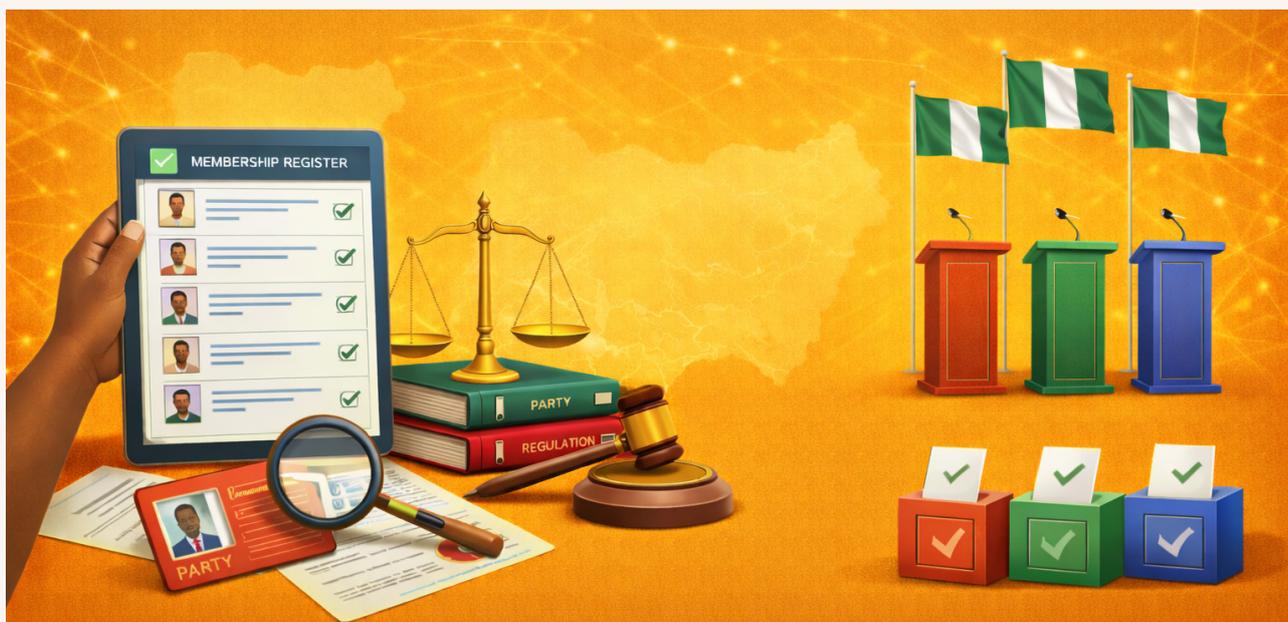


MEMBERSHIP REGISTER, REGULATION AND INTERNAL PARTY DEMOCRACY

A Comparative Analysis of Section 77 (Electoral Act 2022 and 2026)



This Factsheet:

- Analyses the legal framework governing party membership registers in Nigeria;
- Explains how the 2026 reforms restructure membership documentation and verification;
- Examines new enforcement mechanisms tied to primary elections;
- Assesses the implications for internal party democracy, compliance burden and litigation risk.

Executive Summary

Section 77 of the Electoral Act 2026 significantly redesigns how political parties manage and document their membership. While parties remain corporate bodies under the law, the 2026 amendment transforms what was previously a general register requirement into a structured, digital, identity-based database tied directly to primary election participation.

The Act now mandates detailed personal data (including NIN and photographs), shortens the submission timeline to 21 days before primaries, prohibits the use of alternative registers, and introduces a severe sanction: a party that fails to submit a compliant register within the prescribed time cannot field a candidate. Taken together, these changes mark a clear shift from a largely procedural requirement to a more enforceable system for regulating internal party democracy.

1. Introduction: Why Party Membership Registers Matter

In Nigeria’s constitutional democracy, political parties are the exclusive vehicles through which candidates contest most elective offices. Internal party primaries determine who appears on the ballot. The integrity of those primaries depends fundamentally on one question i.e. who is a recognised member of the party?

Section 77 governs the maintenance and submission of party membership registers. It determines:

- How membership is documented;
- Who may vote or be voted for in primaries;
- How transparent party participation must be; and
- What consequences follow from non-compliance.

The 2026 Act introduces substantial changes to this framework.

2. Legal Background: Corporate Status & Register Requirement

Under both the 2022 and 2026 Acts:

- Political parties remain corporate bodies with perpetual succession;
- Parties must maintain a register of members;
- The register must be submitted to INEC before party primaries.

However, while the structural framework remains intact, the depth of regulatory control has expanded considerably under the 2026 Act.

3. Comparative Overview: Section 77 (2022 vs 2026)

Regulatory Issue	Electoral Act 2022	Electoral Act 2026	What Changed
Corporate status of political parties	Recognised	Recognised	No change
Register format	Hard & soft copy	Digital, structured database (also mentions hard and soft copies)	Format expanded
Data fields	Not specified	Detailed personal data required	Major addition
Submission timeline	30 days before primaries	21 days before primaries	Shortened
Voting eligibility for primaries	Not expressly tied to register	Strictly tied to submitted register	New safeguard
Alternative registers	Not addressed	Expressly prohibited	Anti-manipulation clause
Sanction for non-submission	Not specified	Party cannot field candidate	Severe enforcement tool

4. Enforcement Gap in the 2022 Act

Under the 2022 Electoral Act, political parties were required to maintain a membership register and submit it to INEC 30 days before their primaries. However, the law did not provide an express sanction for failure to submit the register. It also did not expressly prohibit the use of alternative registers or clearly link inclusion in the register to eligibility to vote or be voted for in the primary.

This enforcement gap weakened the practical value of the register requirement. In effect, a party could fail to submit a register, or submit one that was incomplete or poorly prepared, without facing any immediate or clearly stated legal consequence. This created room for irregular or manipulated delegate lists, opaque primary processes, and opportunistic movement between parties.

In practice, some registers reportedly submitted during the 2023 election cycle were incomplete, non-standardised, or not usable for effective verification. As a result, the register requirement often operated more as a procedural formality than as a meaningful safeguard for internal party democracy.

This weak statutory framework was also reflected in judicial decisions. In litigation arising from party primaries, the Supreme Court made it clear that the mere fact that an aspirant moved from one party to another in search of nomination was not, by itself, unlawful. The Court stated that an aspirant “jumping from one party to another until he found harbour” was not contrary to the law. In its words:

“while such an act might have moral implications, there is no provision in the Electoral Act that precludes a candidate from participating in more than one primary. What is forbidden is his nomination by more than one political party at the same time and to his knowledge”¹

The Supreme Court further stressed that, although courts should not encourage conduct that undermines democratic values, they cannot impose penalties or restrictions that the law itself has not created. In other words, the court would not stretch or misapply the law in order to enforce moral or political standards that were not expressly provided for by the legislation.

5. Digital Identity-Based Register

The 2026 Act now mandates that the register of political parties must include the following:

- Name
- Sex
- Date of birth
- Address
- State, LGA, Ward
- Polling Unit
- National Identification Number (NIN)
- Photograph

¹ Jime v. Hembe (2023) LPELR-60334 (SC)

This transforms the membership register into a quasi-electoral identity database. The reform aims to reduce fictitious or inflated membership lists, enhance verifiability, standardise membership documentation, and strengthen traceability during primaries.

However, it also introduces significant administrative burden and data protection responsibilities. The inclusion of NIN and photographs creates centralised databases of sensitive personal data within political parties. This raises questions about compliance with data protection frameworks and risk of data misuse or breach.

6. Voting Strictly Tied to the Submitted Register

A major innovation in the 2026 Act is the express provision that only members whose names appear in the submitted register may vote or be voted for in primaries. Under the 2022 Act, the law did not expressly prohibit reliance on alternative or parallel internal/delegate lists. The 2026 Act closes this gap by linking participation directly to the submitted register and prohibiting use of any alternative register.

This could strengthen internal party democracy by preventing last-minute additions of names, reducing arbitrary substitutions, enhancing predictability of primary outcomes and limiting list manipulation by party factions.

7. Shortened Submission Timeline

The submission deadline for membership registers is reduced from 30 days to 21 days before primaries. While seemingly minor, this change compresses compliance timelines, increases operational pressure and heightens risk of technical default.

8. Severe Sanction – Loss of Right to Field Candidates

As earlier stated, there was no explicit statutory sanction for failure to submit a membership register under the 2022 Act. In response to this, the 2026 Act introduces a dramatic enforcement mechanism, which is that the failure to submit the register within the prescribed timeline means the party cannot field a candidate.

In this framework, administrative compliance becomes a condition for ballot access and electoral survival is now tied to membership documentation. The strengthening of this provision is commendable, but introduces a real risk of technical disqualification i.e., a party may lose the right to field candidates due to administrative delay, minor data errors or technical defects. This could produce high-stakes pre-election litigation.

9. Conclusion

Section 77 of the Electoral Act 2026 represents a significant restructuring of party membership governance in Nigeria. It can be framed as a corrective enforcement reform responding to practical failures observed in 2023 primaries. It aims to strengthen transparency in primaries, structured membership verification and stronger INEC oversight.

However, it raises important questions:

- Could technical non-compliance exclude parties?
- Will increased regulation reduce manipulation or increase litigation?
- Are parties equipped to manage sensitive personal data securely?
- Does heightened compliance risk disadvantage smaller parties?

The effectiveness of this reform will depend on consistent enforcement by INEC, judicial interpretation of disqualification provisions, the ability of political parties to modernise digital systems and robust data protection safeguards.



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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