandates the Presiding Officer to use the Smart Card Reader or <b>any other technological device</b> prescribed by the Commission for accreditation, verification and authentication of voters.</p> <p>(3) where a smart card reader deployed for accreditation of voters fails to function in any unit and a fresh card reader is not deployed, the election in that unit shall be cancelled and another election shall be scheduled within 24 hours.</p>

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23.	Section 52(2)	<p><b>Conduct of Polls by Open Secret Balloting</b></p> <p>This provision gives INEC discretion to determine the procedure for voting in an election.</p> <p>(2) <i>Voting at an election under this Act shall be in accordance with the procedure determined by the Independent National Electoral Commission.</i></p>	<p><b>Substitution of subsection "2" with a new subsection "2"</b></p> <p>Proposed 52 (2):</p> <p>(2) <i>The Commission may adopt <b>electronic voting or any other method of voting</b> in any election it conducts as it may deem fit.</i></p> <p>In 2015, this section was amended to give INEC the discretion to determine the procedure for voting. Now, it seeks to further amend the provision to allow the Commission to conduct elections by electronic voting or any other method of voting as it may deem fit.</p>
24.	Section 53 (2)	<p><b>Over voting</b></p> <p>Allows INEC to nullify elections in a Polling Unit where the votes cast at the polling unit exceeds the number of <b>registered voters</b> in that polling unit, especially where the result at that polling unit may affect the overall result in the Constituency.</p>	<p><b>Substituting subsection "2" with a new subsection "2"</b></p> <p>The proposed amendment slightly differs from extant provisions as the Commission shall now only declare the result of an election null and void if the votes cast in the polling unit exceeds the number of <b>accredited</b> voters in the polling unit (not just registered voters)</p> <p>This reflects the current practice in elections where accreditation occurs before voting.</p>

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25.	Section 63 (4)	<p><b>Counting of Votes and Forms</b></p> <p>Provides that a Presiding Officer should count and announce the result at the polling units.</p>	<p><b>Insertion of new subsections "4" "5" and "6"</b></p> <p><b>New procedure for counting and transmission of results.</b></p> <p>(4) At the end of voting in an election, the Presiding Officer shall-</p> <p>(a) sort and thereafter count the votes at the polling unit;</p> <p>(b) record the sorted and counted votes in forms or electoral documents as shall be prescribed by the Commission for this purpose;</p> <p>(c) announce the result at the polling unit;</p> <p>(d) <b>transmit the result of the election from the polling unit to the first level of collation of results to which the polling unit belongs in the constituency where the election is held.</b></p> <p>(5) The process and procedure in subsections (1) to (4) may be recorded by any member of the public, party agent, accredited observer or official of the Commission.</p> <p>(6) A Presiding Officer who willfully contravenes any provision of this section shall be guilty of an offence and shall be liable on conviction to a minimum imprisonment term of 5 years without an option of fine.</p>



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26.	<b>Section 65</b>	<p><b>Post-election Procedure and Collation of Election Results</b></p> <p>Section 65 provides that after results are recorded and announced, the Presiding Officer shall deliver election materials and the recorded results to persons prescribed by the Commission. This must be done under security and in the company of the candidates or their polling agents.</p>	<p><b>Insertion of a new subsections 65 "(2)" and "(3)" after section 65</b></p> <p>This amendment seeks to mandate digital storage and archiving of election results by INEC at its national headquarters.</p> <p>(2) It mandates the Commission to compile, maintain and update a National Electronic Register of Election Results as a separate database. The National Electronic Register will contain the information of results from every polling units in every election conducted.</p> <p>(3) Furthermore, it allows any person or political party obtain a certified true copy of an election result that is stored in the National Electronic Register for a State, Local Government, Area Council, Ward or polling unit. This could be printed or stored in an electronic format after paying the fees prescribed by the Commission.</p>

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27.	Section 67	<p><b>Endorsement on Ballot Paper without Official Mark</b></p> <p>This states the procedure that a Presiding Officer must follow when rejecting a ballot paper.</p>	<p><b>Section 67 is amended by inserting new subsections (4) to (9) on verification and confirmation of Results</b></p> <p>This is a new insertion that mandates the Collation or Returning Officer to collate and announce the result of an election after:</p> <ul style="list-style-type: none"> <li>(i) verifying and confirming that the number of accredited voters stated on the collated result corresponds with the number of accredited votes recorded and transmitted from the polling unit via the smart card reader.</li> <li>(ii) verifying that the votes stated on the collated result are correct and consistent with the votes or results recorded and transmitted directly from polling units by the Presiding Officer – 67 (4)</li> </ul> <p><b>If a collated result at his level or a lower level of collation is not correct:</b> A Collation Officer or Returning Officer shall use the number of accredited voters recorded and transmitted directly from polling units in the Smart Card Reader (SCR) and the votes or results recorded and transmitted directly from polling units to collate and announce the result of an election – 67 (5)</p>

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			<p>It further specifies that a Collation Officer or Returning Officer should resolve disputes on a collated result or an election result from a PU by resorting to:</p> <ul style="list-style-type: none"> <li>(i) the original of the disputed collated result for each polling unit where the election is disputed;</li> <li>(ii) the SCR/technological device for the purpose of directly obtaining accreditation data;</li> <li>(iii) Date of accreditation recorded and transmitted via the SCR / technological device;</li> <li>(iv) the votes and result of the election recorded and transmitted directly from each polling unit where the election is disputed – 67 (6)</li> </ul> <p>If the disputed result is found to be incorrect, the Collation Officer or Returning Officer shall re-collate and announce a new result using these information. Same applies if the dispute arises at collation level – 67 (7) &amp; (8)</p> <p>The provision goes on to prescribe an imprisonment term of not less than 5 years or fine not less than N10,000,000 penalty for a Returning or a Collation Officer who collates or announces false results – 67 (9)</p>

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28.	<b>Section 68</b>	<p><b>Decision of Returning Officer on Ballot Paper</b></p> <p>The decision of the Returning Officer on any question arising from or relating to-</p> <p>(a) unmarked ballot paper;</p> <p>(b) rejected ballot paper; and</p> <p>(c) declaration of scores of candidates and the return of a candidate, shall be final subject to review by a tribunal or Court in an election petition proceedings under this Act.</p>	<p><b>Insertion of an exception/condition to section 68 (c)</b></p> <p>68 (c) Declaration of scores of candidates and the return of a candidate, shall be final subject to review by a Tribunal or Court in an Election Petition proceedings under this Act:</p> <p><b>Provided that the Commission shall have the power within a reasonable time to review the declaration and return where Commission determines that the said declaration and return was not made voluntarily or was made contrary to the provisions of the Law, Regulations and Guidelines, and Manual for the election.</b></p>
29.	<b>Section 75</b>	<p><b>Certificate of Return</b></p> <p>75.-(1) A sealed Certificate of Return at an election in a prescribed form shall be issued within <b>7 days</b> to every candidate who has won an election under this Act-</p>	<p><b>Amendment of the time frame in 75 (1)</b></p> <p>75.-(1) A sealed Certificate of Return at an election in a prescribed form shall be issued within <b>14 days</b> to every candidate who has won an election under this Act:</p>

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30.	<b>Section 76</b>	<p><b>Forms for Use at Elections</b></p> <p>Provides that INEC shall determine the forms used to conduct elections.</p>	<p><b>Insertion of a new subsections "2" and "3" after section 76 of the Principal Act-</b></p> <p>Requires the Commission to record details of electoral materials such as the quantities, serial numbers, particulars of result sheets and other sensitive materials used to conduct elections. Failure to do so shall cause the election to be invalid</p> <p>Also, presiding officers who deliberately announce or sign an election result without adhering to this procedure will be liable to imprisonment of at least one year without an option of fine.</p>
31.	<b>Section 78 (3) (4) and (5)</b>	<p><b>Powers of the Commission to Register Political Parties</b></p> <p>78(1) Political associations can apply to register with INEC as political parties no later than <b>6 months</b> before an election</p> <p>78 (3) where an association fails to fulfil registration conditions, the Commission shall within <b>30 days</b> from the receipt of its application notify the association in writing stating the reasons for non-registration.</p> <p>Section 78(4) mandates the registration of political association within <b>30 days</b> from the date of the receipt of the application. Associations not registered by the Commission within this time frame become registered by default unless it is informed of the contrary by the Commission.</p>	<p><b>Amendment of subsections "1" "3" "4" and "5"</b></p> <p>Proposed 78 (1) says application by associations to INEC for registration as a political party shall be done not later than <b>12 months</b> before an election</p> <p>The proposals in sections 78 (3) gives the Commission a longer time frame of <b>90 days</b> from the date of application to inform associations who do not meet the registration requirements, of their non-registration and reason for such decision.</p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
		<p>78(5) empowers the Commission to cancel the certificate of registration of any Association that was obtained through giving false or misleading information.</p>	<p>However, sections 78 (4) says that where the association meets the requirement for registration, they shall be registered within <b>60 days</b> of their application and if after this time period, the association is not registered by the Commission, it shall be deemed to have been registered by default unless the Commission informs the association of the contrary.</p> <p>The proposal in 78(5) goes further than the current provision by stipulating a penalty of N5,000,000 for Associations who obtain a certificate of registration by providing false or misleading information. However, where it is an Executive or Principal Officer of the association who gives such information, he/she shall be liable to a lower fine of N1, 000,000, or 6months imprisonment or both.</p>
32.	<b>Section 79</b>	<p><b>Decision of the Commission subject to judicial review</b></p> <p>The decision of the Commission not to register any association as a political party may be challenged in a court of law. Legal action shall be commenced within <b>30 days from the date of receipt</b> of the letter of notification of non-registration from the Commission.</p>	<p><b>Amendment of section 79</b></p> <p>Legal action timeline abridged to <b>14 days</b> from the date of receipt of the decision on non- registration from the Commission and action to be commenced <b>at the Federal High Court.</b></p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
33.	<b>Section 80</b>	<p><b>Political Parties to be bodies corporate</b></p> <p>A Political Party registered under this Act shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.</p>	<p><b>Insertion of new 80 (2) and (3) to mandate political parties to keep members register</b></p> <p>Proposed amendment mandates every registered Political Party to maintain a register of its members in both hard and soft copy and make same available to the Commission not later than 30 days before the date fixed for party primaries, Congresses or Convention.</p>
34.	<b>Section 82</b>	<p><b>Symbol of Political Parties</b></p> <p>Section 82(1) mandates the Commission to keep a register of symbols for use at elections.</p> <p>Section 82(2)(a) provides for the Commission to register a symbol of a political party if it is satisfied that no other symbol of the same design is registered.</p> <p>Section 82(2)(b) provides for the Commission to register the symbol of a political party if it is distinctive from any other symbol already registered</p>	<p><b>Amendment of section 82 by substituting new subsections "1", "2" "3" and "4" inserting new provisions "1", "2", "3" and "4" (to add the word "names" to symbols)</b></p> <p><b>"Symbols and names of Political Parties"</b></p> <p>The amendment to section 82 (1) is to mandate the Commission to keep a register of symbols <b>and names</b> for use at elections.</p> <p>The amendment to section 82(2)(a) to mandate the Commission to register Section 82(2)(a) provides for the Commission to register a symbol <b>or name</b> of a political party if it is satisfied that no other symbol of the same design is registered.</p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
		<p>Section 82(3) provides for the Commission to remove a symbol from the register if symbols if the political party in whose name it is registered requests the removal; or the Commission is of opinion that the political party in whose name the symbol is registered has ceased to exist or use the symbol.</p> <p>Section 82(4) goes on to list symbols that are unacceptable and cannot be registered by the Commission such as the Coat of Arms of the Federation, devices or emblems normally associated with the official acts of government etc.</p>	<p>The amendment to 82(3) - that the Commission shall remove a symbol <b>or name</b> from the register of symbols if the political party in whose name it is registered requests the removal; or the Commission is of opinion that the political party in whose name the symbol is registered has ceased to exist or use the symbol.</p> <p><b>Adds a new subsection (6):</b></p> <p>(6) Where a Political Party is deregistered, no political association shall be permitted to use the name, symbol, logo, or acronym of the deregistered Political Party within five (5) years of the deregistration.</p>
35.	<b>Section 84</b>	<p><b>Merger of Political Parties</b></p> <p>84 (2) Political Parties intending to merge shall each give to the Commission 90 days' notice of their intention to do so before a general election.</p> <p>84 (3) (c) says that the merger request to INEC shall be accompanied by evidence of payment of 100,000 administrative cost or as may be fixed from time to time by the Commission.</p> <p>84 (4) says INEC to respond before the expiration of thirty (30) days from the date of receipt of the formal request. If INEC fails to communicate its decision with 30 days the merger shall be deemed to be effective.</p>	<p><b>Amendment of subsections (2) (3) and (4)</b></p> <p>84 (2) Political Parties intending to merge shall each give to the Commission <b>9 months notice</b> of their intention to do so before a general election.</p> <p>84 (3) (c) the =N=100,000 admin cost is removed. Leaves amount to INEC's discretion by saying the administrative fee is would be fixed from time to time by the Commission.</p>



S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
			<p>84 (4) Time for INEC to respond to a merger request is expanded to <b>60 days</b> from date of receipt of request for merger</p> <p>If INEC fails to communicate its decision with 60 days, the party has 14 days thereafter, to challenge the decision in court with evidence that all legal requirements for a merger has been met.</p>
36.	<b>Section 85</b>	<p><b>Notice of Convention, Congress, etc.</b></p> <p>Every registered political party shall give the Commission at least 21 days notice of any convention, congress, conference or meeting which is convened for the purpose of electing members of its executive committees, other governing bodies or nominating candidates for any elective office under the Electoral Act.</p>	<p><b>Amendment of section 85 by substituting subsection "1" with a new subsection "1"</b></p> <p>Under the proposed amendment of section 85(1), political parties must also give the Commission 21 days notice for a convention, congress, conference or meeting for the purpose of a <b>merger or fusion</b>. <i>(The word "fusion" is added)</i></p>
37.	<b>Section 86</b>	<p><b>Monitoring of Political Parties</b></p> <p>86. (1) &amp; (2) empowers the Commission to keep records of the activities of all the registered political parties, seek information or clarification from any registered political party in connection with their activities which may be contrary to the Constitution or any other law/guideline/rules/regulations as the case may be.</p>	<p><b>Monitoring of Political Parties</b></p> <p><b>Proposed amendment adjusts the penalty</b></p> <p>86 (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 <b>to a fine of not less than N1,000,000.00.</b></p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
		86(4) adds that 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 shall be liable to a penalty not exceeding N500,000:00.	
38.	<b>Section 87</b>	<p><b>Nomination of Candidates by Parties</b></p> <p>Mandates political parties to nominate candidates by direct and indirect elections. While political parties who adopt direct primaries must ensure its aspirants are given equal opportunity to be voted for by members of the party, the procedure for indirectly nominating candidates in Presidential, Governorship, Senatorial, House of Representatives, State House of Assembly, Chairmanship and Councillorship elections is extensively detailed in its subsections.</p> <p><i>The current provision does not stipulate nominations fees for elective positions.</i></p>	<p><b>New section 87 - Nomination of Candidates by Parties</b></p> <p>This is an extensive new provision with over 20 new subsections seeking to guarantee inclusive primaries and forestall systematic control of parties' primaries processes by a select few thus opening up the party system and enhancing internal democracy. It also seeks to reduce the arbitrary fees that are informally imposed on party candidates so as to open up the space for political participation.</p> <p>In summary, the provision:</p> <ul style="list-style-type: none"> <li>· Enables political parties seeking to nominate candidates for elections to hold direct or indirect primaries for aspirants to all elective positions which shall be monitored and endorsed by the Commission</li> <li>· Outlines procedure for both direct and indirect primaries</li> </ul>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
			<ul style="list-style-type: none"> <li>· Prohibits Political Parties from imposing nomination qualifications or disqualification criteria, conditions or measures on any Nigerian for the purpose of nomination for elective offices outside of those provided in the Constitution</li> <li>· The provision seeks to invalidate any requirement or criteria set outside of the foregoing and outside of those in the Constitution i.e. age, citizenship and school certificate qualification requirements or disqualification criteria in the Constitution such as conviction for fraud, dishonesty, certified lunatic, bankruptcy, etc. - See 87 (2)</li> <li>· New provisions prohibit political parties from imposing arbitrary fees on political aspirants and prescribes limits for each elective office as follows: <ul style="list-style-type: none"> <li>· N150,000 for a Ward Councillorship aspirant in the FCT;</li> <li>· N250,000 for an Area Council Chairmanship aspirant in the FCT;</li> <li>· N500,000 for a House of Assembly aspirant;</li> <li>· N1,000,000 for a House of Representatives aspirant;</li> <li>· N2,000,000 for a Senatorial aspirant;</li> <li>· N5,000,000 for a Governorship aspirant; and</li> <li>· N10, 000,000 for a Presidential aspirant.</li> </ul> </li> </ul>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
			<p data-bbox="979 226 1225 255">-See section 87(3)</p> <p data-bbox="979 293 1509 495">The following subsections detail extensively, a new procedure for political parties that adopts the system of direct and indirect primaries and procedure for election of delegates.</p> <p data-bbox="979 600 1509 674"><i>Some other provisions include the following:</i></p> <ul data-bbox="979 712 1509 2107" style="list-style-type: none"> <li data-bbox="979 712 1509 1077">· Any official of the Commission i.e. INEC or SIEC who contravenes any of the provisions of the section by issuing, endorsing or certifying false reports of any delegate or primaries shall face a criminal penalty of 5 years imprisonment, without option of a fine – 87(14)</li> <li data-bbox="979 1122 1509 1196">· Guarantee of equal opportunity for aspirants – 87 (15)</li> <li data-bbox="979 1234 1509 1727">· Political appointees are not eligible as delegates at the primaries, Convention or Congress of a Political Party convened for the purpose of nominating candidates for any election under the indirect primaries system, except where such a political appointee is also a Statutory or Adhoc delegate under subsection (g) of this section – 87 (21)</li> <li data-bbox="979 1771 1509 1845">· Allows for staggered primaries – 87 (23)</li> <li data-bbox="979 1883 1509 1995">· Aggrieved candidate may apply to Federal High Court, High Court of FCT or a State for redress</li> <li data-bbox="979 2033 1509 2107">· But the Courts are prohibited from stopping primaries,</li> </ul>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
			delegates election or a general election pending determination of a suit by an aspirant emanating from conduct of primaries – 87 (25)
39.	<b>Section 91</b>	<p><b>Section 91</b></p> <p><b>“Limitation on Election Expenses”</b></p> <p>This places a maximum limit on election expenses that can be incurred by candidates as follows:</p> <p>Presidential election- N1,000,000,000 (One Billion Naira)</p> <p>Governorship election – N200,000,000 (Two Hundred Million Naira)</p> <p>Senatorial seat in at an election to National Assembly- N40,000,000 (Forty Million Naira)</p> <p>Federal House of Reps- N20,000,000 (Twenty Million Naira)</p> <p>State Assembly Election –N10,000,000 (Ten Million Naira)</p> <p>Chairmanship election to an Area Council –N10,000,000 (Ten Million Naira)</p> <p>Councillorship election to an Area Council (One Million Naira)</p>	<p><b>Amendment of section 91</b></p> <p>This proposes the maximum limit on election expenses that can be incurred by candidates as follows:</p> <p>Presidential election-N5,000,000,000 (Five Billion Naira)</p> <p>Governorship election – N1,000,000,000 (One Billion Naira)</p> <p>Senatorial seat at an election to National Assembly- N100,000,000 (One Hundred Million Naira)</p> <p>Federal House of Reps- N70,000,000 (Seventy Million Naira)</p> <p>State Assembly Election –N30,000,000 (Thirty Million Naira)</p> <p>Chairmanship election to an Area Council –N30,000,000 (Thirty Million Naira)</p> <p>Councillorship election to an Area Council-N5,000,000 (Five Million Naira).</p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
		<p>Section 91(9) prohibits any individual or entity from donating more than N1,000,000 (One Million Naira) to any candidate</p> <p>Section 91(10) also stipulates penalties for candidates who exceed the sums mentioned.</p>	<p>It also prohibits any individual or entity from donating more than N10,000,000 (Ten Million Naira) in the proposed 91(9).</p> <p>This is an increase from extant provisions which puts a limit of N1,000,000 (One Million Naira).</p> <p>Under the proposed 91(10), a candidate who acts in contravention commits an offence and is liable on conviction to a fine of 1% of the amount permitted as the limit of campaign expenditure or imprisonment for a term not exceeding 12 months or both.</p>
40.	<b>Section 99(1)</b>	<p><b>"Limitation on Political Broadcast and campaign by Political Parties"</b></p> <p>This provides for the period of campaigning in public by every political party to commence <b>90 days before polling day and end 24 hours</b> to the commencement of an election day.</p>	<p><b>Amendment of subsection (1)</b></p> <p>This provides for a period of campaigning in public by every political party to commence <b>150 days before polling day and end 24 hours to the election day.</b></p> <p>This increases the time frame for campaigning for elections from 90 days to polling day to 150 days.</p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
41.	<b>Section 100</b>	<p><b>Campaign for Elections</b></p> <p>This provides for media time, to be allocated equally to political parties' Public media houses in contravention of this face a maximum fine of N500,000 and a maximum fine of N1,000,000 for subsequent conviction.</p>	<p><b>Amendment of section 100 by inserting a new subsection 6 "a" and "b"</b></p> <p>Public media houses that fail to allocate media time equally to political parties are liable to a maximum fine of N2,000,000 in the first instance and N5,000,000 for subsequent convictions; while principal officers of the media houses shall pay a fine of N2,000,000 or imprisonment term of 12 months.</p>
42.	<b>Section 112</b>	<p><b>Death of Chairman before Oath of office</b></p> <p>Makes provisions for the replacement of a Chairman and Vice Chairman elected to an Area Council who dies before taking the Oath of Office.</p>	<p><b>Amendment of section 112 by insertion of new subsection (4)</b></p> <p>It seeks to makes provision for death of a candidate after commencement of poll, but before declaration of result in Area Council Elections. Where INEC has ascertained the deceased candidate's death, it may suspend the election for a period not exceeding 21 days. Political parties must also conduct a fresh primary within 14 days of the death of its candidate and submit a new candidate as replacement.</p> <p>It is similar to the proposed amendment to section 36 on death of a candidate.</p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
43.	<b>Section 138</b>	<p><b>Grounds of Petition</b></p> <p>This provision gives grounds for petitioning an election, one of which is that that the election was invalid by reason of corrupt practices or non-compliance with the provisions of the Act - <i>subsection (1) (b)</i></p> <p>Further provides that "an act or omission which may be contrary to an instruction or directive of the Commission or of an officer appointed for the purpose of the election but which is not contrary to the provisions of this Act shall not of itself be a ground for questioning the election" - <i>subsection (2)</i></p>	<p><b>Amendment to 138</b></p> <p><b><i>Existing section 138 now section 137 in the bill.</i></b></p> <p>This amendment expands the original provision in 138 (1) (b) to include that in addition to corrupt practices, an election can be petitioned for non-compliance with published INEC manuals, guidelines, regulations, procedures or directives. (see 137 (1) (b))</p> <p>Proposed new subsection (2) expands the law to include INEC manuals and guidelines:</p> <p><i>(2) An act or omission which may be contrary to an instruction or directive of the Commission or of an officer appointed for the purpose of the election but which is not contrary to the provisions of this Act and published manuals, guidelines, regulations, procedures or issued by the commission for the conduct of the election, shall not of itself be a ground for questioning the election.</i></p> <p>Finally, a proposed new subsection (3) seeks to limit grounds for disqualification to that stated in the Constitution. It provides that the winner of an election cannot be challenged on grounds of qualification, if the winner satisfied the applicable requirements outlined in Sections 65, 106, 131 or 177 of the 1999 Constitution,</p>



S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
			and also where the winner is not, (as may be applicable) in breach of sections 66, 107, 137 or 182 of the Constitution.
44.	<b>Section 139 (1)</b>	<p><b>Certain defects not to invalidate election</b></p> <p>Prevents a Court or Tribunal from invalidating an election where non-compliance with provisions of the Act did not substantially affect the election result and where there was substantial compliance with the principles of the Act.</p>	<p><b>Amendment to section 139 by substituting subsection "1" with a new subsection "1"</b></p> <p><b><i>Existing section 139 now section 138 in the bill.</i></b></p> <p>This amendment seeks to include that substantial compliance with the principles of published INEC manuals, guidelines, regulations, procedures or directives is sufficient not to invalidate and election and this should also be considered by a Court or Tribunal.</p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
45.	Section 140	<p><b>Nullification of election by Tribunal or Court</b></p> <p>Section 140 (1) requires an Election Tribunal or Court to <b>nullify</b> an election if it finds that a candidate returned as elected was not validly elected <b>on any ground</b>.</p> <p><i>On what follows after nullification:</i></p> <p>An election tribunal or court shall not declare the person with the second highest votes or any other person as elected but shall order a fresh election where it nullifies an election <b>on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, or that the election was marred by substantial irregularities or non-compliance with the Electoral Act-</b> Section 140 (2)</p> <p>However, where the court finds that that the candidate who was returned as elected was not validly elected <b>on the ground that he did not score the majority of valid votes cast at the election</b>, the Election Tribunal /Court, shall declare as elected the candidate who scored the highest number of valid votes cast at the election and satisfied the legal requirements - Section 140 (3)</p>	<p><b>Substitution of section 140</b></p> <p><b><i>Existing section 140 now section 139 in the bill.</i></b></p> <p><b>Proposed 139(1)</b> – Also requires an Election Tribunal or Court to nullify an election if it finds that a candidate returned as elected was not validly elected <b>on any ground</b> but adds that the Tribunal or Court shall <b>order the Commission to conduct a fresh election not later than ninety (90) days after the decision except an appeal is filed against the decision.</b></p> <p>If an appeal is filed and the court having final appellate jurisdiction in respect of the said election nullifies the election, then an order for fresh election shall also be made not later than ninety (90) days after the nullification of the election by the appellate court.</p> <p><b>Proposed 139(2)</b> – Says that where a Tribunal/Court nullifies an election on the <b>ground that the person who obtained the highest votes at the election was not qualified to contest the election</b> (<i>substantial irregularities or non-compliance with the Electoral Act deleted</i>) the Tribunal/Court shall declare the person with the second highest number of valid votes cast at the election who satisfies the legal requirements as duly elected (<i>current law in 140(2) requires a fresh election</i>)</p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
			<p><b><i>Condition precedent introduced in proposed 139 (2):</i></b></p> <p>Declaration of the person with the second highest number of valid votes can only be done as long as the person remains a member of the political party on which platform, he contested the election; otherwise, the candidate with the next highest number of votes in the election and who satisfies the requisite legal conditions shall be declared the winner of the election.</p> <p>NB: The provision in the existing section 140 (3) is retained in section 139 (3).</p> <p>New section 139 (4) - mandates the Commission to postpone an election and appoint another date to conduct an election no later than 90 days if a candidate or agent discovers that his name or the name or logo of his party is omitted at the point of display or distribution of ballot papers. The Commission is expected to use the period of postponement to rectify the omission.</p> <p>The Commission's Officer responsible for such printing of party names or logos faces criminal penalties i.e. a fine of N2,000,000.00 or imprisonment for 2 years of both.</p> <p>Finally, a proposed new section 139 (5) states that: <b>All objections filed in an election petition shall be determined at the time of final judgment.</b></p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
46.	<b>Section 142</b>	<p><b>Accelerated Hearing of Election Petitions</b></p> <p>Provides for precedence and accelerated hearing for election petitions in a Court or Tribunal, subject to the provisions of section 294(1) of the Constitution which specifies among others, the mode and time frame for delivery of judgment</p>	<p><b>Existing section 142 now section 141 in the bill with amendments</b></p> <p><b>New 142A. (Numbering error. Should be 141A)</b></p> <p>Provides that oral evidence is unnecessary if the originals/certified true copies of electoral documents or materials used by the Commission to conduct the election in a contested polling unit(s) have been listed in an election petition and have been tendered by the Petitioner during trial as proof of non-compliance with the Act or relevant guidelines/regulations.</p>
47.	<b>Section 143</b>	<p><b>Person elected to remain in office pending determination of appeal</b></p> <p>This states that if a notice of appeal is given within 21 days after a court or tribunal has determined that a candidate was not validly elected, he/she shall remain in office pending the determination of the appeal or pending the expiration of time he has to file the appeal which is 21 days (In other words, the statutory 21 days shall be exhausted even if an appeal is not filed) – Section 143(1) and (2).</p>	<p><b>Existing section 143 now section 142 in the bill</b></p> <p><b>Proposed section 142 (1)</b> expands the current provision by saying that where the election is nullified by the Court and notice of appeal against the decision is given <b>within the stipulated period for appeal</b>, the elected candidate shall (notwithstanding the contrary decision of the court) remain in office and enjoy all the benefits that accrued to the office pending the determination of the appeal and shall not be sanctioned for the benefits derived while in office.</p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
48.	<b>Section 151</b>	<p><b>Inspection of Documents</b></p> <p>151(2) Documents other than polling documents used by INEC can be opened for inspection provided an order has been made by an Election Tribunal or Court compelling their production in a legal proceeding.</p>	<p><b>Existing section 151 now section 150 in the bill</b></p> <p><b>Insertion of a new subsection “3” after subsection “2”</b></p> <p>The insertion penalises failure of INEC officials to comply with Court orders or Tribunals with regard to inspection and production of electoral materials. Officials that fail to obey Court orders under this proposal shall be liable, upon summary conviction, to at least 2 years imprisonment with no option of fine</p>
49.	<b>Section 152</b>	<p><b>Delegation of Powers of the Commission</b></p> <p>The Commission can delegate any of its powers to any of its officer subject to any conditions or limitations it may impose. However, such delegation must not be interpreted as limiting the right of the Commission to exercise such right itself.</p>	<p><b>Existing section 152 now section 151 in the bill</b></p> <p><b>Insertions of new subsections “152 A – D” after section 151 (appears to be a numbering error as it should read 151A – D)</b></p> <p>These proposed provisions focus on the State Independent Electoral Commission (SIECs).</p> <p>It seeks to guarantee the conduct of free and fair and credible elections in elections conducted by the SIEC by making the provisions of the Act applicable to them with equal force (152A).</p> <p>152B says SIECS shall comply with provision of the Act in organizing local government elections</p>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
			<p>152C says any election conducted by SIECs to a local government council in violation of section 152B shall be null, void and of no effect whatsoever.</p> <p>152D says that any SIEC official who acts in contravention of section 152B or any provision of this Act shall be subject to prosecution as if he were an official of INEC</p>
50.	<b>Section 156</b>	<p><b>Interpretation Section</b></p> <p>Contains definitions of certain relevant terms in the Act</p>	<p><b>Amendment to insert the following definitions in Section 155 of the Bill.</b></p> <p><b>Candidate</b></p> <ul style="list-style-type: none"> <li>· Means a person who has secured the nomination of a political party or independent candidate to contest an election for any elective office</li> </ul> <p><b>Electronic format</b></p> <ul style="list-style-type: none"> <li>· "electronic format" refers to the electronic version of the Register of Voters or National Electronic Register of Election Results, as the case may be, created, recorded, transmitted or stored in digital form or in other intangible form by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means and which may be converted to or reproduced in a paper document.</li> </ul>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
			<p><b>Fusion</b></p> <ul style="list-style-type: none"> <li>Means a process by which a political party fuses with another political party by dropping its name and symbol and becomes subsumed in another political party; thereby cease to exist</li> </ul> <p><b>Number of unaccredited voters</b></p> <ul style="list-style-type: none"> <li>"number of unaccredited voters" as used in section 49(4) of this Act means number of intending voters not accredited to vote in a polling unit under section 49(3) of this Act."</li> </ul> <p><b>Presiding Officer</b></p> <ul style="list-style-type: none"> <li>"Presiding Officer" means a person appointed by the Commission to be in charge of the conduct of election in a polling unit or polling station, and this shall include persons who may be under different titles but who are charged by the Commission with the same responsibilities at a polling unit or polling station as a Presiding Officer."</li> </ul> <p><b>Published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election</b></p> <ul style="list-style-type: none"> <li>which is made public by the Commission at least seven (7) days before the date of general elections."</li> </ul>

S.No	SECTION	CURRENT PROVISION	PROVISION OF THE BILL
			<p><b>Returning Officer</b></p> <ul style="list-style-type: none"> <li>· “Returning Officer” means a person appointed by the Commission to be in charge of the conduct of election in a constituency, and this shall include persons who may be under different titles but who are charged by the Commission with the same responsibilities in a constituency as a Returning Officer.”</li> </ul> <p><b>Transmit</b></p> <ul style="list-style-type: none"> <li>· includes to convey electoral documents or other electoral information or data by manual, electronic or other means (prescribed by the Commission) from one person to another, one place to another, one stage to another, one process to another, or one system to another, as the case may be</li> </ul> <p><b>Ward Collation Officer</b></p> <ul style="list-style-type: none"> <li>· means Registration Area Collation Officer</li> </ul>



# PLAC

POLICY AND LEGAL ADVOCACY CENTRE

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## About PLAC

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

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

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