

S I M P L I F I E D

ELECTORAL ACT 2022

&

INEC GUIDELINES



Simplified
Electoral Act 2022
&
INEC Guidelines

Published by



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Introduction

The Electoral Act 2022 as well as the Independent National Electoral Commission's (INEC) Regulations and Guidelines for the Conduct of Elections 2022, made pursuant to the Act, provide good legal and regulatory framework for INEC to work towards delivering a well-run election. The 2022 Electoral Act addresses some of the findings of election stakeholders from previous elections, with several of the recommendations incorporated therein.

It is however important to note that progressive laws, regulations and guidelines are not the only basis for election optimism and delivery of credible polls. Full implementation of the provisions of the Electoral Act by all stakeholders, especially the election management body (INEC), as well as respect for the guidelines issued is critical for the delivery of credible elections.

This publication by Policy and Legal Advocacy Centre (PLAC) follows up on the extensive work that PLAC did leading up to the passage of the Electoral Act 2022. PLAC has in this publication simplified the provisions of the Electoral Act 2022 and the INEC Regulations and Guidelines issued pursuant to it. The intention is to make the Act easily understandable and accessible to all persons including the voter.

The INEC Regulations and Guidelines are further simplified to guide election stakeholders and voters in order that the election process is demystified and made more accessible.



Electoral Act 2022 Simplified

General Provisions of the Act

About the Act

In February 2022, President Muhammadu Buhari assented to a new Electoral law for Nigeria. The Electoral Act 2022 is now the substantive legal framework for the conduct of elections in Nigeria. Taking its root from the Constitution of the Federal Republic of Nigeria, the new Electoral Act defines new and improved provisions for the conduct of elections in the country. The improvements in the Electoral Act can be found in the fact that there are 73 new proposals that have now been incorporated into the new law. Several of these new provisions emphasize the Independent National Electoral Commission's (INEC) new direction and pressure from citizens to expand the use of technology in elections. The pressure comes from the desire to reduce as much as possible, human element and interference with the electoral process.

Taken in its totality, the Electoral Act 2022 makes provisions covering a wide range of issues as follows:

- i. The Establishment and Independence of the Independent National Electoral Commission (INEC)
- ii. Voter Registration and the Register
- iii. The Process of Conducting Elections
- iv. Political Parties and their Operations
- v. Process for the Elections in the Federal Capital Territory (FCT) Area Councils

- vi. Electoral Offences
- vii. Election Petitions and Tribunals
- viii. Power to make Regulations and other Ancillary Issues

The Electoral Act Simplified is produced by Policy and Legal Advocacy Centre (PLAC) in a way that enables the lay person to understand the provisions of the Electoral Act 2022.

ESTABLISHMENT AND INDEPENDENCE OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)

Taking a cue from **Section 153** of the 1999 Constitution of the Federal Republic of Nigeria, the Electoral Act 2022 re-emphasises the establishment of INEC. Part 1, Item F, paragraphs 14 and 15 of the Third Schedule to the Constitution further defines INEC's composition, powers and functions.

Powers and Functions of INEC

Constitution	Electoral Act
<ul style="list-style-type: none"> Organising and Supervising Elections - Third Schedule, Part 1, Item F, Paragraph 15(a) Organising Referendum - Section 2(c); Section 69 and 110 (for Recall) Constituency Delimitation - Section 71 and 112 Regulation of Political Parties - Section 225 	<ul style="list-style-type: none"> Voter and Civic Education – Section 2 Conducting Referendum - Section 2 Staff Recruitment - Section 8(3) and (4) Compilation and Maintenance of the Voters' Register - Sections 9 ad 10 Appointment of officers to update the Voters' Register – Section 11 Issuing of Voters' Register - Section 15 Issuing of voters' cards - Section 16 Issue of replacement voters' cards - Section 18 Appointment of Revision Officers - Section 20 Scheduling Elections - Section 28 Establishment of Polling Units – Section 40 Issuing Guidelines for Elections – Section 70 Issuing Election Forms – Section 73 Sorting and Counting Ballots – Section 63 Conduct of FCT Area Council Elections

Structure of INEC

Electoral Commissioners

- The INEC Chairman is the Chief Electoral Commissioner - Part 1 Item F, Paragraph 14(a) of the Third Schedule to the Constitution
- INEC has 12 National Commissioners - Part 1, Item F, Paragraph 14(b) of the Third Schedule to the Constitution
- INEC has 37 Resident Electoral Commissioners; one for each State of the Federation and one for the FCT - Section 6(2), Electoral Act
- RECs hold office for a period of 5 years - Section 6(2)(b), Electoral Act
- There is an INEC office in each State of the Federation, Federal Capital Territory and Local Government Area headed by a Resident Electoral Commissioner (REC) - Section 6(1), Electoral Act

Criteria for Commissioners' Eligibility – Part 1, Item F, Paragraph 14(b) of the Third Schedule to the Constitution

- For the Chief Electoral Commissioner i.e. the INEC Chairman – must not be less than 40 years.
- For other Electoral Commissioners – must not be less than 35 years old.
- The Chairman and Commissioners must be persons of unquestionable integrity.

Secretary & other Staff of the Commission – Section 8, Electoral Act

- The Secretary is the head of the Commission's secretariat and is responsible for its administration. S/he is responsible for the direction and control of all other employees of the Commission.
- The Secretary has a renewable 4 year tenure – Section 8(1)(c), Electoral Act.

Committees of the Commission – Section 7, Electoral Act

The Commission may delegate powers or responsibilities to any committee(s) that it establishes.

Other Powers & Functions of the Commission

- The Commission may delegate any of its powers and functions to any National Electoral Commissioner, Resident Electoral Commissioner, Electoral Officer or any officer under the provisions of this Act – **Section 147, Electoral Act.**
- The Commission is vested with the power of issuing regulations, guidelines or manuals to give effect to the provisions of the Act – **Section 148, Electoral Act.**
- It is also responsible for producing a Gazette containing the guidelines for the elections particularly on the step by step recording of the polls in the electoral forms beginning from the polling unit to the last collation centre for the ward or constituency where the election result will be declared – **Section 70, Electoral Act.**
- Any defect or error on the part of an official of the Commission in relation to any notice, form or document issued to him/her or an act committed by him/her remains valid unless declared invalid by a competent Court or Tribunal – **Section 149, Electoral Act.**

VOTER REGISTRATION AND THE REGISTER

The Electoral Act empowers INEC to compile, maintain and update a national register of voters on a regular basis (**Section 9**). INEC is required to disaggregate voters who have disability status by type of disability. Information required for each voter shall be as required by INEC and will usually include name, date of birth, place of residence and such other information as INEC may prescribe in its form.

The Register of Voters shall be in both electronic and hard copy formats and the registration of voters is expected to stop not later than 90 days before any election covered by the Electoral Act.

There shall be continuous registration of all persons eligible to be voters and INEC is required to provide every political party with the names and addresses of all registered voters within 60 days after each year – **Section 10**

Appointment of Officers

INEC is empowered to appoint officers to maintain and update the Voters' Register and such persons cannot be members of any political party – **Section 11**.

Qualification for Registration

A person can only qualify to register as a voter if he/she:

- Is a Nigerian citizen
 - Has attained the age of 18 years
 - Lives, works or originates from the Local Government Area Council or Ward covered by the Registration Centre;
 - Presents him/herself to be registered; and
 - Is not subject to legal incapacity to vote under any law, rule or regulation in force in Nigeria – **Section 12**
- A person is not allowed to register in more than one registration centre or register more than once in the same registration centre – **Section 12(2)**. However, a voter may ask for his or her name to be transferred to a voters'

list outside the constituency/area where he or she originally registered – Section 13.

Demand for Information regarding Registration

A registration officer and an update officer can demand from an applicant any information he/she deems necessary to ascertain whether the applicant meets the qualification criteria of a voter. In addition, the officer can require the applicant to fill an application form for the purpose of registration. In the case of an illiterate, the application form may be completed by the officer upon the applicant's request – Section 14.

Power to Print or Issue Register of Voters

INEC is empowered to keep and reproduce a Voters' Register for each State and an individual or political party can obtain a certified true copy of the register for polling units within a State, Local Government/Area Council or Registration Area, from INEC upon paying fees prescribed by the Commission – Section 15.

Power to Print or Issue Voter's Card

INEC is responsible for printing and issuing voters' cards to persons whose names are in the Register of Voters. A voter is prohibited from having more than one valid voter's card – Section 16.

Custody of Voters' Register

Every INEC Electoral Officer is responsible for the custody of the Voters' Register of the Local Government or Area Council he/she is in charge of, under the supervision of the Resident Electoral Commissioner – Section 17.

Power to Issue Replacement Permanent Voters' Cards

A voter whose voter's card is lost, destroyed, defaced, torn or damaged can apply in person to an Electoral Officer or any other officer duly authorised, not less than 90 days before polling day, detailing the circumstances of the

loss, destruction, defacement or damage. Another copy of the voter's card shall be issued to the voter which will bear the word, "REPLACEMENT" and showing the date of issue – **Section 18**.

Display of Copies of the Voters' List

- INEC is mandated to display or publish the Voters' Register for each Local Government, Area Council or Ward for a period of seven days for public scrutiny at every Registration Area and on its website or a website it establishes for that purpose. INEC shall then accept and consider objections and complaints relating to names omitted or included or any other necessary correction in the register within 14 days after the display of the register – **Section 19 (1) and (2)**.
- During the period of display of the register, any person may raise an objection on the inclusion of a person's name on the grounds of ineligibility to register as a voter in a State, Local Government/Area Council, Ward/Registration Area or that the person is deceased. A person may also make a claim that the name of a person who is registered to vote, has been omitted in the register. An objection or claim is to be made using the form prescribed by INEC – **Section 19(3)**.

Revision Officer for Hearing of Claims

INEC is empowered to appoint a Revision Officer to hear and determine claims and objections relating to any entry or omission in the preliminary list of voters. It may also appoint a number of other persons to assist the Revision Officer. Any person who is dissatisfied with the determination of their claims or objections by the Revision Officer or the persons assisting him/her, has seven days to appeal against the decision to the Resident Electoral Commissioner in charge of that State whose decision shall be final – **Section 20 (1) and (2)**.

Proprietary Rights in the Voter's Card

The proprietary rights of any voter's card issued to any voter belongs to INEC – **Section 21**.

Offences Related to Voter Registration and the Register

Section	Offence	Actor	Penalty
12(3)	Registering in more than one registration centre or registering more than once in the same registration centre	Individual	Fine of not more than N100,000 or imprisonment for a term not more than one year or both
16(3)	Holding more than one valid voter's card	Individual	Fine or not more than N500,000 or imprisonment for a term not more than one year or both
18(5)	Issuance of a replacement permanent voter's card to a voter less than 90 days before polling day	Electoral Officer or any other Officer authorised for that purpose by the Resident Electoral Commissioner	Fine of not more than N200,000 or imprisonment for a term not more than two years or both
19(5)	Failure to display or publish the Voters' Register within the appointed time at the Registration Area and on INEC's official website or any website it establishes for that purpose	An Official of Staff of INEC	Fine of N100,000 or imprisonment for a term of six months or both
22	<ul style="list-style-type: none"> Unlawful Possession of a voter's card whether issued in the name of any voter or not 	Individual	A fine of not more than N500,000 or imprisonment

Section	Offence	Actor	Penalty
	<ul style="list-style-type: none"> Selling/attempting to sell /offering to sell a voter’s card whether issued in the name of any voter or not Buying/offering to buy a voter’s card on his /her own behalf or on behalf of another person 		for not more than two years or both
23(1)	<ul style="list-style-type: none"> Failure to provide information required in relation to the Register of Voters or failure to provide such information within the specified timeframe Signing of an application form for voter registration in the name of another person whether living, dead or fictitious in order to have such person registered as a voter Transmitting or involvement in transmitting a false declaration relating to registration to any person, knowing it to be false 	Individual	A fine of not more than N100,000 or imprisonment for a term of not more than one year or both

Section	Offence	Actor	Penalty
	<ul style="list-style-type: none"> • Intentional procurement of a person or another person into the Register if Voters knowing that such person ought not to have been registered • Procurement of the registration of a fictitious person by oneself or through another person 		
23(2)	<ul style="list-style-type: none"> • Inducing a person or persons to refrain from registering as a voter or voters by duress, including threats of any kind • Hindering another person from registering as a voter in any way 	Individual	A fine of not more than N500,000 or imprisonment for a term of not more than five years

THE PROCESS OF CONDUCTING ELECTIONS

Notice of Election

INEC is required to publish a notice of election stating the date of the election not later than 360 days before the date of the election and for a by-election, not later than 14 days before the day of the election – **Section 28**.

Substitution of candidates in a by-election is prohibited. However, where a candidate dies, the party is required to submit the name of a substitute candidate within seven days of the death of the candidate – **Section 28(4)**.

Conduct and Postponement of Election in Emergency

If an emergency affecting an election occurs, INEC shall ensure that persons displaced as a result of the emergency are not disenfranchised – **Section 24 (1)**. INEC may suspend and reschedule election(s) in the following circumstances:

- Where the date for an election has been fixed and there is reason to believe that a serious breach of peace is likely to occur if the election is to proceed on that date or it is impossible to conduct elections due to natural disasters or other emergencies. The reason for the postponement must be cogent and verifiable – **Section 24 (2)**
- Where an election has commenced and there is reason to believe that there is substantial disruption of election in a polling unit or constituency or it is impossible to continue with the election due to threat to peace and security of electoral officials and materials – **Section 24(3)**
- Where INEC appoints a new date for an election in any of the above scenarios, a winner shall not be declared until election takes place in the affected area(s) – **Section 24 (4)**. However, INEC may decide to declare a winner if it is satisfied that the result of the election will not be affected by voting in the area(s) in which election has been postponed due to a disruption – **Section 24 (5)**. INEC's decision to reschedule elections and refrain from announcing a winner may be challenged in a court or tribunal by a contestant in the election – **Section 24 (6)**.

Election Officials Authorised to Announce Election Results

- The Election Officers authorised to announce election results (Section 25) are as follows:
 - Presiding Officer at the Polling Unit
 - Ward Collation Officer at the Registration Area or Ward Collation Centre
 - Local Government or Area Council Collation Officer at the Local Government or Area Council Collation Centre
 - State Collation Officer at the State Collation Centre
- The Returning Officer is responsible for announcing election results and declaring the winner at the respective collation centres for the FCT Area Council Councillorship/Chairmanship and Vice Chairmanship elections; State House of Assembly election; House of Representatives election; Senate election, Governorship election, Presidential election.
- The Returning Officer for the Presidential election is the Chief Electoral Commissioner, in other words, the INEC Chairman.

Appointment of Election Officers, Disqualification and Oath of Neutrality by Election Officials

- INEC is empowered to appoint and designate officers for elections and registration of voters provided that such persons are neither members of political parties nor have openly expressed support for any candidate. These officers are not subject to the control or direction of any other person or authority other than INEC – **Section 27 (1) and (2)**.
- INEC can request the deployment and assignment of security personnel necessary for elections or registration of voters in consultation with the relevant security agencies. INEC can only request deployment of Armed Forces for the purpose of securing the distribution and delivery of election materials and protection of election officials – **Section 27(3)**.
- A person who holds an elective office covered by this Act or is a registered member of a political party is ineligible to be appointed as a returning officer, electoral officer, presiding officer or poll clerk. Similarly, any person appointed to hold any of these positions is ineligible to be nominated as a candidate to contest election – **Section 141**.

- Electoral Officers are mandated to affirm or swear an Oath of Loyalty and Neutrality indicating that they would not accept bribe or gratification from any person and shall perform their functions and duties impartially and in the interests of the Federal Republic of Nigeria without fear or favour Violation of this oath is an offence punishable under Section 120 (Dereliction of Duty) – **Section 26.**

Submission of List of candidates and their Affidavits by Political Parties

- Political parties are required to submit their list of candidates not later than 180 days before the date of a general election. The candidates must have emerged from valid primaries conducted by the party – **Section 29 (1).**
- INEC is mandated to publish the personal particulars of a candidate in the constituency where the election will hold – **Section 29 (3).**
- An individual is permitted to apply to INEC for a copy of the nomination form, affidavit and any other document submitted by a candidate – **Section 29 (4).**
- An aspirant who contested in the primaries of his/her political party may go to the Federal High Court to challenge the veracity of any information submitted by the candidate of his or her party in the process of nomination, if the aspirant believes that any of such information is false – **Section 29 (5).**
- If the Court finds that information on the affidavit submitted by a candidate is false only in relation to the constitutional requirements of eligibility (to contest for a particular position), the Court shall disqualify the candidate and his/her political party and declare the candidate with the second highest number of valid votes as winner of the election – **Section 29 (6).**
- The presentation of an unqualified candidate to INEC by a political party is an offence punishable by a fine of N10,000,000 – **Section 29 (8).**

Prohibition of Double Nomination

- **Section 30** requires a candidate to be nominated by the prescribed number of registered voters from the candidate's constituency. A nominator cannot nominate more than one candidate for election to the same office.
- Nominating more than one person for election to the same office is an offence punishable by a fine of not more than N100,000 or imprisonment for three months or both – **Section 30 (3)**.
- A nominator's signature will not be taken into account if the candidate who was nominated dies, withdraws or if the nomination paper was declared invalid by a Court – **Section 30 (4)**. However, a nominator cannot withdraw his or her nomination – **Section 30 (5)**.

Publication of Nomination

- INEC is required to publish the names and addresses of all nominated candidates at its office(s) and on its website, at least 150 days before the day of election – **Section 32 (1)**.
- A political party can write to notify INEC if the name of its candidate is missing in the list of candidates published by INEC, not later than 90 days to the election – **Section 32 (2)**. Failure to do this will not invalidate the election – **Section 32 (3)**.

Withdrawal, Change and Death of Candidate

- Save for withdrawal or death of a candidate, a political party cannot change the name of a candidate it has submitted to INEC for election – **Section 33**.
- However, a candidate can withdraw by written notice to his or her political party. The party is required to forward the notice of withdrawal to INEC not later than 90 days to the election – **Section 31**.
- **Section 34(1)** requires the Chief National Electoral Commissioner to cancel an election if a candidate dies after the delivery of nomination paper and

before the start of polls and fix another date for the election within 14 days.

- If a candidate dies after polls commence but before results are announced and a winner is declared, INEC is required to suspend the election or not more than 21 days. For election into a legislative house, the election will start afresh and the political party whose candidate died is allowed to conduct fresh primaries within 14 days of the death to replace that candidate in the election. However, for a presidential or gubernatorial or FCT Area Council election, the running mate will nominate a new running mate and continue with the election – **Section 34 (3)**.

Multiple Nominations and Failure of Nominations

- **Section 35** prohibits multiple nomination of a candidate and voids nomination of a candidate who knowingly allows him/herself to be nominated by more than one political party or constituency.
- **Section 36** allows INEC to extend the time for nomination and fix a new election date where there is no validly nominated candidate at the close of nomination.

When Polls are Required

Polls are required:

- When more than one person was validly nominated after the close of nominations and withdrawal of candidates – **Section 37**.
- Whether or not only one person is the valid nominee (sole candidate) in a presidential or governorship election – **Section 38 (a)** and in any other election if there is more than one nominee/candidate – **Section 38 (b)**.

Uncontested Election

For other elections apart from presidential and governorship elections, if only one person is validly nominated (sole candidate) after the period of nomination, withdrawal of candidates and any extension of time, that person will be declared elected – **Section 39**.

Establishment of Registration Areas/Wards and Polling Units

INEC is empowered to delineate each Local Government Area into between 10 and 20 Registration Areas /Wards. INEC is also to create polling units in each Registration Area and assign voters to each polling unit – **Section 40**.

Election Materials

- INEC is required to provide ballot boxes, voting devices, election forms and other election materials for the conduct of election at each polling unit – **Section 41(1), (2), (6)**.
- Polling agents are entitled to be present at the distribution of election materials from the office to the polling booth – **Section 41 (3)**.
- Polling agents, accredited election observers and INEC officials are allowed to inspect election materials at a polling unit before the start of an election and record same in writing, by video or other means – **Section 41 (4)**.

Ballot Paper

- INEC is empowered to specify the design of the ballot papers, which will bear the symbol of political party of each candidate and other relevant information. The ballot papers will have serial numbers and different colours for each office being contested – **Section 42 (1) and (2)**.
- Political parties are allowed to inspect their symbols on sample election materials and have two days to approve or disapprove these symbols. – **Section 42 (3)**.

Polling Agents

- A Political party is to appoint a polling agent for each polling unit and collation centre in the Local Government Area/Area Council where it has a candidate. The details of the polling agents, including passport photographs are to be submitted to INEC at least 14 days before an election. Persons holding elective or appointive political office are prohibited from serving as agent of a party except where such a person resigns from the

position at least three months before the election – **Section 43 (1)**.

- A candidate or a polling agent is allowed to challenge the right of a person to vote in accordance with relevant procedures in this Act – **Section 48**.

Date and Time of Elections

- INEC is required to publish a notice specifying the day and hours for election; persons entitled to vote and the location of polling units, not later than 14 days to an election – **Section 44**.
- Voting in any election is to take place on the date and time appointed by INEC – **Section 45**.

Voting Procedure

- Before voting starts, the Presiding Officer at a polling unit must open the empty ballot box or present the voting device to the view of persons lawfully present at the polling unit and then close and seal the ballot box. Afterwards, the box should be kept in full view of all present until after voting – **Section 46**.
- A voter must present himself or herself with his or her voter's card to the Presiding Officer at the polling unit in the constituency where he or she is registered – **Section 47 (1)**.
- The Presiding Officer shall then use the technological device prescribed by INEC to authenticate the voter's details in order to accredit him or her – **Section 47 (2)**.
- If the technological device for accreditation fails to work in a polling unit and a fresh one is to be deployed, the election in that polling unit shall be cancelled and rescheduled within 24 hours if in the opinion of INEC, the result of the polling unit will substantially affect the final result of the election in that constituency - **Section 47 (3)**.
- The Act provides for separate queues for men and women where the culture does not permit men and women to be on the same queue – **Section 51**.
- INEC is to prescribe the procedure for voting and transmission of results – **Section 50 (2)**.

- Voting is by open secret ballot and all ballots must be deposited in the ballot box in the open view of the public – **Section 50 (1) and (4)**.
- A voter is to cast his or her vote by marking it in the prescribed manner using indelible ink to make a thumb mark on the ballot paper – **Section 50 (2) and (3)**. A voter is not allowed to make any writing or mark on a ballot paper that identifies him or her. If it occurs, the ballot paper must be rejected – **Section 52 (1)**.
- A Presiding Officer can issue a new ballot paper to a voter if the ballot paper initially issued to the voter has been spoilt by the voter. Where this occurs, the Presiding Officer is to mark the spoilt ballot paper as cancelled – **Section 53**.
- A voter is prohibited from voting for more than one candidate at an election – **Section 51 (1)**.
- Election results in a polling unit will be cancelled if the number of votes cast exceeds the number of accredited voters in that polling unit – **Section 51 (2)**. Where this occurs, a winner will not be declared until another election has taken place in that polling unit. However, INEC may declare a winner if in its opinion, voting in that polling unit will not substantially affect the result of the election – **Section 51(3) and (4)**.
- A voter with visual impairment, physical disability or another form of disability may be accompanied to the polling unit by a person of their choice. The person may accompany the voter into the voting cubicle/ compartment and assist him or her to cast their vote. INEC is required to make necessary provisions for persons with disabilities, special needs and vulnerable persons in the form of braille, large embossed print, electronic devices, sign language interpretation and off-site voting – **Section 54**.
- A voter must appear in person to vote – **Section 55**.
- Individuals can only vote at the polling unit assigned to them during registration or approved transfer of polling unit - **Section 56**.
- The Presiding Officer can order a police officer to arrest a person impersonating a voter or a person who he/she believes to be under the age of age of voting (18 years) – **Section 57**.
- The Presiding Officer is empowered to maintain order by ensuring that only authorised persons are allowed in the polling unit and may order the removal of persons who are disorderly – **Section 58**.

- A Presiding Officer is required to announce the close of voting at the prescribed time and only persons who are already inside the polling unit at this time will be allowed to vote – **Section 59**.

Vote Counting

- The Presiding Officer must count votes at the polling unit and record the number of votes scored by each candidate in the form prescribed by INEC. The form is then signed and stamped by the Presiding Officer and counter-signed by the candidates or their polling agents – **Section 60 (1) and (2)**.
- The Presiding Officer is responsible for announcing the result of election at the polling unit after counting the votes – **Section 60 (4)**.
- The copy of the form (result sheet) is to be given to the polling agents and the police officer (at the polling unit). In addition, the Presiding Officer is required to transfer the results including the total number of accredited voters and the results of the ballot in a manner as prescribed by INEC – **Section 60 (3) and (5)**.
- It is an offence for a Presiding Officer to disregard the procedure for counting votes and recording results and it is punishable by a fine of not more than N500,000 or imprisonment for at least six months – **Section 60 (6)**.
- A candidate or polling agent can demand for votes to be recounted once, after the initial count by the Presiding Officer – **Section 61**.

Post-Election Procedure and Collation of Election Results

- After elections, results and election materials are to be delivered under security to a person designated by INEC in the company of candidates or their polling agents – **Section 62 (1)**.
- It is mandatory for INEC to establish the National Electronic Register of Results which is to be a distinct database to be kept at the National Headquarters of INEC wherein results of elections across the Federation are compiled, maintained and updated on a continuous basis – **Section 62 (2)**.

Unmarked and Rejected Ballot Papers

- While counting the ballot papers at an election, the Returning Officer can count only the ballot papers bearing the official mark of INEC. Counting an unmarked ballot paper is permitted only if the Returning Officer is satisfied that it came from a book of ballot papers provided to the Presiding Officer of the polling unit at which the vote (ballot paper) was cast – **Section 63**.
- Where a voter writes on or marks a ballot paper by which he or she may be identified (as in Section 52), the Presiding Officer will endorse the ballot paper with the word 'rejected' and it will not be counted (but this may be reversed by a Returning Officer). If a candidate or polling agent raises an objection to this, the ballot paper will be endorsed with 'rejected but objected to'. The Presiding Officer is required to make a statement containing details of all rejected ballot papers – **Section 64 (1), (2) and (3)**.
- In collating and announcing the election result, a Collation Officer or Returning Officer has to confirm that the number of accredited voters and the number of votes are correct and consistent with the records transmitted directly from the polling units. These records as transmitted from the polling units will be used to collate and announce the result of an election if the result collated at a lower level of collation is not correct – **Section 64 (4) and (5)**.
- If a dispute arises in relation to a collated result or the election result in a polling unit, its validity of otherwise will be determined using the original of the disputed collated result from the affected polling unit(s), the accreditation data from the technological device used for accreditation of voters in each of the affected polling units, the accreditation data recorded and transmitted from the affected polling unit(s) and the votes and result of the election recorded and transmitted directly from the affected polling unit(s) – **Section 64 (6)**. These records will be used to re-collate and announce a new result if the disputed election result is found to be incorrect – **Section 64 (7)**.
- Where the dispute is in relation to a collated result and the Returning Officer has checked the result against relevant records, he or she shall go ahead to declare the winner of the election – **Section 64 (8)**.
- If a Returning Officer or Collation officer intentionally collates or announces a false result, it is an offence punishable by a fine of N5,000,000 or

imprisonment for at least three years or both – **Section 64 (9)**.

- The decision of the Returning Officer is final in relation to ballot papers that do not bear the mark of INEC, the rejection of ballot papers marked by voters and the declaration of the votes scored by candidates and announcement of a winner. This means that he or she can overrule the decision of the Presiding Officer in relation to these matters. However, the decision of the Returning Officer may be reviewed by an election tribunal or court – **Section 65**.

Declaration of Results and Emergence of a Winner

- Votes of each candidate must be counted and the candidate with the highest number of votes will be declared winner of the election into any elective office but for presidential and governorship elections (with a sole or more candidates), the results must meet the constitutional requirements for winning election into these offices – **Section 66**.
- Where two or more candidates score an equal number of votes, which are the highest in an election, a fresh election will be held on a date scheduled by INEC – **Section 67**.
- INEC is required to publish election results on its notice board and website, including the candidates in the election, their scores and the person declared as winner in that election – **Section 68**.
- The INEC Chief Electoral Commissioner or any officer he or she authorises will be responsible for keeping the statement of results and ballot papers and all other election documents – **Section 69**.
- All result forms completed at the various levels of election from the ward to the national level are required to be stamped, signed and countersigned by the relevant officers and polling agents at those levels and copies provided to the polling agents and police officers – **Section 71**.
- INEC is required to present a Certificate of Return to every candidate who wins an election within 14 days. However, if the Court of Appeal or Supreme Court declares another candidate as winner, a Certificate of Return should be issued to that candidate within 48 hours. If INEC fails to do this, a certified true copy of the court's order can be used to swear in the candidate – **Section 72**.

- The quantity, serial numbers and other details of result sheets, ballot papers and other sensitive election materials shall be recorded in the form prescribed by INEC during election at a polling unit. Failure to do so will render the election invalid. It is an offence for a Presiding Officer to violate this provision and proceed to announce and sign election results and it is punishable by a fine of N10,000,000 or imprisonment for a term of at least one year or both – **Section 73 (2) and (3)**.
- Resident Electoral Commissioners in the States are required to provide certified true copies of election related documents to applicants who are parties to an election petition within 14 days of their application. Failure to comply with this provision is an offence punishable by a maximum fine of N2,000,000 or imprisonment for a term of 12 month or both – **Section 74**.

When a Candidate is deemed to have been duly elected: Sections 133, 134 and 179 of the 1999 Nigerian Constitution

Presidential Election

Single Candidate:

If the candidate gets a majority of “yes” over “no” votes cast in the election and at least a quarter of votes cast in at least 24 States and the Federal Capital Territory.

Two or more Presidential Candidates:

- The candidate has a majority of votes cast at the elections; and
- He/she has not less than a quarter of the votes in at least two-thirds of the States (i.e. usually 24 States) and the Federal Capital Territory.

Where a candidate is not elected, there shall be a second election in the manner prescribed in Section 134 (4) of the Constitution (dealing with run-off election)

Governorship Election

Single Candidate:

- If the candidate gets a majority of “yes” over “no” votes cast in the election; and
- At least a quarter of votes in at least two-thirds of all the local government areas in the State.

If the candidate fails to be elected, there shall be fresh nominations.

Two or more Governorship Candidates:

- If the candidate has a majority of votes cast at the elections; and
- He/she has not less than a quarter of votes in at least two-thirds of all the local government areas in the State.

Where a candidate is not elected, there shall be a second election in the manner prescribed in Section 179 (4) of the Constitution (dealing with run-off election).

Some Key Election Timelines			
S/N	Activity	Timeline	Section
1	Transfer of voters	Not later than 90 days before the election	13(2)
2	Reissue of damaged voters card	Not less than 90 days before polling day	18(3)
3	Closing of Voters' Registration	Not later than 90 days before the election	9(6)
4	Publication of official Register of Voters for the election	Not later than 90 days before the election	19(1)
5	Notice of Election	Not later than 360 days before the election	28(1)
6	Submission of candidates list	Not later than 180 days before the election	29(1)
7	Publication of personal particulars of Candidates	Within 7 days of receipt of candidates list	29(3)
8	Publication of list of nominated candidates	At least 150 days before the day of election	32(1)
9	Withdrawal by candidate and notification of withdrawal to INEC	Not later than 90 days before the election	31
10	Commencement of campaign by political parties	150 days before polling day	94(1)
11	Publication of Notice of Poll	Not later than 14 days before the election	44
12	Submission of names of Party Agents for the Election to the Electoral Office of the Local Government Areas or Area Councils	At least 14 days before the election	43
13	End of campaigns	24 hours prior to the day of the election	94(1)

Sections 132, 76, 178 and 116 of the 1999 Nigerian Constitution provide that elections for the offices of President, Governor, National Assembly (Senate and House of Representatives) and State houses of Assembly are to take place not earlier than 150 days and not later than 30 days before the end of the tenure of the last holder of the office.

POLITICAL PARTIES AND THEIR OPERATIONS

Section 40 of the 1999 Nigerian Constitution provides the right of assembly and association, including forming and joining a political party. The Constitution also provides measures and requirements for the formation, operation and de-registration of political parties (**Sections 221 – 229**).

INEC can deregister a political party on the following grounds:

- Breach of any of the requirements for registration;
- Failure to win at least twenty-five percent of votes cast in -
 - one State of the Federation in a Presidential election; or
 - one Local Government of the State in a Governorship election.
- Failure to win at least –
 - one ward in the Chairmanship election
 - one seat in the National or State House of Assembly election; or
 - one seat in the Councillorship election – **Section 225A of the Constitution**.
- INEC has power to register political parties or refuse the application of an association that has not met the requirements of the Constitution and the Electoral Act. An application for registration must be submitted not later than 12 months before a general election – **Section 75**.
- It is an offence for an association or its members to give false or misleading information in relation to registration and this is punishable by a fine of N5,000,000 to be paid by the association and a fine of N3,000,000 to be paid by each executive or principal officer of the association or imprisonment for a term of at least two years or both – **Section 75(5)**.
- INEC's decision not to register an association as a political party can be challenged at the federal High Court within 14 days of such decision – **Section 76**.
- An association registered as a political party will be a corporate entity that can sue and be sued. Every political party is required to keep a register of its members and make it available to INEC not later than 30 days before the date for political party primaries, congresses or convention – **Section 77**.

- A political party that mobilises people for the purpose of using them for physical force or coercion to promote a political objective against **Section 227** of the Constitution is an offence punishable by a fine of N5,000,000 for the first offence, N7,000,000 for any subsequent offence and N500,000 for everyday the offence continues. Any individual who aids a political party to commit this offence can be punished with a fine of N5,000,000 or imprisonment for five years or both – **Section 78**.
- INEC is required to keep a register of symbols of every political party. However, a symbol with the following are prohibited:
 - Coat of arms of the Federation,
 - Coat of arms of any other country,
 - Any symbol which has been registered by another Political Party,
 - Any device or emblem associated with the official acts of Government, Armed Forces of the Federation, the Nigeria Police, the regalia of a Chief, any tribe or ethnic group, any religion or cult, any portrait of a person living or dead – **Section 79**.
- The symbol of a political party will be assigned to its candidates during elections – **Section 80**.
- Two or more political parties can merge with the approval of INEC, following the laid down procedure – **Section 81**.
- A political party is required to give INEC at least 21 days' notice of its congress, convention, conference or meeting convened for the purpose of electing members of its executive committees or governing bodies, or for nominating candidates for elective offices or for approving a merger with another party. Failure to notify INEC will render the meeting as invalid. Also, an election of members of the executive committee of governing board is required to be done in a democratic manner – **Section 82**.

INEC is required to keep records of the activities of political parties and may seek information or clarification on these activities, if need be. It is an offence if a political party fails to provide the required information and it is punishable by a fine of not more than N1,000,000 – **Section 83**.

Procedure for Nomination of Candidates

- Political parties seeking to participate in elections must conduct primaries to nominate their candidates. Candidates can be nominated by direct, indirect primaries or consensus – **Section 84 (1) and (2)**.
- The qualification or disqualification criteria set by a political party for aspirants must be in line with the qualification for the various elective offices provided in the Constitution – **Section 84 (3)**.
- For direct primaries, all registered members of a political party are to vote for aspirants of their choice and special conventions or congresses will be held afterwards to affirm the aspirant with the highest number of votes – **Section 84 (4)**.
- For indirect primaries, a political party will conduct a special congress where delegates will vote for aspirants of their choice and the aspirant with the highest number of votes will be declared winner and his or her name sent to INEC as candidate of the party – **Section 84 (5)**.
- Only direct primaries are allowed for nomination of a councillorship candidate in the FCT – **Section 84 (6)**.
- Where there is only one aspirant or a consensus candidate in a political party for Presidential, Governorship, Senatorial, House of Representatives, State House of Assembly or chairmanship of Area Council primaries, the party will hold a special convention or congress to confirm the person and his or her name sent to INEC as candidate of the party – **Section 84 (7)**.
- Any political party that adopts direct primaries is required to have a procedure for the democratic election of delegates who will be voting at the primaries – **Section 84 (8)**.
- If a political party adopts a consensus candidate, all other cleared aspirants for the position will be required to submit their written consent indicating their voluntary withdrawal from the race and their endorsement of the consensus candidate. Where the party is unable to secure this, it has to choose between direct and indirect primaries for the nomination of its candidates – **Section 84 (9) and (10)**.
- A special convention or nomination congress is required to confirm consensus candidates at the various levels (National, State, Senatorial, Federal and State Constituencies) – **Section 84 (11)**.

- Political appointees are prohibited from being delegates for indirect primaries for the nomination of candidates by political parties – **Section 84 (12)**.
- Failure of a political party to comply with the provisions of this Act in the nomination of its candidate will result in its candidate being excluded from election for the particular position in question – **Section 84 (13)**.
- Any aspirant who complains that the provisions of this Act or the guidelines of his/her party were not followed in the process of nomination of a candidate may seek redress at the Federal High Court – **Section 84 (14)**.
- The Courts cannot stop primaries or general elections from holding pending when it decides on a matter brought before it – **Section 84 (15)**.

Election Expenses and Campaign Finances by Political Parties

Political parties are not allowed to hold funds outside Nigeria or retain funds or assets remitted to it from outside Nigeria according to the provision of Section 225 (3) (a) of the Constitution. Contravention of this provision is punishable by a fine of at least N500,000 for the former offence and forfeiture of the funds or assets to INEC and may additionally be liable to a fine of at least N5,000,000 for the latter offence – **Section 85**.

Annual Statement of Political Parties

INEC is empowered to place a limit on the amount of money or assets which an individual can contribute to a political party or candidate, as well as demand information on amount donated and the source of the fund. It is an offence to contravene the limit on contribution set by INEC, which is punishable by a fine of not more than N10,000,000 and forfeiture of the amount donated, in the case of a political party, and a fine of five times the amount donated in excess of the limit – **Section 87 (1) and (2)**.

Below are the maximum sums that can be spent by candidates contesting election into the various elective offices – **Section 88 (2) to (7)**.

Position Contested	Amount
Presidential	N5,000,000,000 (Five billion Naira)
Governorship	N1,000,000,000 (One billion Naira)
Senatorial	N1,000,000,000 (One billion Naira)
House of Representatives	N70,000,000 (Seventy million Naira)
State House of Assembly	N30,000,000 (Thirty million Naira)
Chairmanship of Area Council	N30,000,000 (Thirty million Naira)
Councillorship of Area Council	N5,000,000 (Five million Naira)

- Any candidate who spends above these limits may be punished by a fine of 1% of the amount stipulated as the limit for campaign expenditure or imprisonment for a term of not more than 12 months or both – **Section 88 (9)**.
- An individual or entity is not allowed to donate more than N50,000,000 to a candidate. Contravention of this provision is punishable by a maximum fine of N500,000 or imprisonment for a term of nine months or both – **Section 88 (8) and (10)**.
- An accountant who falsifies, conspires or aids a candidate to forge a document that relates to his or her expenditure at an election or a receipt or donation for the election may be punished by a fine of N3,000,000 or imprisonment for a term of three years or both – **Section 88 (11)**.
- Election expenses mean the expenditure made by a political party from the date the notice of an election is given by INEC and up until the date of election – **Section 89 (1)**.
- Election expenses made by political parties for the management or conduct of an election are to be determined by INEC in consultation with parties – **Section 89 (2)**.
- Making expenses beyond the set limit is an offence punishable by a maximum fine of N1,000,000 and forfeiture of the amount of the additional expenses to INEC – **Section 89 (7)**.

Financial Reporting Requirements for Political Parties

- Every political party is required to submit the following to INEC:
 - Annual statement of assets and liabilities;
 - Analysis of its sources of funds and other assets;
 - Statement of expenditure;
 - Hard and soft copies of its list of members.
 - Failure to submit the required documents is punishable by a fine of N1,000,000 or imprisonment for a term of six months or both - **Section 86 (1) and (2)**.
- A political party is mandated to grant an INEC official access to its records and audited accounts and INEC is required to publish a report from such examinations and audit in two national newspapers and its websites within 30 days after receiving the results of the examination and audit – **Section 86 (3) and (4)**.
- A political party is required to submit audited return of its election expenses within six months after an election, signed by its auditors and countersigned by the party's Chairman. INEC shall publish the return in two national newspapers – **Section 89 (3) and (6)**.
- INEC is required to make the audited returns of political parties available at its headquarters and State offices, containing the details of persons who have contributed to a party, including the amount contributed, for public inspection – **Sector 89 (8)**.
- Failure of a political party to submit audited returns of its election expenses is an offence punishable by a maximum fine of N1,000,000 and for failure to submit an accurate audited return within the stipulated period, a court may impose a maximum fine of N200,000 a day from when submission was due until it is submitted to INEC – **Section 89 (4)**.
- A political party is prohibited from accepting and keeping anonymous monetary donations from any source. A party is required to record monetary and other contributions it receives and the details of a person or entity that makes a contribution that is worth more than N1,000,000. A party is not allowed to accept a contribution above N50,000,000 unless it identifies the source of the contribution to INEC – **Section 90 (1), (2), (3)**.

- A political party that fields a candidate at an election is mandated to file a report at INEC of the contributions that it received, within three months after the announcement of the results of the election – **Section 90 (4)**.

Political Campaigns and Rallies

- The Police is responsible for providing security for the conduct of political rallies and processions across the Federation and may be supported by the Nigerian Security and Civil Defence Corps and any other security agency of the Federal Government. The role of all security agencies deployed for this purpose is limited to providing adequate security – **Section 91 (1) and (3)**.
- Political parties, their aspirants and candidates must not be prevented from holding rallies, processions or meetings. The Police is responsible for resolving any conflict of time and venue amongst parties – **Section 91 (4)**.
- Political campaign or slogans must not contain abusive language or use language in a manner disrespectful to religious, ethnic or tribal beliefs - **Section 92 (1)**. Further, abusive, slanderous, extreme, vile insinuations or inferences likely to provoke violence must not be used in political campaigns - **Section 92 (2)**.
- Places designated for religious worship, police stations and public offices cannot be used for political campaigns, rallies and processions or to promote, propagate, attack political parties, their candidates, programmes or ideologies - **Section 92 (3)**.
- The use of fear and intimidation such as in the use of masquerades, physical force or coercion in any form including the retention and use of private security organisations, groups or individuals for the purpose of providing security at processions is prohibited in **Section 92(4)(5) and (6)**.
- The use of force or violence to threaten a person at political campaigns to obtain his or her support or dissuade the person from supporting a party or candidate is prohibited – **Section 93 (1)**.
- Political parties can commence campaign in public 150 days before election day and end 24 hours prior to the election day. The campaigns shall be in accordance with the rules and regulations stipulated for candidates and their parties by INEC – **Sections 94 (1) and 95 (1)**.

- Instruments belonging to the State, such as the media must not be deployed for or against any party or candidate. Further, media houses, including public electronic and print media shall give equal airtime coverage and conspicuity to parties and candidates – **Section 95 (2), (3), (4) and (5)**.
- A person, print or electronic media or body corporate must not broadcast publish, advertise or circulate any material for the purpose of promoting or opposing a political party or the election of a particular candidate over the radio, television, newspaper, magazine, handbill or any print or electronic media whatsoever called 24 hours immediately before polling day - **Section 96(1)**.
- Campaign or broadcast based on religious, tribal or sectional reason in favour or against a particular political party or candidate is prohibited – **Section 97 (1)**.

Offences relating to Political Campaigns and Rallies

Offences relating to Political Campaign and Rallies			
Section	Offence	Actor	Penalty
92 (7) and (8)	<ul style="list-style-type: none"> • Using abusive, slanderous, provocative language during campaigns • Using places of worship, public office or police stations for campaigns/ rallies/processions or promotion • Use of masquerades at campaigns 	Political Party/ Aspirant/ Candidate/ Individual(s)	<p>For Aspirant or Candidate: Maximum fine of N1,000,000 or imprisonment for a term of 12 months.</p> <p>For Political Party: A fine of N2,000,000 in the first instance and N1,000,000 for any subsequent offence.</p> <p>For Individual(s): A fine of N500,000 or imprisonment for a term of three years or both.</p>

	<ul style="list-style-type: none"> • Use of private security organisations, groups or individuals to secure candidate(s) or political party at campaigns/ rallies/ elections • Aiding and abetting to commit any of the offences 		
93 (2)	Use of force or violence to threaten a person to support or refrain from supporting a party or candidate	Political Party/ Aspirant/ Candidate/ Individual(s)	<p>For Aspirant/ Candidate/ Individual(s): A maximum fine of N1,000,000 or imprisonment for 12 months.</p> <p>For Political Party: A fine of N2,000,000 in the first instance and N500,000 for any subsequent offence.</p>
94 (2)	Campaigning more than 150 days to an election or during the 24 hours before election day through advertisement on a broadcasting facility or advertisement in a newspaper to promote or oppose a candidate	Political Party/ Political Party Agent	Maximum fine of N500,000.

95 (6)	Breach of provisions relating to media broadcast of campaigns, i.e. not allocating equal airtime to political parties seeking to broadcast their election campaign	Public Media Houses/ Principal Officers and other Officers of Public Media Houses	Public Media House: A fine of N2,000,000 in the first instance and N500,000 for any subsequent offence. Principal Officers and other Officers of the Media House: A fine of N1,000,000 or imprisonment for six months.
96 (2) and (3)	Broadcasting, publishing, advertising or circulation of election campaign materials through the media during the 24 hours before polling day or on polling day	Individual/ Corporate Body (Print or Electronic Media House) and its Principal Officers	Individual: A maximum fine of N1,000,000 or imprisonment for six months or both. Corporate Body: A maximum fine of N1,000,000 or imprisonment for six months or both.
97 (1)	Religious, tribal, sectional based political campaigning or broadcasting	Candidate/ Individual/ Association	Candidate/ Individual: A maximum fine of N1,000,000 or imprisonment for 12 months or both. Political Party: A maximum fine of N10,000,000.

PROCESS FOR ELECTIONS IN THE FCT AREA COUNCILS

The Electoral Act makes provisions for the qualifications to contest, the procedure for elections, recall and election petition as it relates to election into the offices of Chairman, Vice Chairman and Councilor of the Area Councils of the Federal Capital Territory. INEC is in charge of conducting the election into these offices.

INEC is responsible for conducting elections into the offices of Chairman and Vice Chairman and Councilor of an Area Council, as well as recall of a Councilor – **Section 98 (1)**.

Election shall take place in every Area Council in FCT for the position of Chairman and Vice Chairman and a Councilor shall be elected for each Electoral Ward – **Section 99**.

Every Area Council shall be divided into Registration Areas or Electoral Wards of not less than 10 and not more than 20 by INEC, considering the population of each area and this division is to be reviewed at intervals of not less than 10 years – **Section 100**.

Qualification to Contest Election

- To contest for election in the area council, the person must be a Nigerian, who is registered as a voter, has attained the age of 25 years for Councilor and 30 years for Chairman, and be educated up to at least to School Certificate level or its equivalent. He or she must be a member of a political party and be sponsored by the party – **Section 101**.
- A person is not qualified to contest election into any office at the Area Council if he or she:
 - has voluntarily acquired the citizenship of another country,
 - is adjudged to be a lunatic or declared to be of unsound mind,
 - is under a death sentence,
 - is an undischarged bankrupt,

- is employed in the Nigeria public service and has not resigned or retired 30 days before election day;
- is a member of a secret society;
- presented a forged certificate to INEC within the past 10 years
- has been dismissed from public service,
- has served two terms as Chairman – **Section 102 (1)**.

Date and Method of Voting for Area Council Elections

- Area council elections shall take place on the same date throughout the FCT not earlier than 150 days and not later than 30 days before the expiration of the term of the past holder of that office – **Section 103 (1) and (3)**.
- Bye-elections shall be held within 30 days from the date the vacancy occurred – **Section 103 (2)**.
- Voting shall be by open secret ballot – **Section 103(5)**.

The Procedure for Area Council Elections

The procedure for filing of nominations, casting and counting of votes are the same as is applicable to elections into other offices under this Act – **Section 104**.

Procedure for Nomination

- If there is only one nominated candidate after the time for nomination and withdrawal of candidates for councilorship election, he or she shall be declared unopposed but if more than one candidate is duly nominated a poll is taken – **Section 105(1&2)**.
- Where at the close of nomination for election to the office of chairman, only one candidate was nominated or remains nominated because of the disqualification, withdrawal, incapacitation, disappearance or death of other candidates; nomination shall be extended by seven days and if only

one candidate still remains validly nominated, there shall be no further extension – **Section 105 (3)**.

Election of Area Council Chairman

- A candidate will be deemed elected to the office of Chairman if he or she is the only candidate nominated for the election and obtains the majority of YES votes over NO votes and not less than one-third of the votes cast in each of at least two-thirds of all the wards in the Area Council. If these criteria are not met, then there shall be a fresh nomination – **Section 106 (1)**.
- Where there are two candidates, a candidate is deemed elected if he or she scores majority of votes cast at the election and not less than one-quarter of votes cast in at least two-thirds of all wards in the Area Council. If no candidate emerges winner, INEC shall conduct a second election within 14 days and the candidate who scores the majority of votes cast at the election shall be deemed duly elected – **Section 106 (2) and (3)**.
- Where there are more than two candidates, a candidate shall be deemed to be duly elected if he or she has majority of votes cast at the election, not less than one quarter of votes at the election in each of at least two-thirds of all wards in the Area Council. If no candidate emerges winner, a second election will be conducted between candidate who scored the highest votes and the candidate with majority of votes in the highest number of wards. If more than one candidate meets this requirement, then the candidate with the highest total number of votes will be the second candidate at the election – **Section 106 (4) and (5)**.
- The second election between the two candidates will hold within 14 days of the first election and a candidate will be deemed duly elected as Chairman if he or she scores a majority of votes cast at the election and not less than one-quarter of votes in at least two-thirds of all wards in the Area Council – **Section 106 (6)**.
- If no candidate emerges in the first and second elections, INEC will arrange a third election between the same candidates within 14 days of the second election and the candidate that scores simple majority of votes cast is deemed duly elected – **Section 106 (7)**.

Death of Chairman Before Oath of Office

- If a Chairman-elect (a candidate who wins election into the office of Chairman) dies before taking the Oath of Allegiance and Oath of Office, the person elected as Vice Chairman shall be sworn in as Chairman. The person shall then nominate a new Vice Chairman with the approval of a majority of members of the Area Legislative Council – **Section 107 (1)**.
- Where the Vice Chairman is appointed from among the Councilors, INEC shall conduct a bye-election to fill the vacant seat in the Ward from which the Vice Chairman was appointed – **Section 107 (2)**.
- Where the persons duly elected as Chairman and Vice Chairman of an Area Council die before taking Oath of Allegiance and Oath of Office and the Area Legislative Council has not been inaugurated, INEC shall conduct an election to fill the positions within 21 days – **Section 107 (3)**.
- If after the commencement of election and before the announcement of the final result and declaration of a winner, a candidate dies, INEC shall suspend the election for a period not exceeding 21 days and the running mate of the deceased candidate shall continue with the election and nominate a new running mate. In the case of election into the Area Legislative Council, the election shall start afresh and the party whose candidate died may conduct elections within 14 days from when the death occurred to replace the deceased candidate in the election – **Section 107 (4)**.

Dissolution of Area Council

An Area Council is dissolved at the end of four years from the date the Chairman took oath of office or the day the legislative arm of the Council was inaugurated (whichever date is earlier).

Where a re-run election took place and the person earlier sworn in emerged winner, the time spent in office before the re-run election is deemed annulled – **Section 108**.

Vacation of Office by Area Council Members

A member of an Area Council will cease to be a member:

- on the date given on his or her letter of resignation;
- if he or she takes up a full time paid employment with the government or private sector;
- if he or she becomes a member of a secret society or engages in an act that disqualifies him or her from being Chairman of Councilor;
- or if he or she has been duly recalled.
- Where any of the above applies, the Leader of the Area Legislative Council is responsible to enforce it – **Section 109**.

Removal of Chairman of Vice Chairman

The procedure for removal of Chairman or Vice Chairman of an Area Council according to **Section 110** is as follows:

- Notice of allegation of gross misconduct in relation to the functions of his or her office in writing signed by at least one-third of members of the Area Legislative Council and presented to the Speaker of the Area Legislative Council.
- The Leader of the Area Legislative Council shall serve a copy of the notice within seven days on the Chairman or Vice Chairman and each member of the Area Legislative Council and also serve any response from the Chairman or Vice Chairman to all members of the Council.
- Within 14 days of the presentation of Notice, whether the holder of the office replies or not the Legislative council shall resolve by motion without any debate whether the allegations shall be investigated.
- Within 14 days of presenting the notice, the Council by way of a motion will decide whether or not the allegation will be investigated. A vote of two-thirds majority of the members of the Council is required for a motion to investigate the allegation. When the motion is passed, the Leader of the Council will notify the Chief Judge of the High Court of the FCT who shall appoint a panel of seven non-partisan persons of unquestionable integrity to investigate the allegation.

- The panel has three months to submit its findings to the Council. If the allegation is proved by the report of the panel, the Council is required to consider the report within 14 days of receipt and if it is adopted by a resolution of not less than two-thirds majority of all its members, the Chairman or Vice Chairman will be removed from the date the report is adopted.
- The Chairman or Vice Chairman being investigated has a right to defend himself or herself in person or through a legal practitioner.

Incapacity of Chairman or Vice Chairman of an Area Council

The Chairman or Vice Chairman of an Area Council shall cease to hold office according to **Section 111** where:

- The Executive Council of the Area Council passes a resolution by two-thirds majority of all members to that effect that acting on a report of a medical panel that the holder of the office is permanently incapable of performing the functions of his or her office.
- The medical panel entitled to issue such a report shall be appointed by the Speaker of the Area Legislative Council and shall consist of five medical practitioners in Nigeria, one of whom shall be the personal physician of the holder of the office concerned.

Performance of functions of Chairman or Vice Chairman in the event of Vacancy

- The Vice Chairman of an Area Council shall hold the office of the Chairman if it becomes vacant by reason of death, resignation, permanent incapacity or removal from office – **Section 112 (1)**.
- If the offices of Chairman and Vice Chairman become vacant at same time, the Speaker of the Area Legislative Council shall act as Chairman for a term not less than 3 months and an election will take place in that period for a new Chairman to complete the remaining term of office of the last holder of the office – **Section 112(2)**.
- Where the office of the Vice Chairman becomes vacant by reason of death, resignation, permanent incapacity, removal from office or his or her assumption of the office of Chairman, the Chairman shall nominate

and appoint a new Vice Chairman with the approval of the Legislative Council – Section 112(3).

Recall of the Member of an Area Council

A member of a Legislative Council (elected Councilor) can be recalled -

- If a petition is signed by not less than half of the registered voters in his or her constituency, alleging loss of confidence. The signatures must be verified by INEC; and
- The petition is approved in a referendum by a simple majority of registered voters in the constituency in a referendum conducted by INEC within 90 days of receiving the petition – **Section 113**

ELECTORAL OFFENCES

Sections 114 to 132 of the Act stipulates offences and penalties. These offences can be tried in a Magistrate Court or a High Court of a State in which the offence is committed or the High Court of the Federal Capital Territory. INEC's legal officers or its appointed legal representatives can undertake prosecution of electoral offences.

OFFENCES RELATED TO VOTER REGISTRATION			
Section	Offence	Actor	Penalty
114	<ul style="list-style-type: none"> • Destroying, mutilating, defacing, removal, altering of documents for registration • Publication of false/fake statement or reports to prevent qualified people from registration as voters • False entries or statement in registration records, register or documents • Obstructing, impeding a registration officer or revision officer in the performance of his/her duties • Impersonating or purporting to be a registration officer or assistant registration officer • Forging a registration card • Carrying out registration or revision of voters at a Centre or place not designated by INEC 	Any person/ INEC official	Fine of N1,000,000 or imprisonment for a term of 12 months or both.

OFFENCES IN RELATION TO NOMINATION			
Section	Offence	Actor	Penalty
115 (1)	<ul style="list-style-type: none"> • Forging or destroying nomination paper or result form • Willful defacing or destruction of nomination paper or result form • Delivery of a forged nomination paper or result to an electoral officer knowing it was forged • Forgery of any ballot paper or official mark on any ballot paper • Issuance of ballot paper or result form to any person without authority • Willful placing, removal, destruction of a ballot paper, box, result from before, during or after election without authority • Consent to nomination of candidature despite knowledge of ineligibility and liability 	Any person	Maximum term of imprisonment for 2 years
115 (2)	Unauthorized manufacturing, constructing, importing, possession, supplies of any ballot box, compartment, appliance, voting device, or mechanism	Any person	Maximum fine of N50,000.00 or imprisonment for a term not less than 10 years or both

DISORDERLY BEHAVIOUR AT POLITICAL MEETINGS			
Section	Offence	Actor	Penalty
116	<p>Disorderly acts/ behavior or inciting disorderliness at a political meeting to prevent the purpose of the convening.</p> <p>Possession of offensive weapons, missiles</p>	Any person, politicians, political supporters	Maximum fine of N500,000.00 or imprisonment for a term of 12 months or both

IMPROPER USE OF VOTERS CARD			
Section	Offence	Actor	Penalty
117	<ul style="list-style-type: none"> • Giving of voter's card to another person other than an election official • Receiving a voter's card by non-election official or election official not on election duty for fraudulent use • Possession of more than one Voter's card without lawful excuse • Buying, selling, procurement of voters' card 	Any person, election official, politicians	maximum fine of N1,000,000 or imprisonment for a term of 12 months or both

IMPROPER USE OF VEHICLES			
Section	Offence	Actor	Penalty
118	Using a Government/ public corporation owned vehicle/boat to convey a person to a registration office or polling unit	Any person (except a person ordinarily entitled to use such vehicle)	maximum fine of N500,000 or imprisonment for a term of six months or both

IMPERSONATION AND VOTING WHEN NOT QUALIFIED			
Section	Offence	Actor	Penalty
119	<ul style="list-style-type: none"> • Application/ registration as a voter with a fake/false name/identity • Double or multiple application for registration or registration • Application or attempt to obtain a ballot paper using another person's name • Attempt/application to vote more than once at an election • Voting/attempting to vote despite been unqualified • Assisting, encouraging, inducing, procuring an unqualified person to register or vote 	Any person	maximum fine of N500,000.00 or imprisonment for a term of 12 months

DERELICTION OF DUTY			
Section	Offence	Actor	Penalty
120 (1) – (3)	<ul style="list-style-type: none"> An act or omission by election official without lawful excuse that is in breach of his or her official duties Failure of a polling agent to report promptly at the polling unit on an election day Conspiracy by a polling agent, political party or Party agent to make false results declaration 	Election officials/ Polling Officer/ Party agent/ Political Party	Maximum a fine of N500,000.00 or imprisonment for a term of 12 months or both
120 (4) & (5)	<ul style="list-style-type: none"> Announcement or publication of fake/false election results Any returning officer or collation officer who delivers or causes to be delivered a false certificate of return 	Any person/ Returning Officer or Collation Officer	Maximum prison term of 3 years (36 months) without an option of fine
120 (6)	Involvement in the delivery/ publication of a false certificate of return to news media	Any person	Imprisonment for a term of 3 years

BRIBERY AND CONSPIRACY			
Section	Offence	Actor	Penalty
121	<ul style="list-style-type: none"> • Directly or indirectly making a gift, loan, offer, promise to induce a person and enable return of a person in any election (bribery and Inducement in elections) • Any act to return a person as a member of a legislative house or voter at any election which are because of a gift, loan, offer, promise, procurement or agreement corruptly undertaken • Payment, re-imbursment and advances of money to any person for the purposes of bribery in any election • Giving and receiving money or valuable consideration before, during or after elections on account of any person having voted or refrained from voting (Bribery through gifts or money to voters or promises of such) 	Any person	maximum fine of N500,000.00 or imprisonment of 12 months or both

VIOLATING REQUIREMENT OF SECRECY IN VOTING			
Section	Offence	Actor	Penalty
122	<ul style="list-style-type: none"> Unauthorized communication on and about voters register/ voting details Interference with a voter to get information on whom he/she has voted or is about to vote for. 	Any person	Maximum fine of N100,000.00 or a prison term of 3 months or both

WRONGFUL VOTING AND FALSE STATEMENTS			
Section	Offence	Actor	Penalty
123	<ul style="list-style-type: none"> Voting; inducing, procuring a person to vote at an election knowing that such a person is prohibited from voting at the time of election Publication/dissemination of fake /false statement about the withdrawal of a candidate Publication/dissemination of fake/ false statement about the personal character or conduct of a candidate 	Any person	Maximum fine of N100,000.00 or imprisonment for a term of six months or both

VOTING BY UNREGISTERED PERSON			
Section	Offence	Actor	Penalty
124	<ul style="list-style-type: none"> Voting or attempting to vote in an election in a constituency where a person is not a registered voter. Knowingly bringing another's voter's card to a polling unit. 	Any person	Maximum fine of N100,000.00 or imprisonment for a term of six months or both.

DISORDERLY CONDUCT AT ELECTIONS			
Section	Offence	Actor	Penalty
125	Acting disorderly or inciting disorderliness at an election	Any person	Maximum fine of N500,000.00 or imprisonment for a term of 12 months or both

OFFENCES ON ELECTION DAY			
Section	Offence	Actor	Penalty
126 (1) & (2)	<p>Doing the following in a polling unit or within a distance of 300 metres of a polling unit on an election day:</p> <ul style="list-style-type: none"> Canvassing for Votes Soliciting for the Vote of any Voter Persuading a Voter not to vote at the election 	Any person	Fine of N100,000.00 or imprisonment term of six months for every offence

	<ul style="list-style-type: none"> • Persuading any Voter not to vote for a particular candidate • Shout of slogans concerning the election • Possession of an offensive weapon • Exhibition/display of political party emblem or costume/ material related to the election • Use of vehicle bearing the colour or symbol of a political party • Convening, holding or attending any public meeting during the hours of poll as may be prescribed by INEC • Making official announcements without lawful authorisation • Operating megaphones, amplifier, public address apparatus • Wearing any badge, poster, banner, flag, symbol relating to a political party or to the election 		
126 (4)	Snatching or destroying of election materials or device	Any person	Imprisonment term of 24 months

UNDUE INFLUENCE			
Section	Offence	Actor	Penalty
127	<ul style="list-style-type: none"> Use of money to corruptly influence a person to vote or refrain from voting A voter corruptly accepting or taking money or any other inducement before, during or after election to vote or refrain from voting 	Any person/ voter	Fine of N100,000.00 or imprisonment for a term of 12months or both.

THREATENING			
Section	Offence	Actor	Penalty
128	<ul style="list-style-type: none"> Threats of direct or indirect for use of force, violence or restraint Inflicting, threatening to inflict injury, damage, harm or loss against a person to compel voting or cause a person to refrain from voting Use of abduction, duress, fraudulent device, or contrivance to impede or prevent a voter from freely voting or refraining to vote Preventing any political aspirant from the free use of media, designated vehicles, mobilisation of political support and campaign 	Any person	Fine of N1,000,000 or imprisonment for a term of three years.

The offences stipulated in this Act apply to recall of a member of a Legislative House and a member of an Area Council – **Section 129**.

ELECTION PETITIONS AND TRIBUNALS

Elections petitions are used to challenge the validity of an election process or an election result. It is the legal means of contesting that a declared or returned candidate did not win an election.

- An election petition is the stipulated means of presenting a grievance about an election or to contest that the candidate returned at the end of an election did not actually win the election **Section 130 (1)**.
- An Election Tribunal includes:
 - For Presidential election – the Court of Appeal
 - For other elections under the Act – an Election Tribunal – **Section 130 (2)**.
- Election Tribunals are to be constituted not later than 30 days before an election and their registries open for business seven days before the election – **Section 130 (3)**.

Area Council Election Tribunal

- **Section 131(1)** establishes one or more Election Tribunals for the FCT known as Area Council Election Tribunal to hear and determine cases relating to the validity of the election of a Chairman, Vice Chairman or Councilor, the term of office of such person, where a vacancy occurs and whether a petition has been brought properly or not. The Tribunal shall have a Chairman and two other members – **Section 131(2)**.
- The Area Council Election Tribunal shall be created not later than 21 days before the election and their registries open for business not later than 8 days before the election – **Section 131 (5)**. The Tribunal is required to deliver judgment in writing within 90 days from the date the petition was filed – **Section 131 (6)**.
- **Section 132 (1)** establishes an Area Council Election Appeal Tribunal for the FCT, which is the only authority that can hear and decide on appeals from the decision of the Area Council Election Tribunal. Its decision is final – **Section 132 (2)**. The Appeal Tribunal shall have a Chairman and two other members. Its quorum to hear appeals is all three members – **Section 131 (3) and (6)**.

- Area Council Election Appeal Tribunal shall be created not later than 14 days before the election and their registries open for business not later than 30 days after the election – **Section 132 (5)**.
- An aggrieved party in an election has 21 days from the day election result was declared, to file its petition – **Section 132 (8)**.
- An Area Council Election Appeal Tribunal has 60 days from the day the Area Council Election Tribunal delivers judgment, to hear and give a decision on an appeal brought to it against that judgment. The Appeal Tribunal has the option to deliver a decision and provide the reason for the decision on a later date – **Section 132 (9) and (10)**.

Parties to an Election Petition

- The following persons can present election petitions:
 - A candidate at an election
 - A political party that participated in an election – **Section 133 (1)**.
- A person whose election is complained of is called the respondent – **Section 133 (2)**.
- If the complaint in an election petition relates to the conduct of an electoral officer, a Presiding or Returning Officer, it is not essential to include them as parties to the petition. Instead, INEC will be made a respondent and defend the case on behalf of itself and such officers – **Section 133 (3)**.

Grounds for Petition

- The following are the three grounds on which an election may be questioned according to **Section 134(1)**:
 - That the candidate declared winner in an election is not qualified to contest in the election;
 - That the election was marred by corrupt practices and non-compliance with the provisions of this Act;
 - That the candidate who was declared winner did not score the majority of lawful votes cast at the election.

- Any act or omission contrary to INEC's instruction or directive but not against the provisions of the Electoral Act does not suffice to be a ground to question the validity of an election – **Section 134 (2)**.
- An election shall not be invalidated or questioned due to the following:
 - Non-compliance with the provisions of this Act if in the opinion of an Election Tribunal or Court, the provisions of this Act were substantially adhered to in the conduct of the election and the non-compliance did not substantially affect the result of the election;
 - Defect in title or absence of title of a person conducting an election as far as such a person has the right to conduct the election;
 - Mistake, conflict or inconsistency in the date on the election result sheet signed by the Returning Officer or any other INEC official – **Section 135**.

Nullification of Election

- An Election Tribunal or the Court can nullify an election if it finds that a candidate who was declared winner of an election was not validly elected and order for the conduct of a fresh election not later than 90 days from the day it delivers the decision (if it is not appealed) or from the day a final appellate court nullifies the election – **Section 136 (1)**.
- If an Election Tribunal or Court finds that the person who obtained the highest votes in an election was not qualified to contest the election, it shall declare the person with the second highest number of votes as winner of the election provided that the person meets the Constitutional requirements to be elected into that office. This is also based on the condition that such a person remains a member of the political party on which platform he or she contested. If not, the candidate with the next highest number of votes who satisfies all necessary condition will be declared winner – **Section 136 (2)**.
- If an Election Tribunal or Court finds that a candidate who was declared winner at an election did not score the majority of votes cast at the election, it shall declare the candidate with who scored the highest number of votes and satisfies the requirements of the Constitution and this Act as winner of the election – **Section 136 (3)**.
- Decisions on objections raised in an election petition are to be given at the time of final judgment – **Section 136 (4)**.

A party in an election petition who alleges non-compliance with the provisions of this Act in an election is not required to provide oral evidence if originals and copies of relevant documents clearly show the alleged non-compliance – **Section 137**.

When an Election Tribunal or the Court nullifies an election and the decision is appealed within the stipulated period for appeal, the candidate that was declared winner will remain in office and enjoy all accruing benefits until a decision is made on the appeal. He or she will not be sanctioned for the benefits derived while in office – **Section 138 (1)**.

When an Election Tribunal or the Court finds that a candidate was not validly elected, the candidate that was declared winner will remain in office pending the end of 21 days in which the decision can be appealed – **Section 138 (2)**.

Where INEC is joined in an election petition, its legal officer or a legal practitioner it engages shall represent the Commission – **Section 139**.

Rules of procedure to be used for election petitions and appeals are those contained in the Act. In addition, the President of the Court of Appeal is empowered to issue practice directions to the Court of Appeal for pre-election and post-election appeals and to the Election tribunal for post-election matters – **Section 140**.

POWER TO MAKE REGULATIONS AND OTHER ANCILLARY ISSUES

The Electoral Acts makes further provisions regarding some aspects of INEC's administrative processes, elections and election petitions.

Election Expenses by INEC

- INEC is empowered to prescribe a scale for the remuneration of its officers appointed for the conduct of elections, the limit to expenses relating to elections incurred by its election officials - **Section 142 (1)**.
- In addition to remuneration, election officials are entitled to receive monies for election related expenses – **Section 142 (2)**.
- INEC is empowered to pay honorarium at the rate it decides to persons and officers who perform a task with respect to an election or election petition – **Section 142 (3)**.

Secrecy of Ballot

In the course of legal proceedings, a person who voted at an election cannot be coerced to disclose who he or she voted for – **Section 143**.

- Where an offence is disclosed in the course of an election petition, INEC is required to consider recommendations made to it by a Tribunal with regard to prosecution of any person for the offence – **Section 144**.
- An Election tribunal or a Court may make an order for inspection of an election document in the custody of INEC's Chief National Electoral Commissioner or any other INEC officer, if it is satisfied that the order is necessary for the purpose of an election petition. INEC is also required to open any other document in relation to an election in its custody, for inspection upon receiving such an order – **Section 146 (1) and (2)**.
- Where INEC breaches the order of an Election Tribunal or Court to produce, inspect or take copies of electoral documents or materials, INEC must be summoned first to give reason for not complying with the order, to establish if it actually disobeyed the order. If disobedience is established, the Tribunal or Court can pronounce sanctions, including the imprisonment of the INEC official whom the order was directed to, for at

least two years without an option of fine – Section 146 (3) and (4).

Delegation of INEC's Powers

Any powers and functions of INEC can be delegated to any of its National Electoral Commissioner, Resident Electoral Commissioner, electoral officer and any other officer, including those it appoints – Section 147.

Regulations

INEC is empowered to issue regulations, guidelines and manuals to implement the provisions of this Act and for administration purposes – Section 148.

Procedure for Local Government Election

The procedure for regulating Area Council elections in the FCT is extended to Local Government Area elections conducted by State Electoral Commissions. Failure to abide by these provisions would render an election to the Local Government Area invalid. State officials who breach the provisions will face prosecution in the same way as an INEC official would – Section 150.

**SIMPLIFIED
INEC REGULATIONS
& GUIDELINES
FOR THE CONDUCT OF
ELECTIONS, 2022**

Introduction

Regulations and Guidelines for the conduct of elections are issued by the Independent National Electoral Commission (INEC) in exercise of the powers conferred on it to do so in section 148 of the Electoral Act 2022. These regulations and guidelines apply to general elections, off-cycle elections, bye-elections, re-run elections and supplementary elections.

ELECTIONS AND ARRANGEMENTS FOR THEIR CONDUCT

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 1	Elections to which these Regulations & Guidelines apply	The elections covered by the Guidelines include the Presidential, Governorship, National Assembly (Senate and House of Representatives), State Houses of Assembly and elections of the Chairmen and Councilors of the Federal Capital Territory (FCT) Area Councils.	These Regulations and Guidelines override those previously issued by INEC for the conduct of elections.
Paragraph 2	Date of General Election	Presidential and National Assembly elections are to hold on the third Saturday of February of any General Election year, while Governorship and State Houses of Assembly elections will hold two weeks after.	The day scheduled for national elections in the 2023 general elections is the fourth Saturday in February 2023. This was as a result of delayed assent to the Electoral Act 2022, which requires that notice of election be issued not

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
			later than 360 days before the date scheduled for the election.
Paragraph 3	Date of Off-Cycle Governorship Elections	Off-cycle Governorship elections (which are governorship elections that falls outside the general elections) are to take place on the Saturday after the 100th day to the end of the tenure of an incumbent Governor, or on a date that INEC decides.	This gives effect to the provision of Section 178 of the 1999 Nigerian Constitution, which provides that a governorship election should take place not earlier than 150 days and not later than 30 days before the tenure of the incumbent governor expires.
Paragraph 4 (a) and (b)	Date of FCT Area Council Elections	<p>When the end of the tenure of FCT Area Councils falls into a General Election year, the election of FCT Area Council Chairmen/ Vice Chairmen and Councilors will hold on the same date as Governorship and State Houses of Assembly elections.</p> <p>However, where this is not the case, elections into the FCT Area Councils will hold on the Saturday after the 100th day to the end of the tenure of the incumbent holders of these offices.</p>	<p>This stipulates the date for FCT Area Council elections within and outside a General Election year.</p> <p>Section 108 of the Electoral Act 2022 places the tenure of an Area Council to 4 years from when the Chairman is sworn in or the Area Legislative Council is inaugurated, whichever is earlier.</p>

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 5	Persons Eligible to Vote	A person deemed eligible to vote must be a Nigerian of at least 18 years of age, who is a registered voter and whose name appears on the Register of Voters. He or she must present a valid Permanent Voter's Card (PVC) at his or her polling unit.	This paragraph forbids foreigners from registering to vote. A registered voter cannot vote without his or PVC.
Paragraph 6	Where to Vote	Voting at an election will take place in polling units established by INEC.	Voting locations are spread across the country, to serve all registered voters for efficiency and enhancing the time-frame of the voting process. Each registered voter is assigned to a polling unit.
Paragraph 7 (a) and (b)	Location of Polling Units	Polling units are to be located in enclosed areas in public spaces which are accessible to all voters, including Persons with Disability (PWDs). However, where polling units are cited in open spaces, canopies may be provided. Public places include public schools, civic centres, town halls and communal open spaces.	Polling units should be cited in central locations to ensure that the voting process is free from undue influence. This paragraph prohibits polling unit from being located in private property. The issue of accessibility to PWDs is of

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		Citing of polling units in places of worship, palaces of traditional rulers and private homes is prohibited.	importance in guaranteeing the rights of every eligible voter to vote in an election.
Paragraph 8 (a) and (b)	Polling Unit Officials	<p>One Presiding Officer (PO) and three Assistant Presiding Officers (APO I, II and III) shall be assigned to each polling unit as election officials.</p> <p>The APO I serves as the Poll Clerk where election has commenced and the PO becomes unavailable, the APO I will take up the PO's functions until he or she returns or is replaced.</p>	A Presiding Officer and Assistant Presiding Officers are the responsible INEC staff for the conduct of election at polling unit level.
Paragraph 9 (a), (b), (c) and (d)	Appointment of Polling Agents	<p>Political parties can appoint one Polling Agent per polling unit, one Polling Agent for each Collation Centre in an election and a representative at each point of distributing electoral materials in the constituency where the party is sponsoring candidate for an election.</p> <p>The written notice for such appointment is addressed to:</p> <p>INEC Chairman for national collation;</p>	The Guidelines spell out the right of parties to appoint agents to represent them at every level of elections.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<p>INEC Resident Electoral Commissioner (REC) for collation at National and State Assemblies and Governorship elections;</p> <p>Electoral Officer for polling units, Registration Area/ Ward Local Government Area (LGA) or Area Council.</p>	
Paragraph 10	Qualification of Polling Agents	A person holding elective or appointive office such as Chairman or member of a Local Government Area or Area Council, Commissioner, Governor/Deputy Governor, Minister or employed in the public service and has not resigned from the office three months before an election, is disqualified from serving as a Polling Agent during an election.	Here, public servants or persons who did not resign public service positions at least three months before an election are prohibited from serving as Polling Agents.
Paragraph 11	Disqualification of a Polling Agent	A Polling Agent who assists or supports election malpractices at a Polling Unit or Collation Centre can be taken away from the Polling Unit or Collation Centre on the instruction of the election or collation official. Such a person can be prosecuted.	This ensures that persons involved in election malpractices on election day can be apprehended and prosecuted.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 12	Inspection of Samples of Relevant Electoral Materials	In line with Section 42 of the Electoral Act, INEC is required to invite all political parties that nominated candidates for an election to inspect their symbols on samples of election materials, to approve or disapprove their respective symbols within two days of the inspection. Failure of a party to participate in the inspection will be deemed approval of its symbol.	<p>This purpose of the provision for political parties to inspect their symbols on election materials is to avoid misrepresentation of any party's symbol or exclusion from the election.</p> <p>Parties who confirm and approve election materials and their symbols for election are forbidden from denying knowledge and using this as an excuse for litigation on grounds of exclusion.</p>
Paragraph 13	Method of Voting	The procedure for voting at an election will be the Continuous Accreditation and Voting System (CAVS).	A registered voter must be accredited by an election official following the procedure stipulated by INEC, after which he or she is issued a ballot paper to vote for the candidate of his or her choice.

ACCREDITATION AND VOTING PROCEDURE AT ELECTIONS

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 14	Voting at Appropriate Polling Unit	A voter who intends to vote at an election must come in person with his or her Permanent Voter's Card (PVC) to the Polling Unit where his or her name appears in the Register of Voters. The Bimodal Voter Accreditation System (BVAS) must be used to verify each voter's identity.	Voting by proxy or without a PVC is prohibited.
Paragraph 15	Persons Allowed into the Polling Unit	A Presiding Officer is responsible for regulating the admission of voters into the polling unit. The only other persons allowed at the polling unit are candidates or their Polling Agents, Election officials, Security Personnel, Accredited Observers, the media and any other person who the Presiding Officer deems to have lawful reason to be allowed into the polling unit.	This paragraph authorises only the Presiding Officer at a polling unit to decide who can access the polling unit.
Paragraph 16	Polling Unit Attendance Register	Attendance register in polling units are to be signed by the Presiding Officers, Polling Agents, Security Personnel, Accredited Observers and media personnel.	This is a requirement for persons described here to sign attendance at polling units.
Paragraph 17 (a), (b), (c) and (d)	Commencement of Polls	Elections shall start at 8:00 am or any other time specified by INEC. The Presiding Officer (PO) at a polling unit shall introduce himself or herself, other poll officials, Polling Agents and	Inspection of election materials at the commencement of polls is for the purpose of transparency.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<p>Accredited Observers, and then go on to check that the election materials are complete.</p> <p>The PO will then invite Polling Agents to observe the election materials, and this process may be recorded by Polling Agents, Accredited Observers or INEC officials in writing or video.</p> <p>The PO is required to record the quantity, serial number and particulars of the inspected sensitive materials in the relevant election forms.</p> <p>Between 8:00 am and 8:30 am or a time prescribed by INEC, the PO is required to do the following:</p> <p>Display the empty ballot box and BVAS to persons at the polling unit and then seal the box;</p> <p>Explain accreditation and voting procedures;</p> <p>Create separate queues for men and women (where the culture requires) Persons with Disabilities (PWDs), visibly pregnant and breast-feeding mothers and the elderly.</p> <p>Allow voters into the polling unit in an orderly queue;</p> <p>Declare the polling unit open for accreditation and voting.</p>	<p>Priority voting is important to foster inclusivity for vulnerable persons in the electoral process.</p>

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 18 (a) and (b)	Mandatory Use of the Bi-modal Voter Accreditation System (BVAS)	<p>The identity of a voter must be verified using the BVAS, to ensure that he or she is the same person whose details appear in the Register of Voters.</p> <p>Failure of a poll official to do this will be deemed as dereliction of duty and he or she can be prosecuted.</p>	The use of the BVAS to verify the identity of voters, is to ensure that only those accredited to vote can cast votes at an election.
Paragraph 19(a) and (b)	Accreditation and Voting	<p>Accreditation and voting shall commence at 8:30 am and close at 2:30 pm or at any time prescribed by INEC. Voters who are already on the queue at 2:30 pm will be allowed to get accredited and vote.</p> <p>The process of accreditation involves checking a voter's PVC, authentication on the BVAS using fingerprints or facial recognition, identification in the Register of Voters, applying indelible ink to the cuticle of the voter's finger and completing PWD voter information where applicable and arranging queues for priority voters.</p>	After the time-frame for voting and accreditation, sorting and counting of votes will commence.
Paragraphs 19 (c) and 21		<p>When a voter presents himself or herself at the polling unit, the APO III is required to:</p> <p>Inspect the voter's PVC and ascertain that he or she is in the correct polling unit. If the voter is in the wrong polling unit, the</p>	Role of APO I and APO III

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<p>APO III will direct him or her to the correct polling unit;</p> <p>Check if a voter is a PWD who requires assistive device(s)/ facilities to vote and create a separate queue for PWDs;;</p> <p>Confirm that the voter has not voted anywhere else by inspecting the cuticles of his or her fingernails and directing him to the APO I if satisfied.</p>	
Paragraph 19 (d)		<p>A voter’s information will be accessed on the BVAS by reading the bar code on the voter’s PVC, the QR code beside the voter’s name in the Register, using the last six digits of the voter’s Voter Identification Number (VIN) or using the voter’s surname.</p> <p>Thereafter, the APO I will ascertain that the photograph on the PVC matches the appearance of the voter and then use the voter’s fingerprint or facial recognition on the BVAS to authenticate him or her. The voter will then proceed to the APO II.</p>	The BVAS pulls up a voter’s information using codes or identification number peculiar to each voter.
Paragraph 19 (e)		After a voter is verified, the APO II requests for his or her PVC and ensures the voter’s details and VIN are the same as in the Register, and proceed to tick the box	Role of APO II

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<p>beside the voter's name in the Register.</p> <p>The APO II will then apply indelible ink on the cuticle of the voter's finger and if the voter is a PWD, the appropriate material be provided with appropriate assistive voting material.</p>	
Paragraph 19 (f)		<p>After accreditation, the PO will check the cuticle of the voter's fingernail/thumbnail to ascertain accreditation and proceed to stamp, sign and date the back of a ballot paper(s) for the respective elections.</p> <p>The PO will request that the voter remove any call phone or photographic device in his or her possession before going to the voting cubicle.</p> <p>The PO must make the voting cubicle and ballot box accessible to PWDs to enable them vote independently and ensure that each voter deposits their marked ballot paper(s) in the appropriate ballot box.</p>	Marking of the fingernail as ascertainment of accreditation
Paragraph 20	Failure of Accreditation	If accreditation of a voter fails after all stipulated methods have been used, he or she will not be allowed to vote. APO I will advise the voter on how to notify INEC of the failure of accreditation, ask	Failure of accreditation

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		him or her to leave the polling unit and tick the box labelled "FA" (Failed Accreditation) next to the voter's name in the Register.	
Paragraph 22	Presentation of PVC Belonging to Another Person	Presenting a PVC belonging to another person with the intention of using it to vote is prohibited and a person who does this can be prosecuted.	Impersonation is an offence. Each voter must use his or her own PVC to vote.
Paragraph 23	Sustained Malfunction or Replacement of BVAS and Continuation of Elections	<p>Where the BVAS continually malfunctions, the PO is required to inform the Local Government Area and Registration Area (RA) Supervisors, the Supervisory Presiding Office (SPO), Electoral Officer (EO) and the Election Monitoring and Support Centre (EMSC) for replacement. He or she will also suspend accreditation and voting until a new BVAS is provided; file a report to the designated official and inform the voters and Polling Agents of the situation.</p> <p>Where the BVAS is not replaced by 2:30 pm, the PO is expected to inform the relevant officials, file a report and inform the voters and Polling Agents that accreditation and voting for that polling unit will continue the following day.</p>	<p>Where a BVAS malfunctions, no voter is supposed to be accredited until it is replaced.</p> <p>It is important to gather the information of all accredited voters in the faulty BVAS and in its replacement to ascertain the total number of accredited voters in the affected polling unit.</p>

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		Where a BVAS is replaced in the course of an election, the data of voters in the faulty BVAs will be joined with the data in the replacement BVAS to determine the number of verified voters.	
Paragraph 24	Visually Impaired or Voter with Disability (PWD)	<p>PWDs can be accompanied into the polling unit and assisted to vote by a person of their choice excluding an election official, a Polling Agent or a security personnel on election duty.</p> <p>Visual impaired voters may use Braille Ballot Guide or magnifying glasses, where available.</p>	PWDs can be accompanied by neutral persons. This is to avoid a situation where they are induced to vote for a particular person or political party.
Paragraph 25	Priority to Some categories of Voters	PWDS, visibly pregnant women, nursing or breast-feeding mothers and the elderly will	Vulnerable groups are guaranteed priority voting at elections.
Paragraph 26	Voter not to Make a Mark for Identification	A ballot paper will be rejected if a voter makes a mark on it by which he or she can be identified. This excludes the fingerprint mark in the voting compartment of the ballot paper.	The purpose of this is to maintain secrecy of the ballot.
Paragraph 27	Accidental Spoiling of Ballot Paper	If a voter accidentally spoils his or her ballot paper, the PO will replace it, mark the spoiled ballot paper as cancelled and record it in the appropriate form in the Polling Unit booklet.	It is important to mark and record spoiled ballot papers for easy identification and record keeping.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 28	Impersonation and Underage Voting	<p>If a person who intends to vote at the polling unit is suspected to be underage, a non-Nigerian or impersonating another person:</p> <p>The person presenting the suspicion will undertake to substantiate the charge in Court;</p> <p>The person being suspected will be asked if he or she is impersonating or underage. If the person owns up, he or she will not be allowed to vote and the security official at the polling unit will be asked to arrest the person;</p> <p>If the charge is denied to the satisfaction of the PO, the person will vote.</p> <p>The PO is required to report the action taken and submit to the RA/Ward Collation Officer as RA/Ward Supervisor.</p>	
Paragraph 29	Power of Presiding Officer to Remove Persons from Polling Units	A person who acts in a disorderly manner or fails to comply with orders may be taken away from the polling unit.	A presiding Officer has the responsibility to maintain order at the polling unit by directing that persons who fail to follow orders should leave the polling unit.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 30	Prohibition of the Use of Telephones and other Electronic/ Photographic Devices in the Voting Cubicle	Telephones, photographic electronic devices and taking pictures of other voters while voting are not allowed in voting cubicles.	This is intended to ensure the secrecy of the ballot.
Paragraph 31	Thumb-Printing and Dropping Ballots in the Ballot Box	A voter is required to carefully fold his or her ballot paper after thumbprinting in the voting cubicle before proceeding to drop it in the appropriate ballot box.	This is to ensure that other people in the polling unit are unable to see who a voter has voted for as he or she moves from the voting cubicle to the ballot box.
Paragraph 32	Proper Placement of Ballot Boxes	Ballot boxes are required to be positioned not more than two metres away from the voting cubicle, in the direction of the Presiding Officers and away from Polling Agents.	The placement of ballot boxes away from Polling Agents is to prevent vote buying, where voters are usually required to show who they voted for.
Paragraph 33	Leave to Remain in the Vicinity of the Polling Unit after Voting	Voters can stay in the vicinity of their polling units to witness the sorting, counting of votes	This promotes transparency and credibility of the process.
Paragraph 34	Close of Voting	Voting is declared closed when every voter on the queue has cast their votes.	When the close of voting is declared, no persons is allowed to cast their votes.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 35 (a)	Close of Voting Procedures, Sorting and Counting of Ballots and Recording of Votes	<p>When voting closes, the PO is required to cancel all unused ballot papers by crossing them out, sort out ballot papers according to the parties voted for and loudly count the number of votes scored by each political party in the presence of Polling Agents and Accredited Observers.</p> <p>Rejected ballot papers will be stamped with “rejected” and where a rejection was objected, the ballot paper will be stamped with “rejected but objected. ”</p> <p>A recount of votes is allowed once if requested by a candidate or Polling Agent.</p> <p>Scores of each candidate must be entered in the figures and words in the appropriate EC8 series form.</p>	
Paragraph 35 (b)		<p>The PO will then sign the relevant Forms containing the results and loudly announce the votes scored by each party.</p> <p>Candidates or their Polling Agents may countersign the result forms and a duplicate copy given to each of them and the Police present at the polling unit.</p> <p>The PO is also required to complete PWD information in the</p>	

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		EC 40H (I) form and the polling unit booklet.	
Paragraph 36	Counting of Ballot Papers without the Official Mark Prescribed by the Commission	The PO is to count only ballot papers that have the official watermark and stamp and make a report if he or she notices any ballot paper without watermark and stamp.	The official watermark and stamp on ballot papers can be used to identify authentic ballot papers produced by INEC.
Paragraph 37	Mandatory Pasting of Form EC60E	After filling the relevant EC8A result sheet, a PO must complete the Publication of Result Poster EC60(E) and paste it where it can be seen in the polling unit. Failure to do this may be deemed as dereliction of duty.	The pasting of the result sheet at the polling unit fosters transparency, as voters can see the results of an election in their respective polling units.
Paragraph 38	Electronic Transmission of Results and Upload of Results to IReV	<p>When voting and announcement of results have been completed at a polling unit, the PO must:</p> <ul style="list-style-type: none"> Electronically transmit the result of the polling unit to INEC's collation system; Use the BVAs to upload a scanned copy of the EC8A result sheet to the INEC Result Viewing Portal (IReV); and Take the BVAS and the original copies of all forms in a tamper evident envelope to the RA/Ward Collation officer in the company of security agents. Polling Agents may accompany the PO to the 	Electronic transmission of polling unit results to INEC's collation system is supposed to ensure that the Commission has copies of election results from the lowest level of elections (that is polling units), so that in the event of inconsistencies in results or where they are tampered with in the process of physical

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		RA/Ward Collation Centre.	<p>collation, INEC can have recourse to electronically transmitted results in its collation system.</p> <p>The IReV portal allows the general public to view election results from various polling units as they are uploaded.</p>
Paragraph 39	Custody of EC8A and Mandatory Collection of Electoral Operations Copy of Results	Presiding Officers are mandated to keep the original copies of EC8A and their Electoral Operations' copies for INEC depositing these with their Supervisors within the given time.	This is for INEC to be in possession of the original copies of result sheets used at elections.
Paragraph 40	Over Voting	Where the total number of votes cast at a polling unit is more than the number of accredited voters in that polling unit, this renders the election result of that polling unit null and void, with a report made to the Collation Officer to that effect.	Over voting brings the integrity of the election to question, as it implies that persons who are not accredited were allowed to vote. Accreditation is important to ascertain the identity of a voter and that he or she is registered to vote in a particular polling unit.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 41	Discrepancy between Number of Ballots and Votes Recorded	If the total number of spoiled ballot papers, rejected ballots and valid votes is not equal to the total number of used ballot papers after a crosscheck and recount, there is an anomaly, and the PO is required to submit a written report to the RA/Ward Collation officer to this effect.	
Paragraph 42	Consideration of Report of Discrepancy in Polling Unit Result by RA/Ward Collation Officer	In considering report of discrepancy in the number of total ballot papers used at an election, the RA/Ward Collation Officer shall attempt to do a reconciliation. If this fails, the Ward Collation Officer is required to make a report to the LGA Collation Officer to that effect, attaching the PO's initial report.	Where reconciliation fails at Ward Collation level, report to the Collation Officer at the next level of collation creates a trail for accountability and record purposes.
Paragraph 43	Where Election was not Held or Cancelled	A PO is required to make a report to the RA/Ward Collation Officer in the event that election did not hold in his or her polling unit or that it was declared null and void. The Collation Officer is required to fill Form EC40G.	This is important for collation and record purposes.

COLLATION OF ELECTION RESULTS AND MAKING OF RETURNS

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 44	Commission to Designate Locations for Collation of Election Results	Collation and declaration of results must take place at the locations designated for the purpose by INEC.	
Paragraph 45	Collation and Returning Officers as Appointees of the Commission	Collation and Returning Officers are appointees of INEC and are bound by the oath of loyalty and neutrality they are required to take under Section 26 (1) of the Electoral Act.	Election Officials are expected to be neutral and impartial in performing their duties.
Paragraph 46	Prohibition of Access to the Personal Staff of Collation and Returning Officers to Collation Centre	Personal staff of a Collation or Returning Officer is not allowed into the Ward, LGA, Constituency or State Collation Centres. If a Collation or returning Officer requires assistance, he or she must make a request to the INEC Chairman and assistance will be provided.	Limiting access to the Collation Centre is to protect the integrity of the collation process, leading to the announcement of election results.
Paragraph 47	Levels of Collation of Election Results	Depending on the type of election, collation and result declaration are to take place at the following levels: Registration Area – RA/Ward (collation for all elections including Councilor for FCT Area Council) Local Government Area – LGA/Area Council (collation for	Location for collation of results.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<p>all elections including Chairman of FCT Area Council)</p> <p>State Constituency (collation and declaration of State House of Assembly elections)</p> <p>Federal Constituency (collation and declaration of House of Representatives elections).</p>	
Paragraph 48	Use of Results Electronically Transmitted or Transferred Directly from Polling Units for Collation	<p>The condition for an election result to be collated is that the Collation Officer confirms that the number of accredited voters is equal to the number of voters recorded in the BVAS, and that the votes scored by political parties as recorded on the result sheet is correct and equal to the result transmitted electronically to INEC's collation system.</p> <p>If a Collation Officer finds that a result form a lower level of election is incorrect, then the electronically transmitted result will be used for collation and announcement of result.</p> <p>If a Collation Officer finds that a result from a lower level of election is incorrect, then the electronically transmitted result will be used for collation and announcement of result.</p>	

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<p>If no result was directly transmitted electronically for a polling unit or a level of collation, INEC will request for duplicate hard copies of election results issued to the Police and Polling Agents as stipulated in Paragraph 93 of these Regulations and Guidelines.</p>	<p>Since the BVAS is used to accredit voters, the record of the number of accredited voters must tally with the number of voters recorded in the BVAS.</p> <p>INEC has now provided that the election result sheets issued to the Police and Polling Agents at a polling unit can be used for collation where there is a discrepancy in election results from a lower level and where no result was transmitted electronically for the polling unit or collation level in question.</p>
Paragraph 49	Prohibition of Phone Calls During Collation of Results	Collation and Returning Officers are not allowed to make or receive telephone calls during collation.	This will reduce distractions and prevent undue interference in the process.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraphs 50, 53, 54, 69, 70, 73, 74, 76, 77	Collation of Election Results	<p>During collation, the RA/Ward Collation Officer is required to do the following:</p> <p>Collect original copies of Form EC8A (result sheets), the PWD status forms for the various elections and the BVAS from the various Presiding Officers;</p> <p>Compare the number of voters verified by the BVAS with the number of accredited voters and the total votes cast at a polling unit as recorded in the result sheet;</p> <p>Receive and consider reports of any anomalies, incidents, equipment failure, where elections were cancelled or did not hold, from the POs;</p> <p>Validate the scanned copies of election result sheets and upload them to the IReV portal with the assistance of the Registration Area Technical Support Staff (RATECHs) and submit the BVAS to the respective Supervisory Presiding Officers (SPOs)</p>	<p>This process of collation is detailed and meticulous to ensure efficiency and credibility.</p> <p>Collation at all levels is similar to the RA/Ward Level collation, with the relevant officials and Forms applicable at each level.</p> <p>Results are announced and a winner declared at the highest level of collation for the respective elections.</p> <p>The PWD status forms have been introduced as part of the documents delivered during the collation process.</p>

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<p>in tamper-proof envelopes;</p> <p>Collate the votes for the various elections, sum up the polling unit results and write the number of votes in figures and words in the relevant EC8B series Form;</p> <p>Sign, stamp and date the forms and invite the Polling Agents to countersign and distribute copies to them and the Police;</p> <p>Submit the Electoral Operations copies of the forms to the INEC RA Supervisor.</p> <p>Fill Form EC40G for polling units where election was cancelled or did not hold;</p> <p>Hand over original copies of result sheets, other election materials and any report(s) received to the LGA Collation Centre and carry out any other required procedure assisted by the Collation Support and Result Verification System (CSRVS) or RATECH;</p> <p>Directly transmit the</p>	<p>Authenticating the electoral forms and results</p>

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		election result electronically to the next level of collation.	
Paragraph 51	Resolving Discrepancies in Polling Unit Results at RA/Ward Collation	If there is a discrepancy in polling units results submitted by a PO, the RA Collation Officer is required to request an explanation from the PO, locate the point of discrepancy, resolve it using electronically transmitted results and ask the PO to endorse the resolution. He or she shall also report the discrepancy to the next level of collation.	This outlines the procedure for resolving a discrepancy in election results from the polling unit level.
Paragraph 52	Collation at RA or Ward Level where Election Extends to the Following Day in some Polling Units	In the event that voting is to continue the following day at a particular polling unit due to failure and non-replacement of the BVAS, the RA/Ward Collation Officer is required to inform Polling Agents and other stakeholders of the situation at the collation centre and collate the other available polling unit results. These results will be saved at the LGA/Area Council Collation Centre until the following day when the results of the affected polling units will be included in	This procedure ensures that the election stakeholders are notified in the event that voting is scheduled to continue in a polling unit on the following day as a result of the failure and non-replacement of the BVAS.

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		<p>the RA/Ward collation process.</p> <p>The RA/Ward Collation Officer is also required to inform the LGA Collation Officer of the situation before the latter proceeds with the collation of the results of unaffected RAs/Wards.</p>	
Paragraph 55	Collation of Presidential Election Result at National Level	<p>The Chief Electoral Commissioner, who is the INEC Chairman is the Returning Officer for the Presidential election and is required to do as follows:</p> <p>Collect all original copies of result sheets (Form EC8D), election materials and reports,</p> <p>including Form EC40G(II) and PWD Status Forms from State/FCT Collation Officers;</p> <p>Enter the number of votes scored by each Presidential candidate at State/FCT level into Form EC8D(A) in figures and words and collate these figures to get the State result summary;</p> <p>Cross-check entries in the</p>	This prescribes the procedure for collation of State/FCT level election results at the National level and declaration of result for the Presidential election.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<p>Form EC8D(A) with the CSRVS Secretariat and loudly announce the votes scored by each political party;</p> <p>Sign, date and stamp the forms and invite Polling Agents to countersign and distribute copies to them and the Police;</p> <p>Keep the Electoral Operations copy of the Form.</p> <p>Record the number of PVCs collected in polling units where election was cancelled or did not hold and compare this number with the margin of win between the two leading candidates;</p> <p>Enter the scores of the candidates in Form EC8E for declaration of the Presidential election result if the margin of win is more than the number of PVCs collected in affected polling units.</p>	
Paragraph 56	Supplementary Election Due to Over Voting	A supplementary election will be scheduled for another date in polling units where elections are declared null and void for	Conducting supplementary elections in polling units where over voting occurs is important to ensure

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		over voting. The result of the election will not be announced in the constituencies affected until the supplementary election is conducted.	that eligible voters in those locations are not disenfranchised.
Paragraph 57	Announcement of Result Despite Supplementary Election Due to Over Voting	If the total number of PVCs collected in polling units where over voting occurred is less than the margin of lead between the two leading candidates in an election, then a return will be made and a winner announced.	This implies that the result of a supplementary election in the polling units where over voting occurred will not affect the result of the entire election.
Paragraph 58	Postponement of Election Due to Breach of the Peace, Natural Disasters and other Emergencies	If an election is postponed on the grounds of serious breach of peace, natural disasters or other emergencies, the result of the election will not be announced until election is conducted in the affected areas.	Postponing elections to a later date in polling units affected by emergencies on the initially scheduled election day, is important to ensure that eligible voters in those locations are not disenfranchised.
Paragraph 59	Making a Return Notwithstanding Postponement Due to Breach of the Peace, Natural Disasters, and other Emergencies	If the total number of PVCs collected in polling units where over voting occurred is less than the margin of lead between the two leading candidates in an election, then a return will be made for election in that constituency.	This implies that the result of a re-scheduled election in polling units affected by emergencies will not affect the result of the entire election.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 60	Postponement of Election Due to Non-Replacement of BVAS	A new election will be scheduled within 24 hours if an election is postponed in a polling unit as a result of non-replacement of a faulty BVAS, and a return will not be made for the affected constituency in the election until the re-scheduled elections are held.	This is to ensure that eligible voters are not disenfranchised due to the failure and non-replacement of the BVAS.
Paragraph 61	Making a Return Notwithstanding Postponement Due to Non-Replacement of BVAS	If the total number of PVCs collected in polling units where election was postponed due to non-replacement of faulty BVAS is less than the margin of lead between the two leading candidates in an election, then a return will be made for election in that constituency.	This implies that the result of a re-scheduled election in polling units affected by failure and non-replacement of the BVAS will not affect the result of the entire election.
Paragraphs 62, 67, 71, 75 82, 85, 87 and 89	Margin of Lead Principle	This refers to a comparison of the difference in the number of votes between the two leading candidates and the total number of voters who collected their PVCs in polling units where elections are postponed, voided or not held in line with sections 24, 47 and 51 of the Electoral Act. Where the margin of lead is less than the number of PVCs collected in the affected	The principle is now defined using the number of PVCs collected, as opposed to the number of registered voters in an affected polling unit, as was formerly used in the repealed Electoral Act.

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		voting locations, a winner will not be announced until a supplementary election holds in those areas and the results collated.	
Paragraphs 63 and 78	Making a Return/ Declaration of Result for Presidential/Governorship Election	<p>The candidate who scores the highest number of votes and not less than one-quarter of votes in at least two-thirds of the States of the Federation and the FCT will be returned as winner of the Presidential election by the Chief Electoral Commissioner.</p> <p>The candidate who scores the highest number of votes and not less than one-quarter of votes in at least two-thirds of the LGAs in the State will be returned as winner of the Governorship election by the State Collation/Returning Officer.</p>	This is the requirement that a candidate has to meet in order to be declared winner of a Presidential or Governorship election.
Paragraphs 64 and 80	Equality of Highest Votes by Two or more Candidates in Presidential/Governorship Election	A date will be scheduled for a fresh election among two or more candidates who score equal number of highest votes in a Presidential or Governorship election.	This is the procedure in the event of a tie in a Presidential election.

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Paragraphs 65 and 81	Run-Off Elections for Presidential/ Governorship Election	A run-off election will be organised within 21 days from the date of the initial election, if no candidate scores the required number and quota of votes to win a Presidential or Governorship election.	Run-off elections will be used to determine the outcome of an election if there is no clear winner.
Paragraph 66	Distribution of Form EC8E and Completion of Form EC40H(V) by the Chief Electoral Commissioner	In the event that no candidate meets the requirements to be declared winner of a Presidential election, the Chief Electoral Officer is required to distribute the collated result sheet to Polling Agents and the Police, and also complete the PWD status Form.	Notwithstanding that a winner does not emerge from an election, the copies of the result sheet will be made available to agents of political parties and the Police present at the collation venue.
Paragraphs 68 and 83	Uncontested Presidential or Governorship Election	A sole candidate in a Presidential or Governorship election will be deemed elected if he or she scores the required number and quota of votes. Otherwise, political parties will conduct fresh nominations, as provided in Section 133 and 179(1) of the 1999 Nigerian Constitution, respectively.	The procedure for return of a candidate as winner of a Presidential election where there is only one candidate is provided in the 1999 Nigerian Constitution.
Paragraph 72	Collation of Federal Constituency Results with Less than One LGA	The Federal Constituency Collation/Returning Officer collates election results for Registration Areas/Wards that fall within the Federal Constituency for which the	

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		election was conducted. A notice of result of poll poster is also displayed at the Collation Centre at this point.	
Paragraph 79	Distribution and Custody of Result Sheets for Governorship Election	After declaring the winner of a Governorship election, the State Collation/ Returning Officer is required to hand over the Electoral Operations copy and original copies of the result sheets, as well as other election materials to the Resident Electoral Commissioner (REC).	The REC will take custody of the stated documents upon conclusion of a Governorship election.
Paragraph 84	Collation and Declaration of Election Results in State Constituency with one LGA	The LGA Collation Officer/ Returning Officer for the State Constituency (House of Assembly) Election collates election results for RA/Wards in the LGA and delivers to the State Constituency Collation/Returning Officer at the State Constituency Collation Centre	
Paragraph 86	Collation of Election Results in State Constituency with more than one LGA	The State Constituency/ Returning Officer for the State House of Assembly Election collates election results from the LGAs and delivers to the Electoral Officer.	

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
Paragraph 88	Collation of Election Results in State Constituency with less than one LGA	The State Constituency Collation/Returning Officer for the State House of Assembly Constituency election collates election results for Registration Areas /Wards that fall within the State Constituency for which the election was conducted and delivers to the Electoral Officer.	
Paragraph 90	Collation of FCT Area Council Election Result	<p>The procedure for collation and return of a winner for election of the FCT Area Council Chairman and Vice Chairman is the same as the final collation for the Governorship and Presidential elections, with necessary modifications.</p> <p>The procedure for collation and return of a winner for the FCT Area Councilorship election is the same as the final collation of the State Constituency (House of Assembly) election, with necessary modifications.</p>	This is the procedure stipulated for collation and return of a winner for FCT Area Council elections.
Paragraph 91	Principles for Result Collation	<p>Principles to guide election result collation:</p> <p>Polling unit result sheets (EC8A) and Publication of Result Poster (EC60E) are integral components for</p>	Collation appears to be a very delicate part of an election and should be carried out guided by the stipulated principles to ensure

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<p>collation of results;</p> <p>Election officials must ensure openness and transparency in the process;</p> <p>Undisruptive complaints relating to the process may be heard but Collation officers and Returning Officers have the final say with regard to collation results; and all participants in the collation process must act with decorum.</p>	<p>credibility of the process.</p>
Paragraph 92	Use of INEC Copies of Results where Available	The INEC copy of collated results from an immediate lower level of collation should be used at the various levels of collation, where they are available.	
Paragraphs 93 and 94	Collation where INEC Hard Copy of Results Do not Exist and Use of Duplicate Hardcopies from Other Agencies	Collation Officers may use electronically transmitted election results or results uploaded to IReV for collation in the absence of hard copy of collated results or duplicate copies issued to Polling Agents and the Police, in the absence of electronic results.	Collated election results can be taken from alternative sources where hard copies of these results do not exist.
Paragraph 95	Request for Leave to Comment or Raise Objection by Polling Agents	Polling Agents may comment or raise objection on an issue during collation, with permission of the Collation or Returning Officer.	An avenue for Polling Agents to raise concerns in the process of collation may foster

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			accountability in the process.
Paragraph 96	Rejection, Cancellation or Voiding of Results	Rejected, cancelled or voided election results must be recorded in the Form EC40G series.	This is applicable from the polling unit level to the highest level of collation for the various elections, for transparency.
Paragraph 97	Collation and Returning Officers to Complete Result Collation after Disruption	In the event of disruption to the collation process, the Collation and Returning Officers who started the collation of results for an election, will continue with it when the process resumes. They may however, be replaced by INEC if it becomes necessary to do so.	
Paragraph 98	Power of Collation and Returning Officers to Remove Persons from the Collation Centre	A Collation or Returning Officer can order the removal of a person who acts in a disruptive manner, from the Collation Centre. The person may be admitted with the approval of the Officer.	The power bestowed to the Collation or Returning Officer is to ensure orderliness in the Collation Centre. However, it may raise questions of the Officer's bias.
Paragraph 99	Declaration/ Return Made Involuntarily or Contrary to Law, Regulations and Guidelines	INEC can halt the publication of election results and issuance of Certificate of Return if it believes that a declaration or return in an election was made involuntarily or contrary to	INEC's power to review a declaration or return made involuntarily is necessary to avoid situations where political actors coerce

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		law or INEC regulations. It will proceed to review the report of such occurrence within seven days and ask the original or a new Collation or Returning Officer to make a declaration/return.	election officials to make declarations or returns in their favour.
Paragraph 100	Managing the Margin of Lead Principle	<p>Margin of Lead Principle will not apply for the purpose of scheduling supplementary elections where there is wilful obstruction or resistance to distribution of election materials or use of BVAS. The affected polling units will be scored zero.</p> <p>However, it will apply in cases of logistics challenges in deployment of election materials, sustained malfunction of BVAS midway into elections, where violent disruption occurs. If there is violent disruption leading to the snatching or destruction of election materials after announcement of results or before result sheets arrive at Collation Centres, then electronic transmitted results, results from the IReV portal or duplicate hard copies of</p>	Voters who reject the BVAs or wilfully obstruct the distribution of election materials in their polling units will not have another opportunity to vote, as their polling units will be credited with zero vote.

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		result sheets may be used for collation.	
Paragraph 101	Access to Polling Units, Collation Centres, etc.	<p>The following persons will be allowed into the electoral material distribution centres, polling units and stations and Collation Centres:</p> <ul style="list-style-type: none"> • Registered voters (polling units only) • INEC Officials on election duty • Designated security officials • One polling agent per political party or candidate • Accredited journalists and media organisations • Accredited domestic and foreign observers 	With vehicular movement restricted on election day, only election stakeholders are allowed to move around to the various voting and collation venues.
Paragraph 102	Role of Polling Agents	<p>Polling Agents are allowed to:</p> <ul style="list-style-type: none"> • Observe the election from distribution of election materials to the declaration of results; • Call attention of election officials to irregularities; 	Polling Agents cannot interfere with the elections.

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<ul style="list-style-type: none"> Countersign result sheets at polling units and collation forms at Collation Centres. <p>They are expected to conduct themselves in an orderly manner.</p>	
Paragraph 103	Role of Election Observers	<p>Accredited Election Observers wearing INEC-issued identification badges are allowed to:</p> <ul style="list-style-type: none"> Observe the election from distribution of election materials to the declaration of results; Call attention of election officials to irregularities; Ask questions where necessary. 	Election Observers cannot interfere with the elections.
Paragraph 104	Role of Security Agents	<p>Security Agents on Election Duty are responsible for:</p> <ul style="list-style-type: none"> Securing voting and collation locations and preventing violence that can disrupt the elections; Ensure safety of election personnel and materials at all 	Security Agents are in charge of providing security on election day

PARA-GRAPH	HEADING	SUMMARY	ANALYSIS
		<p>levels, including delivering election results and materials to collation centres up to the level of return;</p> <ul style="list-style-type: none"> • Arrest any person causing disturbance at the voting and collation locations, on instruction of INEC officials; • Stand at the end of the voters' queue at the polling unit to prevent people joining the queue at the close of voting. 	
Paragraph 105	Reverse Logistics	Election officials are responsible for the safe return of election materials to designated locations after elections and these materials should be audited.	Safe return of election materials is important to prevent tampering of inputted records.
Paragraph 106	Amendments, Supplements and Schedules	INEC Regulations and Guidelines are issued in exercise of its powers under the Electoral Act and the Commission may make amendments to these regulations and guidelines.	Powers of INEC to make or alter these Regulation and Guidelines

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 process.

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.

