

CANDIDATE NOMINATION BY POLITICAL PARTIES UNDER THE ELECTORAL ACT 2026: KEY CHANGES AND IMPLICATIONS



This Factsheet:

- Examines the new provisions on nomination of candidates by political parties under Sections 84–88 of the Electoral Act 2026 and compares them with Section 84 of the Electoral Act 2022
- Highlights the key legal changes introduced by the new law
- Analyses their potential implications for internal party democracy, candidate selection processes, and electoral litigation.

1. Introduction

The Electoral Act 2026 restructures the legal framework governing how political parties nominate candidates for elective offices. Under the Electoral Act 2022, these rules were contained in a single comprehensive provision (section 84) that set out detailed procedures for different types of primaries and nomination methods. The 2026 Act reorganises these provisions across sections 84 – 88, retaining many core principles but removing several detailed procedural safeguards that previously governed party primaries. The result is a more streamlined legal framework that relies more heavily on party guidelines and internal party rules rather than detailed statutory prescriptions.

2. Key Takeaway

The Electoral Act 2026 removes many of the detailed statutory procedures that previously regulated how primaries must be conducted, but retains the enforcement and oversight framework for party primaries. The most consequential changes are:

- Removal of indirect primaries and the entire delegate convention architecture
- Recognition of only two modes of nomination – direct primaries and consensus.
- Deletion of basic procedural safeguards for direct primaries (e.g. participation of all registered party members, ward-level voting, equal opportunity for aspirants, and ratification conventions).

- Retention of enforcement and oversight mechanisms (INEC monitoring of party primaries; Federal High Court jurisdiction over nomination disputes; candidate exclusion where parties fail to comply with the law; and, restrictions on injunctions that could disrupt the electoral timetable).
- Greater reliance on party guidelines rather than statutory rules

This shifts the regulatory model from legislative prescription toward internal party autonomy, with courts and INEC continuing to serve as oversight mechanisms.

Comparative Summary: Candidate Nomination Rules under the Electoral Act 2022 and 2026

Issue Area	Electoral Act 2022 (Section 84)	Electoral Act 2026 (Sections 84–88)	What Changed	Practical Implications
 <p>Mandatory Party Primaries and INEC Monitoring</p>	Section 84(1) required political parties to nominate candidates for all elective positions through party primaries monitored by the Independent National Electoral Commission (INEC).	Section 84(1) retains the same rule requiring primaries monitored by INEC.	No substantive change.	INEC retains an oversight role in party primaries. The Commission must still monitor the process to ensure compliance with the Act.
 <p>Modes of Candidate Nomination</p>	Section 84(2) allowed three nomination methods: 1. Direct primaries, 2. Indirect primaries (delegate system), and 3. Consensus.	Section 84(2) recognises only two methods: 1. Direct primaries, and 2. Consensus.	Indirect primaries removed.	Parties can no longer legally nominate candidates through delegate conventions. The removal may significantly alter internal party power dynamics and campaign strategies.
 <p>Restrictions on Party-Imposed Qualification Criteria</p>	Section 84(3) prohibited parties from imposing additional candidate eligibility requirements beyond those contained in the Constitution.	Section 85 restates the same principle.	Reordered but substantively retained.	Prevents parties from introducing restrictive conditions that could exclude aspirants outside constitutional eligibility rules.
 <p>Direct Primaries – Statutory Procedure</p>	Section 84(4) contained detailed rules for direct primaries , including: voting at ward level, participation of all registered party members, equal opportunity for aspirants, and ratification conventions.	Section 86 now states that direct primaries shall be conducted in accordance with party guidelines , without specifying detailed statutory procedures.	Detailed statutory procedure deleted.	The Act shifts from statutory regulation to party discretion, meaning the conduct of direct primaries will largely depend on party constitutions and internal guidelines rather than detailed legal standards.

Issue Area	Electoral Act 2022 (Section 84)	Electoral Act 2026 (Sections 84–88)	What Changed	Practical Implications
 <p>Indirect Primaries – Office-by-Office Procedures</p>	<p>Section 84(5) provided detailed procedures for delegate-based primaries for presidential, governorship, National Assembly, State Assembly, and Area Council elections. It specified delegate voting rules and that the candidate with the highest votes wins.</p>	<p>No equivalent provision appears in the 2026 Act.</p>	<p>Entire indirect primary framework removed.</p>	<p>This removes statutory rules governing delegate conventions and eliminates clear legislative guidance on how delegate-based nominations should occur.</p>
 <p>Councillorship Primaries</p>	<p>Section 84(6) required that councillorship candidates be nominated through direct primaries at the ward level.</p>	<p>The specific rule is not reproduced in the new Act. Section 108 provides a more general reference that Area Council election procedures follow those for other elections under the Act.</p>	<p>Deleted or relocated.</p>	<p>Creates uncertainty about whether councillorship primaries must still follow ward-level direct voting or whether parties may determine the procedure internally.</p>
 <p>Single Aspirant Confirmation Procedure</p>	<p>Section 84(7) provided that where only one aspirant emerged in delegate-based primaries, the party must convene a special convention or congress at a designated centre to confirm the aspirant before forwarding the candidate's name to INEC.</p>	<p>The 2026 Act does not replicate this rule, which is targeted at indirect primaries.</p>	<p>Deleted.</p>	<p>Its removal reflects the elimination of the indirect primary framework.</p>
 <p>Delegate Election Safeguards</p>	<p>Section 84(8) required parties to establish democratic procedures for electing delegates who would vote at conventions.</p>	<p>No equivalent safeguard exists in the 2026 Act.</p>	<p>Deleted.</p>	<p>Since the delegate system is removed from the statutory framework, safeguards governing delegate elections also disappear.</p>
 <p>Consensus Nomination – Written Consent Requirement</p>	<p>Section 84(9) allowed parties to nominate candidates through consensus only if all cleared aspirants provided written consent.</p>	<p>Section 87(1) retains the same requirement.</p>	<p>Retained.</p>	<p>Protects aspirants by preventing party leadership from imposing consensus candidates without the agreement of all contenders.</p>

Issue Area	Electoral Act 2022 (Section 84)	Electoral Act 2026 (Sections 84–88)	What Changed	Practical Implications
 <p>Failed Consensus Fallback Rule</p>	Section 84(10) required parties to revert to either direct or indirect primaries if consensus failed.	Section 87(2) requires parties to revert only to direct primaries if consensus fails.	Fallback narrowed.	Reduces party flexibility and makes direct primaries the mandatory alternative where consensus negotiations collapse.
 <p>Consensus Ratification Convention</p>	Section 84(11) required consensus nominations to be ratified at designated centres by party delegates or members.	Section 87(3) retains the ratification requirement with minor textual adjustments.	Substantively retained.	Maintains a formal ratification step to legitimise consensus nominations.
 <p>Political Appointee Restriction</p>	Section 84(12) prohibited political appointees from being voting delegates or aspirants in party primaries.	Section 88(1) repeats the same rule.	Retained but conceptually inconsistent.	Since indirect primaries and the delegate system have been removed, the continued reference to voting delegates may represent a legislative drafting inconsistency.
 <p>Sanction – Candidate Exclusion</p>	Section 84(13) provided that where parties fail to comply with the law in conducting primaries, INEC shall not include the party's candidate in the election.	Section 88(3) retains the same sanction.	Retained.	Maintains a strong compliance incentive by allowing disqualification of improperly nominated candidates.
 <p>Right of Action – Judicial Review</p>	Section 84(14) allowed aggrieved aspirants to challenge primary elections at the Federal High Court.	Section 88(2) retains this right.	Retained.	Aspirants still have a judicial remedy where party nomination procedures violate the Act.
 <p>Restriction on Injunctions Against Primaries or Elections</p>	Section 84(15) prohibited courts from granting injunctions that stop party primaries or elections.	Section 88(4) repeats this rule.	Retained.	Designed to prevent litigation from disrupting the electoral timetable.

Source: Electoral Act 2022 and Electoral Act 2026

Why Delegate primaries were controversial

Indirect primaries were often criticised because they concentrated power in delegate conventions where:

- delegate lists could be manipulated
- internal party capture was easier
- financial inducements were common
- intra-party litigation was frequent

3. Broader Democratic and Political Implications

a. The end of the delegate convention system

Delegate conventions had long been criticised within Nigeria's party system. They concentrated decision-making in small groups of delegates, where delegate lists could be manipulated, monetary inducements were common, and elite bargaining often determined outcomes. Many pre-election intra-party disputes also arose from disagreements over delegate accreditation and voting procedures. The removal of this system may therefore reflect an effort to move away from a process widely perceived as vulnerable to manipulation. However, the reform also raises a structural question: why eliminate the option entirely rather than allow parties to choose between nomination methods? Indirect primaries sometimes provided a more administratively manageable process, particularly for parties with large memberships.

b. From statutory regulation to party discretion

The Electoral Act 2022 prescribed detailed statutory rules for how primaries must be conducted. The 2026 Act adopts a different approach. Many procedural provisions, especially those governing direct primaries, have been removed from the statute and replaced with a requirement that primaries be conducted in accordance with party guidelines. This shift has important implications:

- Statutory minimum standards for direct primaries are removed
- Procedural rules now depend largely on party guidelines
- Participation and fairness guarantees become harder to legally enforce through statute

c. Direct primaries as the default system

The new law not only removes indirect primaries but also narrows the fallback rule when consensus fails. Under the 2022 Act, failed consensus could lead to either direct or indirect primaries. The 2026 Act now requires that failed consensus must revert to direct primaries. This effectively makes direct primaries the default nomination mechanism. While often viewed as more democratic, direct primaries are also more expensive and operationally demanding, particularly for parties with large membership bases.

d. Implications for litigation and enforcement

The removal of detailed statutory procedures may also affect how courts handle disputes arising from party primaries. Under the 2022 Act, courts could assess primary disputes against specific statutory procedures. The 2026 Act provides fewer such benchmarks. As a result, litigation may increasingly focus on whether parties complied with their own internal guidelines rather than with detailed statutory rules. This could lead to greater variation across parties and more uncertainty in judicial outcomes, particularly as courts interpret disputes involving party guidelines.

e. Screening restrictions and party autonomy

Section 85 of the 2026 Act retains 2022 provisions restricting political parties from imposing qualification or disqualification criteria beyond those contained in the Constitution. On one hand, this provision protects aspirants from arbitrary exclusion through internal party rules. On the other hand, it may limit the ability of parties to enforce internal standards relating to issues such as membership duration, disciplinary history, or internal vetting procedures. The provision therefore reflects a continuing tension between protecting aspirant rights and preserving party autonomy in candidate selection.

f. Strategic incentives within parties

The new framework may also influence internal party strategy. Because failed consensus must now lead to direct primaries, aspirants may refuse consensus arrangements strategically if they believe a direct primary will favour them. Similarly, although consensus nominations require written consent, informal pressure and elite bargaining may still shape outcomes behind the scenes.

4. Conclusion

The Electoral Act 2026 significantly restructures the legal framework governing candidate nomination by political parties. By removing the delegate convention system and reducing statutory procedural detail, the law shifts from a highly prescriptive regulatory model toward greater reliance on party guidelines and internal governance. Whether this shift strengthens or weakens internal party democracy will ultimately depend on how political parties design their nomination rules and how oversight institutions respond to disputes arising under the new framework.

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.

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