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ELECTORAL ACT, 2026

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ELECTORAL ACT, 2026

ACT NO. 1

AN ACT TO REPEAL THE ELECTORAL ACT, NO. 13, 2022 AND ENACTS THE ELECTORAL ACT, 2026 TO REGULATE THE CONDUCT OF FEDERAL, STATE AND AREA COUNCILS IN THE FEDERAL CAPITAL TERRITORY ELECTIONS; AND FOR RELATED MATTERS.

[18th day of February, 2026] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria —

PART I — ESTABLISHMENT AND FUNCTIONS OF INDEPENDENT NATIONAL ELECTORAL COMMISSION

Establishment of Independent National Electoral Commission

Cap C23, LFN, 2004

1.—(1) The Independent National Electoral Commission as established by section 153 of the Constitution (in this Act referred to as "the Commission") —

(*a*) is a body corporate with perpetual succession ; and

(*b*) may sue and be sued in its corporate name.

(2) The National Headquarters of the Commission shall be situated in the Federal Capital Territory (FCT).

Functions of the Commission

Cap C23, LFN, 2004

2. In addition to the functions conferred on it by the Constitution, the Commission shall have power to —

(*a*) conduct voter and civic education ;

(*b*) promote knowledge of sound democratic election processes ; and

(*c*) conduct any referendum required to be conducted under the provisions of the Constitution or an Act of the National Assembly.

Establishment of Independent National Electoral Commission Fund

3.—(1) There is established the Independent National Electoral Commission Fund (in this Act referred to as "the Fund")

(2) There shall be paid into the Fund —

(*a*) such sums and payments received from the Federal Government available to the Commission for the performance of its functions under this Act ;

(*b*) such sums as may be credited to the Fund by way of interest from investments made from the Fund; and

(*c*) aids, grants or any other accruals to the Commission in order to perform its functions.

(3) The election funds due to the Commission for any general election shall be released to the Commission not later than 6 months before the next general election.

(4) Disbursements from the Fund shall be made in accordance with rules set out by the Commission.

Expenditure of the Commission

4.—(1) The Commission may apply the proceeds of the Fund to —

(*a*) defray the cost of administration of the Commission ;

(*b*) reimburse members or members of any committee set up by the Commission for such expenses as may be expressly authorised by the Commission in accordance with the rates approved by it ;

(*c*) the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation allowance and gratuities payable to the officers and servants of the Commission ;

(*d*) the maintenance of any property vested in the Commission ; and

(*e*) all or any of its functions under this Act.

(2) A payment of any kind under subsection (1) (c), except payment as may be expressly authorised, shall not be made to any person who is in receipt of emoluments from the Government of the Federation or of a State.

Annual estimates and accounts

5. The Commission shall keep proper accounts and records in respect of each financial year and shall cause its accounts to be audited not later than six months after the end of each financial year as required by law.

Establishment of office in each State, Federal Capital Territory and Local Government Area

6.—(1) There is established in each State of the Federation, Federal Capital Territory and Local Government Area, an office of the Commission which shall perform such functions as may be assigned to it by the Commission.

(2) Any person appointed to the office of a Resident Electoral Commissioner shall —

(*a*) hold office for a term of five years from the date of his or her appointment which may be renewable for another term of five years and no more ; and

(*b*) be answerable to the Commission.

Cap. C23, LFN, 2004

(3) The Resident Electoral Commissioner appointed under the Constitution may only be removed by the President, acting on an address supported by two-thirds majority of the Senate praying that the Resident Electoral Commissioner be so removed for inability to perform the functions of the office, whether arising from infirmity of mind or body or any other cause, or for misconduct.

(4) The appointment of a Resident Electoral Commissioner shall be in compliance with section 14 (3) of the Constitution of the Federal Republic of Nigeria and section 4 of the Federal Character Commission (Establishment, etc.) Act. Cap. F7, LFN, 2004

7. The Commission may appoint one or more committees to perform any of its functions under this Act. Committees of the Commission

PART II — STAFF OF THE COMMISSION

8.—(1) There shall be a Secretary to the Commission who shall — Secretary and other staff of the Commission

(*a*) be appointed by the Commission ;

(*b*) have such qualifications and experience to be determined by the Commission as are appropriate for any person required to perform the functions of his or her office under this Act ; and

(*c*) hold office for a term of four years from the date of his or her appointment which may be renewable for another term of four years and no more.

(2) Subject to the general direction of the Commission, the Secretary shall be —

(*a*) responsible for keeping proper records of the proceedings of the Commission ;

(*b*) the head of the Commission's secretariat and be responsible for its administration ; and

(*c*) responsible for the direction and control of all other employees of the Commission with the approval of the Commission.

(3) The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff as may be prescribed by this Act or any other enactment by the National Assembly.

(4) All employees of the Commission appointed under subsection (3), excluding persons appointed on a temporary basis for an honorarium, shall have the same rights and obligations as provided for in the Pension Reform Act. Act No. 4, 2014

(5) Any person who, being a member of a political party, misrepresents himself by not disclosing his membership, affiliation, or connection to any political party in order to secure an appointment with the Commission in any capacity, commits an offence and is liable on conviction, to a fine of ₦5,000,000 or imprisonment for a term not more than two years or both.

PART III — NATIONAL REGISTER OF VOTERS AND VOTERS' REGISTRATION

National Register of Voters and voters' registration

9.—(1) The Commission shall compile, maintain, and update, on a continuous basis, a National Register of Voters (in this Act referred to as "the Register of Voters") which shall include the names of all persons —

(*a*) entitled to vote in any Federal, State, Local Government or Federal Capital Territory Area Council election; and

(*b*) with disability status disaggregated by type of disability.

(2) The Commission shall keep the Register of Voters in its National Headquarters and other locations as the Commission may determine :

Provided that the Commission shall keep the Register of Voters in —

(*a*) electronic format in its central database ; and

(*b*) manual, printed, paper-based record or hard copy format.

(3) The Commission shall maintain as part of the Register of Voters, a register of voters for each State of the Federation and for the Federal Capital Territory.

(4) The Commission shall maintain as part of the Register of Voters for each State and the Federal Capital Territory, a Register of Voters for each Local Government or Area Council within the State and the Federal Capital Territory.

(5) The Register of Voters shall contain, in respect of each person, the particulars required in the Form prescribed by the Commission.

(6) The registration of voters, updating and revision of the Register of Voters under this section shall stop not later than 90 days before any election covered by this Act.

(7) The registration of voters shall be at the registration centers designated for that purpose by the Commission and notified to the public.

Continuous registration

10.—(1) Subject to section 9 (6) of this Act, there shall be continuous registration of all persons qualified to be registered voters.

(2) Each applicant for registration under the continuous registration system shall appear in person at the registration venue with any of the following documents —

(*a*) Nigerian birth certificate,

(*b*) Nigerian passport; or

(*c*) National Identification Number (NIN).

(3) The Commission shall, within 60 days after each year, make available to every political party the names and addresses of each person registered during that year.

(4) When a general election is notified by the Commission under section 28 of this Act, the current official Register of Voters certified by the Commission in accordance with the provisions of this Act shall be the official voters' register for those elections.

(5) In the case of every bye-election conducted under this Act, the official voters' register for use at such elections shall be the existing current register relating to the senatorial district or the constituency concerned.

(6) As soon as claims and objections have been dealt with or the period for making claims and objections has expired, the supplementary list shall be included in the revised register, which shall be certified by the Commission as the official Register of Voters for the purpose of any election conducted under this Act and supersedes all previous registers.

Appointment of officers

11.—(1) For the purpose of maintaining and updating the Voters' Register, the Commission shall appoint such registration, revision or update officers as it may require, provided that such officers shall not be members of any political party.

(2) Any person may raise an objection against any officer during the registration or updating exercise provided that failure to raise such objection shall not vitiate the register.

(3) The officers appointed under subsection (1) shall perform such functions and discharge such duties as may be specified by the Commission, in accordance with the provisions of this Act, and shall not be subject to the direction or control of any person or authority other than the Commission in the performance of their functions and discharge of their duties.

Qualification for registration

12.—(1) Any person shall be qualified to be registered as a voter if such a person —

(*a*) is a citizen of Nigeria ;

(*b*) has attained the age of 18 years ;

(*c*) is ordinarily resident, works in, and originates from the Local Government, Area Council or Ward covered by the registration centre;

(*d*) presents himself to the registration officers of the Commission for registration as a voter ; and

(*e*) is not subject to any legal incapacity to vote under any law, rule or regulations in effect in Nigeria.

(2) Any person shall not register in more than one registration centre or register more than once in the same registration centre.

(3) Any person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not less than ₦100,000 or imprisonment for a term not less than one year or both.

Transfer of registered voters

13.—(1) Any person who before the election is resident in a constituency other than the one in which he or she was registered may apply to the Resident Electoral Commissioner of the State where he or she is currently resident for his or her name to be entered on the Transferred Voters List for the constituency.

(2) An application under subsection (1) shall be accompanied by a copy of the applicant's voters' card and shall be made not later than 90 days before the date of an election in the constituency where the applicant is resident.

(3) The Resident Electoral Commissioner to whom an application is made under this section shall cause the applicant's name to be entered in the Transferred Voters' List if he or she is satisfied that the applicant is resident in a polling area in the constituency and is registered in another constituency.

(4) Whenever an electoral officer on the direction of the Resident Electoral Commissioner enters the name of any person on the Transferred Voters' List for his or her constituency, he or she shall —

(*a*) assign that person to a polling station or a polling area in his or her constituency and indicate in the list the polling area or polling station to which that person is assigned ;

(*b*) issue the person with a new voters' card and retrieve his or her previous voter's card ; and

(*c*) send a copy of the entry to the electoral officer of the constituency where the person whose name has been so entered was originally registered and upon receipt of this entry, that electoral officer shall delete the name from the voters' list.

Demand for information regarding registration

14. In the performance of his or her duties under this Act, a registration officer and an update officer shall —

(*a*) demand from any applicant the information necessary to enable him or her to ascertain whether the applicant is qualified to be registered as a voter in accordance with the provisions of this Act; and

(*b*) require any voter or applicant to complete an application form for the purpose of the registration, but in the case of an illiterate or disabled person such application form may be completed by the registration officer on the applicant's request.

Power to print or issue register of voters

15. The Commission shall cause a voters' register for each State to be printed, reproduced, copied, duplicated or saved in electronic format and any person or political party may obtain from the Commission, on payment of such fees as may be determined by the Commission, a certified true copy of any voters' register for the State or for a Local Government or Area Council polling units or registration area within it.

Power to print or issue voters card

16.—(1) The Commission shall design, cause to be printed and control the issuance of voters' cards to voters whose names appear in the register.

(2) A voter shall not hold more than one valid voter's card.

(3) Any person who contravenes subsection (2) commits an offence and is liable on conviction, to a fine not more than ₦500,000 or imprisonment for a term not more than one year or both.

(4) The Commission may, whenever it considers it necessary, replace all or any voters' cards for the time being held by voters.

Custody of voters' register

17. Each electoral officer shall take custody of the voters register for his or her Local Government Area or Area Council under the general supervision of the Resident Electoral Commissioner.

Power to issue replacement permanent voters' cards

18.—(1) Whenever a voter's card is lost, destroyed, defaced, torn or otherwise damaged, the owner of such card shall, not less than 90 days before polling day, apply in person to the electoral officer or any other officer duly authorised for that purpose by the Resident Electoral Commissioner, stating the circumstances of the loss, destruction, defacement or damage:

Provided that, nothing in this section shall prevent the owner of such card from printing a downloadable copy.

(2) Any person shall not issue a replacement permanent voter's card to any voter less than 90 days before polling day.

(3) Where the electoral officer or any other officer is satisfied as to the circumstances of the loss, destruction, defacement or damage of the voter's card, he or she shall issue to the voter another copy of the voter's original voter's card with the word "REPLACEMENT" clearly marked or printed on it, showing the date of issue.

(4) Any person who contravenes subsection (3) commits an offence and is liable on conviction, to a fine not more than ₦200,000 or imprisonment for a term not more than two years or both.

Display of the copies of the voters' list

19.—(1) Subject to the provisions of section 9 (6) of this Act, the Commission shall, not later than 90 days to a general election, appoint a period of seven days during which a copy of the voters' register for each Local

Government, Area Council or Ward shall be displayed or published for public scrutiny at every registration area and on its official website or any website established by the Commission for that purpose.

(2) Upon displaying or publishing the voters register in accordance with this section, the Commission shall accept and consider objections and complaints in relation to the names omitted or included in the voters' register or in relation to any necessary correction, within 14 days after displaying the voters register in accordance with this section.

(3) During the period of the display of the voters' list under this Act, any person may —

(a) raise an objection on the form prescribed by the Commission against the inclusion in the supplementary voters' register of the name of a person on grounds that the person is not qualified to be registered as a voter in the State, Local Government or Area Council, Ward or registration area or that the name of a deceased person is included in the register; or

(b) make a claim on the form prescribed by the Commission that the name of a person registered to vote has been omitted.

(4) An objection or claim under subsection (2) shall be addressed to the Resident Electoral Commissioner through the electoral officer in charge of the Local Government or Area Council.

(5) An official or staff of the Commission, who fails to display or publish the voters' register as provided under subsection (1) commits an offence and is liable on conviction to a fine of ₦100,000 or imprisonment for a term of six months or both.

Revision officer for hearing of claims

20.—(1) The Commission may appoint as a revision officer any person to hear and determine claims for and objection to any entry in or omission from the preliminary list of voters and may appoint such number of other persons as it deems necessary to assist the Revision Officer.

(2) Any person dissatisfied with the determination by a Revision Officer or person or persons assisting a Revision Officer of his or her claims or objection as mentioned in subsection (1), shall within seven days, appeal against the decision to the Resident Electoral Commissioner in charge of that State whose decision shall be final.

Proprietary rights in the voters' card

21. The proprietary rights in any voters' card issued to any voter shall vest in the Commission.

Offences of buying and selling voters' cards

22. Any person who —

(*a*) is in unlawful possession of any voter's card whether issued in the

name of any voter or not,

(*b*) sells or attempts to sell or offers to sell any voter's card whether issued in the name of any voter or not, or

(*c*) buys or offers to buy, sells or offers to sell votes whether on his own behalf or on behalf of any other person,

commits an offence and is liable on conviction to a fine of not less than ₦5,000,000 or imprisonment to a term of not less than two years or both, and shall not be eligible to stand for election in Nigeria for a period of at least 10 years.

Offences relating to register of voters

23.—(1) Any person who —

(*a*) after demand or requisition made of him or her under this Act without just cause, fails to give any such information as he or she possesses or does not give the information within the time specified,

(*b*) in the name of any other person, whether living, dead or fictitious, signs an application form for registration as a voter to have that other person registered as a voter,

(*c*) transmits or is involved in transmitting to any person as genuine a declaration relating to registration which is false in any material particular, knowing it to be false,

(*d*) intentionally procures the inclusion in the Register of Voters of his or herself or any other person with the knowledge that he or she or that other person ought not to have been registered, or

(*e*) by his or herself or any other person procures the registration of a fictitious person,

commits an offence and is liable on conviction to a fine not more than ₦100,000 or imprisonment for a term not more than one year or both.

(2) Any person who —

(a) by duress, including threats of any kind causes or induces any person or persons generally to refrain from registering as a voter or voters, or

(b) in any way hinders another person from registering as a voter,

commits an offence and is liable on conviction, to a fine not more than ₦500,000 or imprisonment for a term not more than five years.

Part IV — Procedure at Election

Conduct and postponement of election in emergency

24.—(1) In the event of an emergency affecting an election, the Commission shall, as far as practicable, ensure that persons displaced as a result of the emergency are not disenfranchised.

(2) Where a date has been appointed for the holding of an election, and there is reason to believe that a serious breach of the peace is likely to occur if the election is proceeded with on that date or it is impossible to conduct the elections as a result of natural disasters or other emergencies, the Commission may postpone the election and shall in respect of the area, or areas concerned, appoint another date for the holding of the postponed election, provided that such reason for the postponement is cogent and verifiable.

(3) Where an election has commenced and there is reason to believe that there is or has been substantial disruption of election in a polling unit or constituency or it is impossible to continue with the election occasioned by threat to peace and security of electoral officials and materials, the Commission shall suspend the election and appoint another date for the continuation of the election or the process.

(4) Where the Commission appoints a substituted date in accordance with subsections (2) and (3), there shall be no return for the election until polling has taken place in the area or areas affected.

(5) Notwithstanding subsection (3), the Commission may, if satisfied that the result of the election will not be affected by voting in the area or areas in respect of which substituted dates have been appointed, direct that a return of the election be made.

(6) The decision of the Commission under subsection (4) may be challenged by any of the contestants at a court or tribunal of competent jurisdiction and on such challenge, the decision shall be suspended until the matter is determined.

Announcement and declaration of election results

25.—(1) The results of all the elections shall be announced by the —

(*a*) Presiding Officer at the polling unit ;

(*b*) Ward collation officer at the registration area or Ward Collation Centre ;

(*c*) Local Government or Area Council collation officer at the Local Government or Area Council Collation Centre ; and

(*d*) State Collation Officer at the State collation centre.

(2) The returning officer shall announce the result and declare the winner of the election at —

(*a*) Registration Area or Ward Collation Centre in the case of Councillorship election in the Federal Capital Territory ;

(*b*) Area Council Collation Centre in the case of Chairmanship and Vice-Chairmanship election in the Federal Capital Territory ;

(*c*) State Constituency Collation Centre in the case of State House of Assembly election ;

(*d*) Federal Constituency Collation Centre in the case of election to the House of Representatives ;

(*e*) Senatorial District Collation Centre in the case of election to the Senate ;

(*f*) State Collation Centre in the case of election of a Governor of a State ;

(*g*) State Collation Centre in the case of a Presidential election; and

(*h*) National Collation Centre in the case of election of the President.

(3) The Chief Electoral Commissioner shall be the returning officer at the Presidential election.

Oath of neutrality by election officials

Second Schedule

26.—(1) All staff, electoral officers, presiding officers, returning officers and security officials taking part in the conduct of an election shall affirm or swear to an oath of loyalty and neutrality as in the Second Schedule, indicating that they will not accept bribe or gratification from any person, and shall perform their functions and discharge their duties impartially and in the interest of the Federal Republic of Nigeria without fear or favour.

(2) Any person who violates subsection (1), commits an offence and is punishable under section 124 of this Act (misconduct or dereliction of duty).

Appointment of other officers for the conduct of registration of voters and elections

27.—(1) The Commission shall for the purpose of an election or registration of voters under this Act, appoint and designate such officers as may be required provided that no person who is a member of a political party or who has openly expressed support for any candidate shall be so appointed.

(2) The officers appointed under subsection (1) shall perform such functions and discharge such duties as may be specified by the Commission, in accordance with the provisions of this Act, and shall not be subject to the direction or control of any person or authority other than the Commission in the performance of their functions and discharge of their duties.

(3) Notwithstanding the provisions of any other law and for purpose of securing the vote, the Commission shall be responsible for requesting for the deployment of relevant security personnel necessary for elections or registration of voters and shall assign them in the manner determined by the Commission in consultation with the relevant security agencies:

Provided that the Commission shall only request for the deployment of the Nigerian Armed Forces for the purpose of securing the distribution and

delivery of election materials and protection of election officials.

Notice of election

28.—(1) The Commission shall, not later than 300 days before the day appointed for holding of an election under this Act, publish a notice in each State of the Federation and the Federal Capital Territory —

(*a*) stating the date of the election ; and

(*b*) appointing the place at which nomination papers are to be delivered.

(2) The notice shall be published in each constituency in respect of which an election is to be held.

(3) In the case of a by-election, the Commission shall, not later than 14 days before the date appointed for the election, publish a notice stating the date of the election.

(4) There shall not be substitution of candidates in a by-election except where a candidate of a political party in a by-election dies, the party shall submit to the Commission the name of its substitute candidate within seven days of the death of the candidate in the Form prescribed by the Commission.

Submission of list of candidates and their affidavits by political parties

29.—(1) Every political party shall, not later than 120 days before the date appointed for a general election under this Act, submit to the Commission, in the prescribed Forms, the list of the candidates the party proposes to sponsor at the elections, who shall have emerged from valid primaries conducted by the political party.

(2) The list or information submitted by each candidate shall be accompanied by an affidavit sworn to by the candidate at the Federal High Court, High Court of a State, or Federal Capital Territory, indicating that he or she has fulfilled all the constitutional requirements for election into that office.

(3) The Commission shall, within 21 days of the receipt of the personal particulars of the candidate, publish same in the constituency where the candidate intends to contest the election.

(4) Any person may apply to the Commission for a copy of nomination form, affidavit and any other document submitted by a candidate at an election and the Commission shall, upon payment of a prescribed fee, issue such person with a certified true copy of the document within 14 days.

(5) An aspirant who participated in the primaries of his political party who has reasonable grounds to believe that any information given by the political party's candidate in the affidavit or any document submitted by that candidate in relation to his constitutional requirements to contest the election is false, may file a suit at the Federal High Court in the Federal Capital Territory or in the jurisdiction the cause of action arose against that candidate seeking a

declaration that the information contained in the affidavit is false.

(6) Where the Court determines that any of the information contained in the affidavit is false only as it relates to constitutional requirements of eligibility, the Court shall issue an order disqualifying the candidate and the sponsoring political party.

(7) Notwithstanding the provisions of subsection (6), where the election has been held, the court shall direct the Commission to conduct a rerun among the candidates that contested the subject election except the candidate and the party so disqualified.

(8) A candidate for an election shall, at the time of submitting the prescribed form, furnish the Commission with an identifiable address in the state where he or she intends to contest the election at which address all documents and court processes from either the Commission or any other person shall be served on him or her.

Prohibition of double nomination

30.—(1) A candidate for an election shall be nominated in writing by such number of persons whose names appear on the register of voters in the constituency as the Commission may prescribe.

(2) A person shall not nominate more than one person for an election to the same office.

(3) Any person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not more than ₦100,000 or imprisonment for a term of three months or both, but his or her action shall not invalidate the nomination.

(4) An account shall not be taken of the signature of a person on a nomination paper where the candidate had died, withdrawn or the nomination paper was held invalid by a Court of competent jurisdiction.

(5) Any person who has subscribed as a nominator shall not, so long as the candidate stands nominated withdraw his or her nomination.

Withdrawal of candidate

31. A candidate may withdraw his candidature by notice in writing signed by him together with a sworn affidavit delivered personally by the candidate to the political party that nominated him for the election and the political party shall convey such withdrawal and the sworn affidavit to the Commission not later than 90 days to the election.

Publication of nomination

32.—(1) The Commission shall, at least 60 days before the day of the election, publish by displaying or causing to be displayed at the relevant office or offices of the Commission and on the Commission's website, a statement of the full names and addresses of all candidates standing nominated.

(2) A registered political party that observes that the name of its candidate is missing on the list published in accordance with subsection (1) shall notify the Commission in writing, signed by its National Chairman and Secretary, supported with an affidavit within 14 days after the publication.

(3) Failure of the political party to notify the Commission in accordance with subsection (2) shall not be a ground to invalidate the election.

Political parties changing candidates

33. A political party shall not be allowed to change or substitute its candidate whose name has been submitted under Section 29 of this Act, except in the case of death or withdrawal by the candidate:

Provided that in the case of such withdrawal or death of a candidate, the political party affected shall, within 14 days of the occurrence of the event, hold another primary election to produce and submit a new candidate to the Commission for the election concerned.

Death of a candidate

34.—(1) Where after the time for the delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Chief Electoral Commissioner shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate, and the Commission shall appoint some other convenient date for the election within 14 days.

(2) The list of voters to be used at a postponed election shall be the official voters register which was to be used if the election had not been postponed.

(3) Where after the commencement of polls and before the announcement of the final result and declaration of a winner, a candidate dies -

(*a*) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not more than 21 days; and

(*b*) in the case of election into a legislative House, the election shall start afresh and the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 14 days of the death of its candidate and submit the name of a new candidate to the Commission to replace the dead candidate:

Provided that in the case of presidential or gubernatorial or Federal Capital Territory Area Council election, the running mate shall continue with the election and nominate a new running mate.

Invalidity of multiple nominationd

35. Where a candidate knowingly allows himself to be nominated by more than one political party or in more than one constituency, his nomination shall be void.

Failure of nomination

36. Where at the close of nomination there is no candidate validly nominated, the Commission shall extend the time for nomination and fix a new date for the election.

Contested election

37. Subject to any other provision of this Act, if after the latest time for the delivery of nomination papers and the withdrawal of candidates for an election under this Act more than one person remains validly nominated, a poll shall be taken.

When poll is required

38. A poll shall take place in accordance with the provisions of this Act in the case of an election to -

(*a*) the office of President or Governor of a State, whether or not only one person is validly nominated in respect of such office; and

(*b*) any other office, if after the expiry of the time for delivery of nomination papers there is more than one person standing nominated.

Uncontested election

39.—(1) Where after the expiration of time for delivery of nomination papers, withdrawal of candidates and the extension of time as provided for in this Act there is only one person who is validly nominated in respect of an election, other than to the office of the President or Governor, that person shall be declared elected.

(2) Where a person is declared elected under subsection (1), a Declaration of Result Form as may be prescribed by the Commission shall be completed and a copy issued to the person by the returning officer while the original of the form shall be returned to the Commission as in the case of a contested election.

Establishment of polling units

40.—(1) The Commission shall divide each Local Government Area into registration areas or Electoral Wards not being less than 10 and not more than 20 as the circumstance of the Local Government Area may require.

(2) The Commission shall establish adequate number of polling units in each registration area or Electoral Ward and shall allot voters to such polling units.

Ballot boxes and voting devices

41.—(1) The Commission shall provide suitable boxes, electronic voting machine or any other voting device for the conduct of elections.

(2) The forms to be used for the conduct of elections to the offices mentioned in this Act shall be determined by the Commission.

(3) The polling agents shall be entitled to be present at the distribution of the election materials, electronic voting machine and voting devices from the office to the polling booth.

(4) Polling agents who are in attendance at a polling unit, may be entitled, before the commencement of the election, to have originals of electoral materials to be used by the Commission for the election inspected, and this process may be recorded as evidence in writing, on video or by other means by any Polling Agent, accredited observer or official of the Commission.

(5) A Polling Agent who is in attendance at a polling unit, may observe originals of the electoral materials and this may be recorded as evidence.

(6) The Commission shall, before the commencement of voting in each election, provide all election materials for the conduct of such election at the polling unit.

Format of ballot papers

42.—(1) The Commission shall prescribe the format of the ballot papers which shall include the symbol adopted by the political party of the candidate and such other information as it may require.

(2) The ballot papers shall be numbered serially with differentiating colours for each office being contested.

(3) The Commission shall, not later than 60 days to an election, invite in writing, a political party that nominated a candidate in the election to inspect its identity appearing on samples of relevant electoral materials proposed for the election and the political party may state in writing within two days of being so invited by the Commission that it approves or disapproves of its identity as it appears on the samples.

(4) Unless the political party disapproves of its identity under subsection (3) in writing, it shall not complain of unlawful exclusion from the election under this Act in relation to its identity appearing on electoral materials used for the election.

(5) A political party that fails to comply with an invitation by the Commission under subsection (3) shall be deemed to have approved its identity on samples of electoral materials proposed to be used for an election.

Polling agents

43.—(1) Each candidate, in consultation with his political party may, by notice in writing addressed to the Resident Electoral Commissioner of the State, appoint a polling agent for each polling unit and collation centre in the Local Government Area or Area Council for which it has candidate and the notice, which sets out the name, address and contact details of the polling agent, shall be accompanied by two passport photographs of each polling agent and sample signature of the polling agent and be given to the electoral officer at least 14 days before the date fixed for the election:

Provided that no person who is serving as Chairman or member of a Local Government Area or Area Council, Commissioner, Deputy Governor or

Governor of a State, Minister of the Federal Government, or any other person holding elective or appointive political office under any tier of government and who has not resigned from his office at least three months prior to the said election shall serve as a polling agent of any political party, either at the polling unit or at any centre designated for collation of results of election.

(2) Notwithstanding the requirement of subsection (1), a candidate shall not be precluded from doing any act or thing which his political party, in consultation with him, has appointed a polling agent to do on his or her behalf under this Act.

(3) Where in this Act, an act or thing is required or authorised to be done by or in the presence of a Polling Agent, the non-attendance of the Polling Agent at the time and place appointed for the act or thing or refusal by the Polling Agent to do the act or thing shall not, if the act or thing is otherwise done properly, invalidate the act or thing.

Notice of poll

44. The Commission shall, not later than 14 days before the day of the election, cause to be published, in such manner as it may deem fit, a notice specifying the —

(a) day and hours fixed for the poll ;

(b) persons entitled to vote ; and

(c) location of the polling units.

Hour of poll

45. Voting in any particular election under this Act shall take place on the date and time appointed by the Commission.

Display of ballot boxes

46.—(1) At the hour fixed for opening of the poll before the commencement of accreditation and voting, the Presiding Officer shall open the empty ballot box or present the voting device and show same to such persons as may lawfully be present at the polling unit and shall then close and seal the box in such manner as to prevent its being opened by any unauthorised person.

(2) The ballot box shall then be placed in full view of all present and be so maintained until the close of poll.

Accreditation of voters and voting

47.—(1) Any person intending to vote in an election shall present himself to a Presiding Officer for accreditation at the polling unit in the constituency in which his name is registered, and shall provide permanent voters card (PVC).

(2) To vote, the Presiding Officer shall use a Bimodal Voter Accreditation System or any other technological device that may be prescribed by the Commission, for the accreditation of voters, to verify, confirm or authenticate the particulars of the intending voter in the manner prescribed by the Commission.

(3) Where a Bimodal Voter Accreditation System or any other technological device deployed for accreditation of voters fails to function in any unit and a fresh card reader or technological device is not deployed, the election in that unit shall be cancelled and another election shall be scheduled within 24 hours if the Commission is satisfied that the result of the election in that polling unit will substantially affect the final result of the whole election and declaration of a winner in the constituency concerned.

Right to challenge issue of ballot paper

48. A candidate or a Polling Agent may challenge the right of a person to vote on such grounds and in accordance with such procedures as are provided for in this Act.

Separate queues for men and women

49. The Presiding Officer shall separate the queue between men and women if in that area of the country the culture is such that it does not permit the mingling of men and women in the same queue.

Conduct of poll by open secret ballot

50.—(1) Voting at an election under this Act shall be by open secret ballot.

(2) Subject to section 60 of this Act, voting at an election and transmission of results under this Act shall be in accordance with the procedure determined by the Commission.

(3) A voter on receiving a ballot paper shall mark it in the manner prescribed by the Commission.

(4) All ballots at an election under this Act at any polling station shall be deposited in the ballot box in the open view of the public.

Over voting

51.—(1) A voter shall not vote for more than one candidate or record more than one vote in favour of any candidate at any one election.

(2) Where the number of votes cast at an election in any polling unit exceeds the number of accredited voters in that polling unit, the Presiding Officer shall cancel the result of the election in that polling unit.

(3) Where the result of an election is cancelled in accordance with subsection (2), there shall be no return for the election until another poll has taken place in the affected polling unit.

(4) Notwithstanding the provisions of subsections (2) and (3) the Commission may, if satisfied that the result of the election will not substantially be affected by voting in the area where the election is cancelled, direct that a return of the election be made.

Ballot not to be marked by voter for identification

52.—(1) Where a voter makes any writing or mark on a ballot paper by which he or she may be identified, such ballot paper shall be rejected provided that any print resulting from the staining of the thumb of the voter in the voting

compartment shall not be or be deemed to be a mark of identification under this section.

(2) The Commission shall use indelible ink for any thumb mark by voters on ballot papers.

Accidental destruction or marking of ballot papers

53. A voter who by accident deals with his or her ballot paper in such a manner that it may not be conveniently used for voting, may deliver it to the Presiding Officer and if the Presiding Officer is satisfied that the ballot paper is spoilt, he or she shall issue another ballot paper to the voter in place of the ballot paper delivered up, and the spoilt ballot paper shall be immediately marked cancelled by the Presiding Officer.

Visually impaired and incapacitated voters

54.—(1) A voter with visual impairment or other form of disability who is otherwise unable to distinguish symbol or who suffers from any other physical disability may be accompanied into the polling unit by a person chosen by him or her and that person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting compartment and assist the voter to make his or her mark in accordance with the procedure prescribed by the Commission:

Provided that no political party agent, candidate or party official shall be permitted to accompany a voter into the voting compartment.

(2) The Commission shall take reasonable steps to ensure that persons with disabilities, special needs and vulnerable persons are assisted at the polling place by the provision of suitable means of communication, such as Braille, large embossed print, electronic devices, sign language interpretation, or off-site voting in appropriate cases.

Personal attendance

55. A voter shall not record his or her vote otherwise than by personally attending at the polling unit or voting centres and recording his or her vote in the manner prescribed by the Commission.

Voting at appropriate polling unit

56. Any person shall not be permitted to vote at any polling unit other than the one to which he or she is allotted.

Impersonation by applicant to vote

57.—(1) Where at the time a person applies to vote and before he or she has left the polling unit, a Polling Agent, polling unit official or security agent informs the Presiding Officer that he or she has reasonable cause to believe that the person is under the age of 18 years or has committed the offence of impersonation and gives an undertaking on a prescribed form to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest that person and the Presiding Officer's order shall be sufficient authority for the police officer to act.

(2) Any person in respect of whom a Polling Agent, polling official, or security agent gives an information in accordance with the provision of subsection (1) shall not by reason of the information, be prevented from voting, but the Presiding Officer shall cause the words "protested against for impersonation" to be placed against his or her name in the marked copy of the register of voters or part of the register of voters.

(3) Where a person in respect of whom a declaration is made under subsection (2), admits to the Presiding Officer that he or she is not the person he or she held themselves out to be, he or she shall not be permitted to vote and shall be handed over to the police or security agent.

(4) Any person arrested under this section shall be deemed to be a person taken into custody by a police officer.

Conduct at polling units

58.—(1) The Presiding Officer shall regulate the admission of voters to the polling unit and shall exclude all persons other than the candidates, polling agents, poll clerks and persons lawfully entitled to be admitted including accredited observers, and the Presiding Officer shall keep order and comply with the requirements of this Act at the polling unit.

(2) The Presiding Officer may order a person to be removed from a polling unit, who behaves in a disorderly manner or fails to obey a lawful order.

(3) Any person removed from a polling unit under this section shall not, without the permission of the Presiding Officer, again enter the polling unit during the day of the election, and if charged with the commission of an offence in that polling unit, the person shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

(4) The provisions of subsection (3) shall not be enforced so as to prevent a voter who is otherwise entitled to vote at a polling unit from having an opportunity of voting.

(5) In the absence of the Presiding Officer, the poll clerk shall enjoy and exercise all the powers of the Presiding Officer in respect of a polling unit.

Closing of poll

59. At the prescribed hour for the close of poll, the Presiding Officer shall declare the poll closed and no more person shall be admitted into the Polling unit and only those already inside the polling unit shall be allowed to vote.

Counting of votes and forms

60.—(1) The Presiding Officer shall after counting the votes at polling unit, enter the votes scored by each candidate in a form prescribed by the Commission.

(2) The form shall be signed and stamped by the Presiding Officer and countersigned by the candidates or their polling agents where available at the polling unit.

(3) The Presiding Officer shall electronically transmit the results from each polling unit to IREV portal and such transmission shall be done after the prescribed Form EC8A has been signed and stamped by the Presiding officer and/or countersigned by the candidates or Polling agents where available at the Polling Unit:

Provided that if the electronic transmission of the result fails as a result of communication failure and it becomes impossible to transmit the result contained in Form EC8A signed and stamped by the Presiding Officer and countersigned by the candidates or polling agents where available at the polling unit, the Form EC8A shall at all times remain the primary source of collation and declaration of the result.

(4) The Presiding Officer shall count and announce the result at the polling unit.

(5) The Presiding officer shall transmit the results including total number of accredited voters to the next level of collation.

(6) A Presiding Officer who willfully contravenes any provision of this section commits an offence and is liable on conviction to a fine of not less than ₦500,000 or imprisonment for a term of not less than six months or both.

Recount

61. A candidate or a polling agent may, where present at a polling unit when counting of votes is completed by the Presiding Officer, demand to have the votes recounted provided that the Presiding Officer shall cause the votes to be so recounted only once.

Post-election procedure and collation of election results

62.—(1) After the recording and announcement of the result, the Presiding Officer shall deliver same along with election materials under security and accompanied by the candidates or their polling agents, where available, to such person as may be prescribed by the Commission.

(2) The Commission shall compile, maintain and update, on a continuous basis, a register of election results to be known as the National Electronic Register of Election Results which shall be a distinct database or repository of polling unit by polling unit results, including collated election results, of each election conducted by the Commission in the Federation, and the Register of Election Results shall be kept in electronic format by the Commission at its national headquarters.

(3) Any person or political party may obtain from the Commission, on payment of such fees as may be determined by the Commission, a certified

true copy of any election result kept in the National Electronic Register of Election Results for a State, Local Government, Area Council, registration area or Electoral Ward or Polling Unit and the certified true copy may be in printed or electronic format.

(4) A collation officer or returning officer at an election shall collate and announce the result of an election, subject to his or her verification and confirmation that the —

(*a*) number of accredited voters stated on the collated result are correct and consistent with the number of accredited voters recorded under section 47 (2) of this Act and transmitted directly from polling units; and

(*b*) votes stated on the collated result are correct and consistent with the votes or results recorded and transmitted directly from polling units under section 60 (4) of this Act.

(5) Subject to subsection (1), a collation officer or returning officer shall use the number of accredited voters recorded under section 47 (2) of this Act and transmitted directly from polling units under section 60 (5) of this Act to collate and announce the result of an election if a collated result at his or a lower level of collation is correct.

(6) Where during collation of results, there is a dispute regarding a collated result or the result of an election from any polling unit, the collation officer or returning officer shall use the following to determine the correctness of the disputed result —

(*a*) the original of the disputed collated result for each polling unit where the election is disputed ;

(*b*) the Smart Card Reader or other technological device used for accreditation of voters in each polling unit where the election is disputed for the purpose of obtaining accreditation data directly from the Smart Card Reader or other technology device ;

(*c*) data of accreditation recorded under section 47(2) and transmitted directly from each polling unit where the election is disputed as prescribed under sections 47 (2) and 60 (5) of this Act; and

(*d*) the votes and result of the election recorded and transmitted directly from each polling unit where the election is disputed, as prescribed under section 60 (5) of this Act.

(7) Where the disputed result under subsection (6) were otherwise found not to be correct, the collation officer or returning officer shall re-collate and announce a new result using the information in subsection (6) (a)-(d).

(8) Where the dispute under subsection (6) arose at the level of collation and the returning officer has satisfied the provision of subsection (6) (a)-(d), the returning officer shall accordingly declare the winner of the election.

(9) A returning officer or collation officer commits an offence if he intentionally collates or announces a false result and is liable on conviction to imprisonment for a term not less than 10 years without an option of fine.

Rejection of ballot paper without official mark

63.—(1) Subject to subsection (2), a ballot paper which does not bear official mark prescribed by the Commission shall not be counted.

(2) Where the returning officer is satisfied that a ballot paper which does not bear the official mark was from a book of ballot papers which was furnished to the Presiding Officer of the polling unit in which the vote was cast for use at the election in question, he or she shall, notwithstanding the absence of the official mark, count that ballot paper.

Endorsement on rejected ballot paper without official mark

64.—(1) The Presiding Officer shall endorse the word "rejected" on the ballot paper rejected under section 52 (1) of this Act and for any other reason, and the ballot papers shall not be counted except otherwise allowed by the returning officer who may overrule the Presiding Officer.

(2) Where an objection to the decision of a Presiding Officer to reject a ballot paper is raised by a candidate or a polling agent at the time the decision is made, the Presiding Officer shall add to the word "rejected", the phrase "but objected to".

(3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection and their serial number, and he or she shall on request, allow a candidate or a polling agent to copy the statement.

Power of the Commission to review declaration

65. The Commission shall have the power, to within seven days, review the declaration and return where it receives report from its officials, and it is satisfied that a declaration or return may have been made —

(*a*) under duress ; or

(*b*) knowingly and willfully contrary to the procedures prescribed under section 62 (4) – (8) of this Act.

Declaration of result

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66. In an election to the office of the President or Governor, whether or not contested, and in any contested election to any other elective office, the result shall be ascertained by counting the votes cast for each candidate and subjected to the provisions of sections 133, 134 and 179 of the Constitution, the candidate that receives the highest number of votes shall be declared

elected by the appropriate returning officer.

Equality of votes

67. Where two or more candidates' poll equal number of votes being the highest in an election, the returning officer shall not return any of the candidates and a fresh election shall be held for the candidates who polled equal number of votes on a date to be appointed by the Commission.

Posting of results

68. The Commission shall cause to be posted on its notice board and website, a notice showing the candidates at the election and their scores, and the person declared as elected or returned at the election.

Custody of documents

69. The Chief Electoral Commissioner or any officer authorised by him or her shall keep official custody of all the documents, including statement of results and ballot papers relating to the election, which are returned to the Commission by the returning officers.

Step-by-step recording of poll

70. Subject to the provisions of this Act, the Commission shall issue and publish in the Federal Government Gazette, guidelines for the elections which shall make provisions, among other things, for the step-by-step recording of the poll in the electoral forms as may be prescribed beginning from the polling unit to the last collation centre for the ward or constituency where the result of the election shall be declared.

Result forms to be signed and countersigned

71.—(1) Every result form completed at the ward, local government, state and national levels in accordance with the provisions of this Act or any guidelines issued by the Commission shall be stamped, signed and countersigned by the relevant officers and polling agents at those levels and copies given to the police officers and the polling agents, where available.

(2) A Presiding Officer or collation officer who fails to stamp and sign a ballot paper result sheet announced by them without lawful reason commits an offence and is liable on conviction to imprisonment for a minimum term of three years without an option of fine.

Certificate of return

72.—(1) A sealed certificate of return at an election in a prescribed form shall be issued within 14 days to every candidate who has been returned by the returning officer in an election under this Act:

Provided that where the Court of Appeal or the Supreme Court being the final appellate court in any election petition nullifies any candidate's certificate of return, the Commission shall within 48 hours after receipt of the court's order, issue the successful candidate with a valid certificate of return.

(2) Where the Commission fails, refuses, or neglects to issue the certificate of return under subsection (1), a certified true copy of the order of the court shall, by that very fact, be sufficient for the purpose of swearing-in a candidate declared as the winner of the election by that court.

Forms for use at elections

73.—(1) The forms to be used for the conduct of elections under this Act shall be determined by the Commission.

(2) An election conducted at a polling unit without the prior recording in the forms prescribed by the Commission of the quantity, serial numbers and other particulars of result sheets, ballot papers and other sensitive electoral materials made available by the Commission for the conduct of the election shall be invalid.

(3) A Presiding officer who intentionally announces or signs any election result in violation of subsection (2) commits an offence and is liable on conviction to a fine of ₦10,000,000 or imprisonment for a term of at least one year or both.

Access to election documents

74. (1) The Resident Electoral Commissioner in a State where an election is conducted shall, within 14 days after payment of a prescribed fee, cause a certified true copy of such document to be issued to the said party.

(2) A Resident Electoral Commissioner who willfully fails to comply with the provisions in subsection (1) commits an offence and is liable on conviction to imprisonment for a minimum term of two years without an option of fine.

PART V — POLITICAL PARTIES

Powers of the Commission to register political parties

75.—(1) Any political association that complies with the provisions of the Constitution and this Act for the purposes of registration shall be registered as a political party :

Cap. C23, LFN, 2004

Provided, however, that such application for registration as a political party shall be duly submitted to the Commission not later than 12 months before a general election.

(2) Pursuant to the above, the Commission shall prescribe the conditions and the documents required to fulfil the provisions of the Constitution and this Act by an intending political Association seeking for registration.

(3) The Commission shall, on receipt of the documents in fulfillment of the conditions stipulated by the Constitution, immediately issue the applicant with a letter of acknowledgement stating that all the necessary documents had been submitted to the Commission.

(4) The Commission shall verify the information supplied by the Association, and if satisfied that the Association has not fulfilled all the conditions

under this section, the Commission shall, within 90 days from the receipt of its application, notify the Association in writing stating the reasons for non-registration.

(5) An association, its executive member or principal officers who give false or misleading information, commit an offence and is liable on conviction, in the case of —

(*a*) the association to a fine of ₦5,000,000 ; and

(*b*) each executive or principal officer of the association to a fine of ₦3,000,000 or imprisonment for a term of at least two years or both.

(6) An application for registration as a political party shall not be processed until there is evidence of payment of an administrative fee of ₦50,000,000.

Decision of the Commission subject to judicial review

76. The decision of the Commission not to register any association as a political party may be challenged in the Federal High Court, provided that any legal action challenging the decision of the Commission shall be commenced within 14 days from the date of receipt of the decision on non-registration from the Commission.

Political parties to be bodies corporate

77.—(1) A political party registered under this Act shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) A party shall maintain a digital register of its members containing the name, sex, date of birth, address, State, Local Government, ward, polling unit, National Identification Number and photograph in both hard and soft copies.

(3) Upon registration, a membership card shall be issued to the member.

(4) Each political party shall make such register available to the Commission not later than 21 days before the date fixed for the party primaries, congresses or conventions.

(5) Only members whose names are contained in the register shall be eligible to vote and be voted for in party primaries, congresses and conventions.

(6) A political party shall not use any other register for party primaries, congresses and conventions except the register submitted to the Commission.

(7) A party that fails to submit the membership register within the stipulated time shall not be eligible to field a candidate for that election.

Contravention of section 227 of the 1999 Constitution Cap. C23, LFN, 2004

78.—(1) A political party or association, which contravenes the provisions of section 227 of the Constitution, commits an offence and is liable on conviction to a fine of —

(*a*) ₦5,000,000 for the first offence ;

(*b*) ₦7,000,000 for any subsequent offence ; and

(*c*) ₦500,000 for every day that the offence continues.

(2) Any person or group of persons who aids or abets a political party in contravening the provisions of section 227 of the Constitution, commits an offence and is liable on conviction to a fine of ₦5,000,000 or imprisonment for a term of five years or both.

Symbols of political parties

79.—(1) The Commission shall keep a register of symbols and names for use at elections.

(2) The Commission shall register the symbol and names of a political party if it is satisfied that —

(*a*) no other symbol and name of the same design is registered ;

(*b*) the symbol and name is distinctive from any other symbol already registered ; and

(*c*) its use will not be offensive or otherwise objectionable.

(3) The Commission shall remove a symbol or name from the register of symbols and names if the Commission is of the opinion that the political party in whose name the symbol is registered has ceased to exist or to use the symbol "and names".

(4) Nothing in this section shall authorise the allotment or registration for use at any election of a symbol or material as symbol of a party, if it portrays —

(*a*) the Coat of Arms of the Federation ;

(*b*) the Coat of Arms of any other country ;

(*c*) a device or emblem which in the opinion of the Commission is normally associated with —

(*i*) the official acts of Government,

(*ii*) any of the Armed Forces of the Federation or the Nigeria Police Force or other uniformed service,

(*iii*) the regalia of a Chief,

(*iv*) any tribe or ethnic group,

(*v*) any religion or cult, or

(*vi*) any portrait of a person living or dead; or

(*d*) any symbol or part of a symbol which under the provision of this section continues to be registered by another political party.

(5) Subject to the provisions of this section, the symbol allotted to a political party and in use immediately before the coming into effect of this Act shall continue to be available to, and be used by, that political party without payment of the fee.

(6) Where a political party is deregistered, no political association shall be permitted to use the name, symbol, logo or acronym of the deregistered political party within five years of deregistration.

Allocation of symbols

80. Where a symbol is registered by a political party in accordance with this Act, the Commission shall allot the symbol to any candidate sponsored by the political party at any election.

Merger of political parties

81.—(1) Any two or more registered political parties may merge on approval by the Commission following a formal request presented to the Commission by the political parties for that purpose.

(2) Political parties intending to merge shall each give to the Commission nine months' notice of their intention to do so before a general election.

(3) The written request for merger shall be sent to the Chairman of the Commission and shall be signed jointly by the National Chairman, Secretary and Treasurer for the time being of the different political parties proposing the merger and shall be accompanied by —

(*a*) a special resolution passed by the national convention of each of the political parties proposing to merge, approving the merger;

(*b*) the proposed full name and acronym, constitution, manifesto, symbol or logo of the party together with the addresses of the national office of the party resulting from the merger ; and

(*c*) evidence of payment of administrative fee as may be fixed by the Commission.

(4) On receipt of the request for merger of political parties the Commission shall consider the request, and if the parties have fulfilled the requirements of the Constitution and this Act, approve the proposed merger and communicate its decision to the parties concerned before the expiration of 60 days from the date of receipt of the formal request:

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Provided that where the Commission fails to communicate its decision within 60 days, the parties shall within 14 days thereafter challenge the decision of the Commission at the court and establish by cogent and verifiable reason

that they have met all the constitutional requirements for merger.

(5) Where the request for the proposed merger is approved, the Commission shall withdraw and cancel the certificates of registration of all the political parties opting for the merger and substitute a single certificate of registration in the name of the party resulting from the merger.

Notice of convention and congress

82.—(1) Every registered political party shall give the Commission at least 21 days' notice of any convention, congress, conference or meeting convened for the purpose of electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices or "merger" specified under this Act.

(2) The notice shall specify the date, time, venue, and names of the members of the congress, convention or conference committee as spelt out in the party's constitution.

(3) The Commission, with or without prior notice to the political party, shall attend and observe any convention, congress, conference or meeting which is convened by a political party for the purpose of -

(*a*) electing members of its executive committees or other governing bodies ;

(*b*) electing candidates for an election at any level ; and

(*c*) approving a merger with any other registered political party.

(4) The election of members of the executive committee or other governing body of a political party, including the election to fill a vacant position in any of the bodies, shall be conducted in a democratic manner and allowing for all members of the party or duly elected delegates to vote in support of a candidate of their choice.

(5) Notice of any congress, conference or meeting for the purpose of nominating candidates for Area Council elections shall be given to the Commission at least 21 days before such congress, conference or meeting.

(6) Failure of a political party to notify the Commission as stated in subsections (1) and (2) shall render the primaries, convention, congress, and conferences invalid.

Monitoring of political parties

83.—(1) The Commission shall keep records of the activities of all the registered political parties.

(2) The Commission may seek information or clarification from any registered political party in connection with any activity of the political party which may be contrary to the provisions of the Constitution or any other law, Cap. C23, LFN, 2004

guidelines, rules or regulations made under an Act of the National Assembly.

(3) The Commission may direct its enquiry under subsection (2) to the Chairman or Secretary of the political party at the national, state, local government or area council or ward level, as the case may be.

(4) A political party which fails to provide the required information or clarification under subsection (2) or carry out any lawful directive given by the Commission in conformity with the provisions of this section is liable to a fine not more than ₦1,000,000.

(5) Subject to the provision of subsection (3), no Court in Nigeria shall entertain jurisdiction over any suit or matter pertaining to the internal affairs of a political party.

(6) Where such action is brought in negation of this provision —

(a) no interim or interlocutory injunction shall be entertained by the Court, but the Court shall suspend its ruling and deliver it at the stage of final judgment and shall give accelerated hearing to the matter.

(b) the Court shall, at the conclusion of the matter, impose costs of not less than ₦10,000,000.00 on the counsel who filed the action and not less than ₦10,000,000.00 on the Plaintiff/Applicant and in addition to payment to the Commission of any cost, including solicitors' fees incurred by it where joined as a party.

Nomination of candidates by parties

84.—(1) A political party seeking to nominate candidates for elections under this Act shall hold primaries for aspirants to all elective positions which shall be monitored by the Commission.

(2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct primaries or consensus.

Qualifications of aspirants and candidates Cap. C23, LFN, 2004

85. A political party shall not impose nomination, qualification or disqualification criteria, measures, or conditions on any aspirant or candidate for any election in its constitution, guidelines, or rules for nomination of candidates for elections, except as prescribed under sections 65, 66, 106, 107, 131, 137, 177 and 187 of the Constitution.

Direct primaries

86. All direct primaries shall be conducted in accordance with the guidelines of each political party.

Consensus Candidate

87.—(1) A political party that adopts a consensus candidate shall secure the written consent of all cleared aspirants for the position, indicating their voluntary withdrawal from the race and their endorsement of the consensus candidate.

(2) Where a political party is unable to secure the written consent of all cleared aspirants for the purpose of a consensus candidate, it shall revert to the choice of direct primaries for the nomination of candidates for the elective positions.

(3) A special convention or nomination congress shall be held to ratify the choice of consensus candidates at designated centres at the National, State, Senatorial, Federal and State Constituencies.

Political appointee not eligible as a voting delegate or aspirant

88.—(1) A political appointee at any level shall not be a voting delegate or be voted for at the convention, congress, and primaries of any political party for the purpose of the nomination of candidates for any election.

(2) Notwithstanding the provisions of this Act or rules of a political party, an aspirant who complains that any of the provisions of this Act and the guidelines of a political party have not been complied with in the selection or nomination of a candidate of a political party for election, may apply to the Federal High Court for redress.

(3) Where a court finds that a political party failed to comply with the provisions of this Act in the conduct of its primaries, its candidate for that election shall not be included in the election for the particular position in issue.

(4) Nothing in this section shall empower the courts to stop the holding of primaries or general elections under this Act pending the determination of a suit.

Offences in relation to finances of a political party

Cap. C23, LFN, 2004

89. A political party that —

(a) holds or possesses any fund outside Nigeria in contravention of section 225 (3) (a) of the Constitution, commits an offence and shall on conviction forfeit the funds or assets purchased with such funds to the Commission and in addition may be liable to a fine of at least ₦5,000,000; or

(b) retains any fund or other asset remitted to it from outside Nigeria in contravention of section 225 (3) (a) of the Constitution, commits an offence and shall on conviction forfeit the funds or assets to the Commission and in addition may be liable to a fine of at least ₦5,000,000.

Period to be covered by annual statement

90.—(1) Every political party shall submit to the Commission a detailed annual statement of assets and liabilities and analysis of its sources of funds and other assets, together with statement of its expenditure including hard and soft copy of its list of members or in such a form as the Commission may require.

(2) An official of the political party who contravenes subsection (1), commits an offence and is liable on conviction, to a fine of ₦1,000,000 or imprisonment for a term of six months or both.

(3) A political party shall grant to any officer authorised in writing by the Commission, access to examine the records and audited accounts kept by the political party in accordance with the provisions of this Act and the political party shall give to the officer all such information as may be requested in relation to all contributions received by or on behalf of the party.

(4) The Commission shall publish the report on such examinations and audit in two national newspapers and Commission's website within 30 days of receipt of the results.

Power to limit contribution to a political party

91.—(1) The Commission shall have power to place limitation on the amount of money or other assets which an individual can contribute to a political party or candidate and to demand such information on the amount donated and source of the funds.

(2) An individual, candidate or political party who exceeds the limit placed by the Commission in subsection (1), commits an offence and is liable on conviction in the case of —

(*a*) a political party, a fine not more than ₦10,000,000 and forfeiture of the amount donated; and

(*b*) an individual, a fine of five times the amount donated in excess of the limit placed by the Commission.

Limitation on election expenses

92.—(1) Election expenses shall not exceed the sum stipulated in subsections (2)–(7).

(2) The maximum election expenses to be incurred by a candidate at a presidential election shall not exceed ₦10,000,000,000.

(3) The maximum amount of election expenses to be incurred by a candidate in respect of governorship election shall not exceed ₦3,000,000,000.

(4) The maximum amount of election expenses to be incurred by a candidate in respect of Senatorial and House of Representatives election shall not exceed ₦500,000,000 and ₦250,000,000 respectively.

(5) In the case of state assembly election, the maximum amount of election expenses to be incurred by a candidate shall not exceed ₦100,000,000.

(6) In the case of a chairmanship election to an Area Council, the maximum amount of election expenses to be incurred by a candidate shall not exceed ₦100,000,000.

(7) In the case of councillorship election to an Area Council, the maximum amount of election expenses to be incurred by a candidate shall not exceed ₦10,000,000.

(8) Notwithstanding the provisions of subsection (1), of this Act, an individual or other entity shall not donate to a candidate more than ₦500,000,000

(9) A candidate who knowingly acts in contravention of this section, commits an offence and is liable on conviction to a fine of 1% of the amount permitted as the limit of campaign expenditure under this Act or imprisonment for a term not more than 12 months or both.

(10) An individual who knowingly acts in contravention of subsection (8) is liable on conviction to a fine of five times the amount donated in excess of the limit placed by the Commission.

(11) An accountant who falsifies or conspires or aids a candidate to forge or falsify a document relating to his expenditure at an election or receipt or donation for the election or in any way aids and abets the contravention of the provisions of this section commits an offence and is liable on conviction to a fine of not less than ₦5,000,000 or imprisonment for a term of three years or both.

Election expenses of political parties

93.—(1) For the purposes of an election, "election expenses" means expenses incurred by a political party within the period from the date notice is given by the Commission to conduct an election up to and including, the polling day in respect of the particular election.

(2) Election expenses incurred by a political party for the management or the conduct of an election shall be determined by the Commission in consultation with the political parties.

(3) Election expenses of a political party shall be submitted to the Commission in a separate audited return within six months after the election and such return shall be signed by the political party's auditors and countersigned by the Chairman of the party and be supported by a sworn affidavit by the signatories as to the correctness of its contents.

(4) A political party which contravenes subsection (3) commits an offence and is liable on conviction to a maximum fine of ₦10,000,000 and in the case of failure to submit an accurate audited return within the stipulated period, the court may impose a maximum penalty of ₦1,000,000 per day on any party for the period after the return was due until it is submitted to the Commission.

(5) The return referred to in subsection (3) shall show the amount of money expended by or on behalf of the party on election expenses, the items

of expenditure and commercial value of goods and services received for election purposes.

(6) The political party shall cause the return submitted to the Commission under subsection (3) to be published in at least two national newspapers and official website of the party.

(7) A political party that incurs election expenses beyond the limit set in subsection (2) commits an offence and is liable on conviction to a maximum fine of ₦10,000,000 and forfeiture to the Commission, of the amount by which the expenses exceed the limit set by the Commission.

(8) The Commission shall make available for public inspection during regular business hours at its headquarters and state offices the audited returns of the political parties required by subsection (3) which shall include the names, addresses, occupation, and amount contributed by each contributor to a party.

Disclosure by political parties

94.—(1) A political party shall not accept or keep in its possession any anonymous monetary or other contribution, gift or property, from any source.

(2) A political party shall keep an account and asset book into which shall be recorded —

(*a*) all monetary and other forms of contributions received by the party ; and

(*b*) the name and address of any person or entity that contributes any money or asset which exceeds ₦100,000,000.

(3) A political party shall not accept any monetary or other contribution from an individual or an organisation which is more than the limit which may be prescribed by the Commission under section 92 (1) of this Act.

(4) A political party that is in breach of subsection (3), commits an offence and is liable to a fine of not less than ₦5,000,000 and in addition, forfeit the excess on the prescribed sum to the Commission.

(5) A political party sponsoring the election of a candidate shall, within three months after the announcement of the results of the election, file a report of the contributions made by individuals and entities to the Commission.

Conduct at political rallies and processions

95.— (1) The Commissioner of Police in each State of the Federation and the Federal Capital Territory, Abuja, shall provide adequate security for proper and peaceful conduct of political rallies and processions in their respective jurisdictions and, for this purpose, the Police may be supported by the Nigerian Security and Civil Defence Corps and any other security agency of the Federal Government.

(2) For the purpose of subsection (1), a person shall be deemed to be acting under a lawful duty if he is acting in his capacity as a police officer or as a member of a security agency authorised to carry arms and is specifically posted to be present at that political rally or procession.

(3) Notwithstanding any provision in the Police Act, the Public Order Act and any regulation made under them or any other law to the contrary, the role of the Nigerian Police Force and the Nigerian Security and Civil Defence Corps and any other security agency of the Federal Government in political rallies, processions and meetings shall be limited to the provision of adequate security as provided in subsection (1). Act No. 2, 2020 Cap. P42, LFN 2004

(4) A registered political party in Nigeria, its aspirant or candidate shall not be prevented from holding rallies, processions or meetings at any time for their constitutional political purposes, and the Police shall in a consultative manner, resolve any conflict of time and venue between and amongst parties where such arises.

96.—(1) A political campaign or slogan shall not be tainted with abusive language directly or indirectly likely to injure religious, ethnic, tribal or sectional feelings. Prohibition of certain conduct at political campaigns

(2) Abusive, intemperate, slanderous or base language, insinuations or innuendoes designed or likely to provoke violent reaction or emotions shall not be employed or used in political campaigns.

(3) Places designated for religious worship, police stations, and public offices shall not be used —

(*a*) for political campaigns, rallies and processions ; or

(*b*) to promote, propagate or attack political parties, candidates or their programmes or ideologies.

(4) Masquerades shall not be employed or used by any political party, aspirant or candidate during political campaigns or for any other political purpose.

(5) A political party, aspirant or candidate of a political party shall not retain, organise, train or equip any person or group of persons for the purpose of enabling them to be employed for the use or display of physical force or coercion in promoting any political objective or interest, or in such manner as to arouse reasonable apprehension that they are organised, trained or equipped for that purpose.

(6) A political party, aspirant or candidate shall not keep or use armed private security organisation, vanguard or any other group or individual by whatever name called for the purpose of providing security, assisting or aiding

the political party or candidate in whatever manner during campaigns, rallies, processions or elections.

(7) A political party, aspirant or candidate that contravenes any of the provisions of this section, commits an offence and is liable on conviction —

(*a*) in the case of an aspirant or candidate, to a maximum fine of ₦5,000,000 or imprisonment for a term of 12 months ; and

(*b*) in the case of a political party, to a fine of ₦10,000,000 in the first instance, and ₦5,000,000 for any subsequent offence.

(8) Any person or group of persons who aids or abets a political party, an aspirant or a candidate in contravening the provisions of subsection (5), commits an offence and is liable on conviction to a fine of ₦2,000,000 or imprisonment for a term of three years or both.

Prohibition of use of force or violence during political campaign

97.—(1) A party, candidate, aspirant, or person or group of persons shall not directly or indirectly threaten any person with the use of force or violence during any political campaign in order to compel that person or any other person to support or refrain from supporting a political party or candidate.

(2) A political party, candidate, aspirant, person or group of persons that contravenes the provisions of this section commits an offence and is liable on conviction —

(*a*) in the case of a candidate, aspirant, or person or group of persons, to a maximum fine of ₦5,000,000 or imprisonment for a term of 12 months ; and

(*b*) in the case of a political party, to a fine of ₦10,000,000 in the first instance, and ₦2,000,000 for any subsequent offence.

Limitation on political broadcast and campaign by political parties

98.—(1) For the purpose of this Act, the period of campaigning in public by every political party shall commence 150 days before polling day and end 24 hours prior to that day.

(2) A registered political party which through any person acting on its behalf during the 24 hours before polling day —

(*a*) advertises on the facilities of any broadcasting undertaking ; or

(*b*) procures for publication or acquiesces in the publication of an advertisement in a newspaper, for the purpose of promoting or opposing a particular candidate,

commits an offence under this Act and is liable on conviction to a maximum fine of ₦2,000,000.

Campaign for election

99.—(1) A candidate and his or her party shall campaign for the elections in accordance with such rules and regulations as may be determined by the Commission.

(2) State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.

(3) Media time shall be allocated equally among the political parties or candidates at similar hours of the day.

(4) At any public electronic media, equal airtime shall be allotted to all political parties or candidates during prime times at similar hours each day, subject to the payment of appropriate fees.

(5) At any public print media, equal coverage and visibility shall be allotted to all political parties.

(6) Any person who contravenes subsections (3) and (4) commits an offence and is liable on conviction, in the case of —

(*a*) a public media, to a fine of ₦2,000,000 in the first instance and ₦5,000,000 for subsequent conviction; and

(*b*) principal officers and other officers of the media house, to a fine of ₦1,000,000 or imprisonment for a term of six months.

Prohibition of broadcast, 24 hours preceding or on polling day

100.—(1) Any person, print or electronic medium that broadcasts, publishes, advertises or circulates any material for the purpose of promoting or opposing a particular political party or the election of a particular candidate over the radio, television, newspaper, magazine, handbills, or any print or electronic media whatsoever called within 24 hours immediately preceding or on polling day commits an offence under this Act.

(2) Where an offence under subsection (1) is committed by a body corporate, the principal officers of that body shall be deemed to have equally committed the same offence.

(3) Any person convicted of an offence under this section is liable —

(*a*) in the case of a body corporate to a minimum fine of ₦3,000,000 and maximum fine of ₦5,000,000 ; and

(*b*) in the case of an individual to a minimum fine of ₦3,000,000 and maximum fine of ₦5,000,000 or to imprisonment for a term of six months or both.

Campaign based on religion or tribe

101. A candidate, person or association that engages in campaigning or broadcasting based on religious, tribal, or sectional reason for the purpose of promoting or opposing a particular political party or the election of a particular candidate, commits an offence under this Act and is liable on conviction —

(*a*) to a minimum fine of ₦3,000,000 and maximum fine of ₦5,000,000 or imprisonment for a term of 12 months or both; and

(*b*) in the case of a political party, to a minimum fine of ₦30,000,000 and maximum fine of ₦50,000,000.

Part VI — Procedure for Election to Area Council

Powers of the Commission

102.—(1) The conduct of elections into the offices of Chairman, Vice-Chairman and a member of an Area Council and the recall of a member of an Area Council shall be under the direction and supervision of the Commission in accordance with the provisions of this Act.

(2) The register of voters compiled and the polling units established by the Commission and any other regulations, guidelines, rules or manuals issued or made by the Commission shall be used for elections into the Area Councils or recall of a member.

Election to offices of Chairman, Vice-Chairman and Councillors

103.—(1) There shall be elected for each Area Council in the Federal Capital Territory a Chairman and Vice-Chairman.

(2) There shall be a Councillor for each Electoral Ward in an Area Council of the Federal Capital Territory.

Division of Area Council into registration area

104.—(1) Subject to the provisions of this section, the Commission shall divide each Area Council into registration areas or Electoral Wards not being less than 10 and not more than 20 as the circumstance of each Area Council may require.

(2) The boundaries of each registration area or Electoral Ward shall be such that the number of inhabitants of the registration area or Electoral Ward is as nearly equal to the population quota as is reasonably practicable.

(3) The Commission shall review the division of every Area Council at intervals of not less than 10 years and may alter such registration area or Electoral Ward in accordance with subsection (1) to such extent as it may consider desirable in the light of the review.

(4) Notwithstanding subsection (3), the Commission may, at any time, carry out such a review and alter the Electoral Ward in accordance with the provisions of this section to such extent as it considers necessary in

consequence of any amendment to section 3 of the Constitution or any provision replacing that provision or by reason of the holding of a national population census or under an Act of the National Assembly. Cap. P42, LFN 2004

105. A person shall be qualified for election under this Part of this Act if he or she — Qualification

(*a*) is a citizen of Nigeria ;

(*b*) is registered as a voter ;

(*c*) has attained the age of 25 years for Councillor and 30 years for Chairman and Vice-Chairman ;

(*d*) is educated up to at least School Certificate level or its equivalent ; and

(*e*) is a member of a political party and is sponsored by that party.

106.—(1) A person shall not be qualified to contest an Area Council election under this Act if he or she — Disqualification

(*a*) subject to the provisions of section 28 of the Constitution, has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the National Assembly, has made a declaration of allegiance to such a country ; Cap. P42, LFN 2004

(*b*) is adjudged to be a lunatic or otherwise declared to be of unsound mind under any law in effect in any part of Nigeria;

(*c*) is under a sentence of death imposed on him or her by any competent court of law or tribunal in Nigeria ;

(*d*) within a period of less than 10 years before the date of an election to the Area Council, has been convicted and sentenced for an offence involving dishonesty or has been found guilty of contravention of the Code of Conduct ;

(*e*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in effect in any part of Nigeria ;

(*f*) is a person employed in the public service of the Federation or of any State or Area Council, other than a person holding elective office, and has not resigned, withdrawn or retired from such employment 30 days before the date of election ;

(*g*) is a member of any secret society ;

(*h*) has within the preceding period of 10 years presented a forged certificate to the Commission ;

(*i*) has been dismissed from the public service of the Federation, State,

Local Government or Area Council ; or

(*j*) has been elected to such office at any two previous elections in the case of Chairman.

(2) Where in respect of any person who has been —

(*a*) adjudged to be a lunatic,

(*b*) declared to be of unsound mind,

(*c*) sentenced to death or imprisonment, or

(*d*) adjudged or declared bankrupt,

any appeal against the decision is pending in any court of law in accordance with any law in effect in Nigeria, subsection (1) shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or the appeal lapses or is abandoned, whichever is earlier.

(3) For the purpose of subsection (2), an "appeal" includes any application for an injunction or an order of certiorari, mandamus, prohibition, or habeas corpus, or any appeal from any such application.

Date of Area Council elections and method of voting

107.—(1) Election into all the Area Councils shall be held on the same date and day throughout the Federal Capital Territory.

(2) Bye-elections to fill vacancies that occur in Area Councils shall be held within 30 days from the date the vacancy occurred.

(3) The date mentioned in subsection (1) shall not be earlier than 150 days before and not later than 30 days before the expiration of the term of office of the last holder of that office.

(4) Where a vacancy occurs more than three months before the day the Area Council stands dissolved there shall be a bye-election to fill the vacancy not later than 30 days from the date the vacancy occurred.

(5) Voting shall be by open-secret ballot.

Procedure for Area Council elections

108. The procedure for filing nominations and the casting and counting of votes for Area Council elections shall be the same as is applicable to other elections under this Act.

Procedure for nomination

109.—(1) Where after the expiration of time for the delivery of nomination papers and the withdrawal of candidates for election of Councillors under this Act only one candidate remains duly nominated, that candidate shall be declared returned unopposed.

(2) Where after the expiration of time for the delivery of nomination papers and the withdrawal of candidates for election of Councillors under this section more than one candidate remains duly nominated, a poll shall be taken in accordance with the provisions of this Act.

(3) Where at the close of nomination for election to the office of Chairman, only one candidate —

(a) has been nominated ; or

(b) remains nominated by reason of the disqualification, withdrawal, incapacitation, disappearance, or death of the other candidate, the Commission shall extend the time for nomination by seven days :

Provided that where after the extension, only one candidate remains validly nominated, there shall be no further extension.

Election of Area Council Chairman

110.—(1) A candidate for an election to the office of Chairman shall be deemed to have been duly elected to the office where being the only candidate nominated for the election he or she has —

(*a*) a majority of YES votes over NO votes cast at the election; and

(*b*) not less than one-third of the votes cast at the election in each of at least two-thirds of all the wards in the Area Council :

Provided that where the only candidate fails to be elected in accordance with this subsection, then there shall be fresh nomination.

(2) A candidate for an election to the office of the Chairman shall be deemed to have been elected where there being only two candidates for the election he has —

(*a*) a majority of the votes cast at the election; and

(*b*) not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the wards in the Area Council.

(3) Where no candidate is duly elected under subsection (2), the Commission shall within 14 days conduct a second election between the two candidates, and the candidate who scored the majority of votes cast at the election shall be deemed duly elected at the election.

(4) A candidate for an election to the office of Chairman shall be deemed to have been duly elected where, there being more than two candidates for the election he or she has —

(*a*) the highest number of votes cast at the election ; and

(*b*) not less than one-quarter of the votes cast at the election in each of at least two-thirds of all wards in the Area Council.

(5) Where no candidate is duly elected in accordance with subsection (4), there shall be a second election in accordance with subsection (6) at which the only candidates shall be —

(*a*) the candidate who scored the highest number of votes at the election held under subsection (4) ; and

(*b*) one among the remaining candidates who has the majority of votes in the highest number of wards so however that where there are more than one candidate, the one among them with the highest total number of votes cast at the election shall be the second candidate for the election.

(6) Where a candidate is not duly elected under this section, the Commission shall within 14 days of the result of the election held under this section arrange for another election between the two candidates and a candidate at such an election shall be deemed to have been duly elected to the office of a Chairman of the Area Council if he or she has —

(*a*) a majority of the votes cast at the election; and

(*b*) not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the wards in the Area Council, as the case may be.

(7) Where a candidate is not duly elected under subsection (6), arrangements shall be made within 14 days of the result of the previous election, for another election between the two candidates specified in subsection (6), and a candidate at this last election shall be deemed duly elected to the office of Chairman of the Area Council if he scores a simple majority of votes cast at the election.

Death of Chairman or Vice-Chairman before oath of office

111.—(1) Where a person duly elected as Chairman dies before taking and subscribing to the oath of allegiance and oath of office, the person elected with him or her as Vice-Chairman shall be sworn in as Chairman who shall then nominate and with the approval of a majority of the members of the Area Legislative Council appoint a new Vice-Chairman.

(2) Where the Vice-Chairman is appointed from among the Councillors as the new Vice-Chairman, the Commission shall conduct a bye-election to fill the vacant seat created in the ward from which the new Vice-Chairman has been appointed.

(3) Where the persons duly elected as Chairman and Vice-Chairman of an Area Council die before taking and subscribing the oath of allegiance and oath of office during which period the Area Council has not been inaugurated, the Commission shall within 21 days conduct an election to fill the vacancies.

(4) Where, after the commencement of poll and before the announcement of the final result and declaration of a winner, a nominated candidate dies —

(*a*) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days ; and

(*b*) in the case of election into a legislative house, the election shall start afresh and the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 14 days of the death of its candidate and submit the name of a new candidate to the Commission to replace the dead candidate :

Provided that in the case of Area Council Chairmanship election, the running mate of the deceased candidate shall continue with the election and nominate a new running mate.

Dissolution of Area Council

112.—(1) An Area Council shall stand dissolved at the expiration of a period of four years commencing from the date when the —

(*a*) Chairman took the oath of office; or

(*b*) legislative arm of the Council was inaugurated, whichever is earlier.

(2) In the determination of the four years term, where a re-run election has taken place and the person earlier sworn in wins the re-run election, the time spent in office before the date the election was annulled, shall be taken into account.

Vacation of seat of members

113.—(1) A member of an Area Council shall vacate his or her seat in the Council —

(*a*) on the date given in his or her letter of resignation ;

(*b*) if he or she takes up full time paid employment at any level of the government or in the private sector ;

(*c*) if he or she becomes a member of a secret society or does any other thing disqualifying him or her from holding the office of Chairman or Councillor under this Act ; or

(*d*) if the Leader of the Area Legislative Council receives a certificate under the hand of the Commission stating that the provisions of section 118 of this Act have been complied with in respect of the recall of that member.

(2) The Leader of the Area Legislative Council shall give effect to subsection (1), so that the Leader shall first present evidence satisfactory to the Area Council that any of the provisions of that subsection has become applicable in respect of that member.

Removal of Chairman or Vice-Chairman

114.—(1) The Chairman or Vice-Chairman may be removed from office in accordance with the provision of this section.

(2) Whenever a notice of any allegation of gross misconduct in writing signed by not less than one-third of the members of the Area Legislative Council stating that the holder of the office of Chairman or Vice-Chairman is alleged of gross misconduct in the performance of the functions of his office, detailed particulars shall be specified and presented to the Speaker of the Area Legislative Council.

(3) The Leader of the Area Legislative Council shall, within seven days of the notice, cause a copy of the notice to be served on the holder of the office and each member of the Area Legislative Council and shall also cause any statement made in reply to the allegation by the holder of the office to be served on each member of the Area Legislative Council.

(4) Within 14 days of the presentation of the notice, whether or not any statement was made by the holder of the office in reply to the allegation contained in the notice, the Area Legislative Council, shall resolve by motion without any debate whether or not the allegation shall be investigated.

(5) A motion of the Area Legislative Council that the allegation be investigated shall not be declared as having been passed unless it is supported by the votes of not less than two-thirds majority of all the members of the Area Legislative Council.

(6) Within seven days of the passing of a motion under subsection (4), the Leader of the Area Legislative Council shall inform the Chief Judge of the Federal Capital Territory, Abuja, who shall appoint a panel of seven persons who, in the opinion of the Chief Judge, are of unquestionable integrity not being members of —

(*a*) any public or civil service ;

(*b*) a legislative house ; or

(*c*) a political party, to investigate the allegation as provided in this section.

(7) The holder of an office whose conduct is being investigated under this section shall have the right to defend his or herself in person or be represented before the panel by a legal practitioner of his or her own choice.

(8) A panel appointed under this section shall —

(*a*) have such powers and perform its functions in accordance with such procedure as may be prescribed by an Act of the National Assembly ; and

(*b*) within three months of its appointment, report its findings to the Area Legislative Council.

(9) Where the panel reports to the Area Legislative Council that the allegation has not been proven, no further proceedings shall be taken in respect of the matter.

(10) Where the report of the panel is that the allegation against the holder of the office has been proved, then within 14 days of the receipt of the report, the Area Legislative Council shall consider the report and if by a resolution of the Area Legislative Council supported by not less than two-thirds majority of all its members the report of the panel is adopted, then the holder of the office shall stand removed from office as from the date of the adoption of the report.

Permanent incapacity of Chairman or Vice-Chairman of an Area Council

115.—(1) The Chairman or Vice-Chairman of an Area Council shall cease to hold office if —

(*a*) by resolution passed by two-thirds majority of all members of the Executive Council of the Area Council, it is declared that the Chairman or Vice-Chairman is incapable of performing the functions of his or her office ; and

(*b*) the declaration in paragraph (a) is verified by the medical examination panel established under subsection (4) in its report to the Speaker of the Area Legislative Council.

(2) Where the medical panel certifies in its report that, in its opinion, the Chairman or Vice-Chairman is suffering from such infirmity of body or mind as renders him permanently incapable of performing the functions of his office, a notice signed by the Speaker of the Area Legislative Council shall be published in the Official Gazette of the Area Council.

(3) The Chairman or Vice-Chairman shall cease to hold office as from the date of publication of the notice of the medical report under subsection (2).

(4) The medical panel to which this section relates shall be appointed by the Speaker of the Area Legislative Council and shall consist of five medical practitioners in Nigeria —

(*a*) one of whom shall be the personal physician of the holder of the office concerned ; and

(*b*) four other medical practitioners who have, in the opinion of the Speaker of the Area Legislative Council, attained a high degree of eminence in the field of medicine relative to the nature of examination to be conducted in accordance with the provisions of this section.

(5) In this section, the reference to "Executive Council of the Area Council" is a reference to the body of Supervisory Councillors of the Area Council, established by the Chairman and charged with such responsibility for the functions of government as the Chairman may direct.

Performance of functions of Chairman or Vice-Chairman of an Area Council

116.—(1) The Vice-Chairman of an Area Council shall hold the office of the Chairman of the Area Council if the office of the Chairman becomes vacant by reason of death, resignation, permanent incapacity or removal of the Chairman from office for any other reason in accordance with section 112 or 113 of this Act.

(2) Where any vacancy occurs in the circumstances mentioned in subsection (1) during a period when the office of Vice-Chairman of the Area Council is also vacant, the Speaker of the Area Legislative Council shall hold office of the Chairman of the Area Council for a term of not less than three months, during which there shall be an election of a new Chairman of the Area Council who shall hold office for the unexpired term of office of the last holder of the office.

(3) Where the office of the Vice-Chairman becomes vacant —

(*a*) by reason of death, resignation, permanent incapacity or removal in accordance with section 112 or 113 of this Act;

(*b*) by his assumption of the office of Chairman of an Area Council in accordance with subsection (1) ; or

(c) for any reason, the Chairman shall nominate and, with the approval of the legislative arm of the Area Council, appoint a new Vice-Chairman.

Recall

117. A member of an Area Council may be recalled as a member if -

(*a*) there is presented to the Chairman of the Commission a petition in that behalf signed by not less than one-half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member and which signatures are duly verified by the Independent National Electoral Commission ; and

(*b*) the petition is approved in a referendum conducted by the Commission within 90 days of the date of the receipt of the petition by a simple majority of the votes of the persons registered to vote in that member's constituency.

PART VII — ELECTORAL OFFENCES

Offences in relation to registration

118. A person who —

(*a*) without authority, destroys, mutilates, defaces or remove or makes any alteration in any notice or document required for the purpose of

registration under this Act,

(*b*) presents himself to be or does any act whereby he or she is by whatever name or description howsoever, included in the register of voters for a constituency in which he or she is not entitled to be registered or causes himself to be registered in more than one registration or revision centre,

(*c*) publishes any statement or report which he or she knows to be false or does not believe to be true so as to prevent persons who are qualified to register from registering as voters,

(*d*) makes in any record, register or document which he or she is required to prepare, publish or keep for the purpose of registration, any entry or statement which he or she knows to be false or does not believe to be true,

(*e*) impedes or obstructs a registration officer or a Revision Officer in the performance of his or her duties,

(*f*) without proper authority, wears the identification of a registration officer or assistant registration officer or wears any other identification purporting to be the identification of a registration officer or assistant registration officer,

(*g*) forges a registration card, or

(*h*) carries out registration or revision of voters at a centre or place not designated by the Commission,

commits an offence and is liable on conviction to a maximum fine of ₦5,000,000 or to imprisonment for a term of 12 months or both.

Offences in respect of nomination

119.—(1) Any person who —

(*a*) forges any nomination paper or result form,

(*b*) willfully defaces or destroys any nomination paper or result form,

(*c*) delivers to an electoral officer any nomination paper or result form knowing it to be forged,

(*d*) signs a nomination paper or result form as a candidate in more than one constituency at the same election,

(*e*) forges any ballot paper or official mark on any ballot paper or any certificate of return or result form,

(*f*) willfully destroys any ballot paper or official mark on any ballot paper or any certificate of return or result form,

(*g*) without authority gives a ballot paper or result form to any person,

(*h*) willfully places in any ballot box any unauthorised paper or result form,

(*i*) willfully removes from a polling station any ballot paper or result form whether or not the ballot paper or result form was issued to him or her in that polling station,

(*j*) without authority destroys or in any other manner interferes with a ballot box or its contents or any ballot paper or result form then in use or likely to be used for the purpose of an election, or

(*k*) signs a nomination paper consenting to be a candidate at an election knowing that he or she is ineligible to be a candidate at that election,

commits an offence and is liable on conviction to a maximum term of imprisonment for two years.

(2) Any person who —

(*a*) without proper authority prints a ballot paper or what purports to be or is capable of being used as a ballot paper or result form at an election,

(*b*) being authorised by the Commission to print ballot papers or result form, prints more than the number or quantity the Commission authorised,

(*c*) without authority, is found in possession of a ballot paper or result form when he or she is not in the process of voting and at a time when the election for which the ballot paper or result form is intended, is not yet completed, or

(*d*) manufactures, constructs, imports into Nigeria, has in his or her possession, supplies to any election official or uses for the purpose of an election, or causes to be manufactured, constructed or imported into Nigeria, supplies to any election official for use for the purpose of any election, any ballot box including any compartment, appliance, voting device or mechanism or by which a ballot paper or result form may or could be secretly placed or stored in, or having been deposited during polling may be secretly diverted, misplaced or manipulated,

commits an offence and is liable on conviction to a maximum fine of ₦75,000,000 or imprisonment for a term not less than 10 years or both.

(3) An attempt to commit any offence under this section shall be punishable in the same manner as the offence itself.

Disorderly behavior at political meetings

120. Any person who, at a political meeting —

(*a*) acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was convened, or

(*b*) has in his possession an offensive weapon or missiles,

commits an offence and is liable on conviction to a maximum fine of

₦2,000,000 or imprisonment for a term of 12 months or both.

Improper use of voters cards

121. Any person who —

(*a*) being entitled to a voter's card, gives it to some other person for use at an election other than an officer appointed and acting in the course of his or her duty under this Act,

(*b*) not being an officer acting in the course of his or her duty under this Act, receives any voters card in the name of some other person or persons for use at an election uses it fraudulently,

(*c*) without lawful excuse has in his possession more than one voters card, or

(*d*) buys, sells, procures or deals, with a voters card otherwise than as provided in this Act,

commits an offence and is liable on conviction to a maximum fine of ₦5,000,000 or imprisonment for a term of 12 months or both.

Improper use of vehicles

122.—(1) A person shall not provide for the purpose of conveying any other person to a registration office or to a polling unit any government vehicle or boat, or any vehicle or boat belonging to a public corporation except in respect of a person who is ordinarily entitled to use such vehicle or boat and in emergency in respect of an electoral officer.

(2) A person who contravenes the provisions of this section, commits an offence and is liable on conviction to a maximum fine of ₦2,000,000 or imprisonment for a term of six months or both.

Impersonation and voting when not qualified

123.—(1) Any person who —

(*a*) applies to be included in any list of voters in the name of some other person, whether such name is that of a person living or dead or of a fictitious person,

(*b*) having once to his or her knowledge been improperly included in a list of voters under this Act as a voter entitled to vote at any election, applies, except as authorised by this Act, to be included in any other list of voters prepared for any constituency as a voter at an election,

(*c*) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person,

(*d*) having voted once at an election applies at the same election for another ballot paper,

(*e*) votes or attempts to vote at an election knowing that he or she is not qualified to vote at the election, or

(*f*) induces or procures any other person to vote at an election knowing that such other person is not qualified to vote at the election,

commits an offence and is liable on conviction to a maximum fine of ₦2,000,000 or imprisonment for a term of 12 months or both.

(2) Any person who commits the offence of impersonation or who aids, abets, counsels or procures the commission of that offence, is liable on conviction to a maximum fine of ₦2,000,000 or imprisonment for a term of 12 months or both.

Misconduct or dereliction of duty

124.—(1) An officer appointed for the purposes of this Act, who without lawful excuse commits any act or omits to act in breach of his or her official duty commits an offence and is liable on conviction to a maximum fine of ₦2,000,000 or imprisonment for a term of 12 months or both.

(2) A polling official who fails to report promptly at his or her polling unit on an election day without lawful excuse commits an offence of dereliction of duty and is liable on conviction to maximum fine of ₦2,000,000 or imprisonment for a term of 12 months or both.

(3) A polling agent, political party or party agent who conspires to make false declaration of result of an election commits an offence and is liable on conviction to a maximum fine of ₦2,000,000 or imprisonment for a term of 12 months or both.

(4) Any person who announces or publishes an election result knowing same to be false or which is at variance with the signed certificate of return commits an offence and is liable on conviction to imprisonment for a term of four years.

(5) A returning officer or collation officer who delivers or causes to be delivered a false certificate of return knowing same to be false, commits an offence and is liable on conviction to imprisonment for a maximum term of three years without an option of fine.

(6) A person who delivers or causes to be delivered a false certificate of return knowing same to be false to any news media commits an offence and is liable on conviction to imprisonment for a term of three years.

Bribery and conspiracy

125.—(1) Any person who -

(*a*) directly or indirectly, by his or by any other person on his or her behalf, corruptly makes any gift, loan, offer, promise, procurement or agreement to or for any person, in order to induce such person to procure or to endeavour to procure the return of any person as a member of a legislative house or to an elective office or the vote of any voter at any election,

(*b*) upon or in consequence of any gift, loan, offer, promise, procurement or agreement corruptly procures, or engages or promises or endeavours to procure, the return of any person as a member of a legislative house or to an elective office or the vote of any voter at any election,

(*c*) advances or pays or causes to be paid any money to or for the use of any other person, with the intent that such money or any part of it shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election,

(*d*) after any election directly, or indirectly, by himself, or by any other person on his or her behalf receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting or having induced any candidate to refrain from canvassing for votes for himself at any such election,

commits an offence and is liable on conviction to a maximum fine of ₦2,000,000 or imprisonment for a term of 12 months or both.

(2) A voter commits an offence of bribery where before or during an election directly or indirectly by his or herself or by any other person on his or her behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for his or herself, or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election.

(3) Nothing in this section shall extend or apply to money paid or agreed to be paid for or on account of any lawful expenses bona fide incurred at or concerning any election.

(4) Any person who commits the offence of bribery is liable on conviction to a maximum fine of ₦500,000 or imprisonment for a term of 12 months or both.

(5) Any person who conspires, aids or abets any other person to commit any of the offences under this Part of this Act, commits the same offence and is liable to the same punishment.

(6) For the purpose of this Act, a candidate shall be deemed to have committed an offence if it was committed with his or her knowledge and consent.

Requirement of secrecy in voting

126.—(1) Every person in attendance at a polling unit including every officer charged with the conduct of an election and his or her assistants and

every polling agent and candidate in attendance at a polling station or at the collation centre, as the case may be, shall maintain and aid in maintaining the secrecy of the voting.

(2) Any person in attendance at a polling booth under this section shall not, except for some purpose authorised by law, communicate to any person information as to the name or number on the register of any voter who has or has not voted at the place of voting.

(3) A person shall not —

(*a*) interfere with a voter casting his or her vote, or by any other means obtain or attempt to obtain in a polling unit, information as to the candidate for whom a voter in that place is about to vote for or has voted for ; or

(*b*) communicate at any time to any other person information obtained in a polling unit as to the candidate to whom a voter is about to vote or has voted for.

(4) A person acting contrary to the provisions of this section commits an offence and is liable on conviction to a maximum fine of ₦100,000 or imprisonment for a term of three months or both.

Wrongful voting and false statements

127. Any person who —

(*a*) votes at an election or induces or procures any person to vote at an election, knowing that he or she or such person is prohibited from voting at the election;

(*b*) before or during an election, publishes any statement of the withdrawal of a candidate at such election knowing it to be false or reckless as to its truth or falsity; or

(*c*) before or during an election publishes any statement as to the personal character or conduct of a candidate calculated to prejudice the chance of election of the candidate or to promote or procure the election of another candidate and such statement is false and was published without reasonable grounds for belief by the person publishing it that the statement is true,

commits, an offence and is liable on conviction to a maximum fine of ₦200,000 or imprisonment for a term of six months or both.

Voting by unregistered person

128.—(1) Any person who knowingly votes or attempts to vote in a constituency in respect of which his or her name is not on the register of voters commits an offence and is liable on conviction to a maximum fine of ₦200,000 or imprisonment for a term of six months or both.

(2) Any person who knowingly brings into a polling unit during an election a voter's card issued to another person commits an offence and is liable on

conviction to a fine of ₦200,000 or imprisonment for a term of six months or both.

Disorderly conduct at elections

129. Any person who, at an election, acts or incites others to act in a disorderly manner commits an offence and is liable on conviction to a maximum fine of ₦2,000,000 or imprisonment for a term of 12 months or both.

Offences on election day

130.—(1) Any person shall not do any of the following acts or things in a polling unit or within a distance of 300 metres of a polling unit on the date on which an election is held —

(*a*) canvass for votes ;

(*b*) solicit for the vote of any voter ;

(*c*) persuade any voter not to vote for any particular candidate ;

(*d*) persuade any voter not to vote at the election ;

(*e*) shout slogans concerning the election ;

(*f*) be in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voters ;

(*g*) exhibit, wear or tender any notice, symbol, photograph or party card referring to the election ;

(*h*) use any vehicle bearing the colour or symbol of a political party by any means whatsoever ;

(*i*) loiter without lawful excuse after voting or after being refused to vote ;

(*j*) snatch or destroy any election materials ; or

(*k*) blare siren.

(2) A person shall not within the vicinity of a polling unit or collation centre on the day of which an election is held —

(*a*) convene, hold or attend any public meeting during the hours of poll as may be prescribed by the Commission;

(*b*) unless appointed under this Act to make official announcements, operate any megaphone, amplifier or public address apparatus; or

(*c*) wear or carry any badge, poster, banner, flag or symbol relating to a political party or to the election.

(3) Any person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine of ₦500,000 or imprisonment for a term of 12 months for every such offence.

(4) Any person who snatches or destroys any election material or any election device, commits an offence and is liable on conviction to imprisonment for a term of two years.

Undue influence

131. Any person who —

(*a*) corruptly by himself or by any other person at any time after the date of an election has been announced, directly or indirectly gives or provides or pays money to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election, or

(*b*) being a voter, corruptly accepts or takes money or any other inducement during any of the period stated in paragraph (a),

commits an offence and is liable on conviction to a fine of ₦500,000 or imprisonment for a term of 12 months or both.

Threatening

132. Any person who —

(*a*) directly or indirectly, by himself or by another person on his or her behalf, makes use of or threatens to make use of any force, violence or restrain ;

(*b*) inflicts or threatens to inflict by himself or by any other person, any minor or serious injury, damage, harm or loss on or against a person in order to induce or compel that person to vote or refrain from voting, or on account of such person having voted or refrained from voting;

(*c*) by abduction, duress, or a fraudulent device or contrivance, impedes or prevents the free use of the vote by a voter or thereby compels, induces, or prevails on a voter to give or refrain from giving his vote; or

(*d*) prevents any political aspirant from free use of the media, designated vehicles, mobilisation of political support and campaign at an election;

commits an offence and is liable on conviction to a fine of ₦2,000,000 or imprisonment for a term of three years.

Offecenes relating to recall

133. The offences referred to in this Act shall apply to recall of a member of a Legislative House and a member of an Area Council mutatis mutandis.

Part VIII — Determination of Election Petitions Arising from Elections

Proceedings to question an election

134.—(1) An election and return at an election under this Act shall not be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Act referred to as an "election

petition") presented to the competent tribunal or court in accordance with the provisions of the Constitution or of this Act, and in which the person elected or returned is joined as a party. Cap. C23, LFN, 2004

(2) In this Part "tribunal or court" means —

(*a*) in the case of presidential election, the Court of Appeal; and

(*b*) in the case of any other elections under this Act, the election tribunal established under the Constitution or by this Act.

(3) The election tribunals shall —

(*a*) be constituted not later than 30 days before the election ; and

(*b*) when constituted, open their registries for business seven days before the election.

Establishment of Area Council Election Tribunal

135.—(1) There is established for the Federal Capital Territory one or more Election Tribunal (in this Act referred to as "the Area Council Election Tribunal") which shall, to the exclusion of any other court or tribunal, have original jurisdiction to hear and determine any question as to whether -

(*a*) a person has been validly elected to the office of Chairman, Vice-Chairman or Councillor ;

(*b*) the term of office of a person elected to the office of Chairman, Vice-Chairman or Councillor ;

(*c*) the seat of a member of an Area Council has become vacant ; or

(*d*) a question or petition brought before the Area Council Election Tribunal has been properly or improperly brought.

(2) An Area Council Election Tribunal shall consist of a Chairman and two other members.

(3) The Chairman shall be a serving Judge of the High Court of the Federal Capital Territory and the two other members shall be appointed from among Magistrates of the judiciary of the Federal Capital Territory, Abuja, not below the rank of Senior Magistrate.

(4) The Chairman and other members of the Area Council Election Tribunal shall be appointed by the Chief Judge of the High Court of the Federal Capital Territory, Abuja.

(5) The Area Council Election Tribunal shall —

(*a*) be constituted not later than 21 days before the election ; and

(*b*) when constituted, open their registries for business not later than eight days after the election.

(6) An election petition shall be filed within 21 days after the date of the declaration of result of the elections.

(7) An Area Council Election Tribunal shall deliver its judgment in writing within 90 days from the date of filing of the petition.

Establishment of Area Council Election Appeal Tribunal

136.—(1) There is established for the Federal Capital Territory the Area Council Election Appeal Tribunal which shall to the exclusion of any other court or tribunal hear and determine appeals arising from the decision of the Area Council Election Tribunal.

(2) The decision of the Area Council Election Appeal Tribunal in respect of Area Council elections shall be final.

(3) An Area Council Election Appeal Tribunal shall consist of a Chairman and two other members and the Chairman shall be a Judge of the High Court and the two other members shall be appointed from among —

(*a*) Judges of the High Court of the Federal Capital Territory, Abuja;

(*b*) Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja;

(*c*) Judges of the Customary Court of Appeal or other members of the Judiciary of the Federal Capital Territory, Abuja, not below the rank of a Chief Magistrate.

(4) The Chairman and other members of the Area Council Election Appeal Tribunal shall be appointed by the Chief Judge of the High Court of the Federal Capital Territory, Abuja.

(5) The Area Council Election Appeal Tribunal shall —

(*a*) be constituted not later than 14 days before the election ; and

(*b*) when constituted, open their registries for business not later than seven days after the election.

(6) The quorum of the Area Council Election Appeal Tribunal when hearing any appeal from decisions of the Area Council Election Tribunal shall be all three members of the Appeal Tribunal.

(7) The Tribunal shall deliver a judgment in writing within 150 days from the date of the filing of the petition.

(8) An appeal shall be filed within 14 days after the delivery of judgment by the Tribunal.

(9) An appeal from a decision of an Area Council Election Tribunal shall be heard and disposed of within 60 days from the date of the delivery of

judgment of the Tribunal.

(10) The Court in all appeals from Election Tribunal may adopt the practice of first giving its decision and reserving the reason to a later date.

Persons entitled to present election petitions

137.—(1) An election petition may be presented by one or more of the following persons —

(*a*) a candidate in an election ; or

(*b*) a political party which participated in the election.

(2) Any person whose election is complained of, is in this Act, referred to as the respondent.

(3) Where the petitioner complains of the conduct of an electoral officer, a presiding or returning officer, it shall not be necessary to join such officers or persons notwithstanding the nature of the complaint and the Commission shall, in this instance, be —

(*a*) made a respondent ; and

(*b*) deemed to be defending the petition for itself and on behalf of its officers or such other persons.

Grounds of petition

138.—(1) An election may be questioned on the grounds that the —

(*a*) election was invalid by reason of corrupt practices or non- compliance with the provisions of this Act ; or

(*b*) respondent was not duly elected by majority of lawful votes cast at the election.

(2) An act or omission which may be contrary to an instruction or directive of the Commission or of an officer appointed for the purpose of the election but which is not contrary to the provisions of this Act shall not of itself be a ground for questioning the election.

(3) Where the court makes a determination that an election is being questioned by a political party or candidate on grounds outside of those provided for under subsection (1), the court shall impose penalties of not less than ₦5,000,000 on the counsel and not less than ₦10,000,000 on the petitioner.

Certain defects not to invalidate election

139.—(1) An election shall not be liable to be invalidated by reason of non-compliance with the provisions of this Act if it appears to the Election Tribunal or Court that the election was conducted substantially in accordance with the principles of this Act and that the non-compliance did not affect substantially the result of the election.

(2) An election shall not be liable to be questioned by reason of a defect in the title or want of title of the person conducting the election or acting in the

office provided such a person has the right or authority of the Commission to conduct the election.

(3) An election shall not be questioned or cancelled by reason that there is a mistake, conflict or inconsistency in the date contained in the result of such election signed by a returning officer or any other officer of the Commission.

Nullification of election by Tribunal or Court

140.—(1) Subject to subsections (2) and (3), if the Tribunal or the Court, determines that a candidate who was returned as elected was not validly elected on any ground, the Tribunal or Court shall nullify the election and order the Commission to conduct a fresh election not later than 90 days after the —

(*a*) decision, if an appeal is not filed against the decision ; or

(*b*) nullification of the election by the Court having final appellate jurisdiction in respect of the election.

(2) Where the Tribunal or the Court determines that a candidate who was returned as elected was not validly elected on the ground that he did not score the majority of valid votes cast at the election, the Election Tribunal or the Court, as the case may be, shall declare as elected the candidate who scored the highest number of valid votes cast at the election and satisfied the requirements of the Constitution and this Act.

Cap. C23, LFN, 2004

(3) All objections filed in an election petition shall be determined at the time of final judgment.

Person elected to remain in office pending determination of appeal

141.—(1) Where the election is nullified by the Court and notice of appeal against the decision is given within the stipulated period for appeal, the elected candidate shall, notwithstanding the contrary decision of the Court, remain in office and enjoy all the benefits that accrued to the office pending the determination of the appeal and shall not be sanctioned for the benefits derived while in office.

(2) Where the Election Tribunal or the Court determines that a candidate returned as elected was not validly elected, the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal or the Court, remain in office pending the expiration of the period of 21 days within which an appeal may be brought.

Legal representation of Commission

142.—(1) Where the Commission has been joined as a respondent in an election petition, a legal officer of the Commission or a legal practitioner engaged by the Commission shall represent the Commission at the Tribunal or Court.

(2) A private legal practitioner or legal officer engaged by the Commission

under subsection (1) shall be entitled to be paid such professional fees or honorarium to be determined by the Commission.

Rules of procedure for election petition

First Schedule

143.—(1) The rules of procedure to be adopted for election petitions and appeals arising from it shall be as set out in the First Schedule to this Act.

(2) The President of the Court of Appeal may issue practice directions to the —

(*a*) Court of Appeal, in respect of pre-election and post-election appeals ; and

(*b*) Election Tribunal, in respect of post-election matters.

Part IX - Miscellaneous Provisions

Persons disqualified from acting as election officers

144. Any person holding an elective office to which this Act relates or a registered member of a political party shall not be eligible for or be appointed to carry out the duties of a returning officer, an electoral officer, presiding officer or a poll clerk, and any officer appointed to carry out any of those duties shall not be eligible for nomination as a candidate for election while he or she continues to hold such appointment.

Election expenses by the Commission

145.—(1) The Commission may prescribe a scale of —

(*a*) remuneration for officers appointed under this Act for the conduct of elections ; and

(*b*) maximum charges in respect of other expenses incurred by an electoral officer, a Presiding Officer or a returning officer in connection with an election, and may revise the scale as it deems fit or expedient.

(2) An electoral officer, Presiding Officer, or returning officer shall, in addition to any remuneration prescribed under subsections (1) (a), be entitled to such sums in respect of expenses not exceeding the prescribed scale, in connection with the conduct of an election as are reasonable.

(3) The Commission may pay such honoraria as it may determine to all other persons and officers who may be involved in one way or the other in conducting an election under this Act, or in carrying out any task in connection with an election or election petition arising from it.

(4) All fees and other remunerations approved under subsection (1) shall be paid from the Fund established under section 3 (1) of this Act and shall be paid in such manner as the Commission deems fit.

Secrecy of ballot

146. Any person who has voted in any election under this Act shall not, in any legal proceedings arising out of the election, be required to say for whom he or she voted.

Prosecution of offence disclosed in election petition

147. The Commission shall consider any recommendation made to it by a tribunal with respect to the prosecution by it of any person for an offence disclosed in any election petition.

Trial of offences

148.—(1) An offence committed under this Act shall be triable in a Magistrate Court or a High Court of a State in which the offence is committed, or the Federal Capital Territory, Abuja.

(2) A prosecution under this Act shall be undertaken by legal officers of the Commission or any legal practitioner appointed by it.

Inspection of documents

149.—(1) An order for inspection of a polling document or any other document or packet in the custody of the Chief National Electoral Commissioner or any other officer of the Commission may be made by an Election Tribunal or a Court of competent jurisdiction if it is satisfied that the order required is for the purpose of instituting, maintaining or defending an election petition.

(2) A document other than a document referred to in subsection (1) relating to an election and which is retained by the Chief Electoral Commissioner or any other officer of the Commission in accordance with this section shall be open for inspection on an order made by the Election Tribunal or the Court in exercise of its powers to compel the production of documents in legal proceedings.

(3) Where there is a breach of an order of the Election Tribunal or the Court directed at the Commission, particularly order to produce, inspect or take copies of electoral documents or materials, the Commission shall first be summoned to show cause why it cannot comply with the order to establish disobedience before it can be deemed to have disobeyed the order.

(4) Such disobedience where established, shall attract court sanctions, which shall include the committal by the Tribunal or Court of the Commission's official to whom the order is directed to summary conviction to imprisonment for at least two years, without an option of fine.

Delegation of powers of the Commission

150. Without prejudice to other provisions of this Act, the Commission may delegate any of its powers and functions to any National Electoral Commissioner, Resident Electoral Commissioner, electoral officer, any other officer of the Commission or any other officer appointed under the provision of this Act subject to any conditions or limitations which it may consider

necessary or expedient to impose and no such delegation shall be construed to limit the right of the Commission to exercise such power, itself.

Regulations

151. The Commission may, subject to the provisions of this Act, issue regulations, guidelines, or manuals for the purpose of giving effect to the provisions of this Act and for its administration.

Validation

Cap. C23, LFN, 2004

152. Notwithstanding any other provisions of this Act, any defect or error arising from any actions taken by an official of the Commission in relation to any notice, form or document made or given or other things done by the official under the provisions of the Constitution or of this Act, or any rules made under it remain valid, unless otherwise challenged and declared invalid by a competent court of law or tribunal.

Procedure for Local Government Election in furtherance of paragraph 11 of Part II of the Second Schedule to the Constitution

Cap. C23, LFN, 2004

153.—(1) In compliance with the provision of paragraph 11 of Part II of the Second Schedule to the Constitution, the procedure regulating elections conducted by the Commission to Area Councils in the Federal Capital Territory under this Act shall be the same and apply with equal force as the procedure regulating elections conducted to Local Government Areas by any State Commission.

(2) For the purpose of subsection (1), a State Commission shall be deemed to have and exercise the powers of the Commission in respect of the procedure regulating elections to Area Councils under this Act.

(3) An election to a Local Government Area that is conducted by a State Commission in violation of subsection (1) shall be invalid.

(4) An official of a State Commission who contravenes the provision of subsection (1) commits an offence and shall be subject to prosecution as if he were an official of the Commission who committed the same offence under this Act.

Repeal

154. The Electoral Act, No. 13, 2022 is repealed.

Interpretation

155. In this Act —

"Area Council" means Area Councils recognised and existing by virtue of section 3 (6) of the Constitution and as set out in Part II of the First Schedule to the Constitution and any additional Area Council provided by

an Act of the National Assembly in accordance with the provisions of the Constitution ;

"appointment" includes appointment to an office, confirmation of appointment, promotion or transfer ;

"aspirant" means a person who aspires or seeks or strives to contest an election to a political office ;

"association" means a body of persons (corporate or otherwise) who agree to act together for any common purpose and includes an association formed for any ethnic, social, cultural, occupational or religious purpose ;

"Attorney-General of the Federation" means the Chief Law Officer of the Federation ;

"Area Councils" means Area Councils in the Federal Capital Territory;

"authority" includes government or government agency and corporate bodies ;

"campaigning in public" referred to in section 99 of this Act means the campaign that commences after the publication of the notice of election by the Commission under section 28 of this Act ;

"candidate" means a person who has secured the nomination of a political party to contest an election for any elective office ;

"Chief Electoral Commissioner" means the Chairman of the Independent National Electoral Commission ;

"civil servant" means a person employed in the Civil Service of the Federation or of a State or Local government as contained in the Constitution of the Federal Republic of Nigeria, 1999 ;

"Clerk" means the Clerk to the National Assembly, Clerk of the State House of Assembly, and Clerk of the Legislative House of the Local Government or Area Council or any person acting in that capacity ;

"Commission" means the Independent National Electoral Commission established by the Constitution ;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1999, Cap. C23, Laws of the Federation of Nigeria, 2004 ;

"conviction" means a pronouncement by a court or tribunal that a person is guilty of an offence under this Act or under the provisions of the Constitution whether or not any punishment is imposed on the person as a result of the conviction and includes admission by a person in writing, verbally, or by conduct that he is guilty, or has committed or aided and

abetted the commission of the offence or crime concerned ;

"conduct" referred to in the latter is, for instance, where a person reimburses the sums of money or any parts of it obtained through corrupt practice in order to avoid prosecution ;

"decision" means in relation to court or tribunal, any determination of that court or tribunal and includes a judgment, decree, conviction, sentence, order or recommendation ;

"direct primaries" means an election at which candidates for elective office are chosen by direct vote of political party members instead of by delegates at a convention or congress ;

"election" means any election held under this Act and includes a referendum ;

"electoral officer" means a staff of the Commission who is the head of the Commission's office at a Local Government Area or Area Council level ;

"electronic format" refers to the electronic version of the Register of Voters or National Electronic Register of Election Results created, recorded, transmitted or stored in digital form or in other intangible forms by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means and which may be converted to or reproduced in a paper document ;

"Federation" means the Federal Republic of Nigeria ;

"function" includes powers and duties ;

"general election" means an election held in the Federation at large which may be at all levels, and at regular intervals to select officers to serve after the expiration of the full terms of their predecessors ;

"Government" includes the Government of the Federation, a State, Local Government Area or Area Council, or any person or organ exercising power or authority on its behalf ;

"House" or *"Legislative House"* means the Senate, House of Representatives, House of Assembly of a State and includes the Legislative House of a Local Government Area or Area Council ;

"leader of an association" means every person holding an executive position in that association, including in particular, the Chairman, Secretary or Treasurer of the association and every member of its committee of management, however described ;

"leader of a political party" means every person holding an executive

position in that political party, including in particular, the Chairman, Secretary or Treasurer of the political party and every member of its committee of management, however described ;

"legal incapacity" means a person disqualified under the Constitution or this Act or any other law, rules and regulations from registering as a voter or from contesting elections ;

"Local Government" means Local Government recognised and existing by section 3(6) of the Constitution and set out in Parts I and II of the First Schedule and any additional Local Government provided for by an Act of the National Assembly in accordance with section 8 (5) of the Constitution ;

"National Assembly" means the Senate and the House of Representatives ;

"number of accredited voters" means number of intending voters accredited to vote in an election ;

"offensive weapon or missile" includes any cannon, gun, rifle, carbine, revolver, pistol or any other firearm, bow and arrow, spear, cutlass, knife, dagger, axe, cudgel, or any other thing capable of being used as an offensive weapon or missile, including teargas, acid, and any inflammable substance capable of injuring a person ;

"office" or *"public office"* means any of the offices the occupation to which is by election or appointment under this Act ;

"person with disability" means —

(*a*) a person who has received temporary or permanent certificate of disability to have a condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising and includes any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, leaving and working without significantly increased hardship and vulnerability to everyday obstacles and hazards ; and

(*b*) a person with long time physical, mental, intellectual, or sensory impairment which interaction with various barriers may hinder their full and effective participation in society on equal basis with others ;

"person with special needs" means a person who requires assistance for disabilities that may be medical, mental, emotional, physical or psychological ;

"petition" means an election petition under this Act ;

"polling agent" means a person representing a political party or its candidate at the polling unit, ward, Local Government, Federal constituency, Senatorial district, State or Federal collation centres ;

"polling unit" means the place, enclosure, booth, shade or house at which voting takes place under this Act ;

"political party" includes any association of persons whose activities includes canvassing for votes in support of a candidate for election under this Act and registered by the Commission;

"powers" includes functions and duties ;

"President" means the President of the Federal Republic of Nigeria ;

"Presiding Officer" means a person appointed by the Commission to be in charge of the conduct of election in a polling unit or polling station, and this shall include persons who may be under different titles but who are charged by the Commission with the same responsibilities at a polling unit or polling station as a Presiding Officer ;

"primaries" or *"primary election"* means intra-party election by voters of a given political party to nominate candidates for elective office in accordance with a political party's constitution and the law ;

"Registrar" includes Chief Registrar, Deputy Chief Registrar and Registrar of other grades of the Supreme Court, Court of Appeal, Federal High Court and the High Court of a State ;

"Registration Officer" includes supervisory assistant registration officer and assistant registration officer ;

"Resident Electoral Commissioner" means the Commissioner deployed for the time being to a State ;

"return" means the declaration by a returning officer of a candidate in an election under this Act as being the winner of that election ;

"returning officer" means a person appointed by the Commission to be in charge of the conduct of election in a constituency, and this includes persons who may be under different titles but who are charged by the Commission with the same responsibilities in a constituency as a returning officer ;

"school certificate" has the meaning as defined in the Constitution ;

"secret society" has the meaning as defined in the Constitution ;

"State" when used otherwise than in reference to one of the component

parts of the Federal Republic of Nigeria shall include government of a State and all references in this Act to a State in the Federation shall, where appropriate, be deemed to include references to the Federal Capital Territory ;

"State Commission" means State Independent Electoral Commission created under section 197 of the Constitution ;

"transmit" means to send, transfer or communicate from one person or place to another manually or electronically ;

"unmarked ballot paper" means a ballot paper that has not been marked by the voter to indicate their choice of candidate or option ;

"vulnerable person" means a woman, child or person living under extreme poverty, person with disability, the sick and the elderly, refugee, internally displaced person, migrant, person in detention or ethnic and religious minority groups ; and

"Ward collation officer" means registration area collation officer.

Citation

156. This Act may be cited as the Electoral Act, 2026.

SCHEDULES

First Schedule

Section *143 (1)*

Rules of Procedure for Election Petitions

Interpretation

In this Schedule —

"Attorney-General" means the Attorney-General of the Federation and includes the Attorney-General of a State where the context admits;

"Civil Procedure Rules" means the civil procedure rules of the Federal High Court for the time being in effect;

"election" means any election under this Act to which an election petition relates;

"registry" means a registry set up for an Election Tribunal established by the Constitution or this Act or the registry of the Court of Appeal;

"Secretary" means the Secretary of an Election Tribunal established by the Constitution or this Act and shall include the Registrar of the Court of Appeal or any officer or clerk acting for him;

"Tribunal" means an Election Tribunal established under this Act or the Court of Appeal;

"tribunal notice board" means a notice board at the Registry or a notice board at the place of hearing where notice of presentation of election petition or notice of hearing an election petition or any other notice may be given or posted.

Security for Costs

2. —(1) At the time of presenting an election petition, the petitioner shall give security for all costs which may become payable by him to a witness summoned on his behalf or to a respondent.

(2) The security shall be of such amount not less than ₦200,000 as the Tribunal or Court may order and shall be given by depositing the amount with the Tribunal or Court.

(3) Where two or three persons join in an election petition, a deposit as may be ordered under subparagraph (2) shall be sufficient.

(4) Where no security is given as required by this paragraph, there shall be no further proceedings on the election petition.

Presentation of Election Petition

3.—(1) The presentation of an election petition under this Act shall be made by the petitioner (or petitioners if more than one) in person, or by his solicitor, if any, named at the foot of the election petition to the Secretary, and the Secretary shall give a receipt.

(2) The petitioner shall, at the time of presenting the election petition, deliver to the Secretary a copy of the election petition for each respondent and 10 other copies to be preserved by the Secretary.

(3) The Secretary shall compare the copies of the election petition received in accordance with subparagraph (2) with the original petition and shall certify them as true copies of the election petition on being satisfied by the comparison that they are true copies of the election petition.

(4) The petitioner or his solicitor shall, at the time of presenting the election petition, pay the fees for the service and the publication of the petition, and for certifying the copies and, in default of the payment, the election petition shall be deemed not to have been received, unless the Tribunal or Court otherwise orders.

Contents of Election Petition

4.—(1) An election petition under this Act shall —

(*a*) specify the parties interested in the election petition ;

(*b*) specify the right of the petitioner to present the election petition ;

(*c*) state the holding of the election, the scores of the candidates and the person returned as the winner of the election ; and

(*d*) state clearly the facts of the election petition and the ground or grounds on which the petition is based and the relief sought by the petitioner.

(2) The election petition shall be divided into paragraphs each of which shall be confined to a distinct issue or major facts of the election petition, and every paragraph shall be numbered consecutively.

(3) The election petition shall —

(*a*) conclude with a prayer or prayers, as for instance, that the petitioner or one of the petitioners be declared validly elected or returned, having polled the highest number of lawful votes cast at the election or that the election may be declared nullified ; and

(*b*) be signed by the petitioner or all petitioners or by the solicitor, if any, named at the foot of the election petition.

(4) At the foot of the election petition there shall also be stated an

address of the petitioner for service at which address documents intended for the petitioner may be left and its occupier.

(5) The election petition shall be accompanied by —

(*a*) a list of the witnesses that the petitioner intends to call in proof of the petition ;

(*b*) written statements on oath of the witnesses ; and

(*c*) copies or list of every document to be relied on at the hearing of the petition.

(6) A petition which fails to comply with subparagraph (5) shall not be accepted for filing by the Secretary.

(7) An election petition, which does not comply with subparagraph (1) is defective and shall be struck out by the Tribunal or Court.

Further Particulars

5. Evidence need not to be stated in the election petition, but the Tribunal or Court may order such further particulars as may be necessary —

(*a*) to prevent surprise and unnecessary expense ;

(*b*) to ensure fair and proper hearing in the same way as in a civil action in the Federal High Court ; and

(*c*) on such terms as to costs or otherwise as may be ordered by the Tribunal or Court.

Address of Service

6. For the purpose of service of an election petition on the respondents, the petitioner shall provide the Secretary with the address of the respondents' abode or the addresses of places where personal service can be effected on the respondents.

Action by Secretary

7.—(1) On the presentation of an election petition and payment of the requisite fees, the Secretary shall immediately —

(*a*) cause notice of the presentation of the election petition, to be served on each of the respondents ;

(*b*) post on the tribunal notice board a certified true copy of the election petition ; and

(*c*) set aside a certified true copy for onward transmission to the person or persons required by law to adjudicate and determine the election petition.

(2) In the notice of presentation of the election petition, the Secretary shall state a time, not being less than five days but not more than seven days after the date of service of the notice, within which each of the respondents shall enter an appearance in respect of the election petition.

(3) In fixing the time within which the respondents are to enter appearance, the Secretary shall have regard to the —

(*a*) necessity for securing a speedy hearing of the election petition; and

(*b*) distance from the Registry or the place of hearing to the address furnished under paragraph 4 (4).

Personal Service on Respondent

8.—(1) Subject to subparagraphs (2) and (3), service on the respondents of —

(*a*) the documents mentioned in paragraph 7 (1) (a) ; and

(*b*) any other document required to be served on them before entering appearance, shall be personal.

(2) Where the petitioner has provided, under paragraph 6, the addresses of the places where personal service can be effected on the respondents and the respondents or any of them cannot be found at the place or places, the Tribunal or Court on being satisfied, on an application supported by an affidavit showing that all reasonable efforts have been made to effect personal service, may order that service of any document mentioned in subparagraph (1) be effected in any ways mentioned in the relevant provisions of the Civil Procedure Rules for effecting substituted service in civil cases and that service shall be deemed to be equivalent to personal service.

(3) The proceedings under the election petition shall not be vitiated notwithstanding the fact that —

(*a*) the respondents or any of them may not have been served personally ; or

(*b*) a document of which substituted service has been effected under an order made under subparagraph (2) did not reach the respondent, and in either case, the proceedings may be heard and continued or determined as if the respondents or any of them had been served personally with the document and shall be valid and effective for all purposes.

Entry of Appearance

9.—(1) Where the respondent intends to oppose the election petition, he shall —

(*a*) within such time after being served or deemed to have been served with the election petition ; or

(*b*) where the Secretary has stated a time under paragraph 7 (2) of this Schedule, within such time as is stated by the Secretary, enter an appearance by filing in the registry a memorandum of appearance stating that he intends to oppose the election petition and giving the name and address of the solicitor, if any, representing him or stating that he acts for himself and, in either case, giving an address for service at which documents intended for him may be left or served.

(2) Where an address for service and its occupiers are not stated, the memorandum of appearance shall be deemed not to have been filed, unless the Tribunal or Court otherwise orders.

(3) The memorandum of appearance shall be signed by the respondent or his solicitor, if any.

(4) At the time of filing the memorandum of appearance, the respondent or his solicitor shall —

(*a*) leave a copy of the memorandum of appearance for each of the other parties to the election petition and three other copies of the memorandum to be preserved by the Secretary ; and

(*b*) pay the fees for service as may be prescribed or directed by the Secretary and in default of the copies being left and the fees being paid at the time of filing the memorandum of appearance, the memorandum of appearance shall be deemed not to have been filed, unless the Tribunal or Court otherwise orders.

(5) A respondent who has a preliminary objection against the hearing of the election petition on grounds of law may file a conditional memorandum of appearance.

Non-filing of Memorandum of Appearance

10.—(1) Where the respondent does not file a memorandum of appearance as required under paragraph 9 of this Schedule, a document intended for service on him may be posted on the tribunal notice board and that shall be sufficient notice of service of the document on the respondent.

(2) The non-filing of a memorandum of appearance shall not bar the

respondent from defending the election petition if the respondent files his reply to the election petition in the registry within a reasonable time, but, in any case, not later than 21 days from the receipt of the election petition.

Notice of Appearance

11. The Secretary shall cause copies of the memorandum of appearance to be served on, or its notice to be given to the other parties to the election petition.

Filing of Reply

12.—(1) The respondent shall, within 21 days of service of the petition on him file in the registry his reply, specifying in it which of the facts alleged in the election petition he admits and which he denies, and setting out the facts on which he relies in opposition to the election petition.

(2) Where the respondent in an election petition, complaining of an undue return and claiming the seat or office for a petitioner intend to prove that the claim is incorrect or false, the respondent in his reply shall set out the facts and figures clearly and distinctly disproving the claim of the petitioner.

(3) The reply may be signed by the respondent or the solicitor representing him, if any and shall state the name and address of the solicitor at which subsequent processes shall be served, and shall be accompanied by copies of documentary evidence, list of witnesses and the written statements on oath.

(4) At the time of filing the reply, the respondent or his solicitor, if any shall leave with the Secretary copies of the reply for service on the other parties to the election petition with 10 extra copies of the reply to be preserved by the Secretary, and pay the fees for service as may be prescribed or directed by the Secretary, and in default of leaving the required copies of the reply or paying the fees for service, the reply shall be deemed not to have been filed, unless the Tribunal or Court otherwise orders.

(5) A respondent who has an objection to the hearing of the petition shall file his reply and state the objection in it, and the objection shall be heard along with the substantive petition.

Service of Reply

13. The Secretary shall cause a copy of the reply to be served on each of the other parties to the election petition.

Amendment of Election Petition and Reply

14.—(1) Subject to subparagraph (2), the provisions of the Civil Procedure Rules relating to amendment of pleadings shall apply in relation to an election petition or a reply to the election petition as if for the words "any proceedings" in those provisions, there were substituted the words, "the election petition or reply".

(2) After the expiration of the time limited by —

(*a*) section 285 of the Constitution for presenting the election petition, no amendment shall be made —

(*i*) introducing any of the requirements of paragraph 4 (1) of this Schedule not contained in the original election petition filed,

(*ii*) effecting a substantial alteration of the ground for, or the prayer in, the election petition, or

(*iii*) except anything which may be done under subparagraph (2) (a) (ii), effecting a substantial alteration of or addition to, the statement of facts relied on to support the ground for, or sustain the prayer in the election petition ; and

(*b*) paragraph 12 of this Schedule for filing the reply, no amendment shall be made —

(*i*) alleging that the claim of the seat or office by the petitioner is incorrect or false, or

(*ii*) except anything which may be done under the provisions of subparagraph (2) (a) (ii), effecting any substantial alteration in or addition to the admissions or the denials contained in the original reply filed, or to the facts set out in the reply.

Particulars of Votes Rejected

15. When a petitioner claims the seat alleging that he had the highest number of valid votes cast at the election, the party defending the election or return at the election shall set out clearly in his reply particulars of the votes, if any, which he objects to and the reasons for his objection against such votes, showing how he intends to prove at the hearing that the petitioner is not entitled to succeed.

Petitioner's Reply

16.—(1) Where a person in his reply to the election petition raises new issues of facts in defence of his case which the petition has not dealt with, the petitioner shall be entitled to file in the registry, within five days from the receipt of the respondent's reply, a petitioner's reply in answer to the new issues of fact, so that —

(*a*) the petitioner shall not at this stage be entitled to bring in new facts, grounds or prayers tending to amend or add to the contents of the petition filed by him ; and

(*b*) the petitioner's reply does not run counter to the provisions of paragraph 14 (1) of this Schedule.

(2) The time limited by subparagraph (1) shall not be extended.

(3) The petitioner in proving his case shall have the time limit as prescribed under paragraph 41 (10) of this Schedule.

Further Particulars or Directive

17.—(1) Where a party in an election petition wishes to have further particulars or other directions of the Tribunal or Court, he may, at any time after entry of appearance, but not later than 10 days after the filing of the reply, apply to the Tribunal or Court specifying in his notice of motion the direction for which he prays and the motion shall, unless the Tribunal or Court otherwise orders, be set down for hearing on the first available day.

(2) Where a party does not apply as provided in subparagraph (1), he shall be taken to require no further particulars or other directions and the party shall be barred from so applying after the period laid down in subparagraph (1) has lapsed.

(3) Supply of further particulars or other directions under this paragraph shall not entitle the party to go beyond the ambit of supplying such further particulars as have been demanded by the other party, and embark on undue amendment of, or additions to, his petition or reply, contrary to paragraph 14 of this Schedule.

Pre-hearing Session and Scheduling

18.—(1) Within seven days after the filing and service of the petitioner's reply on the respondent or seven days after the filing and service of the respondent's reply, whichever is the case, the petitioner shall apply for the issuance of pre-hearing notice as in Form TF 007.

(2) Upon application by a petitioner under subparagraph (1), the Tribunal or Court shall issue to the parties or their legal practitioners (if any) a pre-hearing conference notice as in Form TF 007 accompanied by a pre-hearing information sheet as in Form TF 008 for —

(*a*) the disposal of all matters which can be dealt with on interlocutory application ;

(*b*) giving such directions as to the future course of the petition as appear

best adapted to secure its just, expeditious and economical disposal in view of the urgency of election petitions ;

(*c*) giving directions on order of witnesses to be called and such documents to be tendered by each party to prove their cases having in view the need for the expeditious disposal of the petition ; and

(*d*) fixing clear dates for hearing of the petition.

(3) The respondent may bring the application in accordance with subparagraph (1) where the petitioner fails to do so, or by motion which shall be served on the petitioner and returnable in three clear days, apply for an order to dismiss the petition.

(4) Where the petitioner and the respondent fails to bring an application under this paragraph, the Tribunal or Court shall dismiss the petition as abandoned petition and no application for extension of time to take that step shall be filed or entertained.

(5) Dismissal of a petition under subparagraphs (3) and (4) is final, and the Tribunal or Court shall be functus officio.

(6) At the pre-hearing session, the Tribunal or Court shall enter a scheduling order for —

(*a*) joining other parties to the petition ;

(*b*) amending petition or reply or any other processes ;

(*c*) filing and adoption of written addresses on all interlocutory applications ;

(*d*) additional pre-hearing session ;

(*e*) order of witnesses and tendering of documents that will be necessary for the expeditious disposal of the petition ; and

(*f*) any other matters that will promote the quick disposal of the petition in the circumstances.

(7) At the pre-hearing session, the Tribunal or Court shall consider and take appropriate action in respect of the following as may be necessary or desirable —

(*a*) amendments and further and better particulars ;

(*b*) the admissions of facts, documents and other evidence by consent of the parties ;

(*c*) formulation and settlement of issues for trial ;

(*d*) hearing and determination of objections on point of law ;

(*e*) control and scheduling of discovery inspection and production of documents ;

(*f*) narrowing the field of dispute between certain types of witnesses especially the Commission's staff and witnesses that officiated at the election, by their participation at pre-hearing session or in any other manner ;

(*g*) giving orders or directions for hearing of cross-petitions or any particular issue in the petition or for consolidation with other petitions ;

(*h*) determining the form and substance of the pre-hearing order ; and

(*i*) such other matters as may facilitate the just and speedy disposal of the petition bearing in mind the urgency of election petitions.

(8) At the pre-hearing session, the Tribunal or Court shall ensure that hearing is not delayed by the number of witnesses and objections to documents to be tendered and shall under subparagraphs 7 (b) and (e) —

(*a*) allow parties to admit or exclude documents by consent ; and

(*b*) direct parties to streamline the number of witnesses to those whose testimonies are relevant and indispensable.

(9) The pre-hearing session or series of the pre-hearing sessions with respect to any petition shall be completed within 14 days of its commencement, and the parties and their legal practitioners shall co-operate with the Tribunal or Court in working within this time table and as far as practicable, pre-hearing sessions shall be held from day to day or adjourned only for purposes of compliance with pre-hearing sessions, unless extended by the Chairman or the Presiding Justice.

(10) After a pre-hearing session or series of pre-hearing sessions the Tribunal or Court shall issue a report and this report shall guide the subsequent course of the proceedings, unless modified by the Tribunal or Court.

(11) Where a party or its legal practitioner fails to attend the pre-hearing sessions or obey a scheduling or pre-hearing order or is substantially unprepared to participate in the session or fails to participate, the Tribunal or Court shall in the case of —

(*a*) the petitioner, dismiss the petition ; or

(*b*) a respondent, enter judgment against him.

(12) A judgment given under subparagraph (11) may be set aside upon an application made within seven days of the judgment (which shall not be extended) with an order as to costs of a sum not less than ₦100,000.

(13) The application shall be accompanied by an undertaking to participate

effectively in the pre-hearing session jointly signed by the applicant and the legal practitioner representing him.

Hearing of Petition to be in Open Tribunal or Court

19. Every election petition shall be heard and determined in an open tribunal or court.

Time and Place of Hearing Petition

20.—(1) Subject to the provisions of subparagraph (2), the time and place of the hearing of an election petition shall be fixed by the Tribunal or Court and notice of the time and place of the hearing, which may be as in Form TF. 005 set out in First Schedule to this Act, shall be given by the Secretary at least five days before the day fixed for the hearing by -

(*a*) posting the notice on the tribunal notice board or other digital platforms; and

(*b*) sending a copy of the notice by registered post or through a messenger to the —

(*i*) petitioner's address for service,

(*ii*) respondent's addresses for service, if any, or

(*iii*) Resident Electoral Commissioner or the Commission.

(2) In fixing the place of hearing, the Tribunal or Court shall have due regard to the proximity to and accessibility from the place where the election was held.

Notice of Hearing

21. A tribunal or court shall publish the notice of hearing by causing a copy of the notice to be displayed in the place which was appointed for the delivery of nomination papers prior to the election or in some conspicuous place or places within the constituency, but failure to do so or any miscarriage of the copy of notice of hearing shall not affect the proceedings if it does not occasion injustice against any of the parties to the election petition.

Posting of notice on Tribunal notice board deemed to be good notice

22. The posting of the notice of hearing on the tribunal or court notice board shall be deemed and taken to be good notice, and the notice shall not be vitiated by any miscarriage of the copy or copies of the notice sent under paragraph 7 of this Schedule.

Postponement of Hearing

23.—(1) The Tribunal or Court may, by order made on the application of a party to the election petition or at the instance of the Tribunal or Court, postpone the beginning of the hearing to such day as the Tribunal or Court may consider appropriate having regard at all times to the need for speedy conclusion of the hearing of the election petition.

(2) A copy of the order shall be sent by the Secretary by registered post or messenger to the electoral officer or the Resident Electoral Commissioner or the Commission who shall publish the order in the manner provided in paragraph 20 of this Schedule for publishing the notice of hearing, but failure on the part of the electoral officer or Resident Electoral Commissioner or the Commission to publish the copy of the order of postponement shall not affect the proceedings in any manner whatsoever.

(3) The Secretary shall post or cause to be posted on the tribunal or court notice board or other digital platforms a copy of the order.

(4) Where the Tribunal or Court gives an order of postponement at its own instance a copy of the order shall be sent by the Secretary by registered post or messenger to the address for service given by the petitioner and to the address for service, if any, given by the respondents or any of them.

(5) The provisions of paragraph 21 of this Schedule shall apply to an order or a notice of postponement as they do to the notice of hearing.

Non-Arrival of Chairman of Tribunal or Presiding Justice of the Court

24. Where the Chairman of the Tribunal or presiding Justice of the Court has not arrived at the appointed time for the hearing or at the time to which the hearing has been postponed, the hearing shall, by reason of that fact, stand adjourned to the following day and so from day to day.

Hearing Continues from Day to Day

25.—(1) A formal adjournment of the Tribunal or Court for the hearing of an election petition shall not be necessary, but the hearing shall be deemed adjourned and may be continued until the hearing is concluded unless the Tribunal or Court otherwise directs as the circumstances may dictate.

(2) Where the Chairman of the Tribunal or the presiding Justice of the Court who begins the hearing of an election petition is disabled by illness or otherwise, the hearing may be recommended and concluded by another Chairman of the Tribunal or presiding Justice of the Court appointed by the appropriate authority.

Adjournment of Hearing

26. After the hearing of an election petition has begun, if the hearing cannot be continued on the ensuing day or, if that day is a Sunday or a public holiday, on the day following it, the hearing shall not be adjourned sine die but to a definite day to be announced before the rising of the Tribunal or Court and notice of the day to which the hearing is adjourned shall immediately be posted by the Secretary on the notice board.

Judgement of the Tribunal or Court to be Read by the Chairman of the Tribunal or the Presiding Justice of the Court

27. After the hearing of the election petition is concluded, if the Tribunal or Court before which it was heard has prepared its judgment but the Chairman or the presiding Justice is unable to deliver it due to illness or any other cause, the judgment may be delivered by one of the members, and the judgment as delivered shall be the judgment of the Tribunal or Court and the member shall certify the decision of the Tribunal or Court to the Resident Electoral Commissioner, or to the Commission.

Effect of Determination of Election Petition

28.—(1) At the conclusion of the hearing, the Tribunal or Court shall determine whether a person whose election or return is complained of or any other person, and what person, was validly returned or elected, or whether the election was void, and shall certify the determination to the Resident Electoral Commissioner or the Commission.

(2) Where the Tribunal or Court has determined that the election is invalid, then, subject to section 141 of this Act, where there is an appeal and the appeal fails, a new election shall be held by the Commission.

(3) Where a new election is to be held under the provisions of this paragraph, the Commission shall appoint a date for the election which shall not be later than three months from the date of the determination.

Withdrawal or Abatement of Petition

29.—(1) An election petition shall not be withdrawn without leave of the tribunal or court.

(2) Where the petitioners are more than one, no application for leave to withdraw the election petition shall be made except with the consent of all the petitioners.

(3) The application for leave to withdraw an election petition shall be made by motion after notice of the application has been given to the respondents.

(4) The notice of motion shall state the grounds on which the motion to

withdraw is based, supported with affidavit verifying the facts and reasons for withdrawal, signed by the petitioner or petitioners in the presence of the Secretary.

(5) At the time of filing the notice or motion the petitioner or petitioners shall leave copies for service on the respondent.

(6) The petitioner or petitioners shall also file the affidavits required under subparagraph (4) together with copies for each respondent and pay the fees prescribed or directed by the Secretary for services.

Affidavits Against Illegal Term of Withdrawal

30. Before the leave for withdrawal of an election petition is granted, each of the parties to the petition shall produce an affidavit, stating that —

(*a*) to the best of the deponent's knowledge and belief no agreement or term of any kind whatsoever has been made ; and

(*b*) no undertaking has been entered into, in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement and shall make the statement subject to what appears from the affidavit.

Time for Hearing Motion for Leave to Withdraw Petition

31.—(1) The time for hearing the motion for leave to withdraw the election petition shall be fixed by the Tribunal or Court.

(2) The Secretary may give notice of the day fixed for the hearing of the motion to the respondents and post or cause to be posted on the tribunal notice board or other digital platforms a copy of the notice.

Payment of Costs to Respondents

32. Where the election petition is withdrawn, the petitioner shall be liable to pay appropriate costs to the respondents or any of them unless the Tribunal or Court otherwise orders.

Abatement of proceedings in election petition

33.—(1) Where a sole petitioner or the survivor of several petitioners dies, then, subject to subparagraphs (2) and (3), there shall be no further proceedings on the election petition and the Tribunal or Court may strike it out of its cause list.

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred in the course of proceedings in respect of the election petition prior to its abatement.

(3) Where notice, with copies for each party to the election petition

supported by the affidavit of two witnesses testifying to the death of a sole petitioner or of the survivor of several petitioners, is given to the Secretary, he shall submit the notice to the Tribunal or Court and if the Tribunal or Court so directs, the Secretary shall —

(a) serve notice on the other parties to the petition ;

(b) post or cause to be posted a notice on the tribunal notice board or other digital platforms ; and

(c) cause notice to be published in conspicuous places in the constituency, in such form as the Tribunal or Court may direct.

Notice of no opposition to petition

34.—(1) Where before the hearing of an election petition, a respondent, other than the electoral officer, the returning officer or presiding officer, gives to the Tribunal or Court notice in writing signed by him or his solicitor before the Secretary that he does not intend to oppose the election petition, the Secretary shall —

(*a*) serve notice on the other parties to the election petition ; and

(*b*) post or cause to be posted a notice on the tribunal notice board or other digital platforms

(2) The respondent shall file the notice with a copy for each other party to the election petition not less than six days before the day appointed for the hearing of the election petition.

(3) A respondent who has given notice of his intention not to oppose the election petition shall not appear or act as a party against the election petition in any proceeding on it; but the giving of the notice shall not of itself cause him to cease to be a respondent.

Countermand of Notice of Hearing

35.—(1) Where a notice of the —

(*a*) petitioner's intention to apply for leave to withdraw an election petition,

(*b*) death of the sole petitioner or the survivor of several petitioners, or

(*c*) respondent's intention not to oppose an election petition,

is received after notice of hearing of the election petition has been given, and before the hearing has begun, the Secretary shall forthwith countermand the notice of hearing.

(2) The countermand shall be given in the same manner, and, as near as may be, as the notice of hearing.

Discretion of Tribunals or Court if no Reply

36. Where the respondent has not entered an appearance, or has not filed his reply within the prescribed time or within such time as the Tribunal or Court may have allowed, or has given notice that he does not intend to oppose the petition, then if —

(*a*) there remains no more than one other candidate in the election who was not returned,

(*b*) the election petition contains no prayer for a determination that the election was void,

(*c*) there are no facts or grounds stated in the election petition or in the reply, if any, or stated in any further particulars filed in the proceedings or otherwise appearing on proof of which it ought to be determined that election was void, or

(*d*) the election petition is one complaining of undue return and claiming the seat or office for the candidate who was not returned and the respondent has not raised any formal or written objections to any of the votes relied on by the petitioner,

the Tribunal or Court may, if it deems fit, determine the proceedings on the election petition without hearing evidence or further evidence, and in any case, the proceedings shall be continued and determined on such evidence or otherwise as the Tribunal or Court may deem necessary for the proper determination of the election petition.

Fees

37.—(1) The fee payable on the presentation of an election petition shall not be less than ₦20,000.

(2) A hearing fee shall be payable for the hearing at the rate of ₦5,000 per day of the hearing but not exceeding ₦250,000 in all, but the Tribunal or Court may direct a different fee to be charged for any day of the hearing.

(3) For the purpose of subparagraph (2), the petitioners shall make a deposit of not less than ₦500,000 at the time of presenting his petition.

(4) No fees shall be payable by the Attorney-General of the Federation (acting in person or through any other legal officer) or by a respondent who was the Commission or any of its officers appointed under the provisions of this Act.

(5) No fees shall be payable for the summoning of witnesses by the Tribunal or Court at its own instance.

Allocation of Costs

38.—(1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent on it, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the election petition in such manner and in such proportions as the Tribunal or Court may determine, regard being had to the —

(*a*) disallowance of any costs, charges or expenses, which may in the opinion of the Tribunal or Court have been caused by vexatious conduct, unfounded allegation or unfounded objection on the part of the petitioner or of the respondent; and

(*b*) discouragement of any needless expenses by throwing the burden of defraying the expenses on the party by whom it has been caused, whether that party is or is not on the whole successful.

(2) Where the Tribunal or Court declares an election to be void, it may, if satisfied that the invalidity was due either wholly or in part to the culpable default of an officer responsible for the conduct of the election in the discharge of his duties, order that the whole or part of the cost awarded to the successful petitioner be paid by that officer.

Return of Security

39. Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it was deposited or to the person entitled to receive it by order of the Tribunal or Court which may be made on motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Tribunal or Court may require.

Payment of Costs out of Security

40.—(1) The Tribunal or Court may, on application made by a person to whom any costs, charges or expenses is payable, order it to be paid out of a deposit made to secure it, after notice to the party by or on whose behalf the deposit was made, requiring him to file a statement within a specified time whether he opposes the application and the ground of his opposition.

(2) Where a dispute arises on an application under subparagraph (1), the Tribunal or Court shall afford every person affected by the dispute an opportunity of being heard and shall make such order on it as it may deem fit.

(3) A person shall be deemed to have been afforded the opportunity of being heard if notice of the appointed time for the inquiry into the dispute was given to him, though the person may not have been present at the making of the inquiry.

(4) A notice to be given to a person under this paragraph may be given

by the Secretary handing him the notice or sending it to him by registered letter in the case of —

(*a*) a party, at the address for service ; and

(*b*) an application for payment, at the address given in his application, so however, that the provisions of this subparagraph shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorised by the Tribunal or Court.

(5) Execution may be levied under an order for payment made by the Tribunal or Court under this paragraph in the same manner and to the same extent as execution may be levied under judgment for the payment of money.

Evidence at Hearing

41.—(1) Subject to any statutory provision or any provision of these paragraphs relating to evidence, any fact required to be proved at the hearing of a petition shall be proved by written deposition and oral examination of witnesses in open court.

(2) Documents which parties consented to at the pre-hearing session or other exhibits shall be tendered from the Bar or by the party where he is not represented by a legal practitioner.

(3) There shall be no oral examination of a witness during his evidence-in-chief except to lead the witness to adopt his written deposition and tender in evidence all disputed documents or other exhibits referred to in the deposition.

(4) Real evidence shall be tendered at the hearing.

(5) The Tribunal or Court may, at or before the hearing of a petition order or direct that evidence of any particular fact be given at the hearing in such manner as may be specified by the order or direction.

(6) The power conferred by subparagraph (5) extends in particular to ordering or directing that evidence of any particular fact be given at the trial —

(*a*) by statement on oath of information or belief ;

(*b*) by the production of documents or entries in books; or

(c) in the case of a fact which is of common knowledge either generally or in a particular district by the production of a specified newspaper which contains a statement of that fact.

(7) The Tribunal or Court may, at or before the hearing of a petition

order or direct that the number of witnesses who may be called at the hearing be limited as specified by the order or direction.

(8) Except with leave of the Tribunal or Court after an applicant has shown exceptional circumstances, no document, plan, photograph or model shall be received in evidence at the hearing of a petition unless it has been listed or filed along with the petition in the case of the petitioner or filed along with the reply in the case of the respondent.

(9) Such leave may be granted with costs except where in the circumstance the Tribunal or Court considers otherwise.

(10) The petitioner, in proving his case shall have, in the case of —

(*a*) Councillor, Chairman and State House of Assembly, two weeks ;

(*b*) House of Representatives, three weeks ;

(*c*) Senate, five weeks ;

(*d*) Governor, six weeks ; and

(*e*) President, seven weeks,

to do so and each respondent shall have not more than 10 days to present his defence.

Calling of Witnesses

42.—(1) On the hearing of an election petition, the Tribunal or Court may summon a person as a witness who appears to the Tribunal or Court to have been concerned in the election.

(2) The Tribunal or Court may examine a witness so summoned or any other person in the Tribunal or Court although the witness or person is not called and examined by a party to the election petition, and he may be cross-examined by or on behalf of the petitioner and the respondent.

(3) The expenses of a witness called by the Tribunal or Court at its own instance shall, unless the Tribunal or Court otherwise orders, be deemed to be costs of the election petition and may, if the Tribunal or Court so directs, be paid in the first instance by the Secretary in the same way as State witness' expenses and recovered in such manner as the Tribunal or Court may direct.

(4) Where the Tribunal or Court summons a person as a witness under this paragraph, the provisions of the Civil Procedure Rules relating to the expenses of persons ordered to attend a hearing shall apply as if they were part of this paragraph.

(5) The Tribunal or Court shall in —

(*a*) making and carrying into effect an order for the production and inspection of documents used in the election ; and

(*b*) the examination of any witness who produces or will produce a document, ensure that the way in which the vote of a particular person has been given shall not be disclosed.

Privileges of a Witness

43.—(1) A person called as a witness in a proceeding in the Tribunal or Court shall not be excused from answering a question relating to an offence or connected with an election on the grounds that the answer may incriminate or tend to incriminate him, or on the ground of privilege.

(2) A witness who answers truly all questions which he is required by the Tribunal or Court to answer shall be entitled to receive a certificate of indemnity under the hand of the Chairman of the Tribunal or presiding Justice of the Court stating that the witness has so answered.

(3) An answer by a person to a question before the Tribunal or Court shall not, except in the case of a criminal proceeding for perjury in respect of the answer, be admissible in any proceeding, civil or criminal, in evidence against him.

(4) When a person has received a certificate of indemnity in relation to an election and legal proceedings are at any time brought against him for an offence against the provisions of this Act, committed by him prior to the date of the certificate at or in relation to that election, the Tribunal or Court having cognizance of the case shall, on proof of the certificate, stay the proceeding, and may, at its discretion award to that person such costs as he may have been put to in the proceeding.

Evidence of Respondent

44. At the hearing of an election petition complaining of an undue return and claiming the seat or office for a petitioner, the respondent may, subject to the provisions of paragraph 12 (2) of this Schedule, give evidence to prove that the election of the petitioner was undue in the same manner as if he were the person presenting the election petition complaining of the election.

Enlargement and Abridgement of Time

45.—(1) The Tribunal or Court shall have power, subject to the provisions of section 285 of the Constitution and paragraph 16 of this Schedule, to enlarge time for doing any act or taking any proceedings on such terms (if any) as the justice of the case may require except otherwise provided by any other provision of this Schedule.

(2) An enlargement of time may be ordered although the application for

the enlargement is not made until after the expiration of the time appointed or allowed.

(3) When the time for delivering a pleading or document or filing any affidavit, answer or document, or doing anything or act is or has been fixed or limited by any of the sections, paragraphs or rules under this Act or by a direction or an order of the Tribunal or Court, the costs of an application to extend the time, where allowed or of an order made on it shall be borne by the party making the application unless the Tribunal or Court orders otherwise.

(4) Every application for enlargement or abridgement of time shall be supported by affidavit.

(5) An application for abridgement of time may be ex parte, but the Tribunal or Court may require notice of the application to be given to the other parties to the election petition.

(6) An application for enlargement of time shall be made by motion after notice to the other party to the election petition but the Tribunal or Court may, for good cause shown by affidavit or otherwise, dispense with the notice.

(7) A copy of an order made for enlargement or abridgement of time shall be filed or delivered together with any document filed or delivered by virtue of the order.

Hearing in a Petition

46.—(1) When a petition comes up for hearing and neither party appears, the Tribunal or Court shall, unless there are good reasons to the contrary, strike out the petition and no application shall be brought or entertained to re-list it.

(2) When a petition comes up for hearing, if the petitioner appears and the respondent does not appear the petitioner may prove his petition so far as the burden of proof lies upon him and the Tribunal or Court shall enter a final judgment in the petition.

(3) When a petition comes up for hearing, and if the respondent appears and the petitioner does not appear, the respondent shall be entitled to final judgment dismissing the petition.

(4) Documentary evidence shall be put in and may be read or taken as read by consent, such documentary evidence shall be deemed demonstrated in open court and the parties in the petition shall be entitled to address and base argument on the content of the document, and the Tribunal or Court shall scrutinise or investigate the content of the documents as part of the process of ascribing probative value to the documents or otherwise.

(5) A party shall close his case when he has concluded his evidence and

either the petitioner or respondent may make oral application to have the case closed.

(6) Notwithstanding the provision of subparagraph (5), the Tribunal or Court may suo-motu where it considers that either party fails to conclude its case within a reasonable time, close that party's case.

(7) The Secretary shall take charge of every document or object put in as exhibit during the hearing of a petition and shall mark or label every exhibit with a letter or letters indicating the party by whom the exhibit is put in (or where more convenient the witness by whom the exhibit is proved) and with a number so that all the exhibits put in by a party (or proved by a witness) are numbered in one consecutive series.

(8) The Secretary shall cause a list of all the exhibits in the petition to be made which when completed shall form part of the record of the proceedings.

(9) For the purpose of subparagraph (8), a bundle of documents may be treated and counted as one exhibit.

(10) When the party beginning has concluded his evidence, if the other party does not intend to call evidence, the party beginning shall within 10 days after close of evidence file a written address.

(11) Upon being served with the written address, the other party shall within seven days file his own written address.

(12) Where the other party calls evidence, he shall within 10 days after the close of its evidence file a written address.

(13) Upon being served with other party's written address the party beginning shall within seven days file his written address.

(14) The party who files the first address shall have a right of reply on points of law only and the reply shall be filed within five days after service of the other party's address.

Motions and Applications

47.—(1) No motion shall be moved and all motions shall come up at the pre-hearing session except in extreme circumstances with leave of Tribunal or Court.

(2) Where by these Rules any application is authorised to be made to the Tribunal or Court, such application shall be made by motion which may be supported by affidavit and shall state under what rule or law the application is brought and shall be served on the respondent.

(3) Every such application shall be accompanied by a written address in

support of the reliefs sought.

(4) Where the respondent to the motion intends to oppose the application, he shall within seven days of the service on him of such application file his written address and may accompany it with a counter affidavit.

(5) The applicant may, on being served with the written address of the respondent file and serve an address, in reply on points of law within three days of being served and where a counter-affidavit is served on the applicant he may file further affidavit with his reply.

Service of Notice

48.—(1) Where a summon, notice or document, other than a notice or document mentioned in paragraph 7 (1) of this Schedule, is required to be served on a person for a purpose connected with an election petition, it may be served by delivering it to the person or by leaving it at his last known place of abode in the constituency with any person there found who is a resident of the abode and appears to be 18 years of age or more.

(2) After a party has given an address for service it shall be sufficient if, in lieu of serving him personally with a document intended for him, the document is served on the person —

(*a*) appearing on the paper last filed on his behalf as his solicitor wherever the person may be found or, if the person is not found at his office, on the clerk there apparently in charge ; or

(*b*) named as occupier in his address for service wherever the person may be found or, if the person is not found at the address, on -

(*i*) the person there found apparently in charge, if such address is a place or business, or

(*ii*) a person, other than a domestic servant, there found who is a resident of the address and appears to be 18 years of age or more.

(3) A party may change his address for service by giving notice of his new address for service and its occupier to the Secretary and to each party to the election petition, but, until a notice, is received by the Secretary, his old address for service shall continue to be his address for service.

(4) Where service by one of the modes specified in this paragraph has proved impracticable, the Tribunal or Court may, on being satisfied, on an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect service —

(*a*) order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules relating to substituted service which

service shall be sufficient; or

(*b*) dispense with service or notice as the Tribunal or Court deems fit.

Two or More Candidates as Respondents

49. Two or more candidates may be made respondents to the same petition and their case may, for the sake of convenience be heard at the same time but for all purposes (including the taking of security) the election petition shall be deemed to be a separate petition against each of the respondents.

Consolidated Petitions

50. Where two or more petitions are presented in relation to the same election or return, all the petitions shall be consolidated, considered and be dealt with as one petition unless the Tribunal or Court shall otherwise direct in order to do justice or an objection against one or more of the petitions has been upheld by the Tribunal or Court.

Electoral Officer as Respondents

51.—(1) Where an election petition complains of the conduct of an electoral officer, a presiding officer, returning officer or any other official of the Commission, he shall for all purposes be deemed to be a respondent and joined in the election petition as a necessary party, but an electoral officer, a presiding officer, returning officer or any other official of the Commission shall not be at liberty to decline from opposing the petition except with the written consent of the Attorney-General of the Federation.

(2) Where consent is withheld by the Attorney-General under subparagraph (1), the Government of the Federation shall indemnify the electoral officer, presiding officer, returning officer or such other official of the Commission against any costs which may be awarded against him by the Tribunal or Court in respect of the election petition.

(3) Where the Commission, an electoral officer, a presiding officer, returning officer or any other official of the Commission has been joined as a respondent in an election petition, a legal officer of the Commission or a legal practitioner engaged by the Commission or the Attorney-General of the State concerned (acting in person or through any of his legal officers), or the Attorney-General of the Federation (acting in person or through any of his legal officers) shall represent the Commission electoral officer, Presiding Officer, returning officer or other official of the Commission at the Tribunal or Court.

(4) A private legal practitioner engaged by the Commission under subparagraph (3) shall be entitled to be paid his professional fees and a legal officer so engaged shall be paid such honorarium as may be approved by the

Commission.

Duplicate of Document

52. In the absence of express provision in this Schedule, a party filing any document or process paper in connection with any step being taken in the proceedings of an election petition shall, unless the Secretary otherwise directs, leave with the Secretary copies of the document or process paper for service on each of the parties to the election petition in addition to three copies which the Secretary may preserve.

Noncompliance With Rules

53.—(1) Non-compliance with any of the provisions of this Schedule, or with a rule of practice for the time being operative, except otherwise stated or implied, shall not render any proceeding void, unless the Tribunal or Court so directs, but the proceeding may be set aside wholly or in part as irregular, or amended, or otherwise dealt with in such manner and on such terms as the Tribunal or Court may deem fit and just.

(2) An application to set aside an election petition or a proceeding resulting there from for irregularity or for being a nullity, shall not be allowed unless made within a reasonable time and when the party making the application has not taken any fresh step in the proceedings after knowledge of the defect.

(3) An application to set aside an election petition or a proceeding pertaining to it shall show clearly the legal grounds on which the application is based.

(4) An election petition shall not be defeated by an objection as to form if it is possible at the time the objection is raised to remedy the defect either by way of amendment or as may be directed by the Tribunal or Court.

(5) An objection challenging the regularity or competence of an election petition shall be heard and determined after the close of pleadings.

Application of Rules of Court

54. Subject to the express provisions of this Act, the practice and procedure of the Tribunal or the Court in relation to an election petition shall be as nearly as possible, similar to the practice and procedure of the Federal High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules shall apply with such modifications as may be necessary to render them applicable having regard to the provisions of this Act, as if the petitioner and the respondent were respectively the plaintiff and the defendant in an ordinary civil action.

Practice and Procedure of Court of Appeal and Supreme Court

55. Subject to the provisions of this Act, an appeal to the Court of Appeal or to the Supreme Court shall be determined in accordance with the practice and procedure relating to civil appeals in the Court of Appeal or of the Supreme Court regard being had to the need for urgency on electoral matters.

FIRST SCHEDULE

Paragraph 4

FORM TF 001

ELECTORAL ACT, 2026

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL

HOLDEN AT.....

Petition No.....

The election to the ..... for .....

Constituency or the office of .....held on the .....

day of ....., 20.....

Between

A.B. .....

C.D. .....

(Plaintiff(s)

And

E.F.....

G.H.....

Respondent(s)

Petition

The petition of A.B. of ..... (or

A.B. of ..... and C.D. of .....
as the case may be) whose names are subscribed.

Your petitioner A.B. was a candidate at the above election or claims to have had a right to contest or be returned at the above election or was a registered political party and your petition .....

(here state in like manner the right of each petitioner .....
and your petitioner(s) state(s) that the election was held on the .....
day of ....., 20..... when A.B. (and C.D.) and E.F. (and G.H.) were candidate(s). And your petitioner(s) state(s) that (here stated facts and grounds on which the petitioner(s) rely .....

Wherefore your petitioner(s) pray(s) that it may be determined that the said E.F. (and G.H.) was (were) not duly elected (or returned) and that their (or his) election was void or that the said A.B. (and C.D.) was (were) elected and ought to have been returned, or as the case may be.

Signed .....

A.B .....

C.D. Address for service .....

.....

The name of any (or our) Solicitor is .....
or I (or we) am (or are) acting for myself (or ourselves).

Signed.....B.
Petitioners)

.....C.D.

Signed before me this ..... day of .....20.....

.....
Secretary

FIRST SCHEDULE

Paragraph 3

FORM TF 002

ELECTORAL ACT, 2026

IN THE NATIONAL ELECTION TRIBUNAL/COURT OF APPEAL

HOLDEN AT.....

Petition No.....

Between:

.....
.....

Petitioner(s)

And

.....
.....

Respondent(s)

.....

RECEIPT OF PETITION

Received on the ..... day of ..... 20..... at the Registry of the Tribunal, a petition concerning the election of .....as a member .....of .....to.....the office of .....purporting to be signed by .....

Dated this ..... day of ..... 20.....

.....
Secretary

Secretary for Service on: Petitioner
.....
.....

FIRST SCHEDULE

Paragraph 7

FORM TF 003

ELECTORAL ACT, 2026

IN THE NATIONAL ELECTION TRIBUNAL/COURT OF APPEAL

HOLDEN AT.....

Petition No.....

Between:

..... Petitioner(s)

.....

and.....

.....

..... Respondent(s)

.....

.....

To Respondent(s)

NOTICE OF PRESENTATION OF PETITION

TAKE NOTICE that a petition, a duplicate whereof is attached hereto, has this day been presented in the Registry of the Tribunal/Court of Appeal named above and that you are to enter an appearance in respect of the petition to the said Registry within ..... days of the date when this notice was left at your address as set out below, or as the Court may direct by order under paragraph 8 (2) of First Schedule to this Act, otherwise proceedings on the petition may be continued and determined in default of your appearance, and any document intended for you may be posted up on the notice board, which shall be sufficient notice thereof.

Dated this ..... day of ..... 20.....

.....

Secretary

To.....

.....

.....

FIRST SCHEDULE

Paragraph 9

FORM TF 004

ELECTORAL ACT, 2026

IN THE NATIONAL ELECTION TRIBUNAL/COURT OF APPEAL

HOLDEN AT.....

Petition No.....

Between

.....

Petitioner(s)

.....

and ..... Respondent(s)

.....

.....

To: The Secretary

MEMORANDUM OF APPEARANCE

Election Tribunal/Court of Appeal

Please enter appearance for .....Who is.....

.....

.....

in the above election petition.

The name and address of his Solicitor are as follows:

.....

.....

.....

Dated this ..... day of .....20.....

.....

Signed

For Service on Petitioner.....

FIRST SCHEDULE

Paragraph 20

FORM TF 005

ELECTORAL ACT, 2026

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL

HOLDEN AT .....

Petition No.....

Between

..... Petitioner(s)
and ..... Respondent(s)
.....

The petition of.....
..... Petitioner)
of .....
(or.....of
.....of..... and
.....(Petitioners) as the case may be)
whose name(s)
are subscribed.

NOTICE OF HEARING

TAKE NOTICE the above election petition will be heard at ..... on ..... the ..... day of ..... 20..... and on such other days as the Court of Appeal may determine.

Dated this.....day of..... 20.....

.....
Secretary

Address for Service on:

Petitioner .....
.....

Respondent .....
.....

FIRST SCHEDULE

Paragraph 25 (3)

FORM TF 006

ELECTORAL ACT, 2026

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL

HOLDEN AT.....

Petition No.....

Between

Petitioner(s)

.....

And

.....Respondent(s)

.....

.....

NOTICE OF MOTION TO WITHDRAW PETITION

TAKE NOTICE that this Honourable Tribunal/Court will be moved on ..... the ..... day of ..... 20..... at the hour of 9 o'clock in the forernoon or as soon thereafter as the Petitioner or Counsel on his behalf can be heard praying the Tribunal/Court for an order enabling the Petitioner to withdraw the above petition on the following ground (s):

.....

.....

Dated.....this.....day of .....20.....

.....

Petitioner(s) or Solicitor

FIRST SCHEDULE

Paragraph 18 (1)

FORM TF 007

ELECTORAL ACT, 2026

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL

HOLDEN AT .....

Petition No. .....

Between

Petitioner(s)

.....

.....

.....

.....

And

Respondent(s)

.....

.....

.....

.....

To ..... (insert name of parties)

HEARING NOTICE FOR PRE-HEARING SESSION

Take Notice that you are required to attend the Tribunal/Court on the ..... day of ..... 20 ..... at 9 o'clock in the forenoon, for a Pre-Hearing Session for the purposes set out hereunder:

1. (a) disposal of all matters which must or can be dealt with on interlocutory application;

(b) giving directions as to the future of the petition as appear best adapted to secure its just, expeditious and economical disposal in view of the urgency of election petitions ;

(*c*) giving directions on order of witnesses to be called and such documents to be tendered by each party to prove their cases having in view of the need to expeditious disposal of the petition;

(*d*) fixing clear dates for hearing of the petition.

2. Please answer the questions in the attached Pre-Hearing Information Sheet (Form TF 008) on a separate sheet and submit seven clear days before the above mentioned date.

Take Notice that if you do not attend in person or by Legal Practitioner at the time and place mentioned such proceeding will be taken and such order will be made as the Tribunal or Court may deem just an expedient.

Dated the.....day of....., 20.....

Signed .....

Secretary

FIRST SCHEDULE

Paragraph 18 (2)

FORM TF 008

ELECTORAL ACT, 2026

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL

HOLDEN AT .....

Petition No.....

Between

Petitioner(s)

.....

.....

.....

And

Respondent(s)

.....

.....

PRE-HEARING INFORMATION SHEET

This Pre-Hearing Information Sheet is intended to include reference to all applications which the parties would wish to make at the Pre-Hearing Session. Information Sheet should be entered under item 14 below.

All parties shall not, later than seven days before the first Pre-Hearing Session file and serve on all parties :

(*a*) all applications in respect of matters to be dealt with before hearing including but not limited to the matters listed hereunder,

(*b*) written answers to the questions contained in this Pre-Hearing Information Sheet.

1. Do you require that this action be considered with any other action(s)? If so give particulars.

2. Are amendments to a petition, reply or other process required?

3. Are further and better particulars of any petition or reply required? If so specify what particulars are required.

4. If you intend to make any additional admissions, give details.

5. Are there witnesses you may now wish to call.

6. Will interpreters be required for any witness? If so, state in what language.

7. Is this a case in which the use of a single or joint expert might be suitable? If not state reasons.

8. Is there any way in which the Tribunal or Court can assist the parties to resolve their dispute or particular issues in it without the need for a hearing or full hearing?

9. Have you considered any lawful means of resolving or narrowing down the dispute or particular issues in it? If yes state the steps that have been taken. If not state reasons.

10. List the paragraphs of the petition/reply you are admitting.

11. List the documents you are consenting to.

12. List the documents you are disputing and the reasons for the dispute.

13. List the witnesses you feel may not be necessary for any party to call and state your reasons for the opinion.

14. List the applications you which to make the Pre-Hearing Session.

Dated this ..... Day of ....., 20.....

Signed .....

(Legal Practitioner for the .....)

For service on :

.....

SUPPLEMENTAL

TRANSITIONAL PROVISIONS

1. The statutory functions, rights, interests, obligations and liabilities of the Independent National Electoral Commission established under the Electoral Act 2006, existing before the commencement of this Act under any contract or instrument, or in law or in equity shall, by virtue of this Act, be deemed to have been assigned to and vested in the Independent National Electoral Commission established under this Act.

2. Any such contract or instrument as is mentioned in subsection (1), shall be of the same force and effect against or in favour of the Independent National Electoral Commission established by this Act and shall be enforceable as fully and effectively as if instead of the Independent National Electoral Commission existing before the commencement of this Act, the Independent National Electoral Commission established by this Act has been named therein or had been a party thereto.

3.The Independent National Electoral Commission established by this Act shall be subject to all the obligations and liabilities to which the Independent National Electoral Commission existing before the commencement of this Act was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Independent National Electoral Commission established by this Act as they had against the Independent National Electoral Commission of Nigeria existing before the commencement of the Act.

4. Any proceeding or cause of action pending or existing immediately before the commencement of this Act, by or against the Independent National Electoral Commission existing before the commencement of this Act in respect of any right, interest, obligation or liability of the Independent National Electoral Commission existing before the commencement of this Act may be continued or may be commenced and any determination of the court of law, tribunal or other authority or person may be enforced by or against the Independent National Electoral Commission established by this Act to the same extent as would have been against the Independent National Electoral Commission existing before the commencement of this Act.

5. All assets, funds, resources and other movable or immovable property, which immediately before the commencement of this Act, were vested in the

Independent National Electoral Commission, existing before the commencement of this Act shall by virtue of this Act and without further assurance, be vested in the Independent National Electoral Commission established by this Act.

6. Any person who immediately before the coming into effect of this Act is the holder of any office in the Independent National Electoral Commission existing before the commencement of this Act shall, on the commencement of this Act, and subject to the provisions of the Constitution, continue in office and be deemed to have been appointed to his office by the Independent National Electoral Commission established by this Act unless the authority by which the person was appointed terminates the appointment.

SECOND SCHEDULE

Section 26 (1)

INDEPENDENT NATIONAL ELECTORAL COMMISSION

OATH/AFFIRMATION OF NEUTRALITY

I .....do solemnly swear/affirm that I will be faithful to the Federal Republic of Nigeria; that as ..... I will discharge my duties to the best of my ability in accordance with the Constitution of the Federal Republic of Nigeria, the Electoral Act and the Guidelines issued by the Independent National Electoral Commission; that I will do right to all candidates and political parties according to law without fear or favour, affection or ill-will. So help me God.

.....
Deponent

Sworn to/Affirmed at ..... this ..... day of ..... 20.....

Before me .....

Resident Electoral Commissioner Electoral officer.

THIRD SCHEDULE

ELECTORAL ACT, 2026

SECTION A

FORM EC. 1

APPLICATION FOR INCLUSION IN REGISTER OF VOTERS

To the Registration Officer.....
.....
.....Constituency.....20 .....
.....of
.....
apply to be included in the Preliminary List of the Register of Voters for the above constituency upon the grounds:

1. That I am a citizen of Nigeria ;

2. That I am 18 years or above 18 years of age ;

3. That I am now ordinarily resident at .....
.....
.....

(here state town or village and if possible the street number if known)

4. And I declare that the above particulars are true to the best of my belief and —

that I am not already registered in this or any other Preliminary List or Register of Voters under the above Act (or I request that my name be entered in the appropriate list) ; or

that I have already registered, but wish my name transferred to the area of my new abode. Particular of my former place of residence are given below—

CODE
STATE .....
LOCAL GOVERNMENT AREA .....
REGISTRATION AREA .....
REGISTRATION UNIT.....
VOTER'S NUMBER.....
VOTER'S NAME .....

SECTION B

APPLICANT'S OTHER PARTICULARS (IN CAPITALS)

5. NAME IN FULL .....
.....
(Family Name First)

6. OCCUPATION.....

7. AGE.....

8. SEX MALE (M) .....FEMALE (F) .....

9. ADDRESS (i.e. House Number, Street Name or Name of Village or Hamlet)

.....
.....

*Signed .....

*Right thumb print impressed in the presence of witness to thumb print.

.....

.....

.....

*Cross out whichever is inapplicable

ELECTORAL ACT, 2026

FORM EC. 2

CLAIM FOR CORRECTION OF OUR INSERTION OF NAME IN PRELIMINARY LIST

To the Supervisory Assistant Registration Officer ..... WARD

I, ...

of.....

.....hereby declare.

1. That I applied for inclusion in the Supplementary List for the Updating Register of Voters for the above Ward on the ..... 20..... and that my particulars have been omitted/inaccurately stated.

2. I am a citizen of Nigeria.

3. I am 18 years of age or over

4. I am ordinary resident at the above address

or.....

.....

5. I hereby apply for the Supplementary List to be completed/corrected accordingly.

6. I declare that the above particulars are true to the best of my belief and that I am not already registered in this or any Supplementary List or Register of Voters.

....

Date Signature or Thumb Print

FORM EC. 3

OBJECTION TO NAME IN SUPPLEMENTARY LIST

To the Supervisory/Assistant Registration/Officer

.....

.....

Constituency.....20.....

of.....Address .....

.....

Whose name appears in the Supplementary List for the above Ward hereby give notice:

That I object to the inclusion in such list of the name of

.....

whose address is given as .....on the following grounds .....

.....

.....

.....

(Here insert the Grounds)

I wish to produce the following witnesses.....

.....

.....

.....

Signed.....Registered Voter .....

Dated.....this.....day of ..... 20.....

FORM EC 3A

NOTIFICATION OF DEATH OF ANY PERSON NAMED IN THE REGISTER OF VOTERS

To the Registration Officer,.....Constituency.....20.....

I,.....
of.....
hereby give notice that .....
.....

the Register of Voters ..... Registration Centre as ..... is dead.

I wish to produce the following evidence witness .....
.....
.....

.....
Signed

I certify, in accordance with section 2 (1) of the Acts authentication Act, Cap. A2, Laws of Federal of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

KAMORU OGUNLANA ESQ.
Clerk to the National Assembly
18th Day of February, 2026

EXPLANATORY MEMORANDUM

This Act repeals the Electoral Act No. 13, 2022 and enacts the Electoral Act, 2026, to regulate the conduct of Federal, State and Area Councils in the Federal Capital Territory elections.

SCHEDULE TO THE ELECTORAL BILL, 2026

(1) *Short Title of the Bill*	*(2)* *Long Title of the Bill*	*(3)* *Summary of the Contents of the Bill*	*(4)* *Date Passed by the Senate*	*(5)* *Date Passed by the House of Representatives*
Electoral Bill, 2026	An Act to repeal the Electoral Act, No. 13, 2022 and enacts the Electoral Act, 2026 to regulate the conduct of Federal, State and Area Councils in the Federal Capital Territory Elections; and for related matters.	This Bill repeals the Electoral Act, No. 13, 2022 and enacts the Electoral Act, 2026 to regulate the conduct of Federal, State and Area Councils in the Federal Capital Territory Elections.	17th February, 2026	17th February, 2026

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

KAMORU OGUNLANA, ESQ.
Clerk to the National Assembly
18th Day of February, 2026

LS

I ASSENT

BOLA AHMED TINUBU, GCFR
President of the Federal Republic of Nigeria
18th Day of February, 2026