

February 2023

ELECTORAL ACT PROVISIONS IMPROVING THE PARTICIPATION OF MARGINALISED GROUPS IN NIGERIAN ELECTIONS

In February 2022, President Muhammadu Buhari signed a new Electoral Act into law governing the conduct of elections in Nigeria. The Act contained laudable provisions seeking to improve on the credibility of elections and the experiences of the participation of marginalised groups in electoral process among others.

Following the recently relative passage of the Act, this Factsheet seeks to amplify awareness of the provisions of the Act as well as its Regulations and Guidelines that promote inclusivity.

A. Provisions under the Electoral Act Promoting Inclusivity

S/N	Highlighted Section	Provision
1.	Section 9 'National Register of Voters and Voters' registration'	This provides for a National Register of Voters that includes the names of all persons entitled to vote in a Federal, State, Local Government or Federal Capital Territory Area Council election - section 9(i) Under section 9(b) the Register of Voters must be disaggregated by the type of one's disability.
2.	Section 14 'Demand for Information regarding registration'	This enables a registration officer and update officer from the Independent National Electoral Commission (INEC) to complete the application form for registration for persons who either cannot read or write or a person with disability who requests such assistance - section 14(b)
3.	Section 54 'Visually impaired and incapacitated voters'	This enables a person with visual impairment or other form of disability who is unable to distinguish symbols or suffers from a physical disability to be accompanied by a person chosen by him/her after informing the Presiding officer - section 54(1)

S/N	Highlighted Section	Provision
		<p>Under section 54(1), the person accompanying the person with visual impairment or other form of disability is permitted to accompany the voter into the voter compartment and assist the voter to make his/her mark in accordance with the procedure prescribed by INEC.</p> <p>The Commission is also required under section 54(2) to ensure that persons with disabilities, special needs and vulnerable persons are assisted at the polling place by suitable means of communication. These include braille, large embossed print, electronic devices, sign language interpretation or off-site voting where appropriate.</p>

B. Provisions under the Electoral Act Regulations and Guidelines for The Conduct of Elections Promoting Inclusivity

S/N	Highlighted Regulation and Guideline	Provision
1.	<p>Regulation 7</p> <p>'Location of Polling Units'</p>	<p>This provides for polling units to be located within enclosures in public places that are accessible to every voter including Persons with Disability (PWDs) - Regulation 7(a)</p> <p>The said Regulation describes public spaces to include public schools, civic centres, town halls and communal open spaces. However, it prevents polling units from being in places of worship, places of traditional rulers and private homes - Regulation 7(b)</p>
2.	<p>Regulation 17</p> <p>'Commencement of Polls'</p>	<p>Regulation 17(d)(iv) requires the Presiding officer to create a separate queue for Persons with Disability, the elderly, visibility pregnant and breast-feeding mothers at the commencement of polls. The polls are to start between 8:00am to 8:30am or at any other time prescribed by the Independent National Electoral Commission (INEC).</p>

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		<p>In addition to this, the provision requires that the Presiding Officer create a line for men and women where culture prohibits their mingling and declare the polling unit open for accreditation and voting among others.</p>
3	<p>Regulation 19</p> <p>'Accreditation and Voting'</p>	<p>Regulation 19 (b)(vii) provides for a voters' line for pregnant women, nursing or breastfeeding mothers, aged persons and persons with physical disabilities to be prioritised.</p> <p>It also provides for an Assistant Presiding Officer III to check whether a voter is a person with disability and needs assistive devices or facilities to aid the voting process - Regulation 19(c)(iii).</p> <p>Under the said Regulation, the Assistant Presiding Officer III must inform Persons with Disability of the availability of priority voting and direct him/her to the queue once their disability is confirmed - Regulation 19(c)(vii).</p> <p>However, if the Person with Disability cannot effectively communicate with the Assistant Presiding Officer III due to a hearing or speech impairment, further priority shall be accorded to him/her - Regulation 19(c)(viii).</p> <p>Other inclusive provisions under Regulation 19 include the provision of assistive material to PWDs in accordance to their respective disability status and documenting the status of the voter through the completion of a PWD Form - Regulation 19(e)(iv) and (v).</p> <p>There is also a requirement that the voting cubicle and ballot box are accessible to Persons with Disability so that they can complete the voting process independently - Regulation 19(f)(v).</p>
	<p>Regulation 24</p> <p>'Visually Impaired or Voter with Disability'</p>	<p>This allows a Presiding Officer to allow a voter who is visually impaired or with other forms of disability who is unable to distinguish symbols to be assisted to vote by a person chosen by him or her. However, the person chosen by the Person with Disability to assist with voting cannot be an Election official, polling agent or security personnel on election duty - Regulation 24(a)</p>

S/N	Highlighted Regulation and Guideline	Provision
		The said Regulation also allows visually impaired registered voters to use assistive voting devices such as the braille ballot guide or magnifying glass when voting - Regulation 24(b)
	<p>Regulation 25</p> <p>'Priority of Some Categories of Voters'</p>	This prioritises Persons with Disability, visibly pregnant women, the elderly, nursing or breastfeeding mothers to vote at the polling units.
	<p>Regulation 35</p> <p>'Closing of Voting Procedures, Sorting and Counting of Ballots and Recording of Votes'</p>	This mandates the Presiding officer to complete the relevant EC 40H(I) form for PWD information and statistics and complete the Persons with Disabilities information boxes in the Polling unit booklet - Regulation 35(b)(v) and (vi)
	<p>Regulation 54</p> <p>'Collation of Presidential Election Result at State Level'</p>	This provides for a State/FCT collation officer for a Presidential election to ensure that he/she completes the status form for Persons with Disabilities.



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