

## ELECTORAL BILL 1981

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## SCHEDULE—FORMS

# A BILL

FOR

AN ACT FOR REGULATING THE CONDUCT OF PRESIDENTIAL AND GUBERNATORIAL ELECTIONS ; ELECTIONS TO THE NATIONAL ASSEMBLY AND HOUSES OF ASSEMBLY OF THE STATES IN THE FEDERATION AND FOR OTHER PURPOSES CONNECTED THEREWITH.

[ ]

Commence-  
ment.

1 BE IT ENACTED by the National Assembly of the Federal  
2 Republic of Nigeria and by authority of same as follows :—

## 3 PART I—REGISTRATION OF VOTERS

4 1.—(1) Subject to the provisions of this Act, the persons entitled  
5 to vote at any election in any constituency within the meaning of that  
6 expression as used in the Constitution shall be those ordinarily resident  
7 there on the qualifying date and who, on that date and on the date of the  
8 poll, are citizens of Nigeria, of the age of 18 years or upwards and are  
9 not subject to any legal incapacity to vote :

Persons eligi-  
ble to vote at  
elections.

10 Provided that a person shall not be entitled to vote in any consti-  
11 tuency unless registered there in the register of voters to be used at the  
12 election.

13 (2) No person shall vote at any one election in more than one  
14 constituency or more than once in the same constituency.

15 (3) In this section, "legal incapacity" in its application to voters  
16 includes—

17 (a) the acknowledgement of allegiance, obedience or adherence  
18 by the personal act of a voter to any foreign power or State ;

1 (b) the imposition of sentence of death or, in respect of an offence  
2 involving dishonesty, of imprisonment (by whatever name called)  
3 for a term exceeding six months or such other punishment as may  
4 lawfully be substituted therefor, and the voter has not at the date of  
—5 the election suffered the punishment or received a free pardon ;

6 (c) disqualification under this Act in respect of corrupt practices  
7 and other electoral offences at elections.

8 (4) The following persons are not qualified to vote at an election,  
9 that is to say —

10 (a) the Chairman and other members of the Commission ;

11 (b) the Chief Federal Electoral Officer and Assistant Chief Federal  
12 Electoral Officers ;

13 (c) electoral officers and assistant electoral officers ;

14 (d) the returning officer and the assistant returning officer  
15 for each constituency ;

16 (e) the presiding officer.

Ordinary  
residence.

17 2.—(1) A person shall be deemed to be ordinarily resident in  
18 a place for the purposes of this Act if, whether or not he has his meals  
19 there or is employed elsewhere—

20 (a) it is the place where he usually lives or sleeps ; or

21 (b) he has or usually has his home in that place ; or

22 —(c) he intends to return thereto when away from it.

23 (2) Where for the purpose of registration or objection to registra-  
24 tion, residence or age is a matter for doubt, a revising officer shall  
25 decide it on the evidence before him but any person affected by that  
26 decision may appeal to the Commission.

27 (3) A person shall have one of the foregoing places of ordinary  
28 residence ; and the place nominated by him shall be his place of ordinary



1 residence for the purposes of this section, and it shall not be lost to him—

2 (a) if at any time when absent for a period of less than 6 months  
3 he has the intention to return to that place of residence ; or

4 (b) until he replaces it by another.

5 3. The expression “qualifying date” as used in this Act shall  
6 be the date on which the final register of voters as compiled under this  
7 Act is published by the Commission.

Qualifying  
date.

8 4. The registration of voters and the conduct of elections shall  
9 be subject to the direction and supervision of the Commission.

Control of  
registration  
and elections  
by the  
Commission,  
etc.

10 5.—(1) There shall be appointed by the President an Executive  
11 Secretary to the Commission who shall have such qualifications and  
12 experience as are appropriate for a person required to perform the  
13 functions of his office under this Act.

The Execu-  
tive Secretary  
and other  
employees of  
the Commis-  
sion,  
pensions of  
employees,  
etc.

14 (2) Subject to the general direction of the Commission and, subject  
15 thereto, of the Chairman, the Executive Secretary—

16 (a) shall be responsible for keeping proper records of the proceed-  
17 ings of the Commission ; and

18 (b) shall be the head of the Commission’s secretariat and be respon-  
19 sible for the administration thereof and, subject as aforementioned, be  
20 responsible for the day to day direction and control of all other  
21 employees of the Commission.

22 (3) The Executive Secretary shall be the accounting officer of the  
23 Commission.

24 (4) There shall be an Administrative Secretary responsible for the  
25 administration of each State Branch Office of the Commission to be  
26 appointed by the Commission who shall have such qualifications and expe-  
27 rience as may be considered appropriate for a person required to perform

1 such duties and, subject as mentioned with respect to the Executive  
2 Secretary, shall be under the general direction of the Resident Federal  
3 Electoral Commissioner.

4 (5) The Commission shall have power to appoint either directly  
5 or on transfer or on secondment from any public service in the Federa-  
6 tion, after consultation with the appropriate Civil Service Commission  
7 or such other similar body, such number of employees as may, in the  
8 opinion of the Commission, be required to assist the Commission in the  
9 discharge of any of its functions under this Act and shall have power  
10 to pay persons so employed such remunerations (including allowances)  
11 as the Commission may from time to time determine.

1979 No.  
102.

12 (6) It is hereby declared that service in the Commission shall be  
13 public service for the purposes of the Pensions Act 1979 and, accordingly,  
14 officers and other persons employed in the Commission shall in respect  
15 of their service in the Commission be entitled to pensions, gratuities  
16 and other retirement benefits as are prescribed thereunder.

17 (7) Nothing in the foregoing provisions of this section shall prevent  
18 the appointment of a person to any office in the Commission on tempo-  
19 rary or seasonal basis or on such other terms which preclude the grant  
20 of a pension or gratuity in respect of service in that office.

Electoral  
registration  
officers and  
assistant  
registration  
officers.

21 6.—(1) Subject to this section, the Commission shall appoint a  
22 fit person (hereinafter referred to as an "electoral registration officer")  
23 for such areas of the Federation as the Commission may from time to  
24 time determine.

25 (2) The Commission may appoint assistant electoral registration  
26 officers in respect of any registration area, and the assistant electoral

1 registration officers so appointed shall be subject to the authority and  
2 control of the electoral registration officers for the area or part of the  
3 area in respect of which they are appointed, and subject thereto any  
4 assistant electoral registration officer appointed in respect of an area  
5 shall have and may exercise the powers and duties of the electoral  
6 registration officer in that area.

7 (3) The Administrative Secretary of each State Branch Office of the  
8 Commission shall be the Chief Federal Electoral Registration Officer for  
9 the State and shall, subject to the control and direction of the Commission  
10 and the provisions of this Act, supervise all the registration officers for  
11 the registration areas within the State.

12 (4) The Executive Secretary of the Commission shall be the Chief  
13 Federal Electoral Registration Officer of the Federation and shall perform  
14 such functions in relation to the registration of voters under this Act  
15 as the Commission may direct.

16 7.—(1) A new register of voters shall be compiled by the Commis-  
17 sion for each constituency after the taking of every census.

New  
register of  
voters.

18 (2) The new register of voters shall be compiled from a preliminary  
19 list obtained from the registration of all eligible voters at registration  
20 centres and in such other manner as the Commission may think fit.

21 (3) A registration officer or supervisory assistant registration  
22 officer or an assistant registration officer and any person authorised  
23 by him may, for any purpose connected with the registration of voters,  
24 be present at the registration centre between the hours of 7 o'clock in  
25 the morning and 6 o'clock in the evening and may make such enquiries  
26 as may be deemed necessary for the performance of his duties.

1 (4) Any of the persons referred to in subsection (3) above engaged  
2 in the registration of voters shall wear and prominently display a badge  
3 provided by the Commission as evidence of his authority to register the  
4 names of the voters residing in the registration area.

5 (5) Every person engaged in the registration of voters shall in  
6 respect of his area—

7 (a) exercise the utmost care in preparing the list of voters ; and

8 (b) take all necessary precautions to ensure that the list when  
9 completed contains the principal names by which a voter is usually or  
10 may be known and his address, and that the list does not contain the  
11 name of any person who is not a voter.

12 (6) Every preliminary list under this Act shall be displayed in the  
13 constituency to which it refers in such a manner and in such places as  
14 the Commission may direct and no register of voters shall be printed or  
15 used for the purpose of any election until all claims and objections have  
16 been dealt with in the prescribed manner.

17 (7) The register shall contain in respect of every person the particu-  
18 lars required in Form EC. 1A in the Schedule to this Act including the  
19 principal name and such one or more further names by which a person  
20 is usually or may be known and his address, which for the purposes of  
21 this subsection may be the name of a village or in the case of a town, the  
22 name of the street, if the Commission thinks fit, but no person shall be  
23 registered under a principal name alone being a single name or without  
24 his address.

25 (8) When the claims and objections to a preliminary list have been  
26 dealt with as required by this Act, it shall be printed in such number  
27 of volumes which shall be bound and paged, with the pages numbered  
28 consecutively, as directed by the Commission and be published as the  
29 register of voters.

1       8.—(1) The register of voters in every constituency shall be  
2 revised before a national election or whenever the Commission considers  
3 such a revision necessary :

Revision of  
the register  
of voters.

4       Provided that nothing contained in this subsection shall prevent the  
5 existing register of voters from being revised for the first set of by-  
6 elections into the National and State Assemblies and further, if suitably  
7 adapted for such use, at Local Government Council elections to be held  
8 immediately after the coming into force of this Act.

9       (2) The Commission shall in any area in which a revision is to be  
10 made and in such a manner as it thinks fit invite applications for in-  
11 clusion in the register of voters from persons claiming to be entitled  
12 because of age, change of residence or other sufficient reason. An applica-  
13 tion within the time prescribed in this Act shall be in Form EC. 1 in the  
14 Schedule to this Act and shall be made in person by the applicant ; and  
15 if he is illiterate any person who is literate may assist him.

16       (3) The registration officer shall include the names in the list to be  
17 known as the supplementary list and the supplementary list shall with  
18 the existing register of voters comprise a new preliminary list and the  
19 provisions of this Act as to preliminary list shall apply and have effect  
20 accordingly.

21       (4) The Commission may authorise the issue of new registration  
22 cards in Form EC. 1G in the Schedule to this Act to persons included  
23 in the preliminary list compiled as prescribed and each such registration  
24 card shall be numbered, bear the stamp of the registration officer and any  
25 other relevant particulars as may be required by the Commission.

26       (5) The Commission shall design the registration card from time to  
27 time as it thinks fit and such new registration cards shall be the only  
28 valid authority for voting.

1 (6) Any person not issued with the current registration card shall not  
2 be entitled to vote at any election conducted pursuant to this  
3 Act.

Registration  
agents.

4 9. Every political party may, by notice in writing signed by an  
5 officer of the party and addressed to the registration officer in the area,  
6 appoint a person in this Act referred to as a "Registration Agent"  
7 to attend at each registration centre in the constituency where registration  
8 of voters is taking place ; and the notice shall set out the name and  
9 address of the Registration Agent and be given by the officer of the  
10 political party or his representative to the registration officer not later  
11 than 10 days before the date fixed for the registration. Such a Registration  
12 Agent shall be a person ordinarily resident in the State constituency in  
13 respect of which he is appointed.

Notice of  
display of  
preliminary  
lists.

14 10.—(1) Where it is necessary to display any preliminary list under  
15 this Act, the registration officer shall prepare copies of the whole or any  
16 part of the list necessary for the purpose, and shall display the list in  
17 each registration centre and such other places within a constituency as  
18 the Commission thinks fit and each list shall bear the date of its display.

19 (2) The registration officer shall on each of the lists attach a notice  
20 stating —

21 (a) that within 15 days of the display thereof claims in respect of  
22 omissions or for correction of any item in the list may be made ; and

23 (b) that within the same period, objections may be made under  
24 this Act to the inclusion of any name in the lists ; and

25 (c) that claims in the Form EC.2 or objections in the Form EC.3  
26 respectively in the Schedule to this Act may be obtained at Local



1 Government Council offices, or local electoral offices and such other public  
2 places throughout the constituency as shall be stated in the notice.

3 (3) Copies of the list or part thereof as displayed shall be available  
4 for inspection free of charge by members of the public at such Local  
5 Government Council offices or local electoral offices and such other  
6 public places throughout the constituency as the Commission may direct,  
7 and copies may be inspected at such places during normal office hours  
8 for not less than 15 days after the display of the preliminary list.

9 11.—(1) Any person qualified to be registered may, if his name is  
10 omitted or is incorrectly stated in the preliminary list, claim within 15  
11 days of the publication of the preliminary list by notice in writing to the  
12 registration officer in Form EC.2 in the Schedule to this Act to have  
13 his name and address inserted or to have any such entry amended.

Claims and  
objections.

14 (2) Any person qualified to vote whose name appears in the  
15 preliminary list may within 15 days of the publication of the preliminary  
16 list by notice in writing to the registration officer in the Form EC.3  
17 in the Schedule to this Act object to the inclusion of any other name  
18 appearing therein, as being the name of a person not entitled to inclusion  
19 in that list.

20 12.—(1) The Commission may appoint as a revising officer any fit  
21 person to hear and determine claims and objections to an entry in or  
22 omission from the preliminary list ; and may appoint such number of  
23 other persons as it thinks necessary to assist the revising officer.

Revising  
officer for  
hearing of  
claims, etc.

24 (2) Any person appointed as a revising officer shall have the powers  
25 of a registration officer and may for the purposes of his duties under this  
26 Act administer any oath necessary at a hearing.

Power to-  
make rules  
and hearing  
of claims, etc.

1       13.—(1) The Commission may make rules prescribing the time  
2       for hearing any claim or objection and the procedure at the hearing.

3       (2) Where a claim is made under this Part of this Act, the revising  
4       officer after hearing the applicant and any evidence in support shall,  
5       if he is satisfied that the claim has been established, enter the name and  
6       address of the applicant in the preliminary list or make such other  
7       corrections as may be necessary.

8       (3) Where objection is made under this Part of this Act, the revising  
9       officer shall give notice of the objection in such manner as he thinks fit ;  
10      and if after hearing the parties concerned and any relevant evidence the  
11      revising officer is satisfied that the objection is sustained, he shall amend  
12      the entry.

Completion  
of prelimi-  
nary list.

13      14.—(1) The registration officer shall amend the preliminary  
14      list —

15      (a) to give effect to a decision on any claim or objection ; or  
16      (b) to delete any duplicated entry ; or  
17      (c) to delete the names of persons who are dead or disqualified ;  
18      (d) to delete the names of persons who do not comply with the  
19      provisions of section 8 of this Act.

20      (2) Where a preliminary list is amended to give effect to a decision  
21      to include the name of a voter, the registration officer shall at the same  
22      time issue to the person whose name is included in that list a registration  
23      card in the prescribed Form.

24      (3) If the registration officer or the Commission has reasonable  
25      cause to believe that a person is registered in more than one place either  
26      in the same constituency or in different constituencies, the registration  
27      officer or the Commission, as the case may be, shall make such alterations

1 or corrections in the preliminary list as are necessary ; but no correction  
2 under this subsection shall be made without notice to the person  
3 affected and the giving of reasonable time for the receipt of objections  
4 to the proposed correction and, if necessary, for any hearing in respect  
5 thereof.

6 (4) Every notice under this section shall be in writing, and may  
7 be served upon the person affected by delivering it at or posting it to  
8 his address as shown in the preliminary list, or such notice may be  
9 exhibited at such Local Government Council offices or local electoral  
10 offices or other public place in the vicinity of the ordinary residence  
11 of the person as shown in the preliminary list.

12 15.—(1) The registration officer shall, not later than 60 days from  
13 the date when the preliminary list was first exhibited or within such  
14 extended period as the Commission may allow, make such corrections  
15 in the preliminary list as may be necessary, and shall number the names  
16 in the preliminary list in such manner as the Commission may direct ;  
17 and after endorsing and signing a certificate of verification on the  
18 preliminary list, he shall forward such list to the Commission.

Publication  
of prelimi-  
nary list.

19 (2) The preliminary list shall be printed and published by the  
20 Commission on such date as the Commission after considering any  
21 alterations or amendments recommended by the appropriate registration  
22 officer may deem fit.

23 (3) For the purposes of this section, the preliminary list shall be  
24 deemed to be printed if it is produced in a visible form by lithography  
25 or photography or any other means which the Commission considers  
26 expedient in the circumstances.

Inspection  
of register  
of voters.

1       16.—(1) The preliminary list in respect of each constituency when  
2       printed and published by the Commission shall be the register of voters  
3       for that constituency ; and a copy of the register of voters when published  
4       may be inspected free of charge by members of the public during normal  
5       office hours at such place in the constituency as the Commission in  
6       writing shall appoint.

7       (2) Copies of register of voters shall be made available by the  
8       Commission throughout the Federation for sale to the public at such  
9       price as it thinks reasonable.

Correction  
of register  
of voters.

10       17.—(1) Subject to the provisions of this Act, where the Com-  
11       mission is satisfied that there is a mistake in the register of voters the  
12       Commission shall not later than 15 clear days before the date appointed  
13       for an election give notice in such manner as it thinks fit of its intention  
14       to correct the mistake ; and the amendment may be made accordingly.

15       (2) Nothing in this section as to limitation of time or the giving of  
16       notice shall apply where the Commission is satisfied that it is in the  
17       public interest to make the amendment without waiting for any time or  
18       giving any notice.

Use of the  
register.

19       18.—(1) The register of voters shall be used for the purpose of  
20       determining the persons entitled to vote at every election to the office of  
21       the President and Vice-President of the Federal Republic of Nigeria, the  
22       Governor and Deputy Governor of a State and to any of the Legislative  
23       Houses provided for in the Constitution and, when suitably adapted and  
24       revised for that purpose, to any Local Government Council.

25       (2) A registered voter who at any time before the elections is resident  
26       in a constituency other than that in which he is registered may apply to  
27       the Chief Federal Electoral Officer of the State where he is resident for  
28       his name to be entered on the transferred voter's list for the constituency.

1 (3) An application under the provisions of the preceding sub-  
2 section shall be accompanied by the applicant's registration card as in  
3 Form EC.1G in the Schedule to this Act and be made—

4 (a) not less than 90 days before nomination day in the constituency  
5 where the applicant is resident ; and

6 (b) not less than 90 days before nomination day in the constituency  
7 where the applicant is registered.

8 (4) The Chief Federal Electoral Officer to whom an application is  
9 made under the provisions of this section shall cause to be entered the  
10 applicant's name in the transferred voters' list for the Electoral Officer's  
11 constituency if he is satisfied that the applicant is resident in a polling  
12 area in his constituency and is registered in some other constituency.

13 (5) Whenever an electoral officer on the direction of the Chief  
14 Federal Electoral Officer enters the name of any person on the trans-  
15 ferred voters' list for his constituency he shall—

16 (a) assign that person to a polling station or a polling area in his  
17 constituency and indicate in the list the polling area or polling station  
18 to which that person is so assigned ; and

19 (b) send a copy of the entry to the electoral officer of the consti-  
20 tuency where the person whose name has been so entered was originally  
21 registered and upon receipt of this entry, he shall delete the voter's  
22 name from his voters' list.

23 (6) Every person whose name is entered on the transferred voter's  
24 list for a constituency shall be entitled to vote at an election in the  
25 polling station or a polling area to which he is assigned in the list as  
if it were the polling area where he was registered.

Election  
dates.

## PART II—PROCEDURE AT ELECTIONS

## 19.—(1) Elections —

(a) to the office of the President and Vice-President or the Governor and Deputy Governor of a State ;

(b) into any of the Legislative Houses provided for in the Constitution,

shall be held on a date to be appointed by the Commission.

(2) An election to the office of President or the Governor of a State shall be held on a date not earlier than 60 days and not later than 30 days before the expiration of the term of office of the last holder of that office.

(3) The date mentioned in subsection (1) of this section shall not be earlier than 60 days before and not later than the date on which the House stands dissolved, or where the election is to fill a vacancy occurring more than three months before such date not later than one month after the vacancy occurred.

(4) The Commission shall not later than 21 days before the dates appointed in subsections (1) and (2) of this section publish in the *Gazette* a notice of the dates so appointed.

(5) The Commission may in its discretion appoint different dates for each of the elections to which this Act applies and may appoint the same date for more than one such elections.

(6) The Commission, if it thinks it expedient, may, in respect of any area appoint a substituted date for the holding of any election to which this Act applies.

(7) Where the Commission appoints a substituted date in accordance with subsection (6) of this section there shall be no return for the election until polling has taken place in the area affected.



(8) Notwithstanding the provisions of subsection (7) of this section, the Commission may, if satisfied that the result of the election will not be affected by voting in the area in respect of which a substituted date has been appointed, direct that a return of the election be made.

(9) Whenever it is necessary to hold a by-election to a Legislative House, the President of the Senate or the Speaker of that House shall forthwith certify the fact to the Commission and the Commission shall within 7 days of its receiving such notice publish not less than 21 clear days notice of the date appointed for the by-election in the *Gazette* :

Provided that nothing in this subsection shall be construed to require the holding of a by-election to a Legislative House where less than 3 months remain before the dissolution of the Legislative House.

20.—(1) Writs for elections into the Legislative Houses shall be sealed and shall be issued by or on behalf of the President or Speaker, as the case may be, of the Legislative House concerned and be returnable to the Clerk of that Legislative House. Issue of writ.

(2) Each writ shall be in the Form in the Table to this section and shall be directed to the Commission and be conveyed to the Commission by such means as may be convenient in the circumstances.

#### TABLE

To the Federal Electoral Commission,

You are hereby commanded that, due notice being first given, you do cause election to be made according to law of a member to serve in

.....  
for the constituency/Senatorial District of.....

\*(in the place of.....) and that you do cause the name of such member when so elected, whether he be present or absent, to be certified to me in my office without delay.

As witness my hand and the public seal at.....  
 the..... day of..... 19.....

\*by :

(on behalf of the President of the Senate,  
 Speaker of the House of Representatives or  
 State Assembly, as the case may be)

Endorsement

Received the writ on the..... day of..... 19.....

*Executive Secretary to the Federal  
 Electoral Commission*

CERTIFICATE ENDORSED ON WRIT

I hereby certify that the member elected for the Senatorial Dis-  
 trict/Constituency of..... in pursuance of the within written

writ is.....  
 (here state the name of the member)

of.....  
 (here state the full address of the member)

Dated..... 19.....

*Executive Secretary to the Federal  
 Electoral Commission*

\*Delete where not applicable.

Control of  
 election by  
 electoral  
 officers.

1 21.—(1) Subject to this section, the Commission shall whenever  
 2 occasion may so require appoint a fit person (in this Act referred to as  
 3 “Assistant Chief Federal Electoral Officer”) for each senatorial district  
 4 or constituency as the case may be.

5 (2) The Commission may likewise appoint from time to time  
 6 assistant electoral officers for the purposes of the election and in respect

1 of any constituency or senatorial district it thinks fit. An assistant  
2 electoral officer appointed under this subsection shall be subject to  
3 the authority and control of the electoral officer for the senatorial district  
4 or constituency, and subject thereto and to the direction of the Com-  
5 mission, an assistant electoral officer shall have and may exercise the  
6 powers and duties of an electoral officer ; and where it becomes necessary  
7 for an electoral officer to exercise those powers and duties in any part of a  
8 senatorial district or constituency, the electoral officer shall exercise  
9 supervisory functions in respect of the whole senatorial district or  
10 constituency.

11 (3) For the purpose of directing and supervising an election to the  
12 office of President and Vice-President, Governor and Deputy Governor  
13 and into any of the Legislative Houses provided for in the Constitution,  
14 the Executive Secretary of the Commission shall be the Chief Federal  
15 Electoral Officer of the Federation subject to the control of the Com-  
16 mission.

17 (4) Subject to the control and direction of the Commission and the  
18 provisions of this Act, an Administrative Secretary shall perform the  
19 functions of Chief Federal Electoral Officer in a State and supervise all  
20 the electoral officers for the Senatorial Districts and other constituencies  
21 within the State and election to the office of Governor and Deputy  
22 Governor.

23 22.—(1) The Commission may appoint for an election a fit person  
24 to be a returning officer for each constituency or if it thinks fit may  
25 appoint a returning officer to function in more than one constituency.

Returning  
officer and  
assistants.

26 (2) There may likewise be appointed for an election such number of  
27 assistant returning officers as are necessary and, subject to the direction

1 of the Commission, an assistant returning officer shall have the power  
2 and may perform the duties of a returning officer but shall be subject  
3 to the authority and control of the returning officer appointed in respect  
4 of the same election.

Poll clerks.

5 23. The Commission may appoint for any election in a constituency  
6 or senatorial district such number of poll clerks as appear to it to be  
7 necessary to assist an electoral officer.

Supervision  
of returning  
officer and  
others.

8 24. The returning officer and poll clerks shall in the constituency  
9 to which they are appointed be subject to the control of the electoral  
10 officer who may, unless otherwise required by the Commission, give  
11 such directions as he thinks necessary for the performance of their duties.

Clerks at  
polling  
station.

12 25.—(1) There shall be appointed for each polling station such  
13 number of poll clerks as may be necessary to assist in the taking of the  
14 poll.

15 (2) The electoral officer shall nominate one of such poll clerks to be  
16 in charge of the polling station and where a poll clerk is in charge he shall  
17 be known as the presiding officer.

18 (3) The presiding officer may authorise a poll clerk to do any act  
19 which the presiding officer is required or authorised to do at the polling  
20 station, including an order for the search of or arrest of any person, or  
21 the exclusion or removal of a person from the polling station and in  
22 every case the presiding officer shall keep a record of any such  
23 order stating the reasons for same for submission to the Commission.

Facilities  
at polling  
station.

24 26. The Commission shall—

25 (a) provide in each polling station such number of compartments  
26 as it may consider necessary in which voters may make their marks  
27 on ballot papers screened from observation ;

28 (b) supply to each presiding officer a ballot box, for use in the  
29 polling station ;

1 (c) provide such number of ballot papers under sealed covers as  
2 may be necessary ;

3 (d) provide a statement showing the number of ballot papers so  
4 supplied with the serial numbers ;

5 (e) provide each polling station with instruments for the making of  
6 an official mark on the ballot papers and with pads impregnated with  
7 indelible ink of distinctive colour ;

8 (f) provide sufficient copies of printed directions for the guidance  
9 of voters ;

10 (g) provide each polling station with copies as certified by the  
11 electoral officer of the register of voters for the constituency or with  
12 the part of the register which contains the names of the voters allotted  
13 to vote at the polling station ;

14 (h) provide for the use of voters in marking on the ballot papers,  
15 a table or desk with a hard and smooth surface ;

16 (i) give such instructions as may be necessary for the proper  
17 construction of the voting compartment ; and

18 (j) do such other acts and things as it may prescribe for conducting  
19 the election as required by this Act.

20 27. Not less than 98 days before the date appointed for the election,  
21 the electoral officer in each constituency shall in the name of the  
22 Commission publish a notice stating the date of the election.

Notice of  
election

23 28.—(1) Every registered political party shall, not later than 90  
24 days (or such later day as may be directed by the Commission) before  
25 the date appointed for any general elections to be conducted pursuant to  
26 this Act, deliver the complete list of the names and other relevant  
27 particulars of all the candidates the party proposes to sponsor for

Delivery of  
names of  
candidates  
to Commis-  
sion.

1 elective offices in respect of all the elections (or such number thereof  
2 as the party intends to contest) to the Commission.

3 (2) An independent candidate shall submit to the Commission  
4 relevant particulars about himself within the period stipulated above :

5 Provided that, subject to the other provisions of this Part of this  
6 Act, nothing in this subsection as to limitation of time within which  
7 to deliver such list shall apply in any case where, after the rejection by  
8 the Commission of the candidature of any person or persons, such a party  
9 delivers a supplementary list thereto or, as the case may require, a substi-  
10 tute list containing the particulars aforesaid of other proposed candidates.

11 (3) The Commission shall, not later than 21 days after delivery of  
12 the list aforesaid, deliver to the political party a list containing the names  
13 of candidates who the Commission considers qualified for election and,  
14 where appropriate, a separate list of those rejected by the Commission  
15 and in the case of those so rejected, the Commission shall—

16 (a) state in writing the grounds for such rejection ; and

17 (b) afford the political party concerned an opportunity, subject to  
18 the other provisions of this Part of this Act, of substituting another  
19 candidate for each one so rejected ; and

20 (c) in the case of an independent candidate, the Commission shall  
21 not later than 21 days after delivery of relevant particulars about  
22 himself, inform him whether or not the Commission considers him  
23 qualified for election.

Nominations.

24 29.—(1) Every candidate for an election under this Act shall be  
25 nominated by ten persons whose names appear on the register of voters  
26 for the constituency or senatorial district in respect of which the nomina-  
27 tion is made.



(2) No person shall sign as a nominator more than one nomination paper for use at an election to the same Legislative House and if he does so his signature shall be inoperative on any second or subsequent nomination paper which he signs as a nominator, but nothing in this subsection shall apply in respect of any nomination by the nominator of a candidate who has died or whose nomination has not been accepted as valid before the delivery of the second nomination paper.

(3) If a nomination paper when signed by a candidate and the persons nominating him is lodged in more than one constituency or senatorial district, as the case may be, in the case of elections to a Legislative House the candidature shall be void in each constituency or senatorial district in which the nomination paper is lodged.

(4) Not less than 66 days before the date of the election, the electoral officer in each constituency shall in the name of the Commission publish a notice stating that not later than 60 days before the date of the election nomination papers are to be delivered to him at any time during normal office hours or at such other times as may be prescribed by the Commission at such place or places so appointed by the electoral officer.

(5) The nomination papers in respect of the nomination of candidates for the office of the President of the Federation or Governor of a State shall be lodged at any time during office hours at such place or places as may be appointed by the Chief Federal Electoral Officer of the Federation or the Chief Federal Electoral Officer of a State, as the case may be.

30.—(1) The nomination paper shall be in the Forms EC .4A, 4B, 4C, 4D or 4E in the Schedule to this Act as may be appropriate for the election and shall be signed by the candidate and by the persons

Nomination  
papers.

1 nominating him and the nomination papers shall contain the following  
2 particulars, that is—

3 (a) the names, addresses and occupations of the candidates ;

4 (b) the names, addresses and occupations and registration details  
5 of the nominators of the candidate ;

6 (c) a statement by the candidate that he is willing and qualified to  
7 stand for election ;

8 (d) a statement by the candidate as to his symbol for the purpose  
9 of any contested election ;

10 (e) a statement by the candidate, unless he is an independent  
11 candidate, as to the name of the political party which sponsors his  
12 candidature.

13 (2) The electoral officer shall, on payment by the candidate of  
14 such fees as the Commission may prescribe, provide and supply to the  
15 candidate such number of nomination papers as the candidate may  
16 require ; and the electoral officer shall if a candidate so requests and  
17 the nominators of the candidate are present, complete any such nomi-  
18 nation papers on behalf of the candidate.

19 (3) A candidate or one of the persons nominating him shall not  
20 later than the date and time prescribed, personally present the  
21 nomination paper to the electoral officer at the place appointed by the  
22 electoral officer :

23 Provided that in the event of absence or proved irregularity on the  
24 part of an electoral officer, the Resident Federal Electoral Commissioner,  
25 the Chief Federal Electoral Officer of the State or of the Federation, as

1 the case may be, may accept the nomination paper of a candidate within  
2 48 hours to the closing date of nominations.

3 (4) A candidate for any election who so desires may deliver along  
4 with the nomination paper such number of posters containing his photo-  
5 graph and the symbol of the political party sponsoring him or his own  
6 symbol in the case of an independent candidate for that election.

7 31.—(1) Every candidate shall, before his nomination paper is Deposit.  
8 delivered to the appropriate electoral officer, pay into the Consolidated  
9 Revenue Fund of the Federation by way of deposit the sum of—

10 (a) ₦1,000 each in respect of an election to the office of President  
11 and Vice-President ;

12 (b) ₦500 each in respect of an election to the office of Governor  
13 and Deputy Governor ;

14 (c) ₦300 in respect of an election to the Senate ;

15 (d) ₦200 in respect of an election to the House of Representatives ;  
16 and

17 (e) ₦100 in respect of an election to a State House of Assembly.

18 (2) A candidate shall at the time of the delivery of his nomination  
19 paper produce and hand over to the appropriate electoral officer the offi-  
20 cial receipt for the sum paid and no nomination paper shall be valid with-  
21 out production of the receipt to the electoral officer.

22 (3) The deposit shall be returned to the candidate or his personal  
23 representatives if—

24 (a) the nomination of the candidate is invalid for any reason other  
25 than that a nomination form was delivered by him or on his behalf in  
26 more than one constituency ;

27 (b) the candidate dies before the date of the election ;

- 1 (c) there is no contested election ;  
2 (d) a contested election is declared void ; or  
3 (e) in any contested election the candidate is successful or obtains  
4 not less than one-half of the total number of votes cast for the winning  
5 candidate.

- 6 (4) A deposit shall not be returned if the candidature of a person  
7 nominated in more than one constituency is void in each constituency  
8 under this Act.

- 9 (5) All deposits which are not returnable shall be retained in the  
10 Consolidated Revenue Fund of the Federation.

Validity of  
nominations.

- 11 32.—(1) If after delivery to him of a nomination paper an electoral  
12 officer is satisfied that the prescribed deposit has been paid and that  
13 other requirements of this Act have been complied with, the acceptance  
14 within the time required by this Act, of the nomination paper on the  
15 form prescribed in subsection (3) of this section shall be *prima facie*  
16 evidence of the validity of the nomination.

- 17 (2) If after such delivery and proof of payment of the deposit the  
18 electoral officer is not satisfied, the rejection within the time required  
19 by this section of the nomination paper on any of the following grounds,  
20 that is to say —

- 21 (a) that the particulars of the candidate or his nominators are not  
22 as required by law ;

- 23 (b) that the nomination is by virtue of any provision of this Act  
24 invalid ;

- 25 (c) that the nomination paper is not signed as required by law ;

- 26 (d) that the candidate has been nominated in more than one  
27 constituency ;

1 (e) that the nominators of the candidate or any of them are not  
2 persons whose names appear on the register of voters in respect of  
3 the constituency to which the nomination relates,

4 shall be *prima facie* evidence that the nomination was properly rejected  
5 as invalid.

6 (3) The electoral officer shall within 24 hours of the delivery to  
7 him of a nomination paper notify his decision to the candidate or any  
8 of his nominators in the Form EC.5 in the Schedule to this Act ; and if  
9 a nomination paper is rejected, the candidate may deliver to the electoral  
10 officer a fresh nomination paper nominating him as a candidate within the  
11 time prescribed for the delivery of nomination papers.

12 (4) A person nominated as a candidate in accordance with the  
13 provisions of this Act may, at any time before the beginning of the period  
14 of 30 days ending with the date of the election, withdraw his candidature  
15 by delivering in person to the electoral officer a declaration in writing to  
16 that effect signed by him and duly attested by the signatures of any two  
17 voters who are qualified to vote in the constituency in which he was  
18 officially nominated.

19 (5) An electoral officer to whom a declaration is delivered in pur-  
20 suance of the foregoing subsection shall forthwith cause a copy of the  
21 declaration to be displayed, until the date of the election, at each place  
22 at which nomination papers may be delivered in connection with the  
23 election.

24 (6) Where a person's candidature is withdrawn pursuant to  
25 subsection (4) of this section or by reason of his death, then—

26 (a) in the case of withdrawal pursuant to the said subsection, one  
27 half of the deposit paid by such person shall be returned to him ; and

1 (b) in the case of the death of such person, the full deposit paid by  
2 him shall be returned to his personal representatives.

Publication  
of list of  
nominations.

3 33. The electoral officer shall in the name of the Commission  
4 prepare a statement setting out the full names of all persons standing  
5 nominated and of the persons nominating them and their respective  
6 addresses and occupations ; the statement shall be displayed at least 40  
7 days before the date appointed for the election at the place or places  
8 appointed for the delivery of nomination papers.

Death of a  
sponsored  
candidate.

9 34.—(1) If a nominated candidate who is sponsored by a political  
10 party is reported dead after expiry of the time for delivery of nomination  
11 papers but before the commencement of the poll, and satisfactory  
12 evidence of the death of the candidate is produced to the electoral officer,  
13 the electoral officer shall countermand the poll ; and the Commission,  
14 or the Chairman of the Commission if no quorum is available at the  
15 time shall, when notified by the electoral officer, appoint some other  
16 convenient date for the election.

17 (2) Notice of the new date fixed for the election of a candidate in  
18 the circumstance envisaged in subsection (1) of this section shall be  
19 given not more than 30 days from the death of the candidate whose  
20 death is the cause of fixing the new date or not less than 15 days from  
21 the date of the new election.

22 (3) In respect of the nomination of a candidate in replacement of  
23 the dead candidate, the provisions of sections 28 to 32 of this Act shall  
24 have effect but within such periods of time as may be specified by the  
25 Commission.

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



1 35. A poll shall take place in accordance with the provisions of When poll  
2 this Act with respect to the following, that is— required.

3 (a) in the case of an election to the office of President or Governor  
4 of a State, whether or not only one person is validly nominated in  
5 respect of each such office ;

6 (b) in the case of an election in respect of any other office, if after  
7 the expiry of the time for the delivery of nomination papers there  
8 is more than one person standing nominated.

9 36.—(1) If after the expiry of the time for delivery of nomination Uncontested  
10 papers there is only one person whose name is validly nominated in elections.  
11 respect of an election, other than to the office of President or Governor,  
12 that person shall be declared elected.

13 (2) Where a person is declared elected under the provisions of  
14 subsection (1) of this section, the writ shall be endorsed and returned  
15 and the result of the election shall be published as prescribed by this Act.

16 37.—(1) Where at the close of nomination there is no candidate Failure of  
17 validly nominated, the Commission shall as soon after the date of the nomination.  
18 election as may be convenient fix a date for another election.

19 (2) The Commission or the Chairman as the case may be shall  
20 inform the Clerk of the Legislative House concerned before any action  
21 is taken under this section.

22 38. In any election to the office of President or Governor (whether Ballot where  
23 or not contested) and in any contested election to any other elective election is  
24 office, the votes shall be given by ballot and the results shall be held.  
25 ascertained by counting the votes given to each candidate, and subject  
26 to the provisions of sections 125, 126 and 164 of the Constitution,  
27 the candidates to whom the majority of votes has been given shall be  
28 declared elected.

Establish-  
ment of pol-  
ling stations.

1       39.—(1) If an election is to take place, the Commission shall in  
2 its discretion, establish a sufficient number of polling stations in the  
3 constituency and shall allot voters in the constituency among such  
4 polling stations.

5       (2) Not more than 500 voters shall be required to vote at any one  
6 polling station unless the Commission or the Chairman of the Commission  
7 where no quorum is available at the time is satisfied that it is unnecessary  
8 or impracticable, as the case may be, to provide other polling stations.  
9 The name of any voter on the official list of voters for the constituency  
10 shall appear on one and one only, of the part of the list of voters allotted  
11 to various polling stations established in the constituency.

Ballot boxes.

12       40.—(1) Each ballot box shall be made of some durable material  
13 with a slit or narrow opening at the top so constructed that, while the  
14 poll is open, ballot papers may be introduced therein but cannot be  
15 withdrawn therefrom unless the ballot box is unsealed and opened.

16       (2) The ballot box shall be provided with a sealing plate, per-  
17 manently attached, to affix the special metal seals prescribed by the  
18 Commission for the use of returning officers and assistant returning  
19 officers.

Ballot papers.

20       41.—(1) Every ballot paper shall be a printed paper on which the  
21 symbol adopted by the candidate and duly registered as prescribed in  
22 section 83 shall be clearly set out and there shall be a blank space  
23 at the left side of the said symbol on which a thumb impression can  
24 conveniently be made and each such ballot paper shall have a serial number  
25 printed or stamped on the back and shall be attached to a counterfoil  
26 bearing the same serial number as printed or stamped on the back of the  
27 ballot paper.

1 (2) The ballot papers shall be bound or attached in books containing  
2 twenty, fifty or one hundred ballot papers, as may be most suitable for  
3 supplying to polling stations according to the number of voters in each.

4 42.—(1) Every candidate may by notice in writing signed by him  
5 and addressed to the electoral officer appoint two persons (in this Act  
6 referred to as “polling agents”) to attend at each polling station in the  
7 constituency for which he is a candidate ; and the notice shall set out  
8 the names and addresses of the polling agents and be given by candidates  
9 to the electoral officer not later than seven days before the date fixed  
10 for election.

Polling  
agents.

11 (2) Notwithstanding the requirement of subsection (1) of this  
12 section—

13 (a) an electoral officer, if satisfied, may permit not more than two  
14 polling agents claiming to be representatives of a candidate to attend  
15 a polling station in the interest of the candidate ; and

16 (b) a candidate shall not be precluded from doing any act or thing  
17 which he has appointed a polling agent to do on his behalf under this  
18 Act.

19 (3) Polling agents shall have such power as the Commission may  
20 allow for the purposes of this Act. Such polling agents shall be  
21 persons whose names appear on the register of voters for the Senatorial  
22 District or constituency, as the case may be, in respect of which they  
23 are appointed.

24 43. The Commission shall, not later than the sixth day before the  
25 day of the election, cause to be published, in such manner as it may think  
26 fit, a notice specifying the following matters, that is to say —

Notice of  
ballot.

27 (a) the day and hours fixed for the poll :

1 (b) the full names arranged in alphabetical order of surnames or  
2 last names and places of residence and occupations of the candidates  
3 remaining nominated, together with the symbols allotted to each  
4 candidate ;

5 (c) by way of indication, the persons entitled to vote ;

6 (d) the location of the polling station or polling stations.

Hours of  
polling.

7 44. The polling stations shall be open to voters at 7 o'clock in the  
8 forenoon of the day fixed for the poll, and unless interrupted under the  
9 provisions of this Act, shall close not later than 6 o'clock in the evening  
10 of that day.

Preparation  
of ballot  
boxes.

11 45.—(1) At the hour fixed for opening the poll, the presiding officer  
12 shall, in full view of the candidates or their agents or the voters repre-  
13 senting the candidates as are present, open the ballot box and ascertain  
14 that there are no ballot papers or other papers or material enclosed therein  
15 after which the ballot box shall—

16 (a) be locked and sealed with one of the special metal seals prescribed  
17 by the Commission for the use of the presiding officer ;

18 (b) then be placed on a table in full view of all present, and be  
19 maintained so placed until the close of poll.

20 (2) There shall be only one ballot box for all the candidates at any  
21 polling station.

Questions to  
be put to  
voters.

22 46. A poll clerk may, and if required by a candidate or a polling  
23 agent shall, at the time of his application for a vote but not afterwards,  
24 put to the voter the following questions—

25 (a) "What is your name and where do you live ?"

26 (b) "Have you already voted at the present election at this or any  
27 other polling station ?"

1        47. Every person intending to vote shall present himself to a presi-  
2        ding officer at the polling station in the constituency in which his name  
3        is registered as being entitled to vote. The presiding officer after satisfying  
4        himself that the name of the person intending to vote appears on the  
5        register of voters, and that such a person has not already voted shall—

Issue of  
ballot paper.

6        (a) if the voter produces his voter's registration card, mark the card  
7        in such a way as to indicate that it has been presented and used at the  
8        election :

9        Provided that a person who satisfies the presiding officer that his  
10       registration card has been destroyed or lost or otherwise misplaced may,  
11       at the discretion of the presiding officer, be allowed to vote ;

12       (b) issue the voter with a ballot paper and an envelope ;

13       (c) stamp the ballot paper with the official mark of the polling sta-  
14       tion ;

15       (d) sign his name on the back of the envelope.

16       48.—(1) A voter on receiving a ballot paper—

Manner of  
voting.

17       (a) proceeds forthwith to the voting compartment and there with  
18       ink provided in a pad and indelible to leave mark for a period of  
19       approximately ten hours, makes his thumb impression on the blank  
20       space on the ballot paper at the left of the symbol of the candidate  
21       for whom he intends to vote ;

22       (b) inserts the ballot paper in the envelope and seals the envelope ;

23       (c) comes out from the compartment, have his thumb inspected by  
24       the presiding officer to satisfy the presiding officer that he has made  
25       his mark on the paper and in the full view of the presiding officer and  
26       all others present—

27       (i) deposits the envelope containing his vote in the ballot box ;

28       (ii) have the space between a finger nail and the flesh of the finger  
29       marked with indelible ink.

30       A different finger should be marked for each election.

1 (2) Notwithstanding the foregoing provisions of this section or  
2 of any other section of this Part of this Act relating to the manner of  
3 voting, the Commission may, by regulations made in that behalf,  
4 make arrangements in respect of any election for the recording of  
5 votes by mechanical, electrical, electronic or by any other means  
6 other than by the issue of ballot papers to voters, and the provisions of  
7 this Act relating to the manner of voting shall apply with such modifica-  
8 tions as may be necessary to bring them into conformity with the intend-  
9 ment of this subsection.

Plural voting  
prohibited,

10 49. No voter shall vote for more candidates than one or record more  
11 than one vote in favour of any candidate at any one election.

Ballot paper  
not to be  
marked by  
voter for  
identification.

12 50. A voter shall not place on the ballot paper any writing or  
13 mark by which he may be identified so however that any print resulting  
14 from the staining of the thumb of the voter in the voting compartment  
15 shall not be or be deemed to be a mark of identification under this  
16 section.

Accidental  
destruction  
or marking  
of ballot  
papers.

17 51. A voter who by accident deals with his ballot paper in such  
18 a manner that it may not be conveniently used as a ballot paper, may  
19 deliver it to the presiding officer and if the presiding officer is satisfied that  
20 the ballot paper was spoilt by accident he may issue another ballot  
21 paper to the voter in place of the ballot paper delivered up, and the spoilt  
22 ballot paper shall be immediately marked as cancelled by the presiding  
23 officer.

Blind and  
incapacitated  
voters.

24 52. A voter who is blind or is otherwise unable to distinguish  
25 symbols or who suffers any other physical disability may be accompanied  
26 into the polling station by a friend or relative chosen by him and the friend  
27 or relative shall, after informing the presiding officer of the disability  
28 be permitted to accompany the voter into the voting compartment and



1 assist the voter to make his left thumb mark on the left side of the symbol  
2 nominated by the voter, to insert the ballot paper in the envelope and to  
3 seal the envelope. A voter who has lost his left thumb may be allowed  
4 to use his right thumb, finger, or any other limb to make a mark on the  
5 left side of the ballot paper.

6 53. No voter shall record his vote otherwise than by personally  
7 attending at the polling station and recording his vote in the manner  
8 prescribed by this Act.

Personal  
attendance.

9 54. Except as permitted under this Act, no person shall be per-  
10 mitted to vote at any polling station other than the one to which he is  
11 allotted.

Voting at  
appropriate  
polling  
stations.

12 55.—(1) Where election officers and police officers are appointed  
13 for duty elsewhere than at the station at which they are entitled to vote  
14 and it is not possible to release such officers to vote during the day for  
15 the polling, and polling stations are within the same constituency, the  
16 presiding officer at the polling station where an election officer or police  
17 officer is on duty shall issue a certificate of polling duties in the Form  
18 EC. 6 in the Schedule to this Act. On presentation of the Form to the  
19 presiding officer in-charge of the polling station where the officer is  
20 registered as being entitled to vote, the last mentioned presiding officer  
21 may issue in exchange a certified extract in the Form EC. 7 in the  
22 Schedule to this Act of the register of voters or the part thereof in his  
23 custody.

Use of certi-  
fied extract  
of register in  
special cases.

24 (2) If a presiding officer issues a certified extract of the register of  
25 voters he shall mark the register of voters or the part thereof in his  
26 custody with some appropriate mark and proceed as though the officer

1 concerned had cast his vote ; and the presiding officer shall retain the  
2 certificate of polling duties delivered to him and deal with it in the  
3 manner prescribed in this Part of this Act for dealing with election  
4 papers at close of poll.

5 (3) If a presiding officer receives a certified extract of the register of  
6 voters from another polling station, he shall treat the particulars in the  
7 certified extract as an addition to the register of voters or part thereof  
8 in his custody ; and the procedure prescribed for the day of election by  
9 this Part of this Act shall have effect so as to enable any officer on duty in  
10 the polling station who is named in the certified extract, to vote at that  
11 polling station. The presiding officer shall retain the certified extract  
12 and deal with it in the manner prescribed by this Part of this Act for  
13 dealing with election papers at the close of poll.

Personation  
in polling  
station.

14 56.—(1) If at the time a person applies for a ballot paper, and after  
15 he has applied and before he leaves the polling station, a polling agent  
16 informs the presiding officer that he has reasonable cause to believe that  
17 the applicant for the ballot paper is not the person named in the register  
18 of voters, and the polling agent undertakes to substantiate a charge of  
19 personation in a court of law, the presiding officer may in writing under  
20 his hand order a police officer to arrest such person ; and the order of the  
21 presiding officer shall be sufficient for the arrest.

22 (2) Any applicant for a ballot paper affected by subsection (1) of  
23 this section shall not be prevented from voting if he denies the charge or  
24 is not informed of it ; but the presiding officer shall cause the words  
25 "protested against for personation" to be placed against the name of the

1 applicant in the marked copy of the register of voters and record this  
2 on the counterfoil of the ballot paper. If any such person admits to the  
3 presiding officer that he is not the person he holds himself out to be, he  
4 shall not be permitted to vote ; and if he has already voted, the presiding  
5 officer shall note the number of the ballot paper delivered to such person,  
6 and upon count being taken that ballot paper shall be invalid.

7 (3) Any person arrested under this section shall be deemed to be a  
8 person taken into custody by a police officer for an offence in respect of  
9 which he may be arrested without a warrant.

10 57.—(1) If a person claiming to be entitled to vote applies for a  
11 ballot paper after some other person has voted in the name given by the  
12 claimant he shall, upon satisfactory answers given to any questions put  
13 to him by a poll clerk be entitled to receive a ballot paper in the same  
14 manner as any other voter ; but the ballot paper (in this Act referred to  
15 as "the tendered ballot paper") shall be of a colour different from the  
16 ordinary ballot papers. The presiding officer shall require the voter to  
17 deliver the tendered ballot paper to him instead of allowing it to be put  
18 in the ballot box, and the presiding officer shall endorse on it the name  
19 of the voter and his number in the register of voters. The ballot paper  
20 shall on delivery to the presiding officer and in view of all present be set  
21 aside by the presiding officer in a packet intended for tendered votes. No  
22 tendered ballot paper shall be counted by the returning officer.

Tendered  
ballot papers.

23 (2) The presiding officer shall, when he tenders a ballot paper under  
24 this section, enter the name of the voter and his number in the register of  
25 voters on the list to be called tendered vote list ; and the tendered vote  
26 list shall be produced in any legal proceedings arising out of the election.

27 58.—(1) The presiding officer shall regulate the admission of voters to  
28 the polling station and shall exclude all persons other than the candidates,  
29 polling agents, poll clerks and persons lawfully entitled to be admitted,

Power  
exclude  
unauthorised  
persons, etc.

1 and the presiding officer shall keep order and comply with the require-  
2 ments of this Act at the polling station.

3 (2) In the exercise of his powers under this section the presiding  
4 officer may utilise the services of a police officer or officers available.

Misconduct,  
etc., at  
polling  
station.

5 59.—(1) If a person misconducts himself at a polling station, or fails  
6 to obey any lawful order of the presiding officer, the presiding officer may  
7 order the removal from the polling station of the person so misconducting  
8 himself or failing to obey a lawful order ; and such person may be dealt  
9 with as for an offence for which he may be arrested without warrant and  
10 may be removed accordingly.

11 (2) No person so removed shall without the permission of the  
12 presiding officer again enter the polling station during the day of the  
13 election ; but nothing in this section shall be construed so as to prohibit  
14 a voter from recording his vote.

Interruption  
of election—

15 60.—(1) If the proceedings at any polling station are interrupted or  
16 obstructed by riot or open violence, the presiding officer may adjourn the  
17 proceedings until later in the day or until the following day ; and, after  
18 taking such precautions as are necessary to safeguard the ballot box and  
19 ballot papers and other election requisites, shall thereupon notify the  
20 electoral officer of the fact and the electoral officer shall inform the  
21 Commission.

22 (2) When the poll is adjourned at any polling station, the hours of  
23 polling on the day to which it is adjourned shall be the same as the  
24 original day ; and any reference in this Part of this Act to the closing  
25 of the poll shall be construed accordingly.

Closing  
poll.

26 61.—(1) When it is time for the closing of the poll the presiding  
27 officer shall not allow into the polling station any person other than those  
28 already inside and those in the immediate vicinity waiting to enter and  
29 vote.

1 (2) No voter having thereafter recorded his vote shall be permitted  
2 to remain in the polling station unless otherwise authorised under this  
3 Act.

4 62.—(1) Immediately after the close of the poll the presiding  
5 officer in the presence of the poll clerk and such candidates or their  
6 agents as are present, shall make up into separate packets to be sealed  
7 with his own seal and marked for identification—

Ballot boxes  
and papers at  
close of poll.

8 (a) the ballot box in use at the polling station unopened and sealed  
9 so as to prevent the introduction of additional ballot papers ;

10 (b) the marked copies of the register of voters together with any  
11 certified extracts of the register which he has received from any other  
12 presiding officers under this Part of this Act ;

13 (c) the counterfoils of used ballot papers ;

14 (d) the tendered ballot papers ;

15 (e) the tendered vote list ;

16 (f) the unused and spoilt ballot papers placed together ;

17 (g) the statement of the ballot papers which were noted as invalid ;

18 (h) any certificates of polling officers' duties he has received from  
19 other presiding officers under this Part of this Act,

20 and when so made up and sealed the presiding officer shall deliver  
21 the packets to the returning officer.

22 (2) Any ballot papers which are left in the voting compartment and  
23 not inserted in a ballot box shall be cancelled by the presiding officer and  
24 shall be sealed up separately and be delivered by him to the returning  
25 officer.

26 (3) The presiding officer shall at the same time prepare a statement  
27 (in this section called "the ballot papers account") to accompany the  
28 packets stating—

29 (a) the number of ballot papers entrusted to him ;

1 (b) the number of spoilt ballot papers ;

2 (c) the number of unused ballot papers ;

3 (d) the number of tendered ballot papers ;

4 (e) the number of persons marked on the register of voters  
5 (including any additions deemed to be made thereto in accordance with  
6 this Part of this Act) as having been issued with ballot papers.

7 (4) A candidate or his polling agent may at any time after the making  
8 up of the ballot papers account and before sealing for delivery verify  
9 the ballot papers account ; and if he verifies that account, the candidate  
10 or his polling agent, as the case may be, shall sign his name on the ballot  
11 papers account.

Counting  
agents.

12 63.—(1) Each candidate may appoint such number of persons  
13 (in this Act called "counting agents") as the returning officer may  
14 approve ; and so far as practicable the number of counting agents approved  
15 shall be sufficient to allow each candidate to be represented by a counting  
16 agent at any place and time at which any part of the counting of votes  
17 is taking place. Such counting agents shall be persons whose names  
18 appear on the register of voters for the Senatorial District or Consti-  
19 tuency, as the case may be, in respect of which they are appointed.

20 (2) Notice in writing of the appointment stating the names and  
21 addresses of the counting agents shall be given by the candidate to the  
22 returning officers not later than one day before the election ; and if the  
23 notice has not been given, the returning officer may refuse to admit to  
24 the place where votes are counted any person claiming to be a count-  
25 ing agent.

26 (3) If a counting agent dies, or becomes incapable of acting as a  
27 counting agent, a candidate may appoint another counting agent in his  
28 place, and the candidate shall immediately give notice in writing to the



1 returning officer of the name and address of the counting agent so  
2 appointed.

3 64.—(1) The returning officer shall make arrangements for counting  
4 the votes at such place as the Commission may direct, and the counting  
5 shall as soon as practicable after the termination of the voting take place  
6 in the presence of any candidates or counting agents who wish to be  
7 present ; and when commenced the counting of the votes shall proceed  
8 continuously until it is completed, but subject to the allowance of a  
9 reasonable time for refreshment.

Counting of  
votes.

10 (2) The returning officer may if he thinks fit authorise any of his  
11 assistants to supervise the counting of the votes and certify the same ;  
12 but nothing in this subsection shall authorise the appointment of any  
13 candidate or counting agent as supervisor.

14 (3) The returning officer shall have sole charge of the counting and  
15 no person other than the Federal Electoral Commissioners, electoral  
16 officers, the returning officer, his assistants, the candidates and their  
17 counting agents may, without the consent of the returning officer, be  
18 present at the counting of the votes.

19 (4) In the case of an election to the office of the President and Vice-  
20 President or the Governor and Deputy Governor of a State—

21 (a) the rights conferred on a candidate under this section shall be  
22 exercisable by the candidate for the office of the President or of the  
23 Governor as the case may be ;

24 (b) the counting shall take place in such places as the Commission  
25 shall appoint ;

26 (c) the Commission shall appoint such number of persons as it may  
27 consider necessary as deputy returning officers to supervise the  
28 counting in such places ; and

Method of  
counting.

1 (d) subject to the direction and supervision of the returning officer,  
2 a deputy returning officer shall have all the powers, functions and  
3 duties vested in or imposed upon a returning officer under this  
4 Act other than the power conferred on a returning officer by section 69.

5 65.--(1) The returning officer shall in the presence of any candidate  
6 or counting agents who are there, open the ballot box brought from  
7 each polling station in the constituency, thereafter, he shall open the  
8 envelopes contained in the box one by one and count the votes cast for  
9 each candidate according to the left thumb mark made on the left side of  
10 his symbol on each of the ballot papers. The ballot papers shall be kept  
11 face upwards while being counted and when boxes from all the polling  
12 stations in the constituency have been opened and counting completed  
13 the returning officer shall record on Form EC. 8 in the Schedule to this  
14 Act the total votes cast in favour of each candidate.

15 (2) In counting the votes the returning officer shall reject any  
16 envelope which on being opened contains more than one ballot paper  
17 and shall reject any ballot paper —

18 (a) found in an unsigned envelope ;

19 (b) which does not bear the mark of the polling station or which is  
20 marked so as to identify the voter ;

21 (c) which has not been thumb-marked for any candidate ;

22 (d) which has been thumb-marked for more than one candidate.

23 The returning officer shall endorse his rejection on such ballot papers.

24 If a counting agent objects to the rejection, the returning officer shall  
25 add the words "rejection objected to" on the ballot paper, but the  
26 count by the returning officer shall proceed as if objection had not been  
27 taken by the counting agent.

1 (3) Nothing in this Act shall invalidate a ballot paper which is  
2 thumb-marked directly on the symbol of a candidate instead of the  
3 space provided for thumb marks so long as it is clear for which candidate  
4 the vote was cast.

5 (4) The decision of the returning officer on any question arising in  
6 respect of a ballot paper shall be subject to review only in proceedings  
7 before a court of law by way of election petition instituted in accordance  
8 with the provisions of this Act.

9 66. The returning officer shall when counting is completed pre-  
10 pare a statement showing the number of ballot papers rejected, and shall  
11 on request allow any counting agent to copy the statement, but no can-  
12 didate or counting agent shall interrupt the count so as to record the  
13 number of any ballot paper whether rejected or not which he sees during  
14 the counting.

Statement  
of rejected  
papers.

15 67. The sealed packet of tendered ballot papers, the sealed packet  
16 containing the marked copy of the register of voters and the second  
17 packet containing the counterfoils of used ballot papers, shall not at any  
18 time be opened by the returning officer ; and when the counting of the  
19 votes is completed he shall seal up in separate packets the counted and  
20 rejected ballot papers. In the presence of any counting agents who wish  
21 to be present, the returning officer shall then verify the ballot paper  
22 account given him by the presiding officer by comparing it with the total  
23 number of ballot papers delivered to him. When verified the returning  
24 officer shall prepare a statement of the result and after allowing any  
25 counting agent wishing to do so to copy the statement, the returning  
26 officer shall seal the packets containing the unused, spoilt and invalid  
27 ballot papers and shall pack and seal those papers which he has rejected.

Dealing with  
ballot papers  
by returning  
officer.

Recount.

1       68. A candidate or his counting agent may, if present when counting  
2 is completed, require the returning officer to make a recount, and if the  
3 returning officer considers the request to be reasonable, he shall make the  
4 recount ; but no further count shall thereafter be made except at the  
5 direction of a court of law on an election petition under this Act.

Decision  
by lot.

6       69. When an equality of votes is found to exist between any can-  
7 didates so that the addition of a vote would entitle any one of the can-  
8 didates to be declared elected, the returning officer shall forthwith  
9 decide between those candidates by lot, and shall proceed as if the can-  
10 didate on whom the lot falls had received one additional vote; and the  
11 returning officer shall thereupon declare such candidate to be the person  
12 elected.

Declaration  
of results.

13       70. After counting the votes and ascertaining the result of the polls  
14 the returning officer shall —  
15       (a) complete the certificate of return in Form EC. 8 in the Schedule  
16 to this Act ;  
17       (b) declare the result of the poll by reading the completed certificate  
18 of return aloud in the place of counting ; and  
19       (c) cause to be delivered to the Commission the original of the  
20 certificate of return.

Return of  
writ and  
declaration  
of results.

21       71. The Commission shall publish in such place as it thinks fit a  
22 notice of the result of the election ; and shall cause the name of the  
23 successful candidate to be endorsed on the writ and shall return the writ  
24 to the Clerk of the National Assembly or the Clerk of the State  
25 Assembly or appropriate authority, as the case may be, who shall  
26 thereupon publish the result in the Federal or State *Gazette*.

Safe custody  
of results.

27       72.—(1) The returning officer shall deliver all documents relating  
28 to the conduct of the election to the Commission who shall be responsible  
29 for their safe custody.

1     (2) The Commission shall retain for a period of six months all  
2 the documents relating to an election forwarded to it as required under  
3 subsection (1) of this section ; and unless otherwise ordered by a court  
4 of law or notified of legal proceedings in respect of such election, it  
5 shall at the end of that period cause the documents to be destroyed.

6     (3) Documents in the custody of the Commission shall not be  
7 available for any purpose except as required under an order for inspec-  
8 tion made by a court of law on an election petition.

9     (4) In this section "documents" include any completed form pre-  
10 scribed under this Act.

11     73. The Commission shall—

12     (a) immediately after each general election, cause to be printed a  
13 report giving, by constituencies, the number of votes polled for each  
14 candidate, the number of rejected ballot papers and the number of  
15 names on the list of voters together with any other information that  
16 it may deem fit to include ; and

17     (b) at the end of each year, cause to be printed a similar report on  
18 the by-elections held during the year.

19     PART III—POLITICAL PARTIES AND INDEPENDENT CANDIDATES

20     74. In this Part of this Act, unless the context otherwise requires—

21     "association" means any body of persons (corporate or unincor-  
22 porate) who agree to act together for any common purpose and  
23 includes an association formed for any ethnic, social, cultural,  
24 occupational or religious purpose ;

25     "independent candidate" means any citizen of Nigeria qualified to  
26 stand for and seeking election to the office of the President or Vice-  
27 President, Governor or Deputy Governor, or membership of a

Report by  
the Federal  
Electoral  
Commission.

Interpreta-  
tion.

1 Legislative House and who is not sponsored by a political party for  
2 election into any of the aforementioned offices ;

3 "political party" includes any association of persons whose activities  
4 include canvassing for votes in support of a candidate for election to the  
5 office of President or Vice-President, Governor or Deputy Governor  
6 or membership of a Legislative House or of a Local Government  
7 Council.

Prohibition  
of political  
activities  
by associa-  
tions.

8 75.—(1) No association other than a political party shall canvass  
9 for votes for any candidate at an election or contribute to the funds of  
10 any political party or the election expenses of any candidate at an  
11 election. This is without prejudice to the right of an independent candi-  
12 date to canvass for votes on his own behalf for election to any of the  
13 offices mentioned in the Constitution.

14 (2) Any association which contravenes the provisions of this  
15 section shall be guilty of an offence and the leaders shall be severally  
16 liable on conviction to a fine of N5,000.

17 (3) The reference in subsection (2) of this section to the leaders  
18 of an association is a reference to every person holding an official position  
19 in that association including in particular any president, chairman,  
20 secretary or treasurer thereof and every member of its committee of  
21 management however described.

Restriction  
on formation  
of political  
parties.

22 76.—(1) No association by whatever name called shall function as  
23 a political party unless it is registered as a political party by the  
24 Commission and—

25 (a) the names and addresses of its national officers are registered  
26 with the Commission ;

27 (b) its membership is open to every Nigerian citizen irrespective of  
28 his place of origin, ethnic group or sex ;



1 and an association which is desirous of being registered as a political  
2 party by the Commission shall only be considered as being open to  
3 every Nigerian citizen as provided in paragraph (b) of subsection (1) of  
4 this section if —

5 (i) the Commission is satisfied that it has a properly established  
6 branch in each of at least two-thirds of the States in the Federation  
7 and that officers have been duly elected or, as the case may be, duly  
8 appointed to run the affairs of each such branch office ; and

9 (ii) its organization in the Local Government Council areas in those  
10 States are such that it will, in the opinion of the Commission, be  
11 able to present its programme effectively to the electorate ;

12 (d) a copy of its constitution is registered in the principal office of the  
13 Commission in such form as may be prescribed by the Commission ;

14 (e) any alteration in its registered constitution is also registered in  
15 the principal office of the Commission within thirty days of the making  
16 of such alteration ;

17 (f) its name, emblem, or motto has no ethnic or religious connota-  
18 tion and does not give the appearance that the association's activities  
19 are confined to a part only of the geographical area of Nigeria ;

20 (g) its headquarters is situated in the Federal Capital.

21 (2) Any association which through the submission of false or  
22 misleading information pursuant to the provisions of this section  
23 procures a certificate of registration shall have such certificate can-  
24 celled by the Commission.

25 77.—(1) The programme as well as the aims and objects of a  
26 political party shall conform with the relevant provisions of Chapter II  
27 of the Constitution.

Programme  
and objec-  
tives of  
political  
parties.

(2) Nothing in the provisions of this section shall be construed as prohibiting a political party from advocating or canvassing for an alteration in the provisions of any part of the Constitution including Chapter II thereof.

Application  
for registra-  
tion as a  
political  
party.

78.—(1) For the purposes of this Act, an application by an association for registration as a political party shall be in Form PP. 1 in the Schedule to this Act and be accompanied by the following documents, that is—

(a) ten printed copies or such number as the Commission may require of the current Constitution in force relative to the association ; and

(b) ten printed copies or such number as the Commission may require of the association's programme and its aims and objects; and

(c) evidence of payment of a registration fee of ₦1,000.

(2) Every application shall be addressed to the Executive Secretary of the Commission at the principal office of the Commission.

Registration  
of political  
party.

79.—(1) Where the Commission is satisfied that an association has fulfilled all the conditions as prescribed by this Act, the Commission shall register such association as a political party by issuing it with a certificate of registration as in Form PP. 2 in the Schedule to this Act and notice of the registration shall be published in the *Gazette* and in such other manner as the Commission may deem fit.

(2) If the Commission is of the opinion that an association has not fulfilled all the conditions as aforementioned, it shall refuse to register such association as a political party and shall state in writing the grounds for such refusal and notify the association in writing accordingly.

(3) Any political party which after having been duly registered upon satisfying the Commission that its constitution and rules are in

1 accordance with section 203 of the Constitution subsequently contravenes  
2 the provisions of that section shall have its registration certificate can-  
3 celled by the Commission and shall thereupon cease to function as a  
4 political party.

5 (4) Every political party registered under this Act shall be a body  
6 corporate and shall have perpetual succession and may sue and be sued  
7 in its corporate name.

8 80. Every political party shall apply every year to the Commission Renewal.  
9 for a renewal of its certificate of registration on payment of ₦100.  
10 Every political party which fails to apply for renewal on or before 31st  
11 December each year may have its certificate of registration withdrawn  
12 by the Commission.

13 81.—(1) Every political party which contravenes any provision of Withdrawal  
of certi-  
cate of regi-  
stration.  
14 this Act shall be liable to have its certificate withdrawn by the Commis-  
15 sion.

16 (2) Where a political party has its certificate of registration with-  
17 drawn under subsection (1) of this section, no person shall—

18 (a) summon a meeting of members or officers of the political party;

19 (b) attend or cause any person to attend any meeting in the capacity  
20 of a member or officer of the political party ;

21 (c) publish any notice or advertisement relating to any such meeting;

22 (d) invite persons to support the political party ;

23 (e) make any contribution or loan to funds held or to be held by or  
24 for the benefit of the political party or accept any such contribution  
25 or loan; or give any guarantee in respect of such funds as aforesaid.

26 (3) Any person who contravenes the provision of subsection (2)  
27 of this section shall be liable on conviction to a fine of ₦1,000 or six  
28 months imprisonment or to both such fine and imprisonment.

Symbols

1        82.—(1) There shall be a register of symbols kept by the Commis-  
2        sion for use at elections.

3        (2) The leader of a political party or an independent candidate  
4        may apply to the Commission for entry in the register of symbols  
5        of a symbol to be used by his political party or, as the case may be,  
6        of such independent candidate at the elections.

7        (3) The Commission shall register the symbol of a political party  
8        upon payment of the prescribed fee if it is satisfied—

9        (a) that no other symbol of the same design is registered ;

10       (b) that the symbol is distinctive from any other symbol already  
11       registered ; and

12       (c) that its use will not be offensive or otherwise objectionable  
13       howsoever.

14       (4) The Commission shall without the refund of any fee remove a  
15       symbol from the register of symbols or withdraw a symbol from an  
16       independent candidate if—

17       (a) a political party in whose name it is registered requests the  
18       removal ; or

19       (b) the Commission is of the opinion that the political party in  
20       whose name the symbol is registered has ceased to exist or to use the  
21       symbol ; or

22       (c) in the case of an independent candidate, the Commission is  
23       of the opinion that he no longer requires it or at the end of the election  
24       in respect of which it was issued to him.

25       (5) The fee for registration of a symbol shall be ₦50 and the  
26       fee shall be paid into the Consolidated Revenue Fund of the Federation.

27       (6) Nothing in this section shall authorise the allotment or registra-  
28       tion for use at any election of a symbol or material part of a symbol, if  
29       it portrays —

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

(b) the Coat of Arms of any other country ;  
(c) any device or emblem which in the opinion of the Commission is normally associated with —

(i) the official acts of Government, or

(ii) any of the armed forces of the Federation or the Nigeria Police Force or other uniformed service ; or

(iii) the regalia of a chief ; or

(iv) any tribe or ethnic group ; or

(v) any religion or cult ;

(d) any representation of a person living or dead ;

(e) any symbol or part of a symbol which under the provisions of this section continues to be registered by another political party or an independent candidate.

(7) Subject to the foregoing provisions of this section, the symbol allotted to a political party and in use immediately before the coming into force of this Part of this Act shall continue to be available to and be used by that political party without payment of the fee mentioned in subsection (2) of this section.

83.—(1) 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.

Allocation  
of symbols.

(2) Where there is doubt as to whether a candidate is sponsored by a political party the Commission shall resolve same by consulting the leader of the political party concerned.

(3) If no quorum of the Commission is available at the time, the power conferred by subsection (2) of this section may be exercised by the Chairman.

84.—(1) Every registered political party shall, not later than 30 days from the date of its registration, submit to the Commission a statement of its assets and liabilities as at the date of its registration.

Finances  
of political  
parties.

(2) Every such statement shall be signed by both the party leader and treasurer and shall be accompanied by an affidavit as to whether or not the party holds or possesses any funds or assets outside Nigeria.

(3) No alien and no company, firm or business enterprise not wholly owned by citizens of Nigeria shall directly or indirectly make any contribution or loan (whether in cash or kind) to funds held or to be held by or for the benefit of any political party and no political party or person whatsoever shall demand, obtain or accept any such contribution or loan from any alien or from any company, firm or business enterprise not wholly owned by citizens of Nigeria.

(4) Every political party shall submit to the Commission a detailed annual statement and analysis of its sources of funds and other assets together with a similar statement of its expenditure in such form as the Commission may require.

(5) No political party shall hold or possess any funds or other assets outside Nigeria nor shall it be entitled to retain any funds or assets remitted or sent to it from outside Nigeria, and any such funds or other assets remitted or sent to a political party from outside Nigeria shall be paid over or transferred to the Commission within 21 days of its receipt with such information as the Commission may require.

(6) The Commission shall have power to give directions to political parties regarding the books or records of financial transactions which they shall keep and to examine all such books and records.

(7) The powers conferred on the Commission under subsection (4) of this section may be exercised by it through any member of its staff or any person who is an auditor by profession, and who is not a member of a political party.



35. The statement referred to in section 84 of this Act shall be in respect of the period 1st January to 31st December in each year, so however that in the year in which this Act comes into the operation, it shall be for the period beginning with the registration or renewal of registration of such party and ending on the following 31st December.

Period to be covered by annual statement required by Act.

86.—(1) Notwithstanding any other provision of this Part of this Act, the statement relating to the election expenses of a political party as prescribed in section 91 of this Act shall be submitted to the Commission in a separate audited account as in Form PP.3 in the Schedule to this Act not later than 90 days from the date of the election.

Statement as to election expenses.

(2) For the purpose of determining election expenses referred to in section 91 of this Act, but without prejudice to its generality, the following shall be taken into consideration, that is to say—

(a) all amounts expended by the party for each and every candidate sponsored by it ;

(b) all the amounts paid out by the party for any services whatsoever connected with or pertaining to the election ;

(c) all liabilities incurred and not paid for by the party in connection with or pertaining to the election ;

(d) the open market value of all goods donated and services rendered, other than volunteer labour by registered members of the party;

(e) hiring expenses of halls and other meetings venues ;

(f) the cost of advertisements of all types in connection with or pertaining to the election including advertisements by means of radio and television broadcasting, cinematograph, newspaper, handbills and posters and in any other form whatsoever.

87. Every statement of assets and liabilities required to be published by a political party pursuant to section 84 of this Act shall be published by the political party concerned and at its own expense in the

Publication of statement of assets and liabilities.

Restriction  
on member-  
ship of  
political  
parties.

1 *Gazette* and in at least three newspapers having wide circulation in the  
2 Federation.

3 88.—(1) No person who is below the age of 18 years shall be a  
4 member of any political party.

5 (2) No political party shall enrol or have on its membership roll,  
6 either directly or by the establishment of a youth wing, any person under  
7 the age of 18 years.

8 (3) No alien shall be eligible to hold office in, or be a founding,  
9 ordinary or other member of a political party.

10 (4) The relevant provisions of sections 84 to 88 of this Act shall  
11 apply *mutatis mutandis* to an independent candidate as if references to  
12 a political party were references to an independent candidate and refer-  
13 ences to date of registration of a political party shall be construed to mean  
14 the date that the application of an independent candidate to stand for  
15 an election was approved by the Commission.

16 (5) An independent candidate who contravenes any of the relevant  
17 provisions of sections 84 to 88 of this Act shall be guilty of an offence and  
18 liable on conviction to a fine of ₦1,000 or to imprisonment for a term  
19 of six months or to both such fine and imprisonment.

20 (6) Any political party which contravenes the provisions of sub-  
21 section (2) of this section shall be guilty of an offence and liable on con-  
22 viction to a fine of ₦5,000 for the first offence and to a fine of  
23 ₦10,000 for a second or any subsequent offence.

Annual  
report on  
finances of  
political  
parties.

24 89.—(1) The Commission shall in every year prepare and sub-  
25 mit to the National Assembly a report on the accounts and balance  
26 sheet of every political party.

27 (2) It shall be the duty of the Commission in preparing its report  
28 under this section to carry out such investigations as will enable it to

1 form an opinion as to whether proper books of accounts and proper  
2 records have been kept by any political party; and if the Commission  
3 is of the opinion that proper books of accounts have not been kept by  
4 a political party, the Commission shall so report.

5 (3) Every member of the Commission or any person duly authorised  
6 by the Commission shall have a right of access at all times to the books  
7 and accounts and vouchers of all political parties and shall be entitled  
8 to require from the officers of the party such information and explana-  
9 tions as he thinks necessary for the performance of his duties under this  
10 Act ; and if the Commission or any member thereof fails to obtain all the  
11 information and explanations which, to the best of its or his knowledge  
12 and belief, are necessary for the purpose of any such investigation, the  
13 Commission or member concerned shall state that fact in the report and  
14 in addition the Commission may withhold payment of the annual  
15 grant and any other moneys due to any such political party until it  
16 complies.

17 90.—(1) The Commission may approve a grant for disbursement  
18 to political parties that will contest any general elections and the total  
19 block grant to be made available by the Commission for this purpose  
20 shall be the sum arrived at by multiplying ten kobo by the total number  
21 of names appearing in the final list of voters in all the Federal con-  
22 stituencies in the Federation.

Grants to  
political  
parties.

23 (2) The Commission shall disburse the block grant to the registered  
24 political parties as follows —

25 (a) fifty per cent of the block grant shall be shared equally among  
26 all the political parties that have candidates for elections in not less  
27 than 20 per cent of the constituencies for the particular election at the  
28 commencement of campaigns for votes ;

1 (b) the remaining fifty per cent of the block grant shall be shared  
2 among the political parties, after the results of the election have been  
3 known in the proportion of the number of seats won by each party in  
4 the Senate and the House of Representatives, that is to say, a political  
5 party which secures ten per cent, fifty-five per cent or eighty per cent  
6 of the seats draws ten per cent, fifty-five per cent or eighty per cent  
7 of the remaining grant, as the case may be.

8 (3) The Commission shall in each financial year approve a grant  
9 for disbursement to political parties, not being less than one-half of the  
10 sum arrived at in accordance with calculations made pursuant to sub-  
11 section (1) of this section :

12 Provided that no such grant shall be made in any year where a  
13 grant is payable to political parties pursuant to subsection (1) of this  
14 section.

15 (4) The Commission shall disburse the block grant mentioned in  
16 subsection (3) of this section as follows—

17 (a) to existing political parties, after making allowance (if circum-  
18 stances so require) for the sums mentioned in paragraph (b) below, in  
19 proportion to the number of seats won by each party and still held by  
20 it, immediately before the beginning of the financial year concerned  
21 in the Senate and the House of Representatives as illustrated in  
22 paragraph (b) of subsection (2) of this section ; and

23 (b) to each and every political party registered in-between elections,  
24 one-half of the least sum receivable by an existing political party under  
25 paragraph (a) above, so however that where such a party wins seats  
26 in the National Assembly following by-elections the Commission

1 may choose which of either, but not both, formulae should be appli-  
2 cable in the case of the party concerned, whichever is more favourable  
3 to such party.

Election  
expenses of  
political  
parties.

4 91.—(1) For the purposes of an election, "election expenses"  
5 means expenses incurred by a political party within the period from the  
6 date notice is given by the Commission to conduct an election up to  
7 and including the polling day in respect of the particular election.

8 (2) Election expenses incurred by a political party for the manage-  
9 ment or the conduct of an election shall not exceed in the aggregate the  
10 sum determined by multiplying twenty kobo by the number of names  
11 appearing in the final voters' list for each constituency where there is a  
12 candidate sponsored by the political party.

13 (3) In the case of an independent candidate, the election expenses  
14 incurred by him for the management and conduct of an election shall  
15 not exceed in the aggregate the sum determined by multiplying five  
16 kobo by the number of names appearing in the final voters list for his  
17 constituency.

18 (4) Election expenses of a political party shall be submitted to the  
19 Commission in a separate audited return within three months after  
20 polling day. The return shall be signed by the party's auditor and  
21 counter-signed by the party leader and shall be supported by a sworn  
22 affidavit as to the correctness of its contents. The Commission may  
23 cause the return so submitted to be published.

24 (5) The return referred to in subsection (4) of this section shall  
25 show the amount of money expended by or on behalf of the party on  
26 election expenses, the items of expenditure and commercial value of  
27 goods and services received for election purposes.

28 (6) Any political party which incurs election expenses beyond the  
29 limit stipulated is guilty of an offence and shall be liable on conviction

1 to a fine of ₦10,000 payable jointly by the party leader and the party  
2 treasurer.

3 (7) Any political party which fails to submit to the Commission the  
4 audited return of election expenses as required in subsection (4) of this  
5 section or contravenes any provision of that subsection shall be guilty  
6 of an offence and shall be liable on conviction to a fine of ₦10,000  
7 payable jointly by the party leader and the party treasurer.

8 (8) The provisions of subsections (4), (5), (6) and (7) of this section  
9 shall apply *mutatis mutandis* to an independent candidate but for refer-  
10 ences to a fine of ₦10,000 in subsections (6) and (7) there shall be sub-  
11 stituted the sum of ₦3,000.

#### 12 PART IV—ELECTORAL OFFENCES

13 92. Any person who—

14 (a) without proper authority, destroys, mutilates, defaces or  
15 removes or makes any alteration in any notice or document required  
16 for the purpose of registration under this Act; or

17 (b) knowingly gives false information or makes a false statement  
18 with reference to any application for registration of his name or with  
19 reference to any objection to the retention of the name of a person  
20 on the register of voters; or

21 (c) procures himself to be or does any act whereby he is by what  
22 name or description so ever, included in the register of voters for more  
23 than one constituency or more than once in the register of voters for  
24 a constituency in which he is entitled to be registered; or

25 (d) publishes any statement, rumour or report which he knows to  
26 be false or does not believe to be true so as to prevent persons who are  
27 qualified to register from registering as voters; or

Offences in  
relation to  
registration,  
etc.



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

(f) impedes or obstructs a registration officer or a revising officer in the performance of his duties ; or

(g) without proper authority, wears the badge of a registration or assistant registration officer or wears any other badge purporting to be the badge of a registration officer or assistant registration officer ; or

(h) forges a registration card ;

shall be guilty of an offence and liable on conviction to a fine of ₦500 or to six months imprisonment or to both.

93.—(1) Every person commits an offence who does any of the following, that is to say—

Offences in  
respect of  
nomination,  
etc.

(a) forges any nomination paper ;

(b) wilfully defaces or destroys any nomination paper ;

(c) delivers to an electoral officer any nomination paper knowing it to be forged ;

(d) signs a nomination paper as a candidate in more than one constituency ;

(e) forges any ballot paper or official mark on any ballot paper or any certificate or return ;

(f) wilfully destroys any ballot paper or official mark on any ballot paper or any certificate or return ;

(g) without proper authority supplies a ballot paper to any person ;

(h) wilfully places in any ballot box any unauthorised paper ;

(i) wilfully removes from a polling station any ballot paper whether or not the ballot paper was issued to him in that polling station ;

- 1 (j) without proper authority destroys or in any other manner  
2 interferes with a ballot box or its contents or any packet of ballot  
3 papers then in use for the purpose of the election ;  
4 (k) signs a nomination paper consenting to be a candidate at an  
5 election knowing that he is ineligible to be a candidate at the election ;  
6 (l) without proper authority prints a ballot paper or what purports  
7 to be or is capable of being used as a ballot paper at an election ;  
8 (m) being authorised by the Commission to print ballot papers prints  
9 more than the number or quantity the Commission authorised ;  
10 (n) manufactures, constructs, imports into Nigeria, has in his  
11 possession, supplies to any election officer or uses for the purpose of an  
12 election, or causes to be manufactured, constructed or imported into  
13 Nigeria, supplied to any election officer or used for the purpose of any  
14 election, any ballot box including any compartment, appliance,  
15 device or mechanism on or by which a ballot paper may or could be  
16 secretly placed or stored in, or having been deposited during polling  
17 may be secretly diverted, misplaced or manipulated ;  
18 and shall be liable on conviction to a fine of ₦1000, or to imprisonment  
19 for twelve months or to both.
- 20 (2) An attempt to commit any offence under this section shall be  
21 punishable in the same manner as the offence itself.
- 22 (3) Where any person is convicted of an offence under this section  
23 he shall in addition to any penalty imposed on conviction be deemed to  
24 be guilty of a corrupt practice under sections 98 and 103 of this Act  
25 and those sections shall have effect accordingly.
- 26 (4) In any prosecution for an offence under this section it shall,  
27 where appropriate, be sufficient evidence of ownership if the property in  
28 the papers, boxes and instruments is stated to be in the Commission  
29 until the contrary is proved.

1     94. Any officer appointed for the purposes of this Act, who with-  
2     out lawful excuse is guilty of any act or omission in breach of his  
3     official duty commits an offence against the Act and shall be liable on  
4     conviction to a fine of ₦1,000 or to imprisonment for twelve months.

Dereliction  
of official  
duty.

5     95.—(1) Any person who, at a political meeting held in any con-  
6     stituency after the date when an election has been announced—

Disorderly  
behaviour  
at political  
meetings.

7     (a) acts or incites another to act in a disorderly manner for the  
8     purpose of preventing the transaction of the business for which the  
9     meeting was convened ; or

10    (b) has in his possession an offensive weapon or missiles ;  
11    shall be guilty of an offence and liable on conviction to a fine of  
12    ₦1,000 or imprisonment for twelve months or to both.

13    (2) In this section, "offensive weapon or missiles" means any  
14    cannon, gun, rifle, carbine, machine gun, cap-gun, flint-lock gun,  
15    revolver, pistol, air gun, air pistol, or other firearms (whether whole or  
16    in detached pieces), bow and arrow, spear, cutlass, matchet, knife,  
17    dagger, cudgel, horse-whip or any piece of wood, metal, bottle, or  
18    stone capable of being used as a missile or offensive weapon.

19    96. Any person who—

20    (a) being entitled to a registration card, hands it when received by  
21    him to some person other than an officer appointed and acting in the  
22    course of his duty under this Act ;

Improper use  
of registra-  
tion cards.

23    (b) not being an officer and acting in the course of his duty under  
24    this Act, receives any registration card in the name of some other  
25    person ; or

26    (c) has in his possession more than one registration card,  
27    shall be guilty of an offence and liable on conviction to a fine of  
28    ₦200 or to imprisonment for three months or to both.

Improper  
use of  
vehicles.

1        97.—(1) No person shall provide for the purpose of any person  
2 to a registration office or to a polling station any Government vehicle or  
3 boat, or any vehicle or boat belonging to a public corporation except in  
4 respect of a person who is ordinarily entitled to use such vehicle or  
5 boat.

6        (2) Notwithstanding the provisions of subsection (1) of this section  
7 the Commission may by notice in the *Gazette* restrict or limit the use of  
8 vehicles of any particular description or any water transport at an  
9 election.

10       (3) Any person who contravenes the provisions of this section shall  
11 be guilty of an offence and liable on conviction to a fine of ₦100 or  
12 to imprisonment for one month or to both.

Corrupt  
practice

13       98.—(1) If at an election, a candidate commits or is deemed under  
14 this Act to have committed any offence whereby he is guilty of any  
15 corrupt practice, and that candidate is elected, his election shall be invalid.

16       (2) For the purposes of this section, a candidate shall be deemed to  
17 have committed a corrupt practice, if it was committed with his knowledge  
18 and consent, or with the knowledge and consent of any person acting  
19 under the general, or special authority of the candidate with reference  
20 to the election.

21       (3) Every corrupt practice shall be an offence under this Act.

Personation  
and voting if  
not qualified.

22       99.—(1) Any person who—

23       (a) applies under this Act to be included in any list of voters in the  
24 name of some other person, whether such name is that of a person  
25 living or dead or of a fictitious person ;

26       (b) having once to his knowledge been properly included in a list  
27 of voters under this Act as a voter entitled to vote at a pending election,  
28 applies, except as authorised by this Act, to be included in any other

1 list of voters prepared for any constituency as a voter at the same  
2 election ;

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

6 (d) having voted once at an election applies at the same election for  
7 another ballot paper ;

8 (e) votes or attempts to vote at an election knowing that he is not  
9 qualified to vote at the election ; or

10 (f) induces or procures any other person to vote at an election  
11 knowing that such other person is not qualified to vote at the election,  
12 shall be guilty of personation.

13 (2) Any person who commits the offence of personation or who  
14 aids, abets, counsels or procures the commission of that offence shall  
15 be liable on conviction to a fine of N500 or imprisonment for six months  
16 or to both.

17 (3) No person charged with the offence of personation shall be  
18 convicted except on the evidence of at least two witnesses.

19 **100.** Every person shall be guilty of corrupt practice and commits Treating.  
20 the offence of treating who—

21 (a) corruptly by himself or by any other person at any time after  
22 the date of an election has been announced, directly or indirectly  
23 gives or provides or pays, wholly or in part the expense of giving  
24 or providing any food, drink, entertainment or provision to or for  
25 any person for the purpose of corruptly influencing that person or  
26 any other person to vote or refrain from voting at such election,  
27 or on account of such person or any other person having voted or  
28 refrained from voting at such election ; or

(b) being a voter, corruptly accepts or takes any such food, drink entertainment or provision during any such period, and shall be liable on conviction to a fine of ₹1,000 or to imprisonment for twelve months or to both.

Undue  
influence.

101. Any person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of, any force, violence, or restraint, or who inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel anyone to refrain from standing as a candidate or to vote or refrain from voting, at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free use of the vote by any voter or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election or to compel a candidate to stop canvassing for votes for himself shall be guilty of a corrupt practice, and commits the offence of undue influence, and shall be liable on conviction to a fine of ₹1,000 or imprisonment for twelve months or to both.

Bribery.

102.—(1) Any person shall be guilty of corrupt practice and commits the offence of bribery who—

(a) directly or indirectly by himself or by any other person on his behalf, corruptly gives, lends or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, at any election ; or



(b) directly or indirectly, by himself or by any other person on his behalf, corruptly gives or procures, or agrees to give or procure, or offers, promises to procure or to endeavour to procure, any office, place or employment to or for any voter or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election ; or

(c) directly or indirectly, by himself or by any other person on his behalf; corruptly makes any gift, loan, offer, promise, procurement or agreement as aforesaid 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 ; or

(d) upon or in consequence of any gift, loan, offer, promise, procurement or agreement as aforesaid, 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 ; or

(e) 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 thereof 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 ; or

(f) after any election directly, or indirectly, by himself, or by any other person on his 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

1 vote or refrain from voting or having induced any candidate to refrain  
2 from canvassing for votes for himself at any such election.

3 (2) A voter shall be guilty of a corrupt practice and commits an  
4 offence of bribery who before or during an election directly or indirectly  
5 himself or by any other person on his behalf, receives, agrees or contracts  
6 for any money, gift, loan, or valuable consideration, office, place or  
7 employment, for himself, or for any other person, for voting or agreeing  
8 to vote or for refraining or agreeing to refrain from voting at any such  
9 election.

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

13 (4) Any person who commits the offence of bribery shall be liable  
14 on conviction to a fine of ₦2,000 or imprisonment for two years or to both.

Disqualifi-  
cation for  
certain  
corrupt  
practices.

15 103. Any person guilty of a corrupt practice who is convicted of the  
16 offence of personation, treating, undue influence, or bribery or is  
17 convicted of aiding, abetting, counselling or procuring the commission  
18 of the offence of personation or, being convicted of any other offence  
19 under this Part of this Act is deemed for the purposes of this section to be  
20 guilty of a corrupt practice and shall, in addition to any other penalty, be  
21 disqualified during a period of four years from the date of his conviction—

22 (a) from being registered as a voter or voting at any election; or

23 (b) from being elected under this Act or if elected before his convic-  
24 tion, from retaining the office to which he was elected.

Requirement  
of secrecy.

25 104.—(1) Every person in attendance at a polling station including  
26 every officer charged with the conduct of an election and his assistants and  
27 every polling agent, counting agent and candidate in attendance at a  
28 polling station or at the counting of votes, as the case may be, shall  
29 maintain and aid in maintaining the secrecy of the voting.

1 (2) No person in attendance at a polling booth under this section  
2 shall, except for some purpose authorised by law, the proof whereof  
3 shall lie upon him, communicate before the poll is closed to any person  
4 information as to the name or number on the register of any voter who  
5 has or has not voted at the place of voting.

6 (3) No person shall—

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

10 (b) communicate at any time to any other person information obtained  
11 in a polling station as to the candidate for whom a voter in that place  
12 is about to vote or has voted.

13 (4) Any person acting contrary to the provisions of this section  
14 commits an offence and shall be liable upon conviction to a fine of ₹200  
15 or to imprisonment for three months ; and shall in addition to the penalty  
16 imposed on conviction be deemed to be guilty of a corrupt practice for  
17 the purposes of sections 98 and 103 of this Act and those sections shall  
18 have effect accordingly.

19 105. Any person who—

20 (a) votes at an election or induces or procures any person to vote  
21 at an election, knowing that he or such person is prohibited from  
22 voting thereat ; or

23 (b) before or during an election, publishes any statement of the  
24 withdrawal of a candidate at such election knowing it to be false or  
25 recklessly as to its truth or falsity, and the statement is likely to pro-  
26 mote or procure the election of another candidate ; or

27 (c) before or during an election publishes any statement as to the  
28 personal character or conduct of a candidate calculated to prejudice  
29 the chance of election of the candidate or to promote or procure the

Wrongful  
voting and  
false state-  
ments.

1 election of another candidate and such statement is false and was  
2 published without reasonable grounds for belief by the person  
3 publishing it that the statement was true,  
4 shall be guilty of an illegal practice and liable on conviction to a fine of  
5 ₦1,000 or imprisonment for a term of twelve months or to both, and  
6 shall in addition to any penalty imposed on conviction, be deemed to  
7 be guilty of a corrupt practice for the purposes of sections 98 and 103 of  
8 this Act and those sections shall have effect accordingly.

Voting by  
unregistered  
person.

9 106.—(1) Any person who knowingly votes or attempts to vote  
10 in a constituency in respect of which his name is not on the register of  
11 voters shall be guilty of an offence and liable on conviction to a fine of  
12 ₦200 or to imprisonment for three months or to both.

13 (2) Any person who at an election brings into a polling station a ballot  
14 paper issued to another person shall be guilty of an offence and liable on  
15 conviction to a fine of ₦500 or to imprisonment for six months or to both.

16 (3) Where any person is convicted of an offence under this section  
17 he shall, in addition to any penalty imposed on conviction, be deemed  
18 to be guilty of a corrupt practice for the purposes of sections 98 and 103  
19 of this Act, and those sections shall have effect accordingly.

Disorderly  
conduct at  
elections.

20 107. Any person who at an election acts or incites others to act in  
21 a disorderly manner for the purpose of preventing or obstructing the  
22 conduct of such election shall be guilty of an offence and be liable on  
23 conviction to a fine of ₦1,000 or imprisonment for a term of twelve  
24 months or to both.

Offences on  
election day.

25 108.—(1) No person shall on the date on which election is held  
26 do any of the following acts or things in a polling station or within a  
27 distance of three hundred metres of a polling station, that is to say,

28 (a) canvass for votes ;

- 1 (b) solicit the vote of any voter ;  
2 (c) persuade any voter not to vote for any particular candidate ;  
3 (d) persuade any voter not to vote at the election ;  
4 (e) shout slogans concerning the election ;  
5 (f) be in possession of any offensive weapon or wear any dress or  
6 have any facial or other decoration which in any event is calculated  
7 to intimidate voters ;  
8 (g) exhibit, wear or tender any notice, symbol, photograph or  
9 party card referring to the election ;  
10 (h) use any vehicle bearing the colour or symbol of a political  
11 party by any means whatsoever ;  
12 (i) display by any means on a vehicle the name or photograph of  
13 the candidate ;  
14 (j) loiter without lawful excuse after voting or being refused to vote.  
15 (2) No person shall in a constituency on the day on which an election  
16 is held—

- 17 (a) convene, hold or attend any public meeting ; or  
18 (b) unless appointed under this Act to make official announcements,  
19 operate any megaphone, amplifier or public address apparatus for  
20 the purpose of making announcements concerned with the election ; or  
21 (c) wear or carry any badge, poster, banner, flag or symbol relating  
22 to a political party or to the election.

23 (3) Any person acting contrary to any of the provisions of this  
24 section shall be guilty of an offence and liable on conviction to a fine of  
25 ₹200 or imprisonment for three months for every such offence.

26 109. Where any person is convicted of an offence under this Part  
27 of this Act, the effect of which is to disqualify such person from being  
28 registered as a voter, or from being elected to any of the Legislative

Federal  
Electoral  
Commission  
to be notified  
of certain  
convictions.

Limitation  
on political  
broadcasting  
and cam-  
paign by  
political  
parties.

1 Houses, or elective offices, the court by which he is convicted shall  
2 notify the Commission of the conviction; and in the event of an appeal  
3 the court hearing the appeal shall give notice of the result of such appeal  
4 to the Commission.

5 110.—(1) Every registered political party that through any person  
6 acting on its behalf—

7 (a) during two days before polling day advertises on the facilities  
8 of any broadcasting undertaking ; or

9 (b) procures for publication or acquiesces in the publication,  
10 during the period described in paragraph (a) of an advertisement in  
11 a newspaper, for the purpose of promoting or opposing a particular  
12 political party or the election of a particular candidate,  
13 is guilty of an offence against this Act and upon conviction shall be liable  
14 to a fine of ₦5,000.

15 (2) For the purposes of subsection (1) of this section, a notice of  
16 a function, meeting or other event that the leader of a political party  
17 intends to attend or a notice of invitation to meet the leader of a political  
18 party at a specified place shall be deemed not to be an advertisement for  
19 the purpose of promoting or opposing a particular political party or  
20 the election of a particular candidate.

21 (3) A prosecution for an offence under this section may be brought  
22 against a political party and in the name of that party and, for the purpose  
23 of any such prosecution only, the political party shall be deemed to  
24 be a person and any act or thing done or omitted by an officer of a  
25 political party within the scope of his authority to act on behalf of the  
26 political party shall be deemed to be an act or thing done or omitted  
27 by that party.



Limitation  
on political  
broadcasting  
and cam-  
paigning by  
candidate.

1     **111.** Every candidate who directly or through any person acting  
2 on his behalf—

3     (a) during two days immediately preceding polling day, or on  
4 polling day advertises on the facilities of any broadcasting under-  
5 taking ; or

6     (b) procures for publication or acquiesces in the publication during  
7 the period described in paragraph (a) of an advertisement in a news-  
8 paper, for the purpose of promoting or opposing a particular registered  
9 party or the election of a particular candidate ;

10 is guilty of an offence against this Act and on conviction shall be liable  
11 to a fine of ₦500 or to imprisonment for six months.

12     **112.—(1)** Every person who with intent to influence persons to  
13 give or refrain from giving their votes at an election, uses, aids, abets,  
14 counsels or procures the use of any broadcasting of matter having  
15 reference to an election is guilty of an illegal practice and an offence  
16 against this Act and shall on conviction be liable to a fine of ₦500 or to  
17 imprisonment for six months.

Broadcast  
from outside  
Nigeria, etc..

18     (2) Where a candidate or any person acting on behalf of the candi-  
19 date, with the candidate's actual knowledge and consent, broadcasts  
20 outside of Nigeria a speech or any entertainment or advertising pro-  
21 gramme during an election, in favour of or on behalf of any political  
22 party or any candidate at an election, the candidate is guilty of an illegal  
23 practice and an offence against this Act and on conviction shall be  
24 liable to a fine of ₦500 or to imprisonment for six months.

25     (3) Every candidate who directly or through any other person or  
26 association acting on his behalf, engages in campaigning or broadcasting  
27 based on religious, tribal, or sectional bias for the purpose of promoting  
28 or opposing a particular political party or the election of a particular

- 1 candidate, is guilty of an offence against this Act and on conviction shall  
2 be liable to a fine of ₦1,000 or imprisonment for one year or to both.

3 PART V—LEGAL PROCEEDINGS TO QUESTION THE VALIDITY OF AN  
4 ELECTION

Proceedings  
to question  
an election.

- 5 113.—(1) No election and no return to the Senate, the House of  
6 Representatives or any State Assembly or to any elective office shall  
7 be questioned in any other manner except by a petition complaining  
8 about the election or the return and presented to the competent High  
9 Court in accordance with the provisions of this Act.

10 (2) In this section "competent High Court" means—

11 (a) in any case involving the office of President or Vice-President,  
12 the Federal High Court and on the coming into force of section 262 of  
13 the Constitution, the High Court of the Federal Capital Territory  
14 established pursuant to section 263 of the Constitution ;

15 (b) in any case involving any other office, the High Court of the  
16 State as respects which such office is established under the Cons-  
17 titution ; and

18 (c) in any case involving the membership of or the seat of a person  
19 in a Legislative House, the High Court of the State where the Sena-  
20 torial district, Federal constituency or State constituency of that  
21 member or person is located.

22 (3) For the purpose of exercising any jurisdiction conferred by  
23 this Act upon the Federal High Court or the High Court of a State, in  
24 any case involving the office of President, Vice-President, Governor  
25 or Deputy Governor, the Chief Judge of the Federal High Court or  
26 the High Court of a State as the case may be, shall determine the number  
27 of judges that shall constitute the Court .

(4) A petition to question an election or return shall be presented to the competent High Court not later than 3 days from the date that the result of the election is declared and shall be commenced—

(a) in the case of the election of President or Vice-President, in the Federal High Court established in the place where the capital of the Federal Republic of Nigeria is situated ;

(b) in the case of the election of Governor or Deputy Governor of a State, in the High Court established in the place where the capital of the State is situated ; and

(c) in all other cases, the High Court of the State established for or having jurisdiction in the Senatorial district, Federal constituency or State constituency for which the candidate was elected.

114.—(1) A person shall not be entitled to present an election petition under this Act unless—

Right to  
present a  
petition.

(a) he is a person claiming to have had a right to be returned at the election ; or

(b) he is a person alleging himself to have been a candidate at the election ; or

(c) his name is on the register of voters for that constituency.

(2) In any petition, the respondent to such petition shall be—

(a) the successful candidate ; and

(b) the Chief Federal Electoral Officer of the Federation where the petition relates to the election of the President or Vice-President ; or

(c) the Chief Federal Electoral Officer of the State where the election relates to the election of the Governor or Deputy Governor of that State ; or

(d) the Federal Electoral Officer for a Senatorial district, a Federal constituency or State constituency where the election relates to the election of a senator, a member of the House of Representatives or a

1 member of a State Assembly, as the case may be ;  
2 and where a petition complains of the conduct of a returning officer,  
3 he shall for all purposes be deemed to be a respondent.

Grounds for  
petition.

4 115.—(1) An election may be questioned on any of the following  
5 grounds, that is to say—

6 (a) that a person whose election is questioned was, at the time of  
7 the election, not qualified to be elected ;

8 (b) that the election was invalid by reason of corrupt practices or  
9 non-compliance with the provisions of Part II of this Act ;

10 (c) that the respondent was, at the time of the election, not duly  
11 elected by majority of lawful votes at the election ;

12 (d) that the petitioner was validly nominated but was unlawfully  
13 excluded from the election.

14 (2) An act or omission which is contrary to an instruction or  
15 direction of the Commission or any officer appointed for the purpose of  
16 the election, but which is not contrary to Part II of this Act shall not of  
17 itself be a ground upon which an election may be questioned.

Substantial  
compliance  
with electoral  
provisions.

18 116.—(1) An election shall not be invalidated by reason of non-  
19 compliance with Part II of this Act if it appears to the Court having  
20 cognisance of the question that the election was conducted substantially  
21 in accordance with the provisions of the said Part II and that the non-  
22 compliance did not affect the result of the election.

23 (2) An election shall not be questioned by reason of a defect in the  
24 title or want of title of the person conducting the election if that person  
25 was then in actual possession of, or acting in, the office giving the right to  
26 conduct an election.

Decisions as  
to vacancy  
for Court.

27 117.—(1) Any question as to whether the seat of any member of a  
28 Legislative House has become vacant shall be referred to and decided by

1 the Court in accordance with the procedure prescribed for the adjudica-  
2 tion of a petition.

3 (2) Proceedings under this section in relation to a question as to  
4 whether the seat of a member has become vacant may be instituted by any  
5 person who is qualified as a voter in the constituency which the elected  
6 member represents.

7 (3) The Court shall certify its decision in writing to the Commission.

8 **118.**—(1) The petition shall state the facts and grounds on which the  
9 petitioner relies for invalidating the election and shall also state the name  
10 and address of any other person or persons affected by the petition and  
11 the petition shall be in the Form EC. 10 in the Schedule to this Act and  
12 shall include brief statements—

Contents of  
the petition.

13 (a) of the right of the petitioner to present the petition ; and  
14 (b) of the holding and result of the election and of the facts and  
15 grounds relied upon to sustain the prayer of the petition.

16 (2) The petition shall be divided into paragraphs each of which, as  
17 nearly as may be, shall be confined to a distinct portion of the subject  
18 and all the paragraphs shall be numbered consecutively.

19 (3) The petition shall conclude with a prayer that the person  
20 specified therein may be declared duly returned, or that the election may  
21 be declared void as the case may be, and the petition shall be signed by  
22 the petitioner or if he has a legal practitioner by his legal practitioner  
23 named at the foot of the petition.

24 (4) At the end of the petition there shall be stated an address for  
25 service, at which address the documents intended for the petitioner may  
26 be left.

27 **119.** The Court may order further particulars to be included in  
28 the petition so as to prevent surprise and unnecessary expense and to  
29 ensure a fair and effectual hearing.

Further  
particulars.

Security.

1       120.—(1) At the time of filing the petition or within such extended  
2 time as may be allowed by the Court the petitioner shall give security  
3 for an amount fixed by the Court and as directed by the Court; the  
4 petitioner shall deposit the amount in any Treasury or give security by  
5 recognisance for the amount.

6       (2) A recognisance may be entered into by any number of sureties  
7 not exceeding two, none of whom shall be the petitioner or any of the  
8 petitioners and such recognisance shall contain the name and usual place  
9 of abode of each surety, with such sufficient description as shall enable  
10 him to be found or ascertained.

11       (3) The recognisance may be acknowledged before the Court of  
12 magistrate or justice of the peace, as the case may be, and there may be  
13 one recognisance acknowledged by the sureties, or separate recognisances  
14 by one or more, as may be convenient.

Address for  
service.

15       121. The petitioner shall, for the purpose of service of the petition  
16 on the respondent, give to the Registrar of the Court the  
17 address of the respondent or if the Court otherwise orders he shall  
18 give such other addresses within the constituency in which the petition  
19 is filed, where personal service can be effected on the respondent, if  
20 known to the petitioner.

Proceedings,  
etc. and time  
for comple-  
tion.

21       122.—(1) Proceedings at the hearing of the petition shall be dealt  
22 with in the same manner as a claim in a civil action in which the petitioner  
23 is the plaintiff and the respondent is the defendant, and the petition and  
24 answer shall be treated as a statement of claim and statement of defence  
25 respectively.

26       (2) The rules of civil procedure in force in the High Court  
27 concerned shall with any necessary modifications apply to the trial of the  
28 petition.



1 (3) Proceedings before a High Court in the case of a petition in  
2 respect of the office of President or Vice-President, Governor or Deputy  
3 Governor or in respect of any of the Legislative houses shall be completed  
4 not later than 25 days from the date of the election concerned.

5 123. An appeal shall lie as of right from a High Court to the Federal  
6 Court of Appeal on decisions on any question whether any person has  
7 been rightly elected to any office under the Constitution, or member-  
8 ship of any Legislative House or whether the term of office of any person  
9 has ceased or the seat of a person in a Legislative House has become  
10 vacant.

Appeals as of  
right from a  
High Court.

11 124 An appeal shall lie as of right from the Federal Court of  
12 Appeal to the Supreme Court on decisions on any question whether any  
13 person has been validly elected to any office under the Constitution or of  
14 the membership of any Legislative House or whether the term of office  
15 of any person has ceased or the seat of a person in a Legislative House  
16 has become vacant.

Appeals as of  
right from  
the Federal  
Court of  
Appeal.

17 125.—(1) Any appeal to the Federal Court of Appeal pursuant to  
18 section 123 of this Act shall be filed in the Federal Court of Appeal not  
19 later than 4 days from the date of the decision of the High Court, and the  
20 decision of the Federal Court of Appeal on the appeal shall be given not  
21 later than 7 days from the date on which the appeal was filed.

Proceedings  
on appeal,  
etc. and  
time for  
completion.

22 (2) Any appeal to the Supreme Court pursuant to section 124 of  
23 this Act shall be filed in the Supreme Court not later than 4 days from  
24 the date of the decision of the Federal Court of Appeal and the decision  
25 of the Supreme Court on the appeal shall be given not later than 7 days  
26 from the date on which the appeal was filed.

27 126. The provisions of any enactment (including rules of court)  
28 regulating the practice and procedure of the Federal Court of Appeal  
29 and the Supreme Court shall with any necessary modification apply in

Practice and  
procedure  
for appeals.

Service of  
notice, etc.  
of election  
petition.

1 respect of appeals from the decisions of any court subordinate to the  
2 Federal Court of Appeal or the Supreme Court.

3 127.—(1) If a petition is filed and the fees are paid the Registrar of  
4 the High Court concerned shall—

5 (a) serve notice in the Form EC. 11 in the Schedule to this Act of  
6 the presentation of the petition, together with a certified copy of the  
7 petition to the respondent ;

8 (b) send a certified copy of the petition to the Commission.

9 (2) In the notice of presentation of the petition the Registrar shall  
10 state a time, not later than 3 days after the date of service of the notice,  
11 within which the respondent shall enter an appearance.

12 (3) Subject to the provisions of this section, the notice and copy of  
13 the petition and any other documents to be delivered to the respondent  
14 before he enters appearance shall be served on him personally or in  
15 any other manner prescribed by the Court.

16 (4) Where the respondent intends to oppose the petition he shall  
17 within the time limit allowed in the notice of presentation of the petition  
18 which shall not exceed 3 days enter an appearance by filing with the  
19 Registrar a memorandum of appearance stating that he intends to oppose  
20 the petition and giving the name and address of his legal practitioner, or  
21 stating that he acts for himself as the case may be. The memorandum of  
22 appearance shall be signed by the respondent, and may be filed by him  
23 or by any legal practitioner acting for him.

24 (5) On the filing of the memorandum of appearance the respondent  
25 or his legal practitioner shall leave a duplicate of the memorandum with  
26 the Registrar for every other party to the petition together with three  
27 additional duplicates, and shall at the same time pay to any Government  
28 Treasury the fees for service and produce to the Registrar receipt thereof.

29 (6) If the respondent fails to enter an appearance, any document

1 intended for the respondent may be affixed to the Court's notice board  
2 and the fact that it is on such notice board shall be sufficient notice for  
3 any of the purposes of this Part of this Act.

4 (7) The Registrar shall serve a duplicate of the memorandum of  
5 appearance, or give notice of it to all other parties to the petition.

6 128. A reply to the petition shall be filed by the respondent not  
7 later than 6 days after the date on which the petition was served on the  
8 respondent. Reply.

9 129.—(1) Subject to the provisions of this section—

Amendment  
of election  
petition.

10 (a) no petition shall be amended except by leave of the Court and  
11 the Court may on any application for leave to amend grant the same if it  
12 appears that the respondent will not be prejudiced by the amendment ;

13 (b) the Court may at any stage of the proceedings either of its own  
14 motion or on the application of either party, order the petition or the  
15 reply, if any, to be amended, whether the defect or error be that of the  
16 party applying to amend or not ; and all such amendments as may be  
17 necessary or proper for the purpose of eliminating all statements  
18 which may tend to prejudice, embarrass or delay the fair trial of the  
19 petition, and for the purpose of determining in the existing petition  
20 the real questions or question in controversy between the parties shall  
21 be so made, but the order shall be made upon such terms as to costs or  
22 otherwise as shall seem just.

23 (2) After the expiry of the time limited by this Part of this Act for  
24 presenting a petition, no amendment shall be made for the purpose of  
25 introducing any fresh prayer into the petition, or effecting any alteration  
26 of substance in the prayer.

27 (3) The Court in the trial and determination of the petition shall  
28 not be obliged to confine its inquiry or findings to the issues raised by the  
29 petition and the reply ; and subject to the provisions of this Part of this

1 Act as to time for presentation of a petition, may with or without ordering  
2 or allowing the amendment to any statement of the facts and grounds  
3 relied upon in support of the petition or the amendment of any admission  
4 or denial contained or facts or grounds set out in the reply inquire into  
5 any other issue otherwise raised or apparent or any matter otherwise  
6 appearing as to the Court may seem necessary for the proper determina-  
7 tion of the petition.

List of  
objections  
to votes.

8 130.—(1) When a petitioner claims the seat for an unsuccessful  
9 candidate, alleging that he had a majority of lawful votes, any party  
10 complaining of and any party defending the election shall, within 3 days  
11 after the filing of the reply, or where no appearance is entered not less  
12 than 4 days before the day fixed for trial, file with the Registrar a list of  
13 the votes intended to be objected to by him and of the heads of objection  
14 to each such vote. No evidence shall be given to challenge the validity of  
15 any or upon any head of objection not specified in the list except by leave  
16 of the Court given upon such terms as to amendment of the list, post-  
17 ponement of the trial and payment of costs as the Court may think fit.

18 (2) The party filing the list shall at the same time deliver to the  
19 Registrar a duplicate for every other party to the petition together with 3  
20 other duplicates and shall pay the appropriate fees for service ; and if  
21 default is made in the delivery of the duplicates and in the payment the  
22 list shall not be filed without the leave of the Court.

23 (3) The Registrar shall cause a duplicate of the list to be served on  
24 every other party forthwith.

List of  
objections to  
elections.

25 131.—(1) When the respondent in a petition complaining of an undue  
26 return and claiming the seat for some person intends to give evidence to  
27 prove that the election of such person was undue, the respondent shall

1 within 4 days after the filing of the reply, file in the Court a list of the  
2 objections to the election upon which he intends to rely. No evidence  
3 shall be given by a respondent of any objection to the election not  
4 specified in the list, except by leave of the Court given upon such terms  
5 as to amendment of the list, postponement of the trial and payment of  
6 cost as the Court may think fit.

7 (2) The party filing the list shall at the same time deliver to the  
8 Registrar a duplicate of the list for every other party to the petition  
9 together with 3 other duplicates, and shall pay the appropriate fees for the  
10 service. If the party filing the list fails to deliver the necessary duplicates  
11 or to pay the fees, the list shall not be filed without the leave of the Court.

12 (3) The Registrar shall forthwith after the filing of the list cause a  
13 duplicate of the list to be served on every other party.

14 132.—(1) Every petition shall be tried in public and subject to the  
15 provisions of this section the time and place of the trial of a petition shall  
16 be fixed by the Court. Notice of the time and place of the trial shall be  
17 given by the Registrar at least 10 days before the day fixed for the trial—

Time and  
place of  
hearing  
petition.

18 (a) by posting the notice on the Court's notice board ; and

19 (b) by sending a copy of the notice by registered post or messenger  
20 to the petitioner's address for service and to the respondents' address  
21 for service if known, and by delivering a copy to the Commission

22 (2) Notwithstanding the provisions of subsection (1) of this section,  
23 if all the parties to the petition consent to the holding of the trial of the  
24 petition at a place other than the place described in subsection (1) above,  
25 the venue of the trial of the petition may in the discretion of the Court be  
26 that place.

27 (3) The Commission shall, if it thinks fit, give notice of the trial of  
28 the petition by causing the copy delivered to it under subsection (1)  
29 of this section to be affixed at the place appointed for the delivery of

1 nomination papers, or at some conspicuous place within the constituency ;  
2 but failure to affix such copy shall not affect the proceedings.

3 (4) The posting of the notice of trial on the Court's notice board  
4 shall be sufficient notice notwithstanding that any other copies dispatched  
5 under paragraph (b) of subsection (1) of this section may not have been  
6 delivered.

Withdrawal  
and disposal  
of petition.

7 133.—(1) No petition shall be withdrawn without the leave of the  
8 Court and, where there are more petitioners than one, the application  
9 for leave to withdraw a petition shall not be made except with the  
10 consent of all the petitioners.

11 (2) A petition filed before the High Court in respect of any election  
12 shall be disposed of by the Court not later than 25 days from the date of  
13 such election and any election petition not so disposed of shall be time  
14 barred and such petition shall be deemed null and void.

Withdrawal  
of opposi-  
tion.

15 134. If before the trial of a petition, the respondent gives notice  
16 to the Court in writing signed by him or his legal practitioner before  
17 the Registrar that he does not intend to oppose the petition, the Regi-  
18 strar shall notify the other parties and shall post a notice thereof on the  
19 Court's notice board.

Fees.

20 135.—(1) The fee payable on the filing of a petition shall be ₦200  
21 and the petitioner shall at the same time deposit the sum of ₦50 as a  
22 hearing fee.

23 (2) The cost of the hearing shall not exceed the amount deposited,  
24 and shall be payable for the trial at the rate of ₦10 for each day thereof;  
25 but the Court in its discretion may direct a lower fee to be charged for  
26 any day of the trial or waive payment of a fee.

Allocation  
of costs.

27 136.—(1) All costs, charges and expenses of and incidental to the  
28 presentation and trial of a petition unless otherwise provided for in this  
29 Part of this Act shall, if allowed by the Court, be paid by the parties



1 to the petition in such manner and in such proportions as the Court  
2 may determine; and the Court may disallow costs, charges or expenses  
3 which in the opinion of the Court were caused by the vexatious conduct  
4 or unfounded allegations or objections of the petitioner or the respon-  
5 dent, or may affix with costs a successful party in any case.

6 (2) Where the Court declares an election to be void and the Court  
7 is satisfied that in whole or in part, the invalidity was caused by the  
8 wilful default of any election officer in the performance of his duties  
9 under this Act, it may order that the costs awarded to the successful  
10 petitioner shall be paid wholly or partly by that officer.

11 137.—(1) On the trial of a petition, the Court may summon any  
12 person as a witness who appears to the Court to have been concerned  
13 in the election. The Court may examine any witness so summoned or  
14 any person although such witness or person is not called and examined  
15 by any party to the petition, and thereafter he may be cross-examined  
16 by or on behalf of the petitioner and the respondent. The expenses of  
17 any witness called by the Court of its own motion shall, unless the  
18 Court otherwise orders, be deemed to be costs of the petition; and such  
19 expenses may, with the leave of the Court be paid in the first instance  
20 by the Registrar in the same way as expenses of a State witness are paid  
21 and they may be recovered in such manner as the Court may direct.

Calling of  
witnesses.

22 (2) Where the Court issues a summons for the attendance of a  
23 person as a witness and that person fails to attend to give evidence or to  
24 produce documents, or having attended refuses to give evidence or to  
25 produce documents, such failure or refusal shall, unless that person  
26 excuses his failure or refusal to the satisfaction of the Court, be treated  
27 as a contempt of the Court and be punishable either by a fine or impri-  
28 sonment, or both, as the Court thinks fit.

1       (3) In making and carrying into effect any order for the production  
2 and inspection of documents used in the election and relating to the  
3 way in which the votes of particular persons were given and in the  
4 examination of any witness who produces or is required to produce any  
5 such documents, the Court shall ensure that the way in which the vote  
6 of any particular person has been given shall not be disclosed until it  
7 has been proved that the vote was given and the vote has been declared  
8 by the Court to be invalid.

9       (4) Subject to the provisions of this section, any person called  
10 as a witness in proceedings under this Part of this Act shall not be  
11 excused from answering any question relating to any offence at or  
12 connected with an election on the grounds that the answer thereto  
13 may incriminate or tend to incriminate the witness or on the ground  
14 of privilege.

15       (5) If a witness answers truly all questions which he is required  
16 by the Court to answer he shall receive a certificate of indemnity under  
17 the hand of the Presiding Judge or any of the Judges in the case of a  
18 trial by a panel of Judges of the Court stating that such witness has so  
19 answered ; and no answer by a person to a question before the Court  
20 shall, except in the case of any criminal proceedings for perjury in  
21 respect of such evidence, be admissible in any proceedings in evidence  
22 against him

23       (6) If a person receives a certificate of indemnity under this section  
24 and any legal proceedings are at any time brought against him for an  
25 offence under this Part of this Act committed by him previously to the  
26 date of the certificate at or in relation to the election, the court having  
27 cognisance of the case shall, on production of the certificate, stay the  
28 proceedings and may, at its discretion, award to that person such cost  
29 as he may have been put to in the proceedings.

Return of  
security.

1 138. When any money deposited as security for costs is no longer  
2 required as security therefor, any balance after payment of costs shall  
3 be returned to the person in whose name it was deposited, or to any  
4 other person entitled to receive it under any order of the Court. The  
5 application for the return of the deposit may be made upon motion  
6 after notice ; and the deposit shall be returned if the court is satisfied  
7 that all costs, charges and expenses are sufficiently provided for, or  
8 have been met, as the case may be.

Service or  
summons,  
etc.

9 139.— (1) Where any summons, notice or document not being a  
10 notice or copy of the petition or any other document required to be  
11 served on a respondent before entry of appearance is required to be  
12 served on any person for any purpose connected with a petition it may  
13 be served either by delivering it to such person or by leaving it at his  
14 last known place of abode in the constituency with any person there  
15 found who is a resident thereof and appears to be 18 years of age or more.

16 (2) After a party has given an address for service it shall be sufficient  
17 if, instead of serving him personally with any document intended for  
18 him, such document is served—

19 (a) on the person appearing on the paper last filed on his behalf  
20 as his legal practitioner wherever such person may be found or, if  
21 such person is not found at his office, on the clerk there found  
22 apparently in charge ; or

23 (b) on the person named as occupier of his address for service  
24 wherever such person may be found or, if such person is not found  
25 at such address, on—

26 (i) the person, there found apparently in charge, if such address  
27 is a place of business, or

1 (ii) any person, other than a domestic servant, there found  
2 who is a resident thereof and appears to be 18 years of age or more.

3 (3) A party may change his address for service by giving notice  
4 of his new address for service and its occupier to the Registrar and to  
5 every other party ; but until such notice is received by the Registrar,  
6 his old address for service shall continue to be his address for service.

7 (4) Where service in one of the modes in this section has proved im-  
8 practicable, the Court, upon hearing an application supported by affidavit  
9 showing what has been done and being satisfied that all reasonable  
10 efforts have been made to effect service, may dispense with such service  
11 or notice, or if the Court thinks fit, it may order that service under any  
12 of the following modes shall be sufficient service, that is to say—

13 (a) by delivery to any person where it is proved that there is reason-  
14 able probability that the document would in the ordinary course,  
15 through that person, come to the knowledge of the person to be  
16 served ;

17 (b) by notice put up at some place of public resort in the consti-  
18 tuency to which the petition relates or at the usual or last known  
19 place of abode or business of the person to be served ; or

20 (c) notice put up on the Court's notice board.

21 140.—(1) Two or more candidates may be made respondents to  
22 the same petition and their case may for convenience be tried at the  
23 same time, but every petition so tried shall for all purposes, including  
24 the taking of security, be deemed to be a separate petition made against  
25 every candidate as a respondent named therein.

26 (2) Where more petitions than one are presented in relation to  
27 the same election or return, all such petitions shall be consolidated and  
28 be dealt with as one petition unless the Court otherwise directs.

1 (3) Where a petition complains of the conduct of a returning officer,  
2 he shall for all purposes be deemed to be a respondent ; and except  
3 with the consent in writing of the Attorney-General he may not withdraw  
4 from the trial of the petition. If the consent of the Attorney-General  
5 is withheld, the returning officer shall, where the misconduct was not  
6 wilful, incur no personal liability for costs which may be awarded  
7 against him upon the trial of the petition, and this section shall be a  
8 sufficient indemnity accordingly.

9 (4) Unless otherwise prescribed by this Part of this Act, every  
10 party required to leave copies of documents with the Court shall leave  
11 with the registrar such number of copies or duplicates for distribution  
12 as he directs or requires.

13 (5) No failure to comply with this Part of this Act as to the time  
14 for the giving of notice or the doing of any act, matter, or thing other  
15 than as to the time for filing a petition or lodging an appeal shall avoid  
16 any proceedings, and in any proper case the proceedings may with the  
17 consent of the Court be amended or otherwise dealt with so as to give  
18 proper effect thereto ; but if any proceedings are avoided, they shall,  
19 if commenced, be set aside in whole or in part, as the case may require.

20 (6) An application may be made at any reasonable time to set aside  
21 any proceedings for irregularity, and the application shall be by motion  
22 of which notice shall be given to any other party setting out the objec-  
23 tions intended to be insisted upon, but no application shall be heard  
24 if the party moving has done any act, matter or thing with knowledge  
25 of the irregularity, or if the irregularity objected to is merely as to form  
26 or as to use of certified copies instead of duplicates.

Proceedings,  
etc. of the  
Court

1 141.—(1) The Court shall sit for the purpose of its proceedings at  
2 such times, places and on such days as the Presiding Judge may appoint.

3 (2) During a trial Judge's prolonged absence or if he is not available  
4 or is unable to perform his functions, the Chief Justice of Nigeria, the  
5 President of the Federal Court of Appeal, the Chief Judge of the Federal  
6 High Court or of the State, as the case may be, may appoint any other  
7 judge to hear and determine the petition for any specified period.

Effect of  
judgment.

8 142. The High Court shall determine what person was duly returned  
9 or whether the election was void, as the case may be, and shall certify its  
10 determination to the Commission ; and the election shall stand confirmed  
11 or a fresh election shall be held on a date to be appointed by the Commis-  
12 sion:

13 Provided that no such election shall be held by the Electoral  
14 Commission after such determination is certified thereto—

15 (a) until such determination is upheld upon an appeal thereto by  
16 the Federal Court of Appeal or, upon further appeal thereto, by the  
17 Supreme Court of Nigeria ; or

18 (b) where there is no appeal therefrom, until after the expiration of  
19 the period within which an appeal could be brought under this Act ; or

20 (c) where there is an appeal therefrom to the Federal Court of  
21 Appeal but there is no further appeal from that Court to the Supreme  
22 Court, until after the expiration of the period within which such  
23 further appeal could be brought under this Act ;

24 and until such determination is upheld, or as the case may be, the  
25 expiration of the period concerned, the successful candidate at the  
26 election shall, for the time being, have and exercise the same rights and  
27 be subject to the same obligations as if he were a successful candidate  
28 whose election had not been questioned by way of a petition under this  
29 Part of this Act.



1       143. Where it appears to the Court after consideration of the papers  
2 filed or during the course of the trial of any petition that an offence  
3 under this Act or any other enactment has been committed, the Court  
4 shall on the determination of the trial refer all relevant papers in the  
5 case to the Attorney-General of the Federation for such action as he  
6 may deem fit.

Reference to  
the Attorney-  
General.

7                               PART VI-MISCELLANEOUS

8       144. No person holding an elective office to which this Act relates  
9 or a position in a political party shall be eligible for or be appointed to  
10 carry out the duties of a returning officer, an electoral officer, registration  
11 officer, revising officer or a poll clerk ; and any officer appointed to  
12 carry out any of those duties shall be ineligible for nomination as a can-  
13 didate for election while he continues to hold any such appointment.

Persons dis-  
qualified  
from acting  
as election  
officers.

14       145. If the registration card of a voter is lost or accidentally des-  
15 troyed the voter may attend in person at the office of the registration  
16 officer and make application for an official copy of the registration card.  
17 The registration officer shall make such enquires as the Commission  
18 may prescribe for the purpose ; and where the registration officer is  
19 satisfied as to the loss or accidental destruction of the registration card,  
20 he may issue an official copy of it to the voter.

Loss of regis-  
tration card.

21       146.—(1) A person shall not —

22       (a) print or publish or cause to be printed or published any bill,  
23 placard or poster having reference to an election or any printed docu-  
24 ment distributed for the purpose of promoting the election of a can-  
25 didate ; or

26       (b) post or cause to be posted any bill, placard or poster as afore-  
27 said ; or

28       (c) distribute or cause to be distributed any printed document for  
29 such purpose,

Election  
publication  
to show  
printer's  
name and  
address, etc.

1 unless the bill, placard, poster or document bears upon its face the  
2 name and address of the printer and publisher.

3 (2) Any candidate or other person who contravenes the provisions  
4 of this section shall be guilty of an illegal practice and shall be liable on  
5 conviction to a fine not exceeding ₦200.

6 (3) For the purposes of this section, any process of multiplying copies  
7 of a document, other than copying it by hand, shall be deemed to be  
8 printing, and the expression "printer" shall be construed accordingly.

Special  
power to  
postpone  
election.

9 147.—(1) Where a date is appointed for holding an election and  
10 there is reasonable cause to apprehend that a serious breach of the peace  
11 is likely to occur if the election is held on that date, the Chairman or the  
12 Resident Federal Electoral Commissioner may postpone the election  
13 until some later date to be appointed by the Commission.

14 (2) If the Commission is satisfied that there has been a substantial  
15 failure to comply with the requirements of this Act before the date fixed  
16 for holding the election in respect of nominations or otherwise howso-  
17 ever, the Commission may postpone the election until such time as  
18 such requirements are satisfied.

19 (3) Where an election is postponed before the last day for the  
20 delivery of nomination papers and a new date is appointed for the elec-  
21 tion, the Commission shall do all things necessary for the holding  
22 of the election as required by this Act on the new date so appointed.

23 (4) Where an election is postponed on or after the last day for the  
24 delivery of nomination papers and thereafter a new date is appointed for  
25 the election, the time for the delivery of nomination papers shall not  
26 be extended ; and the Commission shall do all things necessary for the  
27 holding of the election as required by this Act on the new date so  
28 appointed in respect of the candidates remaining nominated.

1 (5) Any election postponed under this section may in like manner  
2 be further postponed.

3 148.—(1) The Commission shall decide the fees and other remuneration to be paid to officers appointed under this Act and may prescribe scales of remuneration for such officers, the maximum allowance in respect of expenses incurred by such officers and the method of authorisation of such allowances.

Remuneration and expenses.

8 (2) All fees and other remuneration approved under subsection  
9 (1) of this section shall be charged upon the Consolidated Revenue Fund of the Federation and shall be paid in such manner as the Commission deems fit after consultation with the Federal Minister of Finance.

13 149. Subject to the provisions of this section, if reasonable notice  
14 is given and the normal use thereof is not interfered with, any suitable room in the premises of a school or public building in the constituency in which public meetings are from time to time held, may be used at reasonable times between the date of announcement of an election and the day before the date fixed for the election by a candidate for the purpose of holding public meetings in furtherance of his candidature. If  
20 any such room or building is so used by a candidate he shall pay for any  
21 damage done during a meeting to the furniture and fittings, and if required shall pay actual expenses incurred incidental to the preparation  
22 and clearing of the room or building both before and after any meeting.

Use of public buildings by a candidate.

24 150. No person who has voted in any election, under this Act  
25 shall, in any legal proceedings arising out of the election, be required  
26 to say for whom he voted.

Secrecy of ballot.

27 151. If any person makes any agreement or terms or enters into  
28 any undertaking in relation to the withdrawal of any election petition,  
29 and such agreement, terms or undertaking is or are for the withdrawal

Corrupt withdrawal of election petition.

1 of the election petition in consideration of any payment, or that the  
2 seat shall at any time be vacated, or that any other election petition  
3 will be withdrawn and the agreement is not mentioned in any affidavit  
4 filed in support of the withdrawal of the election petition, that person  
5 shall be guilty of an offence, and on conviction shall be liable to  
6 imprisonment for a term of twelve months.

Prosecution  
of offences  
disclosed in  
petition.

7 152. The Attorney-General of the Federation shall consider any  
8 recommendation made to him by a Court with respect to the prosecution  
9 by him of any person for an offence disclosed in an election petition ;  
10 and if it appears to him that any person who has not received a certificate  
11 of indemnity has been guilty of a corrupt or illegal practice he may, in  
12 his discretion, prosecute that person for the offence before any compe-  
13 tent Court.

Time limit  
for certain  
prosecutions.

14 153.—(1) Proceedings against any person in respect of any offence  
15 to which this section applies shall be commenced within one year  
16 after the offence was committed, or if it was committed in reference  
17 to an election with respect to which an election petition is filed shall be  
18 commenced within one year after determination by the Court whichever  
19 period last expires, so that it be commenced within two years after the  
20 offence was committed, and the time so limited shall be substituted for  
21 any limitation of time contained in any other law.

22 (2) This section applies to any corrupt or illegal practice, any  
23 illegal payment, employment or hiring and any offence under section  
24 146 or section 151 of this Act.

Inspection of  
ballot papers.

25 154. Where the Court at any time during the trial of an election  
26 petition for the purposes of any prosecution for an offence in relation to  
27 ballot papers is satisfied that the inspection of rejected ballot papers  
28 relating to counted ballot papers is necessary it may, upon such terms  
29 as it thinks fit, order the Commission in whose custody they are to

1 produce rejected ballot papers for inspection and to open any sealed  
2 packet of counterfoils relating to counted ballot papers for such pur-  
3 poses as the court may require.

4 155. Without prejudice to the other provisions of this Act, the  
5 Commission may delegate any of its powers and functions to any Federal  
6 Electoral Commissioner, registration officer or electoral officer or  
7 returning officer subject to any conditions or limitations which it may  
8 consider necessary or expedient to impose and no such delegation shall be  
9 construed to limit the right of the Commission to exercise such power itself.

Delegation of  
powers of the  
Commission.

10 156 The Commission may, subject to the provisions of this Act,  
11 make regulations for the purpose of giving effect to the provisions of this  
12 Act and for the due administration thereof.

Regulations.

13 157.—(1) In this Act, unless the context otherwise requires—

Interpreta-  
tion.

14 “the Attorney-General” means the Attorney-General of the  
15 Federation ;

16 “the Constitution” means the Constitution of the Federal Republic  
17 of Nigeria 1979 ;

18 “the Commission” means the Federal Electoral Commission  
19 established by section 140 of the Constitution ;

20 “Commissioner” means any member of the Federal Electoral Com-  
21 mission including the Chairman ;

22 “corrupt practice” includes any of the following offences namely,  
23 bribery, personation, treating and undue influence and includes  
24 aiding, abetting, counselling and procuring any such offence ;

25 “election” means an election of a person to a Legislative House or  
26 to the office of President or Vice-President or Governor or Deputy  
27 Governor ;

28 “election officer” includes an electoral officer, a presiding officer,

1 a poll clerk, a polling orderly, a registration officer, a returning officer  
2 or any other official appointed by or with authority of the Commission  
3 to assist in the conduct or suspension of any election ;

4 "electoral officer" includes the Chief Federal Electoral Officer of the  
5 Federation, the Chief Federal Electoral Officer of a State and an Assistant  
6 Chief Electoral Officer ;

7 "the Executive Secretary" means the Executive Secretary to the  
8 Commission appointed pursuant to section 5 of this Act ;

9 "functions" includes powers and duties ;

10 "independent candidate" has the meaning assigned thereto  
11 by section 74 of this Act ;

12 "law" includes the Constitution ;

13 "member" means a member of the Commission including the  
14 Chairman ;

15 "petition" means an election petition under this Act ;

16 "registrar" includes Chief Registrar, Deputy Chief Registrar,  
17 and registrars of other grades of the Supreme Court, Federal Court  
18 of Appeal, Federal High Court and the High Court of a State ;

19 "registration officer" includes supervisory assistant registration  
20 officer and assistant registration officer ;

21 "Resident Federal Electoral Commission" means the Commissioner  
22 deployed for the time being to a State or group of States ;

23 "return" means the declaration of the result of the election in  
24 accordance with the appropriate provisions of this Act and includes a  
25 certificate of return in Form EC. 8 in the Schedule to this Act.

26 (2) A reference in this Act to a section or Part not otherwise  
27 identified is a reference to that section or Part of this Act.

28 (3) All references in this Act to a State in the Federation shall,  
29 where appropriate, be deemed to include references to the Federal  
30 Capital Territory.



1       **158.** The Electoral Act 1962 and the Electoral Act 1977 are hereby       Repeals.  
2 repealed and the following Acts are hereby consequentially repealed,  
3 that is to say—

4       (a) the Electoral Act 1964 ;

5       (b) the Electoral (Amendment) Act 1978 ;

6       (c) the Electoral (Amendment) Act 1979 ;

7       (d) the Electoral (Amendment) (No. 2) Act 1979 ; and

8       (e) the Electoral (Amendment) (No. 3) Act 1979.

9       **159.** This Act may be cited as the Electoral Act 1981.

Short title.

1962 No. 31.  
1964 No. 6.  
1977 No. 73.  
1978 No. 21.  
1979 No. 15.  
1979 No. 26.  
1979 No. 32.

## SCHEDULE FORMS

Electoral Act 1981

Section 7 (7)

REGISTRATION FORM EC. 1 A

STATE.....CODE.....LOCAL GOVERNMENT AREA.....CODE.....

REGISTRATION AREA.....CODE.....REGISTRATION UNIT.....CODE.....

[illegible]

C 180

1981 No.

Electoral



## 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.....

or

\*Right thumb print impressed in the presence of

witness to thumb print.....

Address and occupation of such witness

\*Cross out whichever is inapplicable

## Electoral Act 1981

EC. 1G

Section 8 (4)

Counterfoil

## FEDERAL REPUBLIC OF NIGERIA

## FEDERAL REPUBLIC OF NIGERIA

## Voter's Registration Card

CODE

STATE .....

LOCAL GOVT.....

REG. AREA.....

REG. U. (P).....

VOTER'S No.....

VOTER'S NAME.....

RIGHT THUMB-PRINT

Right thumb print



## Voters Registration Card

CODE

STATE .....

LOCAL GOVERNMENT AREA.....

REGISTRATION AREA.....

REGISTRATION UNIT (PRECINCT).....

VOTER'S NUMBER.....

VOTER'S NAME.....

BRING THIS CARD TO THE POLLINGS

## Electoral Act 1981

FORM EC. 2

Section 11 (1)

CLAIM FOR CORRECTION OF OR INSERTION OF  
NAME IN PRELIMINARY LIST

To the Registration Officer,

Constituency

Date 19

I, \_\_\_\_\_  
of \_\_\_\_\_  
declare :—

1. That I applied for inclusion in the Preliminary List for the Register of Electors for the above Constituency on the 19 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 ordinarily resident at the above address (or \_\_\_\_\_)

5. I hereby apply for the Preliminary 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 other Preliminary List or Register of Electors under the above Act.

Signed \_\_\_\_\_

or

Right thumb print impressed in the presence of

Witness to thumb print \_\_\_\_\_

Address and occupation of such witness :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Electoral Act 1981

FORM EC. 3

Section 11 (2)

## OBJECTION TO NAME IN PRELIMINARY LIST

To the Registration Officer,

Constituency

19

I  
of

whose name appears in the Preliminary List for the above Constituency hereby give notice :—

1. 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)

2. I wish to produce the following witnesses

Signed

Objector

## Electoral Act 1981

FORM EC. 4A

Section 30 (1)

## FORM OF NOMINATION OF PRESIDENT

To :

THE CHIEF FEDERAL ELECTORAL OFFICER,  
FEDERAL REPUBLIC OF NIGERIA

Date

I,  
of

(Address)

(Occupation)

hereby state :

1. I am the candidate to whom this nomination paper relates.
2. I am willing to stand for election to the office of the President of the Federal Republic of Nigeria.
3. I am a citizen of Nigeria and otherwise qualified for election.
4. I am not disqualified for election by virtue of any provision of the Constitution or the above Act.
5. In the event of a contested election my political affiliation and preference of symbol is

6. I wish to nominate.....  
Vice-President and he is willing to stand for election to this Office.

Signed.....  
*Candidate for President*

Signed.....  
*Candidate for Vice-President*

WE, being registered as electors in the above Constituency, do nominate the above candidate :

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....  
*First Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....  
*Second Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....  
*Third Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....  
*Fourth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....  
*Fifth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....  
*Sixth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....  
*Seventh Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....  
*Eighth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....  
*Ninth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....  
*Tenth Nominator*

## Electoral Act 1981

FORM EC. 4B

Section 30 (1)

## FORM OF NOMINATION OF GOVERNOR

To :—

THE CHIEF FEDERAL ELECTORAL OFFICER

STATE

Date 19

I —

of

(Address)

(Occupation)

hereby state :

1. I am the candidate to whom this nomination paper relates.
2. I am willing to stand for election to the office of the Governor for the above State.
3. I am a citizen of Nigeria and otherwise qualified for election.
4. I am not disqualified for election by virtue of any provision of the Constitution or the above Act.
5. In the event of a contested election my political affiliation and preference of symbol is

6. I wish to nominate  
as Deputy Governor and he is willing to stand for election to this Office.

Signed

Candidate for Governor

Signed

Candidate for Deputy Governor

We being registered as electors in the above State, do nominate the above candidate,

(1) Name

(2) Address

(3) Occupation

(4) Registration Particulars

Signed

First Nominator

(1) Name

(2) Address

(3) Occupation

(4) Registration Particulars

Signed

Second Nominator

(1) Name

(2) Address

(3) Occupation

(4) Registration Particulars

Signed

Third Nominator

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Fourth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Fifth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Sixth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Seventh Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Eighth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Ninth Nominator*

- (1) Name.....  
 (2) Address.....  
 (3) Occupation.....  
 (4) Registration Particulars.....

Signed.....  
*Tenth Nominator*

*Electoral Act 1981*

To :—

FORM EC. 4C

*Section 30 (1)*

FORM OF NOMINATION OF SENATOR

THE ELECTORAL OFFICER,

Senatorial District

Date..... 19.....

I,.....  
 of.....  
*here state address*  
 (occupation)..... hereby state :—

1. I am the candidate to whom this nomination paper relates.
2. I am willing to stand for election to the Senate as member for the above Senatorial District.
3. I am a citizen of Nigeria and otherwise qualified for election.
4. I am not disqualified for election by virtue of any provision of the Constitution or the above Act.
5. In the event of a contested election my political affiliation and preference of symbol is.....

Signed.....  
*Candidate for the Senate*

We, being registered as electors in the above Senatorial District do nominate the above candidate :—

- (1) Name.....  
 (2) Address.....  
 (3) Occupation.....  
 (4) Registration Particulars.....

Signed.....  
*First Nominator*

- (1) Name.....  
 (2) Address.....  
 (3) Occupation.....  
 (4) Registration Particulars.....

Signed.....  
*Second Nominator*



- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Third Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Fourth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Fifth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Sixth Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Seventh Nominator*

- (1) Name.....  
(2) Address.....  
(3) Occupation.....  
(4) Registration Particulars.....

Signed.....

*Eighth Nominator*

- (1) Name.....  
 (2) Address.....  
 (3) Occupation.....  
 (4) Registration Particulars.....

Signed.....  
*Ninth Nominator*

- (1) Name.....  
 (2) Address.....  
 (3) Occupation.....  
 (4) Registration Particulars.....

Signed.....  
*Tenth Nominator*

*Electoral Act 1981*

FORM EC. 4D

*Section 30 (1)*

FORM OF NOMINATION OF MEMBER OF HOUSE  
 OF REPRESENTATIVES

To :—  
 The Electoral Officer,

Federal Constituency

Date.....19.....

I,.....  
 of.....

(here state address)

(occupation).....hereby state:—

1. I am the candidate to whom this nomination paper relates.
2. I am willing to stand for election to the House of Representatives as member for the above Federal Constituency.
3. I am a citizen of Nigeria and otherwise qualified for election.
4. I am not disqualified for election by virtue of any provision of the Constitution or the above Act.
5. In the event of a contested election my political affiliation and preference of symbol is.....

Signed.....  
*Candidate for House of Representatives*

WE, being registered as electors in the above Federal Constituency do nominate the above candidate :—

- (1) Name.....
- (2) Address.....
- (3) Occupation.....
- (4) Registration Particulars.....

Signed.....  
*First Nominator*

- (1) Name .....
- (2) Address .....
- (3) Occupation .....
- (4) Registration Particulars .....

Signed.....  
*Second Nominator*

- (1) Name .....
- (2) Address .....
- (3) Occupation .....
- (4) Registration Particulars .....

Signed.....  
*Third Nominator*

- (1) Name .....
- (2) Address .....
- (3) Occupation .....
- (4) Registration Particulars .....

Signed.....  
*Fourth Nominator*

- (1) Name .....
- (2) Address .....
- (3) Occupation .....
- (4) Registration Particulars .....

Signed.....  
*Fifth Nominator*

(1) Name.....

(2) Address.....

(3) Occupation.....

(4) Registration Particulars.....

Signed.....

*Sixth Nominator*

(1) Name.....

(2) Address.....

(3) Occupation.....

(4) Registration Particulars.....

Signed.....

*Seventh Nominator*

(1) Name.....

(2) Address.....

(3) Occupation.....

(4) Registration Particulars.....

Signed.....

*Eighth Nominator*

(1) Name.....

(2) Address.....

(3) Occupation.....

(4) Registration Particulars.....

Signed.....

*Ninth Nominator*

(1) Name.....

(2) Address.....

(3) Occupation.....

(4) Registration Particulars.....

Signed.....

*Tenth Nominator*

## Electoral Act 1981

To :—

FORM EC, 4E

Section 30 (1)

FORM OF NOMINATION OF MEMBER OF  
STATE ASSEMBLY

The Electoral Officer,

State Constituency

Date.....19.....

I .....

of .....

(here state address)

(Occupation)..... hereby state that :—

1. I am the candidate to whom this nomination paper relates.
2. I am willing to stand for election to the State Assembly as member for the above State Constituency.
3. I am a citizen of Nigeria and otherwise qualified for election.
4. I am not disqualified for election by virtue of any provision of the Constitution or the above Act.
5. In the event of a contested election my political affiliation and preference of symbol is

Signed.....

*Candidate for State Assembly*

We, being registered as electors in the above State Constituency do nominate the above candidate :—

1. Name.....
2. Address.....
3. Occupation.....
4. Registration Particulars.....

Signed.....

*First Nominator*

1. Name.....
2. Address.....
3. Occupation.....
4. Registration Particulars.....

Signed.....

*Second Nominator*

1. Name.....
2. Address.....
3. Occupation.....
4. Registration Particulars.....

Signed.....

*Third Nominator*

1. Name.....
2. Address.....
3. Occupation.....
4. Registration Particulars.....

Signed.....  
*Fourth Nominator*

1. Name.....
2. Address.....
3. Occupation.....
4. Registration Particulars.....

Signed.....  
*Fifth Nominator*

1. Name.....
2. Address.....
3. Occupation.....
4. Registration Particulars.....

Signed.....  
*Sixth Nominator*

1. Name.....
2. Address.....
3. Occupation.....
4. Registration Particulars.....

Signed.....  
*Seventh Nominator*

1. Name.....
2. Address.....
3. Occupation.....
4. Registration Particulars.....

Signed.....  
*Eighth Nominator*

1. Name.....
2. Address.....
3. Occupation.....
4. Registration Particulars.....

Signed.....  
*Ninth Nominator*

1. Name.....
2. Address.....
3. Occupation.....
4. Registration Particulars.....

Signed.....  
*Tenth Nominator*



## Electoral Act 1981

FORM EC. 5

Section 32 (3)

ELECTORAL OFFICER'S RULING AS TO VALIDITY OF  
NOMINATION

To—

(Prospective Candidate)

Take notice that a nomination paper received by me on.....in your  
favour (has been accepted by me as appearing to be valid) or (has been rejected by me as  
appearing to be invalid) upon the following grounds :—

Dated.....

Signed.....

*Electoral Officer*

## Electoral Act 1981

FORM EC. 6

Section 55 (1)

## CERTIFICATE OF POLLING DUTIES

To—

The Presiding Officer,

.....Polling Station (Where proposed voter is registered)

.....Constituency.

Date.....

I certify :—

1. That .....

of .....

is employed at the Polling Station named below as.....

and that in my opinion he cannot reasonably and conveniently be released to vote at  
another Polling Station.

2. Such person states that he is included in the part of the Register of Electors appropriate to your Polling Station which is in the same Constituency as that named beneath.

3. A certified extract of the Register containing particulars relating to the above person is accordingly requested in accordance with section 55 of the Electoral Act 1981.

Signed.....

*Presiding Officer (where proposed  
elector is employed)*

.....  
*Polling Station*

.....  
*Constituency*

I certify that the particulars relating to myself in paragraph 1 above are to the best of my belief correct.

Signed.....

*Proposed Voter*

*Electoral Act 1981*

FORM EC. 7

*Section 5 5(1)*

**CERTIFIED EXTRACT OF REGISTER**

To:—

The Presiding Officer, —

..... Polling Station (where proposed voter is employed)

..... Constituency Date .....

I certify :—

1. That the following particulars are contained in the part of the Register of voters relating to the above Polling Station.

Name .....

Address .....

Occupation .....

Sex .....

Number in Register .....

2. I have no reason to suppose that such particulars do not relate to the person in respect of whom you have issued a Certificate of Polling Duties.

3. No person has cast a vote at the Polling Station named below in respect of this entry in the Register.

4. I have marked the Register appropriately and the voter will be treated in this Polling Station as though he has cast his vote.

Signed.....

*Presiding Officer (where proposed voter  
is registered)*

.....  
*Polling Station*

.....  
*Constituency*

To the best of my belief the particulars in paragraph 1 above relate to me, and I wish to vote at the polling station at which I am on duty.

Signed.....

*Proposed Voter*

*Electoral Act 1981*

FORM EC. 8

*Section 70*

### DECLARATION OF RESULT OF POLL

.....*Constituency*

I certify that having carried out my duties and the formalities required by the Electoral Act 1981, the result on the poll carried out in the.....

Constituency on the..... day of..... 19.....

is as follows in order of the number of votes each candidate received :—

1. Candidate..... Votes received.....

2. Candidate..... Votes received.....

3. Candidate..... Votes received.....

4. Candidate..... Votes received.....

5. Candidate..... Votes received.....

DATED this..... 19.....

Signed.....

*Returning Officer*

Electoral Act 1981

Section 78

FORM PP. 1



FEDERAL ELECTORAL COMMISSION  
LAGOS, NIGERIA

APPLICATION BY AN ASSOCIATION FOR REGISTRATION AS  
A POLITICAL PARTY  
PARTICULARS OF ASSOCIATION

A.

1. Full Name of Association.....
2. Abbreviated Name.....
3. Date First Formed.....
4. Emblem/Symbol.....
5. Motto.....
6. Location of Association's Head Office and its Mail Address.....

(P.O. Box only not acceptable)

NATIONAL EXECUTIVE COMMITTEE OF ASSOCIATION

[illegible]





D. Attached hereto are :

- (a) Ten copies of the Association's constitution, and
- (b) Ten copies of the Association's programme/Aims and Objects

E. We hereby declare :

that the particulars given above are true and correct to the best of our knowledge and belief.

DATED at..... this..... day of..... 19.....

---

*Leader of Association*

---

*Secretary of Association*

C. The name, designation (*if any*) and State of origin of other Principal Officers of the Association who are not members of the National Executive are as hereunder :—

Name	Designation	Place of Residence	State of Origin	Date of Appointment/ Election

C 202

1981 No.

Electoral

D. Attached hereto are :

- (a) Ten copies of the Association's constitution, and
- (b) Ten copies of the Association's programme/Aims and Objects

E. We hereby declare :

that the particulars given above are true and correct to the best of our knowledge and belief.

DATED at ..... this ..... day of ..... 19 .....

\_\_\_\_\_  
*Leader of Association*

\_\_\_\_\_  
*Secretary of Association*

## Electoral Act 1981

FORM PP. 2

Section 79 (1)

By the Chairman,  
Federal Electoral Commission,  
Federal Republic of Nigeria.

(Full names of Chairman)  
Chairman,  
Federal Electoral Commission

WHEREAS by section 76 (1) of the Electoral Act 1981 it is provided that no association shall function as a Political Party unless it is registered as a Political Party by the Federal Electoral Commission :

AND WHEREAS the Federal Electoral Commission is satisfied from the information supplied thereto by the\*.....

.....  
that the association has complied with all the requirements of the Electoral Act 1981 relating to the registration of an association as a Political Party :

NOW THEREFORE, the Federal Electoral Commission has with effect from the date hereunder written registered the aforesaid association as a Political Party pursuant to the provisions of section 79 (1) of the Electoral Act 1981.

Given under my hand and the seal of the Federal Electoral Commission at.....

.....this.....day of.....

one thousand nine hundred and.....

\*Note.—Full names of association applying to be registered.



5. Period covered by the return.....

6. Total amount spent as election expenses.....

7. Description of expenses showing the total expenditure against each item or sub-head :—

(i) .....

(ii) .....

(iii) .....

(iv) .....

(v) .....

etc.

8. Total value of commercial goods and services received.....

9. Description of goods and services showing value against each item or sub-head :—

Notes :—

(1) Paragraph 2 should cover all elections.

(2) The details in paragraph 7 must be supported by the relevant voucher particulars duly signed by the Treasurer of the Party and receipted by the persons to whom the payments were made.

(3) The details in paragraph 9 must be supported by documentary evidence of the goods and services supplied and the statement of their value by the donors.

Chairman

Member



## Electoral Act 1981

FORM EC. 10

Section 118

## PETITION

In the High Court of ..... Judicial Division ..... State

The election under the Electoral Act 1981 for .....

..... held on the ..... day of .....

(State Constituency)

....., 19.....

Between  
A.B. { ..... } Petitioner(s)

and

E.F. { ..... }  
G.H. { ..... } Respondent(s)

The petition of A.B. of ..... (or of A.B.  
of ..... and C.D., of .....  
as the case may be) whose names are subscribed.

1. Your petitioner A.B. is a person who voted (or had a right to vote, as the case may be) at the above election (or claims to have had a right to be returned or elected at the above election, or was a candidate at the above election; and your petitioner C.D. (here state in the manner the right of each petitioner) .....

2. And your petitioner(s) state(s) that the election was held on the ..... day of ..... 19..... when A.B., C.D., (and) E.F. (and) G.H.) were candidates, and the returning officer has returned E.F. and (G.H.) as being duly elected.

3. And your petitioners say that (here state the facts and grounds on which the petitioners rely) .....

Wherefore your petitioners pray that it may be determined that the said E.F. (and G.H. was (were) not duly elected (or returned) (or duly elected or returned, (and that ) the ) or his election was void) (or that the said A. B. (and C.D.) was (were) duly elected and ought to have been returned, or as the case may be).

(Signed) { ..... } A.B.  
 { ..... } C.D.

Address for service (within five metres of a post office within the areas of jurisdiction of the High Court for the ..... State)

Occupier .....

The name of my (or our) Legal Practitioner is .....  
 I (or we) am (or are) acting for myself (or ourselves)

(Signed) { ..... } A.B.  
 { ..... } C.D.

SIGNED before me this ..... day of ....., 19 .....

Registrar

Electoral Act 1981

FORM EC. 11

Section 127 (1)

# NOTICE OF PRESENTATION OF PETITION

IN THE HIGH COURT OF ..... STATE

..... JUDICIAL DIVISION

The election under the Electoral Act 1981 for .....  
 (state the place) held on the ..... day of ....., 19 .....

between

(A.B. .... )

and

Petitioner(s)

(C.D. .... )

(E.F. .... )

Respondent(s)

(H.G. .... )

The Petition of A.B. of.....(or of A.B., of..... and C.D., of.....or as the case may be) whose names are subscribed.

TAKE NOTICE that the petition a duplicate whereof is attached hereto has this day been presented in the Registry at.....and that you are to enter appearance to the petition in the said Registry within.....days of the date of service of this notice on you (or within.....days of the date of posting hereof, or within.....days of the date when this notice was left at your address set out below, or as the Court may direct by order under section 127 of the above Act,) otherwise proceedings upon the petition may be continued and determined in default of your appearance, and any document relating to such proceedings, and intended for you may be posted up on the court's notice board, which shall be sufficient notice thereof.

DATED this.....day of....., 19.....

.....  
*Registrar*

#### EXPLANATORY MEMORANDUM

The Electoral Bill 1981 has been prepared pursuant to Item 21 of the Exclusive Legislative List in Part I of the Second Schedule to the Constitution of the Federal Republic of Nigeria 1979 which empowers the National Assembly to enact legislation providing for election to the offices of President and Vice-President or Governor and Deputy Governor and or to any other electoral office other than to a Local Government Council.

Part I of the Bill provides for the registration of all citizens of Nigeria entitled to vote at elections at registration centres and for the preparation of a register of voters at the end of such exercise. Revisions of the register are to be made from time to time to ensure that no eligible voters are disenfranchised. Supplementary provisions are also made therein for the appointment of the Executive Secretary to the Federal Electoral Commission (FEDECO), Administrative Secretaries to man FEDECO Branch Offices in the States, Registration Officers and other staff of the Commission.

Part II deals with procedure at elections and hence such matters as fixing of election dates, nominations, election officers and poll clerks, preparation of ballot boxes and ballot papers. Voting is to be by the usual manner of marking ballot papers against the symbols of preferred candidates but alternative provision is contained in clause 48 empowering FEDECO to introduce electronic or other means of voting other than by the issue of ballot papers.

Provision is also made for blind and incapacitated persons to vote when accompanied there by close friends or relations.

Registration of political parties and provisions relating to independent candidates are treated in Part III. Independent candidates are impliedly allowed to stand for elections by paragraph (b) of the proviso to section 37 of the Constitution. Also dealt with are annual grants to political parties and special grants for conducting general elections. Annual reports on the finances of political parties would be rendered to the National Assembly by FEDECO. Stiff penalties are contained in this Part for contraventions of its provisions and in particular recruitment of underage persons as members of parties and for inordinate election expenses.

The following Part deals with electoral offences such as dereliction of official duties by registration and electoral officers; improper use of registration cards otherwise known as rigging; corrupt practices and impersonation, treating, bribery and undue influence and breach of the requirement of secrecy of ballot. Disorderly conduct and other offences on the election day itself are also covered. Any person found guilty of an offence under this Part would, in addition to such fine or imprisonment prescribed therefor, be disqualified from voting and from standing for or holding any electoral office for four years. Broadcasting in support of candidates from outside Nigeria is prohibited while broadcasting in Nigeria for the same purpose is also forbidden within the period of 48 hours before elections.

Part V covers legal proceedings to question elections. Petitions would in the first instance be taken by High Courts but appeals lie as of right (as per the Constitution) to the Federal Court of Appeal and thence to the Supreme Court. All election petitions would be treated with dispatch. It is clearly now specified that while an appeal is pending the originally returned candidate would continue to hold his electoral office until a final determination by the appeal court concerned is handed down. This would obviate unnecessary vacancies and discontinuity in the governance of the Federation or any part thereof.

Supplementary and miscellaneous matters are treated in the last Part, i.e. Part VI of the Bill. These include replacement of lost or defaced registration cards; remuneration of registration and electoral officers; secrecy of ballot; prosecution of offences and time limits within which they could be brought. FEDECO is empowered to make regulations generally to supplement the provisions of the Bill. The Electoral Act 1962 and its amending Electoral Act 1964, which were only impliedly repealed by the 1977 Act are now expressly repealed while the said Electoral Act 1977 (No. 73) and all amendments thereto would accordingly stand repealed upon enactment into law of the Bill.

The Schedule to the Bill contains the various Forms relating to registration of voters and objections thereto and nomination of candidates. Also contained therein are Forms for application by organisations for registration as political parties and election petitions.

# A BILL

## FOR

AN ACT TO REGULATE THE PROCEDURE FOR THE CREATION OF NEW STATES AND THE ADJUSTMENT OF STATE BOUNDARIES AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by HON. ALHAJI ABUBAKAR TUGGAR  
(Gamawa Federal Constituency, Bauchi State)*

[ ]

Commence-  
ment.

1 BE IT ENACTED by the National Assembly of the Federal  
2 Republic of Nigeria as follows—

### PART 1—REQUEST

Authentica-  
tion and  
form of  
request.

4 1.—(1) A request for the creation of a new State within the Federal  
5 Republic of Nigeria or a declaration of support for the creation of such  
6 State shall be in the form prescribed in the Schedule to this Act and  
7 shall be printed and duly authenticated in accordance with this section.

8 (2) Subject to subsection (3) of this section, a request or declara-  
9 tion aforesaid shall be deemed to be supported by a member of—

10 (a) the Senate or House of Representatives; or

11 (b) a House of Assembly; or

12 (c) a Local Government Council.

13 only if that member appends his signature to the request in the presence  
14 of the Clerk of the National Assembly or the Clerk of the House of  
15 Assembly or the Secretary of the local government council, as the case  
16 may be.

1 (3) Where the President of the Senate or the Speaker of the House  
2 of Representatives is satisfied that difficulties may be encountered  
3 in the authentication of a request or declaration in accordance with  
4 this section he may, by notice published in the *Gazette* and in such  
5 other manner as he may direct, permit members of any legislative  
6 house or of any local government council to append their signatures  
7 to the request or declaration as the case may be in the presence of a  
8 judicial officer in any part of Nigeria.

9 (4) A person in whose presence the signature of a member of a  
10 legislative house or a local government council is appended to a request  
11 or declaration under this section shall take all reasonable steps to satisfy  
12 himself that the signatory is a member of that legislative house or  
13 local government council and shall so certify in the request.

14 (5) Notwithstanding the provisions of this section a request for  
15 the creation of a new State received prior to the 10th day of June 1981  
16 and duly verified by a Joint Committee of the Senate and House of  
17 Representatives and declared to be in accordance with the require-  
18 ments of the Constitution shall be deemed to have been made and  
19 authenticated in accordance with this section.

20 2.—(1) A request or declaration of support for such request may  
21 be delivered to the Clerk of the National Assembly by—

22 (a) any member representing the area demanding the creation  
23 of the new State in a legislative house or in a local government council,  
24 or

25 (b) any person in whose presence the signature to a request or  
26 declaration is appended in accordance with section 1 of this Act ; or



1 (c) the Clerk of a House of Assembly acting for and on behalf of  
2 the members of that House in respect of the area demanding the  
3 creation of the new State or boundary adjustment as the case may be ;  
4 or

5 (d) the Secretary of a local government council acting for and on  
6 behalf of the members of that local government council in respect of  
7 the area demanding the creation of the new State or boundary  
8 adjustment, as the case may be.

9 (2) Three copies of each request shall be delivered to the Clerk of  
10 the National Assembly who shall acknowledge the receipt of the  
11 same on one of the copies and return such copy to the person who  
12 delivered the same to him.

13 (3) A request delivered to the Clerk of the National Assembly in  
14 accordance with the provisions of this section shall be deemed to have  
15 been received by the National Assembly as contemplated by section 8  
16 (1) (a) of the Constitution.

17 3.—(1) As soon as the Clerk of the National Assembly receives a  
18 sufficient number of declarations in support of a request he shall forth-  
19 with refer the request to the President of the Senate and the Speaker  
20 of the House of Representatives.

Declarations  
in support  
of request.

21 (2) The Clerk to the National Assembly shall consider the number  
22 of declarations in support of a request as sufficient only if such declara-  
23 tions are made by at least two-thirds majority of members representing  
24 the area demanding the creation of a new State or the area demanding  
25 the boundary adjustment, as the case may be, in each of the following,  
26 namely —

27 (a) the Senate and the House of Representatives ;

28 (b) the House of Assembly, and

1 (c) the local government councils in respect of that area.

2 (3) Within seven days after receiving information in accordance  
3 with subsection (1) of this section the President of the Senate and the  
4 Speaker of the House of Representatives shall report such information  
5 to the Senate and the House of Representatives respectively in open  
6 session and the information shall be duly recorded in the Journal of the  
7 respective Houses.

8 (4) If the President of the Senate is not satisfied that the number  
9 of declarations in support of a request for the creation of a new State is  
10 sufficient to fulfil the requirements of section 8 (1) (a) of the Constitu-  
11 tion, he shall forthwith refer the matter to a Joint Committee of the  
12 National Assembly for investigation and for a report thereon to the  
13 National Assembly.

14 (5) The report of the said Joint Committee shall be published in  
15 the *Gazette* and in such other manner as the President of the Senate  
16 may direct and shall state specifically (with grounds and reasons therefor)  
17 whether or not the said Joint Committee accepts the finding of the  
18 Clerk of the National Assembly that the number of declarations was  
19 sufficient as required under section 8 (1) (a) of the Constitution.

20 (6) If the President of the Senate is satisfied that the number of  
21 declarations in support of a request is sufficient to meet the requirements  
22 of the Constitution, he shall, not later than 14 days after the report of the  
23 information to the Senate mentioned in subsection (3) of this section—

24 (a) cause the proposal for the creation of the new State to be  
25 published in the Journal of the Senate and (with the permission of the  
26 Speaker) in the Journal of the House of Representatives as well as in  
27 three consecutive issues of the *Gazette* ; and

(b) where the request is for the creation of a new State, issue a direction in writing in the form shown in the Schedule to this Act addressed to the Federal Electoral Commission requiring it to hold a referendum for the purpose of ascertaining the wishes of the people of the area (where the demand for the creation of the new State originated) with respect to the said proposal.

#### PART II—REFERENDUM

4. Where the Federal Electoral Commission receives the direction of the President of the Senate not less than 15 months before the expiration of the date when the National Assembly stands dissolved, the Commission shall forthwith proceed to make arrangements for holding a referendum in the area where the demand for the creation of the new State originated. In any other case the Commission shall proceed to make arrangements for holding the said referendum as soon as practicable and in any event, not later than a period of fifteen months after the next general elections to the National Assembly.

Referendum  
for creation  
of a new  
State.

5.—(1) Subject to the following provisions of this Act, the referendum shall be held on a day appointed by the Federal Electoral Commission by notice published in not less than two issues of the *Gazette* and the day so appointed (hereinafter referred to as “appointed day”) shall not be before the expiration of the period of one month commencing on the date of the first publication of the notice.

Date and  
time of  
referendum.

(2) Voting for the purposes of the referendum shall take place on the appointed day during such hours as may be specified in the notice.

6. The sole matter on which a voter shall be invited to cast his vote at the referendum shall be the question as to whether he agrees to the proposal to create the new State.

Form of  
question at  
referendum.

Referendum  
districts.

1 7. If the Federal Electoral Commission considers that the area  
2 in which the referendum is required to be held should be divided into  
3 districts for the purposes of voting at the referendum, the notice aforesaid  
4 may provide that the area shall be divided into such voting districts  
5 as may be specified in the notice.

Regulations.

6 8.—(1) Subject to the provisions of this Act the Federal Electoral  
7 Commission may make regulations with respect to—

8 (a) the organisation and conduct of the referendum, and

9 (b) such other matters as may appear to the Federal Electoral  
10 Commission necessary for purposes of the referendum.

11 (2) Without prejudice to the generality of the power conferred by  
12 subsection (1) of this section the regulations may make provisions—

13 (a) for the appointment of a person (hereinafter referred to  
14 as “the supervisor”) to supervise the conduct of the referendum and  
15 for the appointment and control of persons to assist the supervisor  
16 in the exercise of his functions ;

17 (b) prescribing the procedure to be followed in holding the  
18 referendum, including the manner of voting and of ascertaining and  
19 publishing the results of the voting ;

20 (c) specifying the circumstances and manner in which, and the  
21 conditions upon which, persons of such descriptions as may be  
22 prescribed by the regulations (including the Federal Electoral  
23 Commission) may apply to the Supreme Court for determination of  
24 any question arising in connection with the organisation, conduct or  
25 result of the referendum ;

26 (d) for declaring void the votes cast at the referendum either  
27 generally or in a particular voting district in any case where the Federal  
28 Electoral Commission considers it proper so to do in consequence

1 of a determination of the Supreme Court as respects any question  
2 referred to it (whether by the Federal Electoral Commission or  
3 otherwise) in pursuance of this Act, and for requiring a fresh vote  
4 to be taken for the purposes of the referendum on a subsequent  
5 occasion either generally or, as the case may be, in that district ;

6 (e) for the definition and trial of offences connected with the  
7 referendum and the imposition of penalties for such offences, not  
8 exceeding for any offence, imprisonment for a term of twelve months  
9 or a fine of two hundred naira or both.

10 (3) Regulations under this section shall make provisions—

11 (a) requiring the voting at the referendum to be by secret ballot ;

12 (b) authorising the persons appearing to the supervisor to be the  
13 representative body of any political party to appoint not more than  
14 two persons in respect of each place at which votes are cast at the  
15 referendum and not more than two persons in respect of each place  
16 at which those votes are counted (hereinafter referred to as a "polling  
17 station" and a counting station" respectively) ;

18 (c) requiring the supervisor, not later than the beginning of the  
19 period of seven days ending on the appointed day, to publish in the  
20 *Gazette* a notice stating the location of each polling station and  
21 counting station ;

22 (d) authorising any person appointed in pursuance of paragraph  
23 (b) of this subsection, on production of his instrument of appointment,  
24 to be present throughout the voting or the counting of the votes  
25 at the polling station or counting station for which he is appointed,  
26 and requiring the person in charge of that station to afford him adequate  
27 facilities for observing the manner in which the polling is conducted  
28 or, as the case may be, for observing the count ;

1 (e) entitling any person so appointed for a counting station to  
2 require a recount or further recount of the votes counted at the  
3 station, and requiring the person in charge of the station to comply  
4 with the requisition unless in his opinion the requisition is unreason-  
5 able.

6 (4) In paragraph (b) of the last foregoing subsection, "political  
7 party" means a body entitled to function as a political party in accord-  
8 ance with the provisions of section 202 of the Constitution.

9 (5) Regulations under this section may make different provisions  
10 for different circumstances.

Determina-  
tion of  
questions as  
to conduct  
of referen-  
dum.

11 9. The Supreme Court shall have original jurisdiction to determine  
12 any question referred to it in accordance with the regulations made by  
13 virtue of this Act, and the Chief Justice of Nigeria may by rules of  
14 court make provisions with respect to the practice and procedure of  
15 the court for the purpose of the jurisdiction conferred by this subsection.

Expenses of  
referendum.

16 10. Any expenses certified by the President to be expenses of the  
17 referendum shall be a charge upon the Consolidated Revenue Fund  
18 of the Federation.

Certification  
of referen-  
dum result  
to the  
National  
Assembly.

19 11.—(1) The Chairman of the Federal Electoral Commission shall,  
20 by writing under his hand, forthwith certify the result of the referendum  
21 to the President of the Senate, the Speaker of the House of Representatives  
22 and the Speaker of every State House of Assembly and the certificate  
23 shall be read at an open meeting of every legislative house as soon as it is  
24 practicable so to do.

25 (2) The Federal Electoral Commission shall also cause the result  
26 of the referendum to be published in the *Gazette* as soon as practicable.

27 (3) At any time after the announcement of the result of a referendum  
28 in any House of Assembly or after its publication in the *Gazette*, any



1 member of any House of Assembly may, subject to standing orders, move  
2 a resolution in that House of Assembly approving the proposal for the  
3 creation of the new State and if such resolution is approved the Clerk of  
4 that House of Assembly shall issue a certificate to that effect in the form  
5 prescribed in the Schedule to this Act and forthwith deliver such  
6 certificate or cause it to be delivered to the Clerk of the National  
7 Assembly.

8 PART III—MISCELLANEOUS

9 12. The Constitutional Referendum Act, 1962 is hereby repealed.

Repeal.

10 13. In this Act—

Interpreta-  
tion.

11 "Clerk of the National Assembly" means Clerk to the National  
12 Assembly within the meaning of section 47 of the Constitution ;

13 "Constitution" means the Constitution of the Federal Republic  
14 of Nigeria 1979 ;

15 "Gazette" means Federal Republic of Nigeria *Official Gazette* ;

16 "Legislative House" means the Senate, the House of Representatives  
17 or any of the State Houses of Assembly ;

18 "Local government council" means a democratically elected local  
19 government council established pursuant to section 7 of the Constitu-  
20 tion ;

21 "President" means the President of the Federal Republic of  
22 Nigeria.

23 "President of the Senate" means President of the Senate elected  
24 under section 46 (1) (a) of the Constitution.

25 "proposal" when used in connection with the creation of a new  
26 State or boundary adjustment includes a motion for the creation of a  
27 new State or for boundary adjustment of an existing State ;

28 "request" means request for the creation of a new State or for  
29 boundary adjustment ;

1 "Speaker of the House of Representatives" means Speaker of the  
 2 House of Representatives elected under section 46 (1) (b) of the  
 3 Constitution ;

4 "State" means State of the Federal Republic of Nigeria.

Short title.

5 14. This Act may be cited as the Creation of States and Boundary  
 6 Adjustments (Procedure) Act 1981.

## SCHEDULE

### FORM I

### Section 1

#### FORM OF REQUEST OR DECLARATION OF SUPPORT FOR A REQUEST FOR THE CREATION OF A NEW STATE WITHIN THE FEDERAL REPUBLIC OF NIGERIA

I, ..... residing at .....  
 in the ..... State of the Federal Republic of Nigeria do hereby  
 declare that—

1. I am the member representing the ..... Senatorial  
 District/Federal Constituency in the Senate/House of Repre-  
 sentatives

or

I am the member representing the ..... Constituency  
 in the ..... State House of Assembly

or

I am the member representing the ..... ward  
 in the ..... Local Government.

2. I support the request for the creation of a new State within the  
 Federal Republic of Nigeria, such State to be known as and  
 called the ..... State and to comprise the following areas :

.....  
 .....  
 .....

[Describe the areas in terms of State or  
 Federal Constituencies or local government areas]

3. I hereby pray the National Assembly to enact a law for the creation of the State.

.....  
*Signature of Declarant*

I hereby certify that the above declaration was duly signed by the person who made it and whom I certify to be the member of the legislative house/local government council stated in the paragraph of the declaration numbered 1.

DATED this

day of

1981.

.....  
*Signature of Clerk of the National  
Assembly or Clerk of the*

.....*State House of  
Assembly or Secretary to*

.....*Local Govern-  
ment of.....State*

## FORM 2

### DIRECTION TO HOLD A REFERENDUM TO ASCERTAIN THE WISHES OF PERSONS IN THE AREA WHERE CREATION OF A NEW STATE ORIGINATED

WHEREAS the National Assembly has received a request for the creation of a new State to be known as.....State and comprising the following areas of.....State, namely—

*(Describe the areas in terms of State or  
Federal Constituencies or local government areas)*

AND WHEREAS the request is supported by at least two-thirds majority of members representing the area aforementioned in each of the following, namely—

(1) the Senate and the House of Representatives,

(2) the House of Assembly in.....State

(3) (a) .....Local Government

(b) .....Local Government

(c) .....Local Government, etc.

AND WHEREAS it is proposed to create the said.....State.

Now therefore I,.....the President of the Senate, in exercise of the powers conferred upon me by section 3 of the Creation of States and Boundary Adjustments (Procedure) Act 1981 and of all other powers enabling me in that behalf hereby direct the Federal Electoral Commission to hold a referendum as soon as the law permits it so to do, in the areas comprising the proposed.....State, for the purpose of ascertaining the wishes of the people of the area aforesaid with respect to the proposal for the creation of the new State within the Federal Republic of Nigeria.

DATED this ..... day of ..... 19.....

.....  
*President of the Senate*

### FORM 3

#### FORM OF REQUEST OR DECLARATION OF SUPPORT FOR A REQUEST FOR THE ADJUSTMENT OF THE BOUNDARY OF AN EXISTING STATE

I,.....residing at.....in the  
.....State of the Federal Republic of Nigeria  
do hereby declare that—

1. I am the member representing the.....Senatorial  
District/Federal Constituency in the Senate/House of Representatives.

2. I support the request for the adjustment of the boundary of  
.....State by—

*[Describe the areas in terms of State or Federal  
Constituencies or local government areas]  
and state the name of the State to which  
the area is to be transferred*

3. I hereby pray the National Assembly to enact a law for the purpose  
of boundary adjustment accordingly.

.....  
*Signature of Declarant*

FORM 4

FORM OF CERTIFICATE REGARDING THE  
APPROVAL OF A RESOLUTION IN FAVOUR  
OF CREATING A NEW STATE

To : The Clerk to the National Assembly

I hereby certify that on the.....day of.....19....

the House of Assembly of.....State passed a resolution  
approving the proposal published in the *Official Gazette* of the Federal  
Republic of Nigeria on the.....day of.....19....

for the creation of.....State within the Federal Republic  
of Nigeria.

DATED this                      day of                      19

.....  
*Clerk of the House of Assembly*  
of.....State

EXPLANATORY NOTE

This Bill seeks to carry into effect the provisions of section 8 of the Constitution of the Federal Republic of Nigeria 1979 prescribing the procedure for the various requirements of the Constitution with respect to the creation of new States and the adjustment of the boundaries of existing States.