WHAT THE ELECTORAL ACT 2026 IS ALREADY REVEALING

PLAC
POLICY AND LEGAL ADVOCACY CENTRE

ELECTION WATCH

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PART 3

POLLING AGENTS AND ELECTORAL ACCOUNTABILITY

Why Political Parties and Candidates Must Take Election-Day Representation Seriously



Executive Summary

Part 3 of PLAC's Election Watch series focuses on the responsibilities of candidates and political parties in appointing, training and supervising polling agents ahead of the 2027 general elections. It examines why effective polling-agent deployment matters for electoral accountability and how failures in recruitment, accreditation and evidence preservation can undermine a party's ability to challenge election results in court.

Effective polling-agent recruitment is essential to electoral organisation and legal preparedness. An agent who is properly accredited, understands election procedures and preserves relevant records can help a candidate or political party establish what happened when election results are challenged. However, political parties and candidates appear to approach polling-agent deployment primarily as an election-day operation, with insufficient attention to its implications for post-election litigation.

PLAC's analysis of the 2023 post-election petitions found that many cases were weakened by inadequate eyewitness testimony, unavailable polling-unit results and reliance on witnesses who were not present at the locations where irregularities allegedly occurred.

The Electoral Act 2026 gives candidates the leading responsibility for appointing polling agents, reversing the arrangement under the 2022 Act. The amendment was intended to give candidates greater control over selecting their representatives and encourage stronger ownership of their performance.

The FCT, Ekiti and Osun 2026 elections however reveal mixed experiences with the role of party agents in elections. Agents provided important opportunities for monitoring electoral procedures in these elections, but observers also reported inadequate identification, interference with voting and involvement in vote buying. These findings raise questions about the quality of recruitment, training and supervision of agents by candidates and political parties.

Ahead of 2027, parties and candidates need to prioritise the appointment of credible, properly accredited agents at polling units and collation centres, ensure they understand their legal responsibilities and establish reliable arrangements for documenting incidents and preserving election records. The decisions made about agents before polling day could determine both the quality of **election-day oversight and the evidence available if an election is challenged in court.**

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Introduction

The experience of post-election litigation has shown that polling-agent recruitment is as much a matter of legal preparedness as it is of election-day organisation.

Political parties and candidates often invest heavily in campaigns and voter mobilisation, yet the protection of their electoral interests also depends on the people they appoint to observe voting, counting and collation.

PLAC's report, *From Ballot to the Courts: Analysis of Election Petition Litigation from Nigeria's 2023 General Elections*, documents how petitioners struggled to prove allegations because they lacked witnesses with direct knowledge of the incidents, could not produce relevant result forms or relied on individuals who were not duly accredited as polling agents.[1] Some parties discovered too late that the people who had represented them at polling units and collation centres could not testify or establish the facts needed to support their claims in court.

The experience also raises questions about how candidates and political parties approach polling-agent deployment. Much of their attention appears directed towards immediate election-day concerns, including protecting votes, monitoring opponents and responding to irregularities. Reports from recent elections have also implicated agents in vote buying and other misconduct. Yet considerably less attention appears to be given to preparing agents for the role they may need to play after the election, particularly in preserving evidence and providing credible testimony when results are challenged in court.

The Electoral Act 2026 has changed the appointment framework, giving candidates a more prominent role in selecting agents. The FCT Area Council elections of 21 February 2026 and the governorship elections in Ekiti and Osun on 20 June and 15 August 2026 also offer early lessons about agents' conduct.

3.1 Who Are Polling Agents, and Why Do They Matter?

A polling agent is a person formally appointed to represent a candidate and political party during an election. Agents may be assigned to polling units or collation centres, where they observe proceedings, monitor compliance with electoral rules, raise legitimate concerns and obtain relevant election records.[2]

At a polling unit, agents observe accreditation, voting, counting and the recording of results. At ward, local government and other collation centres, they monitor the aggregation of results received from lower levels and identify possible discrepancies.[3]

Their role is especially important because an election does not end when ballots are counted. Results must be recorded, transmitted, transported and collated before a final declaration is made. Agents can help establish whether figures announced at successive stages agree with those recorded earlier.

They also provide a link between election-day events and possible legal proceedings. A properly accredited agent who witnessed an irregularity can explain what happened and identify the relevant documents. Where an incident is subsequently disputed, that first-hand account may be important evidence.

The role therefore requires more than party loyalty. Effective agents need sufficient knowledge of electoral procedures, the confidence to raise lawful objections and the discipline to document events accurately without interfering with election officials or voters.

1 Policy and Legal Advocacy Centre (PLAC), From Ballot to the Courts: Analysis of Election Petition Litigation from Nigeria's 2023 General Elections (2025), pp. 82–84, 139–141 and 185–186.

2 Electoral Act 2026, section 43; Independent National Electoral Commission (INEC), Regulations and Guidelines for Political Parties, 2026, regulations 18–19.

3 Electoral Act 2026, sections 60–62 and 71; PLAC, From Ballot to the Courts, pp. 82–84 and 185–186, on the evidentiary importance of polling-unit and collation records.

3.2 What Does the Electoral Act 2026 Require?

3.2.1 Candidates now take the lead in appointing agents

Section 43(1) of the Electoral Act 2026 reverses the appointment arrangement under the 2022 Act. Previously, political parties appointed polling agents in consultation with their candidates. Under the new Act, candidates appoint agents in consultation with their political parties.[4]

The intention was to give candidates greater control over selecting the individuals who represent them and encourage stronger candidate ownership of their agents' performance.[5] Candidates were expected to have a more direct interest in ensuring that their representatives were reliable, competent and properly deployed. The revised wording is significant, but candidates cannot exercise the responsibility independently of party structures.

Under **section 43(1)**, written notice of appointment must be given to the relevant electoral authorities at least 14 days before the election. **Regulation 18(3)** of INEC's Regulations and Guidelines for Political Parties, 2026 requires candidates to submit their appointments through their political parties using INEC's designated electronic portal.[6]

For the 2027 general elections, access to the portal is controlled through codes issued to national party chairmen for distribution to authorised party officials. The regulations are not entirely consistent in describing who appoints agents. While **Regulation 18(1)** reflects the candidate-led arrangement under the 2026 Act, other provisions such as **Regulations 19(2)(a), (3) (a) & 4 (a)** retain references to appointments by political parties. These appear to be drafting language carried over from the previous framework.[7] Although the Act gives candidates the leading role in appointing agents, submissions must still be made through their political parties. INEC should clarify these inconsistencies to avoid confusion, particularly where candidates and party officials disagree over appointments.

In the meantime, candidates and parties should agree on the selection of agents and ensure that the names submitted to INEC reflect the candidates' appointments.

No verified evidence has yet established that the new submission arrangement prevented candidates from appointing their preferred agents during the selected 2026 elections. Nevertheless, the potential for disagreement or administrative failure deserves attention ahead of 2027.

3.2.2 Accreditation, responsibilities and restrictions

Section 43 and INEC's **regulations 18 and 19** provide the legal and administrative framework for appointing and accrediting polling agents.

Agents must be formally nominated, assigned to specified locations and accredited by INEC. **Regulation 19(8)** restricts access to electoral activities requiring party representation to accredited agents, while **regulation 19(9)** requires them to wear INEC-issued identification showing their name, photograph, party and designation.

At polling units, agents may observe voting, counting and completion of results. The Electoral Act also provides for inspection of election materials under **section 41**, countersigning of completed result forms under **section 60**, and one recount on demand after counting under **section 61**.

4 Electoral Act 2022, section 43(1), PLAC's Electoral Act 2022; Electoral Act 2026, section 43(1), official text. The former placed the appointment responsibility on political parties, while the latter places it on candidates acting in consultation with their parties.

5 Electoral Act 2022, section 43(1); Electoral Act 2026, section 43(1), official text. The legislative rationale is based on PLAC's first-hand participation in the National Assembly's electoral reform deliberations and drafting discussions.

6 Electoral Act 2026, section 43(1); INEC, Regulations and Guidelines for Political Parties, 2026, regulation 18(3); INEC, Political Party Polling Agents Platform, accessed 17 November 2026.

7 INEC, Regulations and Guidelines for Political Parties, 2026, regulation 19, particularly the provisions governing accreditation, identification and access to assigned locations. Section 43(2) of the Act also retains a reference to an agent appointed by the political party in consultation with the candidate. Similar to wording appearing in the regulations. These appear to be drafting carryovers from the previous framework.

Their role continues during results management. **Section 62(1)** permits agents to accompany the movement of results and election materials under security, while **section 71** provides for the signing and countersigning of result forms at successive collation levels.

These rights do not authorise interference. Under **regulation 19**, agents must not obstruct election officials, disrupt proceedings or attempt to influence voters. An agent accredited to a ward collation centre cannot act as a polling-unit agent or at another collation level without the necessary accreditation. Election officials may order the removal of agents who breach these rules.

Section 54 also expressly prohibits party agents, candidates and party officials from entering the voting compartment to assist voters with disabilities.

The distinction is important. Agents are appointed to observe and protect compliance with electoral procedures, not to control the voting process or influence voters' choices.

3.3 What Has the Experience Been?

The 2023 general elections provide useful background for assessing parties' capacity to appoint agents. The subsequent FCT, Ekiti and Osun elections show why recruitment figures must be considered alongside actual performance.

3.3.1 How many agents did parties accredit in 2023?

INEC's Report of the 2023 General Election records **1,574,301 accredited polling-unit agents** and **68,057 agents accredited at registration area, local government and state collation centres** across the 18 political parties.

The four leading parties recorded the following numbers:

Political party	Accredited polling-unit agents	Accredited collation agents
Peoples Democratic Party (PDP)	176,588	9,539
All Progressives Congress (APC)	176,223	9,581
New Nigeria Peoples Party (NNPP)	176,200	9,604
Labour Party (LP)	134,874	4,859

Source: INEC, Report of the 2023 General Election, Tables 8.22–8.23, pp. 135–138. Collation figures exclude the separate national collation-centre category.[8]

With voting scheduled in 176,606 polling units, the PDP, APC and NNPP each accredited numbers broadly corresponding to nationwide polling-unit coverage, while the Labour Party's figure represented approximately three-quarters of that total.

The differences at collation level were also substantial. The Labour Party accredited approximately half as many agents at these levels as each of the other three parties.

These figures demonstrate differences in parties' organisational capacity and priorities. However, **the number of accredited agents does not establish how many actually reported for duty, remained at their assignments or performed effectively**. Nor does it show whether they preserved the evidence needed for subsequent litigation.

That distinction is important when considering the 2026 elections.

8 INEC, Report of the 2023 General Election, pp. 134–138, Tables 8.22–8.23. The figures refer to agents accredited by INEC and do not necessarily establish actual attendance or effective deployment.

3.3.2 FCT Area Council elections – identification and reliability

During the FCT Area Council elections on 21 February 2026, the Nigeria Civil Society Situation Room reported a noticeable presence of party agents at polling units. However, agents from all participating parties were not consistently represented.

Situation Room also documented an incident at Kayada Primary School, Kuje, where a party agent wore both a party-agent tag and an INEC Assistant Presiding Officer jacket.[9] This raised concerns about the distinction between partisan representatives and election officials.

Other accounts reported problems with agent identification, allegations of involvement in vote buying and confrontations between rival agents. Following the election, a source within the African Democratic Congress (ADC) alleged that some agents had been financially influenced by opponents and abandoned their assignments. That allegation has not been independently substantiated.[10]

These reports raise practical questions about recruitment, identification and supervision. Parties need to know that their representatives are properly accredited, remain at their assigned locations and can be relied upon to perform their responsibilities throughout the process.

3.3.3 Ekiti and Osun – oversight and misconduct

The Ekiti governorship election on 20 June 2026 revealed differences in party representation. The EU-SDGN Election Observation Hub reported consistent presence of APC, PDP and ADC agents at the 26 polling units covered by its roving observers in Ado-Ekiti, while representation from other parties was limited.[11]

However, the principal concern was agents' involvement in electoral misconduct. Kimpact Development Initiative's post-election statement identified party agents as the most frequently reported actors involved in voter inducement, accounting for 44.8% of actors identified in its vote-trading reports. The EU-SDGN Hub also documented incidents of agents participating in vote-trading arrangements and monitoring voters' choices.[12]

In Osun on 15 August 2026, observers reported instances of agents closely monitoring election officials and compliance with voting procedures. Yet the EU-SDGN Hub also recorded voter inducement at 73 of 106 observed polling units, with party agents identified among those facilitating vote buying. Its report further documented interference with voting by party agents at 31 of 75 polling units for which valid responses were available.[13]

These are observer findings from particular monitored locations, rather than judicial determinations of criminal responsibility or statewide prevalence estimates.

The elections nevertheless demonstrate a troubling contradiction. Some agents performed the oversight role for which they were appointed, while others were reportedly involved in conduct that undermined the process.

3.3.4 What do these experiences reveal?

The 2026 elections show that the presence of polling agents can strengthen scrutiny, but poor recruitment and supervision can also create opportunities for misconduct.

The evidence raises three concerns for political parties and candidates: whether they can maintain

9 Nigeria Civil Society Situation Room, Situation Room Statement as Voting Progresses in the 2026 FCT Area Council Election, 21 February 2026.

10 Devatop Centre for Africa Development, FCT Area Council Elections Conducted Peacefully Across Six Councils, 2026; Town Crier, Several of Our Polling Agents Were Influenced During FCT Election, Says ADC Source, 2026. The latter reports an allegation attributed to a party source, rather than an independently established finding.

11 EU-SDGN Election Observation Hub, Ekiti 2026 Post-Election Report, October 2026, findings on party-agent presence at observed polling units.

12 Kimpact Development Initiative, *Ekiti 2026 Post-Election Statement*, 2026, findings on vote trading and identified perpetrators; EU-SDGN Election Observation Hub, *Ekiti 2026 Post-Election Report*, October 2026. The findings relate to reported incidents within the respective monitoring exercises.

13 EU-SDGN Election Observation Hub, Osun 2026 Post-Election Report, October 2026, findings on voter inducement and interference with voting procedures. The denominators relate to the Hub's monitored locations and valid responses, not every polling unit in Osun State.

adequate representation, whether their agents understand and respect electoral procedures, and whether they have effective arrangements for responding to misconduct or compromised agents.

It does not yet establish whether candidates exercised greater practical control over appointments following the amendment to **section 43(1)**.

3.4 Why Polling Agents Can Make or Break Election Petitions

PLAC's 2025 report, *From Ballot to the Courts,* provides perhaps the strongest practical justification for taking polling-agent recruitment seriously.

Approximately **89% of the tribunal decisions analysed by PLAC were dismissed**, and about **73% of those dismissals involved failure to discharge the burden of proof**, frequently because evidence was insufficient or inadmissible.

Not all these failures were caused by inadequate agent deployment. Nevertheless, the report identified recurring problems involving missing polling-unit witnesses, unaccredited agents and result forms that petitioners could not properly explain or authenticate.

3.4.1 Why courts insist on first-hand evidence

The **Evidence Act 2011** (as amended) governs the admissibility and assessment of evidence in legal proceedings, including the general rules on hearsay, documentary evidence and the burden of proof. The Electoral Act and applicable election-petition procedures also prescribe how election disputes must be brought and proved.

The basic requirement is that a witness who claims that something happened at a polling unit should ordinarily have been there to see it.[14]

***In Atiku & Anor v. INEC & Ors.* (2023)**, the Court of Appeal rejected the idea of a party relying on an individual who purported to know what happened across numerous polling units and collation centres. The Court described such a hypothetical witness as:

> *"an octopus agent with his tentacles in all the polling units and collation centres."*[15]

The characterisation captures a recurring problem in election litigation. Parties sometimes presented ward or local government collation agents to testify about events at polling units they had not visited. Those witnesses were repeating reports received from polling-unit agents rather than describing events they personally witnessed. Their testimony about those incidents was therefore vulnerable to rejection as hearsay.

The distinction is straightforward. A collation agent can explain what occurred at the collation centre where the agent was present. But that agent cannot ordinarily provide first-hand testimony about intimidation, accreditation failures or altered figures at a polling unit elsewhere merely because someone reported those events to them.

3.4.2 Why formal accreditation matters – *Edeoga v. INEC*

An important additional requirement concerns the legal status of persons presented as polling agents.

In ***Edeoga & Anor v. INEC & 2 Ors.* (2023),** the Supreme Court held that persons who were presented as "polling units and collation agents" witnesses by the Appellants and who were listed as such in the petition, but who were admittedly not duly accredited by INEC and did not sign election results as party agents, cannot rightly be said to be competent witnesses or be made "eyewitnesses." The Supreme

14 Evidence Act 2011 (as amended), particularly sections 37, 38 and 126, on hearsay and direct oral evidence; see Evidence Act (as amended by the Evidence (Amendment) Act, 2023). See also PLAC, From Ballot to the Courts, pp. 82–84.

15 Atiku & Anor v. INEC & Ors. Petition No. CA/PEPC/05/2023, Court of Appeal, pp. 655–656 of the judgment, as discussed in PLAC, From Ballot to the Courts, p. 83 and accompanying footnotes.

Court added that it would be dangerous to allow anyone into an election and result venue who is not accredited just so that they can be termed "eyewitness" for the purpose of election litigation and as a competent witness. The testimonies of such witnesses were therefore disregarded.[16] This decision has an immediate practical lesson for 2027.

A political party supporter who assists a campaign on election day is not automatically an accredited polling agent. Neither is a person retrospectively described as an agent after an election has been conducted.

Therefore, candidates and parties must ensure that agents are properly appointed, their details are submitted to INEC within the prescribed period and they receive the required accreditation.

This matters because official accreditation helps establish that a person was authorised to be present at a particular polling unit or collation centre, observe the proceedings and obtain or sign relevant records.

It does not mean that nobody else can ever give admissible eyewitness evidence about an election. Rather, a person claiming the special status and functions of an accredited polling agent must be able to establish that status. Courts will also examine whether the witness actually observed the events described. The **Edeoga** decision therefore reinforces the importance of completing agent appointments before the election and maintaining reliable records of who was accredited and assigned to each location.

3.4.3 Result forms can be decisive – lessons from successful and unsuccessful petitions

Polling agents are also important because the law provides for them to receive copies of election results. These copies can become essential where the figures subsequently announced are disputed.

a. The Natasha Akpoti-Uduaghan petition – when agents preserved the evidence

The Kogi Central senatorial election dispute provides a clear example of effective evidence preparation. In ***Ohere Sadiku Abubakar & APC v. Akpoti-Uduaghan & 2 Ors.*** (2023), Natasha Akpoti-Uduaghan challenged the omission and incorrect collation of polling-unit results.

She and the PDP called **20 witnesses who had been present as party agents at the disputed polling units and collation centres**. They tendered duplicate result forms issued to them, certified copies and relevant BVAS records.

Their evidence helped establish that votes recorded at polling units had been omitted or incorrectly entered during ward collation. The Tribunal corrected the figures and ordered her return as the winner. The Court of Appeal upheld the finding that INEC had not justified excluding the disputed results, recognising the significance of the duplicate polling-unit forms tendered through the agents.[17]

This case, like several others analysed by PLAC, demonstrates how properly preserved results and witnesses who were present at the relevant locations can make a decisive difference in an election petition.

b. The Zamfara governorship petition – when essential documents were missing

The contrasting experience is illustrated by ***Dauda Lawal v. Bello Matawalle & 3 Ors***. (2024).[18]

Following the 2023 Zamfara governorship election, Bello Matawalle and the APC challenged the declared result, alleging that votes from Maradun Local Government Area had been wrongly treated during collation and that elections had not held or had been cancelled in certain polling units. However, the petitioners relied substantially on ward and local government result forms and called ward-level

16 Edeoga & Anor v. INEC & 2 Ors., Appeal No. SC/CV/1130/2023, Supreme Court, judgment delivered 22 December 2023; discussed in PLAC, From Ballot to the Courts, pp. 83–84 and 129. The case concerns persons presented as agents who had not established the required accreditation and connection with the relevant results.

17 Ohere Sadiku Abubakar & APC v. Akpoti-Uduaghan, PDP & INEC, Appeal No. CA/ABJ/EP/SEN/KG/35/2023, Court of Appeal; discussed in PLAC, From Ballot to the Courts, pp. 140–142. See particularly the evidence of accredited agents, polling-unit result forms and findings on omitted or incorrectly collated votes.

18 Dauda Lawal v. Bello Muhammed Matawalle, APC, INEC & PDP, Appeal No. SC/CV/1165/2023, Supreme Court, judgment delivered 12 January 2024; discussed in PLAC, From Ballot to the Courts, pp. 137–139, particularly the discussion of Forms EC8A and EC40G and testimony by ward and local government agents.

agents to testify about events at polling units.

The Supreme Court held that polling-unit **Form EC8A** was the primary evidence for establishing the votes scored at each polling unit, and that the petitioners had not produced the necessary polling-unit forms to substantiate their alternative figures.

The Court also held that **Form EC40G**, which records polling units where elections were not held or were cancelled, was insufficient on its own to prove such claims. The Court explained that the necessary evidence included the Presiding Officer's report, Form EC40G and testimony from persons or party agents who were present at the affected polling units.

This requirement was particularly important because the petitioners had called ward and local government collation agents to testify about events at polling units they had not attended. The Supreme Court rejected their evidence as hearsay, reinforcing the importance of deploying polling-unit agents who can give first-hand accounts of what occurred at their assigned locations.

c. The Adamawa petition – the difficulty of proving widespread irregularities through a few witnesses

Another example is ***Aishatu Dahiru & APC v. INEC, Fintiri & PDP (2023).***

The petition challenged the Adamawa governorship election on allegations of widespread non-compliance and other irregularities involving 14,104 polling units across 21 local government areas. Yet, the petitioners called only three witnesses. Two were campaign coordinators who were not polling-unit agents, while the third worked for the petitioners' legal counsel. Neither relevant eyewitnesses, party agents nor the makers of important electoral documents were called to establish the disputed facts.

The Court of Appeal found the evidence insufficient to establish the allegations across the numerous polling units identified, with the indirect testimony treated as hearsay.[19]

The case illustrates the difficulty of proving widespread electoral malpractice without witnesses who can speak credibly to what occurred at the specific locations being challenged.

3.4.4 Who can tender election documents?

The cases also show why parties must understand the legal status of election documents and the people who possess them.

At polling units, result forms are prepared and authenticated by Presiding Officers, with candidates or polling agents countersigning where available. Copies may also be given to party agents and police officers, while INEC retains official records.[20]

These arrangements mean that relevant records may be available from several legally recognised sources.

An accredited polling agent who received and signed a duplicate Form EC8A may be well placed to identify and tender that copy and explain what occurred at the polling unit. INEC officials and other appropriate custodians may also produce electoral documents, while certified copies can be obtained and tendered in accordance with the applicable rules of evidence.

However, a candidate or campaign official cannot assume that simply producing a collection of result forms will prove the allegations in a petition. The documents must be properly identified and connected to the particular incidents or figures being challenged.

19 Aishatu Ahmed Dahiru & APC v. INEC, Ahmadu Umaru Fintiri & PDP, Appeal No. CA/YL/EPT/AD/GOV/18/2023, Court of Appeal; discussed in PLAC, From Ballot to the Courts, pp. 126–127, on the inadequacy of witnesses without direct knowledge of the polling-unit incidents alleged.

20 Electoral Act 2026, sections 60, 62 and 71, official text; PLAC, From Ballot to the Courts, pp. 139–141. The appropriate means of proving a document depends on its nature, custody, authentication and the facts sought to be established.

The exact evidentiary requirements depend on the nature of the allegation. A discrepancy apparent on the face of an authenticated document may raise different questions from an allegation of intimidation, ballot snatching or events that require eyewitness testimony.

The practical implication remains clear. **Parties should preserve the result forms given to their accredited agents and maintain records showing where each document originated.**

3.4.5 The practical burden on parties

PLAC's research recognises how difficult and expensive the task of recruiting agents can be.

In the 2023 general elections, Nigeria had more than 176,000 polling units spread across thousands of wards and 774 local government areas. A petition involving widespread irregularities may require witnesses and documents from numerous locations, all within strict constitutional and procedural timelines. [21]

Parties must identify witnesses early, prepare their statements, preserve documents and ensure that relevant evidence is available when the petition is filed. This becomes especially difficult when parties did not establish reliable systems for collecting election records on polling day.

During the 2023 election petitions, many petitioners relied heavily on INEC to provide electoral documents or sought to use results downloaded from its IReV portal. However, difficulties in obtaining official records and the evidentiary limitations of IReV results weakened their ability to prove their claims. Even where documents were available, petitioners still needed credible eyewitness testimony to establish allegations about events at specific polling units. These experiences underscore the importance of deploying accredited polling agents who can preserve result forms and provide first-hand accounts of irregularities they witnessed.

The Electoral Act 2026 provides mechanisms for obtaining electoral documents through court orders, including **section 149**, but these should not be substitutes for effective evidence preservation by parties themselves.[22]

Parties and candidates cannot safely assume that technology or post-election requests for INEC records will compensate for failing to deploy competent agents and retain the documents available to them on election day.

It is important to note that the Electoral Act 2026 has removed **section 137 of the 2022 Act**, which permitted petitioners to dispense with oral evidence where original or certified electoral documents clearly disclosed non-compliance. In the 2023 election petitions, the courts applied that provision narrowly, generally requiring petitioners to use oral evidence from witnesses to explain how documents supported their specific allegations. Its removal reinforces the need for parties to prepare credible witnesses and preserve properly identified election records especially as the Evidence Act continues to govern the admissibility and assessment of evidence, alongside the applicable election-petition procedures.

3.5 What Should Political Parties and Candidates Do Differently Before 2027?

The lessons from the 2023 election petitions and the 2026 elections point to practical changes in how candidates and political parties recruit, prepare and manage polling agents.

a. **Recruit early and prioritise credibility and competence.** Candidates and parties should select agents who understand their responsibilities, can remain at their assigned locations and are capable of observing proceedings accurately. Recruitment should take account of local knowledge, communication skills, integrity and reliability, rather than party loyalty alone**.**

a. **Agree on appointments and complete accreditation before the deadline.** Candidates should work with their political parties to identify nominees, confirm their consent and ensure their

21 PLAC, From Ballot to the Courts, pp. 82–84 and 185–186, on the difficulty and cost of obtaining witnesses and evidence across numerous polling units.

22 Electoral Act 2026, section 149, official text, on access to electoral documents through the prescribed legal process.

particulars are correctly uploaded through INEC's designated portal. Parties should retain copies of submitted lists, confirmation records, assigned locations and accreditation details. Particular care is needed because persons who merely assisted a campaign cannot subsequently be presented as accredited agents if the formal requirements were not met.

a. **Train agents for both election-day oversight and possible legal proceedings.** Training should cover accreditation, voting, counting, collation, result forms and the limits of agents' authority. Agents should also understand how to identify irregularities, raise objections lawfully and document events in a manner that can later support credible witness testimony. The training should distinguish clearly between what a polling-unit agent can observe and what a collation agent can establish.

a. **Ensure effective deployment at polling units and collation centres.** Parties should prepare a deployment plan covering the relevant locations and levels of collation, verify attendance and maintain communication with their agents. Where an agent is absent, compromised or unable to continue, the party should address the problem promptly through lawful procedures. Ward and local government collation centres deserve particular attention because discrepancies may arise after polling-unit results have been announced.

a. **Establish a reliable system for preserving evidence.** Candidates and parties should develop procedures for collecting duplicate Forms EC8A and other authorised records, documenting complaints and maintaining a secure record of the agents who obtained them. Incident reports should identify the location, time, persons involved and what the agent personally witnessed. Relevant materials should be organised early so they can be traced and properly presented if a petition becomes necessary.

a. **Supervise agents and respond to misconduct.** Parties should ensure that agents understand the prohibition of vote buying, intimidation, interference and breaches of ballot secrecy. Credible allegations of misconduct should be investigated promptly, with appropriate disciplinary action and referral to law-enforcement authorities where warranted. Candidates and parties must take responsibility for the conduct of the people they appoint.

a. **Invest in sustainable agent-management structures.** The scale of deployment makes this a demanding and resource-intensive responsibility. Parties should budget for lawful recruitment, training, transport, communication and supervision. They should also develop arrangements for retaining election records and identifying witnesses after polling day, rather than attempting to reconstruct events only when litigation begins.[23]

3.6 Overall Assessment

The Electoral Act 2026 places greater responsibility on candidates for selecting polling agents, reflecting an intention to strengthen their control over election-day representation. The first elections under the Act demonstrate why this responsibility matters. Although agents can improve scrutiny and help identify irregularities, reports of interference, vote buying and compromised conduct show that poor selection and supervision may undermine the electoral process.

The experience of the 2023 election petitions gives this issue a further dimension. Courts repeatedly required credible evidence from people who were present at the disputed locations and properly authenticated electoral records. The contrasting experiences in the Kogi Central, Zamfara and Adamawa petitions demonstrate how the quality of witnesses and the preservation of polling-unit results can influence the outcome of litigation.

Candidates and political parties therefore have compelling reasons to invest in polling agents before the 2027 elections. They must ensure that their representatives are properly accredited, trained, deployed and supervised, and that election records are preserved systematically. A party that neglects these responsibilities risks losing both the opportunity to protect its electoral interests during voting and collation and the evidence needed to pursue a legitimate complaint afterwards.

23 PLAC, From Ballot to the Courts, pp. 185–186, particularly the recommendations on investment in recruitment and training of polling agents and obtaining relevant election documents.

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About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making process.

The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.

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