

Observations and Recommendations on the Proposed Electoral Bill, 2020

S/No	CLAUSES	ISSUES	PROVISIONS OF THE BILL	OBSERVATIONS/RECOMMENDATIONS
1.	3.	Strengthening financial Independence of the Commission	3(2)(a) such sums and payments available to the Commission for carrying out its functions under the Constitution and this Act, provided that the funds for General Elections shall be released to the Commission not later than 180 days to the date appointed for the elections.	<p>The late release of funds for elections leads to delays in procurement of election materials and recruitment and training of election workers. It amounts to an interference with the independence of INEC. Delay in funding creates inefficiencies in logistics management which results in the postponement of elections.</p> <p>In the 2019 elections the election budget was N189,007,272,393 (N2,249 (\$6.24) per voter). The Federal Government released N143, 512, 529, 455 (76%) on November 22, 2018 (86 days to the election). The outstanding balance of N45,495,012,938 (24%) on December 21, 2018 (57 Days to the election)</p> <p>The Electoral Act should be amended to make it compulsory for the Federal Government to release to all funding for elections not later than one year to elections.</p>

2.	8.	Non-partisanship of INEC officials	<p>“(5) (a) A person who, being a member of a political party or is beneficially affiliated or connected to a political party, seeks appointment or employment with the Commission, shall disclose this membership, affiliation, or connection to the Commission.</p> <p>(b) A person who acts in breach of paragraph (a) of this subsection commits an offence and shall be liable, on conviction, to a minimum imprisonment of five (5) years or a minimum fine of N5,000,000, or both.”</p>	<p>All staff and persons seeking employment with the Commission should be prohibited from being members of political parties. This will promote impartiality and neutrality in managing elections. The law should go beyond ensuring compulsory disclosure to clearly prohibiting all INEC officials from being members of political parties.</p>
3.	9.	National Register of Voters and Voters’ Registration	<p>(1) The Commission shall Compile, maintain, and update on a continuous basis, a National Register of voters, in this Act referred to as “the register of voters “which shall include the names of all persons entitled to vote in any Federal, State or Local Government or Area Council elections. The names and disability status disaggregated by type of disability.</p> <p>“(1A) The Commission shall keep the register of voters as the National Register of Voters in both manual and electronic formats in its National Headquarter and</p>	<p>Keeping the Register of voters in electronic format will promote inclusiveness improve transparency and public to the register. Also, disaggregating the voter register by disability will facilitate election planning, deployment of electoral materials, voter education, electoral research and analysis. The disaggregation should age and gender.</p> <p>The Bill should make provisions to compel INEC to respect data privacy rights in handling voter registration. Sanctions should be imposed on officials who breach data privacy rights.</p>

			<p>other locations as the Commission may determine</p> <p>Provided that the Commission shall keep the Register of Voters in –</p> <p>(a) electronic format in its central database, and</p> <p>(b) manual, printed, paper-based record or hard copy format; and</p> <p>(b) substituting for subsection (5), a new subsection “(5)” –</p> <p>(5) The registration of voters, updating and revision of the register of voters under this section shall stop not later than 30 days before any election covered by this Bill.</p>	<p>However, the proposed timeline of 30 or days for completing voter registration before any election is insufficient and too tight. Concluding voter registration too close to election can lead to disenfranchisement of voters because new registrants may not collect their due to late production and distribution of the Permanent Voter Cards (PVC). Also, the Bill doesn’t give sufficient time for addressing claims and objections.</p> <p>The registration of voters, updating and revision of the Register should stop at least 90 days before the general elections.</p> <p>The Bill should make provisions for independent audit of the voter register by key stakeholders like political parties, civil society groups for the purposes of assessing the accuracy and integrity of the voter register.</p>
4.	12.	QUALIFICATION FOR REGISTRATION	12 (1) (C) Is ordinarily resident or, works in or originates from the Local Government/Area Council or Ward covered by the registration centre;	With this amendment, only one legal requirement will suffice, making it possible for Nigerians in diaspora to register vote on the basis of their Wards, Local Government Area and States of Origin.
5.	15.	POWER TO PRINT AND ISSUE REGISTER OF VOTERS	15. The Commission shall cause a voters’ register for each State to be printed, or reproduced, copied, duplicated or saved in an electronic format”.	INEC will be compelled to keep an open and accessible voter register in electronic format. This will enhance the integrity of the electoral process

			and any person or political party may obtain from the Commission, on payment of such fees as may be determined by the Commission, a certified copy of any voters' register for the State or for a Local Government or Area Councilor registration area within it.	
6.	18.	REPLACEMENT OF LOST OR DAMAGED PERMANENT VOTER CARD	<p>(1A) If the Electoral Officer or any other officer is satisfied as to the circumstances of loss, destruction, defacement or damage of the Voter's Card, he shall issue to the voter a Replacement Permanent Voter's Card.</p> <p>(1B) No person shall issue a Replacement Permanent Voter's Card to any voter on polling day or less than 30 days before polling day.</p>	This amendment ensures registered voters are not disenfranchised on the basis of lost or damaged PVCs. It replaces Duplicate with the word Replacement to provide clarity on the type of cards issued to voters.
7.	19.	DISPLAY OF THE COPIES OF THE VOTERS' LIST	<p>19. "(1) Subject to the provisions of section 9(5) of this Act, the Commission shall, not later than 30 days to a general election, appoint a period of 7 days during which a copy of the voters' register for each Local Government, Area Council or Ward shall be displayed or published for public scrutiny at every Registration Area and on its official website or any website established by the Commission for that purpose.";</p>	<p>The display of the voter register is an opportunity for citizens to identify errors in the voter register so INEC can address identified gaps.</p> <p>It is proposed that the Bill makes provisions for an online process of filing claims in view of the fact that the Bill permits online display of the voter register.</p> <p>The proposed timeline of 30 days to an election is a very tight timeframe. It could negatively impact election planning and</p>

			<p>NEW PROVISION “(1A) Upon displaying or publishing the voters register in accordance with this section, the Commission shall accept and consider objections and complaints in relation to the names omitted or included in the voters’ register or in relation to any necessary correction, within 14 days of publishing the voters register in accordance with this section.”; and</p> <p>NEW PROVISION “(4) Failure to display or publish the voters’ register as provided under subsection (1) of this section shall constitute an offence for which any officer or staff of the Commission responsible for such default shall be guilty and liable, on conviction, to imprisonment for a minimum term of 6 months or a minimum fine of N100,000.”</p>	<p>voters could be disenfranchised if INEC is unable to address the claims and objections before election day. The timeline should be increased to 60 or 90 days to a general election.</p>
8.	25.	DAYS OF ELECTION	<p>“Election to each House of the National Assembly shall hold on a date to be appointed by the Independent National Electoral Commission.”</p> <p>(3) “Elections to the House of Assembly of a State shall be held on a</p>	<p>Strengthens the Commission’s power to fix dates of elections in line with the provision of the constitution that elections shall hold not earlier than 150 days and not later than 30 days before the expiration of the term of the incumbent office holder. This provision is</p>

			<p>date to be appointed by the Independent National Electoral Commission”.</p> <p>(5) “An election to the office of President shall be held on a date to be appointed by the Independent National Electoral Commission.”</p> <p>(7) “An election to the office of the Governor of a State shall be held on a date to be appointed by the Independent National Electoral Commission”</p>	<p>in line with standard practice across the world.</p> <p>The Bill should make provisions for Special Vote to enable Nigerians on essential duty on election day to apply for and cast a special vote prior to election day at a polling unit where they registered to vote. These categories of Nigerians include security personnel, INEC officials, accredited observers and accredited media personnel.</p>
9.	26.	CONDUCT AND POSTPONEMENT OF ELECTION IN EMERGENCY	<p>3) Where an election has commenced and there is reason to believe that there is or has been substantial disruption of election in a polling unit or constituency or it is impossible to continue with the election occasioned by threat to peace and security of electoral officials and materials, the Commission shall suspend the election and appoint another date for the continuation of the election or the process thereof.</p> <p>26(4) Where the Commission appoints a substituted date in accordance with subsections (2), (3) and (4) of this section, there shall be no return for the election until polling has taken place in the area or areas affected.</p>	<p>The proposed amendment is required to ensure that registered voters vote in a peaceful and transparent atmosphere. It seeks to secure voters, election officials and materials as well as reverse the ugly trend of politicians employing violence and brigandage to win elections at all cost.</p> <p>A further review is proposed to cater to unforeseen circumstances like pandemic/epidemic that pose health hazards to election officials and voters. This is based on the COVID-19 experience where INEC suspended elections bye-elections</p>

10.	27.	ANNOUNCEMENT OF ELECTION RESULTS	<p>(b) The Registration Area or Ward Collation Officer at the Registration Area or Ward Collation centre”.</p> <p>2(a) Registration Area or Ward Collation Centre, in the case of Councillorship election in the Federal Capital Territory (FCT).</p>	This ensures consistency in the use of Registration Area of Ward
11.	28.	OATH OF NEUTRALITY BY ELECTION OFFICERS	<p>28. (1) All Staff, Electoral Officers, Presiding Officers, Returning Officers, Security Officials and Staff taking part in the conduct of an election shall Affirm or Swear to an Oath of Loyalty and Neutrality indicating that they will not accept bribe or gratification from any person, and Shall perform their functions and duties impartially and in the interest of the Federal Republic of Nigeria without fear or favour.</p>	This is to ensure that all security personnel deployed for election duties subscribe to the Oath of neutrality.
12.	30.	NOTICE OF ELECTION	<p>Section 30(1) of the Principal Act is amended by substituting for the figure, “90” in line 1, the figure, “50”</p> <p>NEW PROVISION</p> <p>(4) There shall not be substitution of candidates in a by-election except where a candidate of a political party in a by-election dies, the party shall submit to the Commission the name of its substitute candidate within 48 hours of the death of the candidate in the Form prescribed by the Commission.</p>	<p>The proposed reduction in the number of days for publishing Notice of Election is inimical to election planning. Creating tight timeframes for electoral activities promotes inefficiency, hikes in election costs and it could undermine election integrity.</p> <p>Notice of Election should be published not later than 150 days before the date of an election to allow early primaries, submission, compilation of list of candidates and to give</p>

				<p>enough time for planning and printing of sensitive materials.</p> <p>Limiting the substitution of candidates in a bye-election to only cases where the candidate dies is a progressive amendment because it limits the controversies arising from party primaries. It also reduces election costs facilitates effective election planning</p>
13.	31.	SUBMISSION OF LIST OF CANDIDATES AND THEIR AFFIDAVITS BY POLITICAL PARTIES	<p>31.(1) “Every Political Party shall, not later than 120 days before the date appointed for a General Election under this Act, submit to the Commission, in the prescribed Forms, the list of the candidates the Party proposes to sponsor at the elections, who must have emerged from validly conducted primaries.</p> <p>“(6) if the Court determines that any of the information contained in the Affidavit is false, the Court shall issue an order disqualifying the candidate or political party from contesting the election and if already elected, the candidate or political party shall not be eligible to re-contest another election which shall be conducted within 90 days by the Commission.</p>	<p>The newly proposed timeline of 120 days is positive development because it provides enough time for compilation of list of candidates, planning and procurement of sensitive materials. It limits the incidence of election postponement and reduces the rising cost of elections.</p> <p>The proposed amendment gives effect the decision of the Supreme Court in SC 377/2019 –APC & 180 Ors. vs. Sen. Kabiru Marafa & Ors. INEC can invalidate nominations where candidates fail to meet constitutional requirements or where there were no validly conducted primaries. Section 8 should also be amended to give INEC the power to invalidate the nomination of unqualified candidates.</p> <p>Under this section, political parties should be required to include women, youth and persons living with disabilities in the list of</p>

			<p>(8) A political party which presents to the Commission the name of a candidate who does not meet the qualification stipulated in this section, commits an offence and is liable on conviction to a fine of N1,000,000.</p>	<p>candidates which it seeks to sponsor in an election. Provided that not more than two-third of the candidates shall be from the same gender’.</p> <p>The penalty of N1,000,000 is inadequate and it won’t deter parties. Consequently, the penalty should be increased to N10,000,000 or N15,000,000.</p> <p>The Court should also disqualify unqualified candidates from contesting in an election. In cases where an unqualified candidate has been elected, the Court should order the person to vacate the office and candidate with the second highest votes cast who satisfies the second highest votes cast who satisfies Constitutional requirement for the post shall be declared elected. This proposal if adopted, it will deter political parties from nominating unqualified candidates. It will also eliminate the waste of public funds to repeat election consequent upon removal of disqualified candidates.</p>
14.	33.	POLITICAL PARTIES CHANGING CANDIDATES	<p>Section 33 of the Principal Act is amended by inserting after the word, “candidate”, in line 3, a proviso –</p> <p>“Provided that in the case of such withdrawal or death of a candidate, the political party affected shall, within 10 days of the occurrence of the event, hold a fresh primary</p>	<p>The proposed amendment gives political parties the opportunity to conduct fresh primaries to nominate a new candidate. It affords party members to an opportunity to exercise the right to choose.</p>

			election to produce and submit a fresh candidate to the Commission for the election concerned.”	
15.	34.	PUBLICATION OF NOMINATION	<p>NEW PROVISION</p> <p>(a) inserting new subsections “(2)” – “(4)” -</p> <p>“(2) Any candidate who observes his name or that of his party missing on the list published in accordance with subsection (1), shall notify the Commission in writing, signed by himself and supported with an affidavit not later than 21 days to the election.</p> <p>(3) Where the candidate fails to notify the Commission in accordance with subsection (2), the candidate shall be deemed to have waived his right.</p> <p>(4) The Commission shall produce ballot papers for the relevant elections in accordance with the list published after corrections in conformity with subsection (2).” And</p> <p>(b) renumbering the section appropriately.</p>	<p>This proposed amendment could create controversies on many levels. First, the timeline of 21 days to election is too close to the date of an election and it could be exploited by politicians to suspend the conduct of elections. Secondly, it will negatively impact on election logistics and preparations. Thirdly, it is a settled matter in law that only political parties submit list of candidates to INEC. Therefore, it is the party that should notify INEC.</p> <p>Given the proposal of early primaries in Section 31, INEC should be required to publish the list of candidates at least 60 days to the date of an election. Worthy to note that Section 285 (9), (14b,c) of the 1999 Constitution makes provisions to deal with pre-election cases of this nature.</p>
16.	35.	WITHDRAWAL OF CANDIDATE	Section 35 is amended by reducing the number of days for the Withdrawal of Candidate from 45 days to 30 days to an election	Given the importance of creating adequate time for compilation of list of candidates, withdrawal of candidates should be limited to 21 days after the initial submission of list of candidates to INEC. This is the period

				between the submission and substitution of candidates
17.	36.	DEATH OF A CANDIDATE	<p>36. (1) If after the time for the delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Chief National Electoral Commissioner shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate and the Commission shall appoint some other convenient date for the election within 14 days.</p> <p>NEW PROVISION</p> <p>“(3) If after the commencement of polls and before the announcement of the final result and declaration of a winner, a candidate dies,</p> <p>(a) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days;</p> <p>(b) the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 14 days of the death of its</p>	<p>This proposal addresses a major gap in the electoral law. It gives political parties the opportunity to conduct primary election to select a candidate to replace a deceased one. It also a definite timeline of 21 days for INEC to conclude an election and declare a winner.</p>

			<p>candidate and submit the name of a new candidate to the Commission; and</p> <p>(c) subject to paragraphs (a) and (b) of this subsection, the Commission shall continue with the election, announce the final result and declare a winner.”</p>	
18.	38.	FAILURE OF NOMINATION	<p>NEW PROVISION</p> <p>(2) where there is a valid nomination by at least one political party, failure of a political party to validly nominate a candidate does not constitute ground for extension of time for nomination or postponement of election.</p> <p>(3) polling Agents who are in attendance at a polling unit, are entitled, before the commencement of the election, to have originals of electoral materials, including ballot papers, result sheets, ballot papers’ account and verification documents and other electoral forms to be used by the Commission for the election inspected, and this process may be recorded in writing, on video or by other means by any Polling Agent, accredited observer or official of the Commission.</p>	<p>Granting polling agents access to election materials will enhance the transparency of the electoral process. Also, allowing video recordings and picture is encouraging. It strengthens citizens’ oversight.</p> <p>A further amendment to Sub-section (3) is proposed to include accredited election observers and media personnel.</p>

			<p>(4) where it is determined that there has been a substantial compliance with this provision in respect of the polling unit, the elections at that polling unit shall not be invalidated.</p> <p>(5) a Presiding Officer who contravenes subsection (3) or (4) commits an offence and is liable on conviction to at least a term of one-year imprisonment or a fine of N1,000,000, or both.</p>	
19.	42.	ESTABLISHMENT OF POLLING UNITS	<p>42. (1) The Commission shall divide each Local Government Area into Registration Areas not being less than 10 and not more than 20 as the circumstance of the Local Government Area may require</p> <p>(2) The Commission shall establish sufficient number of polling units in each Registration Area/Electoral ward and shall allot voters to such polling units.</p>	The amendment provides clarity on INEC's constitutional powers to create polling units and Registration Areas.
20.	43.	BALLOT BOXES	<p>NEW PROVISION</p> <p>“(4A) Polling Agents who are in attendance at a polling unit, shall be entitled, before the commencement of the election, to have originals of electoral materials to be used by the Commission for the election inspected; and this process may be recorded as evidence in writing, on video or by other means by any</p>	<p>This amendment will enhance the transparency of the process. However, the law should be amended to include accredited observers and media personnel.</p> <p>Also, the procedure for the inspection should be regulated by INEC to avoid disputes and unnecessary delay in the commencement of elections</p>

			<p>Polling Agent, accredited observer or official of the Commission.</p> <p>(4B) An election conducted at any polling unit in violation of subsections (3), (4), (4A) or (5) of this section shall be invalid.</p> <p>(4C) A Presiding Officer who contravenes subsections (3), (4), (4A) or (5) of this section commits an offence and shall be liable, on conviction, to a minimum imprisonment term of one (1) year or a minimum fine of N1,000,000, or both.”</p>	
21.	44.	FORMAT OF BALLOT PAPERS	<p>NEW PROVISION</p> <p>“(3) The Commission shall, not later than 20 days to an election, invite in writing, a political party that nominated a candidate in the election to inspect its identity appearing on samples of relevant electoral materials proposed for the election; and the political party may state in writing within 2 days of being so invited by the Commission that it approves or disapproves of its identity as it appears on the samples.</p> <p>(4) Unless the political party disapproves of its identity under subsection (3) of this section in writing, it shall not complain of</p>	<p>This amendment will reduce complaints of unlawful exclusion often used by parties to disrupt the conduct of elections.</p> <p>To align with the provision on electronic voting, ballot papers should be numbered serially for each office being contested. Binding of ballot paper in booklet form is no longer relevant.</p>

			<p>unlawful exclusion from the election under this Act in relation to its identity appearing on electoral materials used for the election.</p> <p>(5) A political party that fails to comply with an invitation by the Commission under subsection (3) of this section shall be deemed to have approved its identity on samples of electoral materials proposed to be used for an election.”</p>	
22.	45.	POLLING AGENTS	<p>45(1) Each Political Party may, by notice in writing addressed to the Resident Electoral Commissioner of the State, appoint a polling agent for each polling unit and collation centre in the Local Government Area or Area Council for which it has candidate and the notice, which sets out the name and address of the polling agent, shall be accompanied by two passport photographs of each polling agent and sample signature of the polling agent and be given to the Electoral Officer at least 14 days before the date fixed for the election:</p> <p>PROVIDED that no person presently serving as Chairman or member of a Local Government area council, Commissioner, deputy governor or governor of a state, minister or any other person holding political office under any tier of government and who has not resigned his</p>	<p>This proposed amendment will enhance INEC’s oversight on party agent. Often times, party agents are deployed by parties to interfere with the conduct of election at the polling unit. Banning political officer holders from serving as polling agent is highly recommended.</p> <p>A new subsection is proposed for Election Observers. The section should make provisions for the role and functions of election observers as well as the accreditation procedure as prescribed by the Commission</p>

			appointment at least 3 months shall serve as a polling agent of any Political Party, either at the polling unit or at any centre designated for collation of results of Election.	
23.	47.	HOUR OF POLLS	Section 47: Voting in any particular election under this Act shall take place on the date and time appointed by the Commission.	The amended aligns with INEC constitutional powers to set date and time for election.
24.	48.	DISPLAY OF BALLOT BOXES	48. (1) at the hour fixed for opening of the poll before the commencement of accreditation and voting, the Presiding Officer shall open the empty ballot box and show same to such persons as may lawfully be present at the Polling unit and shall then close and seal the box in such manner as to prevent its being opened by unauthorized person.	This new amendment takes cognizance of the new procedure for continuous accreditation and voting. However, it is silent on electronic voting. To align with provisions on electronic voting, electronic voting machines should be stated in the section.
25.	49.	ISSUE OF BALLOT PAPER	ISSUE OF BALLOT PAPER (1) A person intending to vote in an election shall present himself with his voter's card to a Presiding Officer, or any other designated officer of the Commission, for accreditation at a polling unit where he is a registered voter. (2) The Presiding Officer shall use a Smart Card Reader or any other technological device prescribed by the Commission for the accreditation of	Conferring legality on electronic accreditation of voters is progressive step. It will no doubt limit multiple voting and voting by proxy. To strengthen the accreditation process, it should be clearly stated that the accreditation list generated by the Smart Card Reader or any technological device takes precedent over the manual list.

			<p>voters, to verify, confirm or authenticate -</p> <p>(a) the genuineness or otherwise of the voter's card;</p> <p>(b) that the voter's card presented by the voter is registered to the polling unit where the card is presented;</p> <p>(c) the biometric connection or otherwise of the intending voter with the voter's card; and</p> <p>(d) the number of duly accredited voters in the polling unit.</p> <p>(3) An intending voter shall not be accredited to vote in an election if the voter's card presented by him to the Presiding Officer is not -</p> <p>(a) a genuine voter's card issued by the Commission to the intending voter;</p> <p>(b) registered to the polling unit where the card is presented; and</p> <p>(c) biometrically connected to the intending voter.</p>	
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(4) Subject to subsections (1), (2) and (3) of this section, the Presiding Officer shall, upon confirming that the intending voter's name is on the Register of Voters, issue him with a ballot paper and manually record, by ticking in the appropriate box on the Register of Voters, that the intending voter, having been accredited, received a ballot paper to vote in the particular election.

(5) The number of intending voters whose names are manually ticked as accredited on the Register of Voters under subsection (4) of this section shall not be inconsistent with the number of intending voters accredited with Smart Card Readers or other technological devices under subsections (2) and (3) of this section.

(6) At the end of accreditation of voters, the Presiding Officer shall -
(a) manually record or document the total number of intending voters accredited to vote, with other relevant voter accreditation data from the polling unit, in forms or electoral documents as shall be prescribed by the Commission for this purpose; and

			<p>(b) transmit the voter accreditation data in paragraph (a) of this subsection by secured mobile electronic communication to the:</p> <p>(i) collation center at each level of collation of results to which the polling unit belongs in the constituency where the election is held; and</p> <p>(ii) central database of the Commission kept at the National Headquarter of the Commission.</p> <p>(7) Where there is a breach of the foregoing provisions of this section, the election in the polling unit of interest shall be invalidated by a Tribunal or Court.</p> <p>(8) A Presiding Officer who knowingly contravenes any provision of this section that applies to him shall be guilty of an offence and shall be liable, on conviction, to a minimum imprisonment for at least 5 years, without an option of fine.</p> <p>(9) In respect of data of accreditation of voters, including polling unit</p>	
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			<p>results, for an election, the Commission shall not shut down its central database kept at its National Headquarter until all election petitions and appeals pertaining to that election are heard and determined by a Tribunal or Court.</p> <p>(10) A report issued by the Commission and certified by its designated official in its National Headquarter showing the number of voters accredited under subsections (2) and (3) of this section shall be prima facie proof of the record of accreditation of voters in an election.”</p>	
26.	50.	RIGHT TO CHALLENGE ISSUE OF BALLOT PAPER		This section should be amended to align with use of Electronic Voting Machine in cases where ballot paper is not used for an election.
27.	52.	CONDUCT OF POLL BY OPEN SECRET BALLOT	“(2) The Commission may adopt electronic voting or any other method of voting in any election it conducts as it may deem fit.”	This amendment legalizes electronic voting in Nigeria’s electoral process. Electronic voting could potentially enhance the integrity of elections and citizens participation.
28.	53.	OVER VOTING	(2) Where the votes cast at an election in any polling unit exceeds either the	This amendment partially addresses a longstanding controversy on Over voting. Over voting should be determined by the number of accredited voters. The proposal in

			number of accredited or registered voters in that polling unit, the result of the election for that polling unit shall be declared null and void by the Commission and another election may be conducted at a date to be fixed by the Commission where the result at that polling unit may affect the overall result in the Constituency.	the Bill allowing determination of over voting by number of accredited voters or registered voters will give room to discretion and manipulation. The invalidation of election at a polling unit based on over voting should be restricted to number of accredited voters only to ensure strict compliance.
29.	56.	BLIND AND INCAPACITATED VOTERS	56. (1) Voter with visual impairment and other forms of disabilities A voter who is blind or is otherwise unable to distinguish symbol or who suffers from any other physical disability may be accompanied into the polling unit by a person chosen by him and that person chosen by him and that person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting compartment and assist the voter to make his mark in accordance with the procedure prescribed by the Commission	Rewording the section to protect the rights of persons with disabilities promotes inclusion in the electoral process. However, sub-section 2 should be amended to make it compulsory for INEC to ensure PWDs vote at elections. The word “may” should be replaced with “shall”
30.	57.	PERSONAL ATTENDANCE	57. No voter shall record his vote otherwise than by personally attending at the polling unit or voting centres and recording his vote in the manner prescribed by the Commission.	This is proposed amendment will protect the voting rights of Internally Displaced Persons (IDPs).
31.	63.	COUNTING OF VOTES AND FORMS	“(4) At the end of voting in an election, the Presiding Officer shall - (a) sort and thereafter count the votes at the polling unit;	The amendment provides detailed procedure for counting and transmission of results. The mode of transmission is however unclear based on the provision in the Bill. It is suggested that electronic transmission

			<p>(b) record the sorted and counted votes in forms or electoral documents as shall be prescribed by the Commission for this purpose;</p> <p>(c) announce the result at the polling unit;</p> <p>(d) transmit the result of the election from the polling unit to the first level of collation of results to which the polling unit belongs in the constituency where the election is held.”; and</p> <p>(a) by inserting after subsection (4), a new subsection “(5)”, as follows:</p> <p>“(5) The process and procedure in subsections (1) to (4) may be recorded by any member of the public, party agent, accredited observer or official of the Commission.”</p> <p>(b) by inserting after subsection (5), a new subsection “(6)”, as follows:</p> <p>“(6) A Presiding Officer who willfully contravenes any provision of this</p>	<p>should be provided in the law to complement the manual mode of results transmission.</p>
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			section shall be guilty of an offence and shall be liable on conviction to a minimum imprisonment term of 5 years without an option of fine.”	
32.	64.	RECOUNT		In view of use of Electronic Voting Machine, it is proposed that the law should take cognizance that Electronic Voting Machines have receptacles where voting slips are stored. In the event of a recount, the slip in the receptacle should take precedence over the votes counted by the Electoral Voting Machine.
33.	65.	POST-ELECTION PROCEDURE AND COLLATION OF ELECTION RESULTS	<p>“65A. (1) The Commission shall compile, maintain and update on a continuous basis, a register of election results to be known as the National Electronic Register of Election Results which shall be a database of election results from each polling unit, including collated election results of each election conducted by the Commission.</p> <p>(2) National Electronic Register of Election Results shall be kept by the Commission at its National Headquarter.</p> <p>(3) Any person or political party may obtain from the Commission, on</p>	An electronic register of election results will facilitate public access to election results.

			payment of reasonable fees as may be determined by the Commission, a certified true copy of any election result kept in the National Electronic Register of Election Results for the Federation, a State, Local Government, Area Council, Ward or Polling Unit, as the case may be and the certified true copy may be in printed or electronic format.”	
34.	66.	REJECTION OF BALLOT PAPER WITHOUT OFFICIAL MARK		This provision is not relevant for Electronic Voting Machine. The ballot paper in Electronic Voting Machine comes with official mark
35.	67.	ENDORSEMENT ON REJECTED BALLOT PAPER WITHOUT OFFICIAL MARK	<p>67A. (1) A Collation Officer or Returning Officer at an election shall collate and announce the result of an election, subject to his verification and confirmation that the:</p> <p>(a) number of accredited voters stated on the collated result are correct and consistent with the number of accredited voters recorded and transmitted directly from polling units under section 49(6) of this Bill; and</p> <p>(b) the votes stated on the collated result are correct and consistent with the votes or results recorded and</p>	<p>This proposed amendment makes provision for the collation and transmission of results. It is however unclear whether electronic transmission of results is legally permissible.</p> <p>Therefore, the Bill should make express provisions for electronic transmission to enhance the transparency of results collation and transmission</p>

			<p>transmitted directly from polling units under section 63(4) of this Bill.</p> <p>(2) Subject to subsection (1) of this section, where the number of accredited voters and votes recorded and transmitted to a Collation or Returning Officer are inconsistent with a polling unit or a collated result, the Collation officer at that level or Returning Officer shall use the number of accredited voters recorded and transmitted directly from polling units under section 49(6) of this Bill and the votes or results recorded and transmitted directly from polling units under section 63(4) of this Bill to collate and announce the result of the election.</p> <p>(3) Where during collation of results, there is a dispute regarding a collated result or the result of an election from any polling unit, the Collation Officer or Returning Officer shall use the following to determine the correctness of the disputed result:</p> <p>(a) the original of the disputed collated result or manual result for each polling unit where the election is disputed;</p>	
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- (b) the Smart Card Reader or any other technological device used for accreditation of voters in each polling unit where the election is disputed for the purpose of obtaining accreditation data directly from the Smart Card Reader or technological device;
- (c) data of accreditation recorded and transmitted directly from each polling unit where the election is disputed, as prescribed under section 49 (6) of this Bill; and
- (d) the votes and result of the election manually recorded and transmitted directly from each polling unit where the election is disputed, as prescribed under section 63(4) of this Bill
- (4) If the disputed result under subsection (3) is found to be incorrect, the Collation Officer or Returning Officer shall re-collate and announce the correct result using the information in subsection (3) of this section.

			<p>(5) Where the dispute under subsection (3) of this section arose at the final level of collation and the Returning Officer has satisfied the provision of subsection (3) of this section, the Returning Officer shall accordingly declare the winner of the election.</p> <p>(6) A Returning Officer or Collation Officer, as the case may be, who willfully and knowingly contravenes a provision of this section that applies to him shall be guilty of an offence if the results he collated or announced are false and he shall be liable on conviction, to a minimum imprisonment term of 5 years without an option of fine.”</p>	
36.	68.	DECISION OF RETURNING OFFICER ON BALLOT PAPER	<p>68. (1) The decision of the Returning Officer on any question arising from or relating to-</p> <p>(a) unmarked ballot paper;</p> <p>(b) rejected ballot paper; and</p> <p>(c) declaration of scores of candidates and the return of a candidate, shall be final subject to review by a Tribunal or Court in an Election Petition proceedings under this Act.</p> <p>“</p> <p>“Provided that the Commission shall have the power within a reasonable time to</p>	<p>This amendment will deter politicians from compelling polling officials to declare false results under duress. It empowers INEC to review actions taken by Returning officers and review election results declared under questionable circumstances or duress.</p>

			review the declaration and return where Commission determines that the said declaration and return was not made voluntarily or was made contrary to the provisions of the Law, Regulations and Guidelines, and Manual for the election.”	
37.	75.	CERTIFICATE OF RETURN	<p>75. (1) A sealed Certificate of Return at an election in a prescribed form shall be Issued within 14 days to every candidate who has won an election under this Act:</p> <p>Provided that where the Court of Appeal or the Supreme Court being the final Appellate Court in any election petition as the case may be nullifies the Certificate of Return of any candidate, the Commission shall within 48 hours after the receipt of the order of such Court issue the successful candidate with a valid Certificate of Return.</p> <p>(2) Where the Commission refuses and, or neglects to issue a certificate of return, a certified true copy of the Order of a Court of Competent Jurisdiction shall, ipso facto, be sufficient for the purpose of swearing-in a candidate declared as the winner by that Court</p>	With this amendment, INEC is given sufficient time for the compilation of election result and processing of Certificate of Return.

38.	76.	FORMS FOR USE AT ELECTIONS	<p>(2) An election conducted at a polling unit without the prior recording in the forms prescribed by the Commission of the quantity, serial numbers and other particulars of results sheets, ballot papers and other sensitive electoral materials made available by the Commission for the conduct of the election shall be invalid.</p> <p>(3) A Presiding Officer who intentionally announces or signs any election result in violation of subsection (2) commits an offence and is liable on conviction to imprisonment for a term of not less than one (1) year without an option of fine.”</p>	Undoubtedly, this amendment will deepen electoral integrity. However, a remedial action should be taken as against invalidating the entire election for the polling unit.
39.	78.	POWERS OF THE COMMISSION TO REGISTER POLITICAL PARTIES	<p>78(1) Any political association that complies with the provisions of the Constitution and this Act for the purposes of registration shall be registered as a Political Party; Provided however, that such application for registration as a Political Party shall be duly submitted to the Commission not later than 12 months before a general election..</p> <p>(3) If the Association has not fulfilled all the conditions under this section, the Commission shall within 90 days from the receipt of its application notify the</p>	The proposed amendment provides a reasonable timeline for registration of Political Parties before a general election. It extends the period for review of all the documents submitted by the association and carry out a physical verification of the Association’s claim.

			<p>Association in writing stating the reasons for non-registration.</p> <p>(4) a political association that meets the conditions stipulated in the Constitution and this Act shall be registered by the Commission as a political party within 60 days from the date of receipt of the application, and if after the 60 days such association is not registered by the Commission, unless the Commission informs the association to the contrary, it shall be deemed to have been registered.</p> <p>5) an association, its executive member or principal officers who gives false or misleading information, commit an offence and is liable on conviction, in the case of -</p> <p>(a) the association to a fine of N5,000,000;</p> <p>(b) each executive or principal officer of the association to imprisonment for a term of at least six months or a fine of N1,000,000 or both.</p>	
40.	79.	DECISION OF THE COMMISSION SUBJECT TO JUDICIAL REVIEW	79. The decision of the Commission not to register any association as a Political Party may be challenged in a court of law, provided that any legal action challenging the decision of the	This amendment seeks to align the section with S 285 (9) of the 1999 Constitution that provides for “14” days for the commencement of pre-election matters

			Commission shall be commenced within 14 days from the date of receipt of the decision on non-registration from the Commission only at the Federal High Court.	
41.	80.	POLITICAL PARTIES TO BE BODIES CORPORATE	<p>NEW PROVISION</p> <p>2. Every registered Political Party shall maintain a register of its members in both hard and soft copy.</p> <p>3. Each Political Party shall make such available to the Commission not later than 30 days before the date fixed for the party primaries, Congresses or Convention.</p>	The amendment will promote internal democracy and transparency in the party primaries, congresses and convention. It will strengthen party monitoring by INEC.
42.	81.	CONTRAVENTION OF SECTION 227 OF THE 1999 CONSTITUTION	<p>Section 81(1) (a)(b) & (c) and 81(2)</p> <p>-(1) Any Political Party or association, which contravenes the provisions of section 227 of the Constitution is guilty of an offence and liable on conviction to a fine of-</p> <p>(a) N 500,000.00 for the first offence;</p> <p>(b) N 700,000.00 for any subsequent offence; and</p> <p>(c) N 50,000 for every day that the offence continues.</p> <p>2. Any person or group of persons who aids or abets a Political Party in contravening the provisions of section 227 of the Constitution shall be guilty of an offence and be liable on conviction to</p>	This amendment if adopted will deter Political Parties from perpetrating violence in their activities.

			a fine of N5,000,000.00 or 5 year imprisonment or both.	
43.	82.	SYMBOLS OF POLITICAL PARTIES	Section 82(6) Where a Political Party is deregistered no political association shall be permitted to use the name symbol logo or acronym of the deregistered Political Party within five (5) years of the deregistration.	To avert confusion and mischief, this amendment seeks to prevent political association or a deregistered Political Party from reapplying with the name or logo of a deregistered Political Party within five (5) years from the date of deregistration.
44.	84.	MERGER OF POLITICAL PARTIES	<p>84. (2) Political Parties intending to merge shall each give to the Commission 9 months' notice of their intention to do so before a general election.</p> <p>84. (3)(c) evidence of payment of administrative fee as may be fixed from time to time by the Commission.</p> <p>Section 84(4) On receipt of the request for merger of political parties the Commission shall consider the request; and if the parties have fulfilled the requirements of the Constitution and this Act, approve the proposed merger and communicate its decision to the Parties concerned before the expiration of sixty (60) days from the date of receipt of the formal request.</p> <p>PROVIDED that if the Commission fails to communicate its decision within 60 days shall within 14 days thereafter challenge</p>	A new timeline that ensures party mergers are concluded before election is necessary to facilitate early election planning, voter education and election training. It gives INEC adequate time to process requests for merger of political parties. The Bill also gives INEC the latitude to fix its administrative fee for merger of political parties.

			the decision of the Commission at the Court. The political parties challenging the decision of the Commission shall establish by cogent and verifiable reason that they have met all the constitutional requirements for merger.	
45.	85.	NOTICE CONVENTION, CONGRESS, ETC OF	<p>85. -(1) Every registered political party shall give the Commission at least 21 days' notice of any convention, congress, conference or meeting convened for the purpose of "merger and fusion and" electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices specified under this Act.</p> <p>NEW PROVISION</p> <p>85. (5) Failure of a Political Party to notify the Commission as stated in subsection (1) shall render the convention, congress, conference or meeting invalid.</p>	This amendment makes it compulsory for parties to issue notice to the Commission for meetings/convention/congress for merger or fusion. The Bills seeks to make failure to notify INEC a ground for nullifying a convention, congress and meeting. It is designed to promote internal democracy in parties
46.	86.	MONITORING OF POLITICAL PARTIES	86. (4) A Political Party which fails to provide the required information or clarification under subsection (2) of this section or carry out any lawful directive given by the Commission in conformity with the provisions of this section shall be liable to a penalty not exceeding N1,000,000:00.	This proposed amendment will ensure strict compliance and deter Political Parties from withholding information required by the Commission

47.	87.	<p>NOMINATION OF CANDIDATES BY PARTIES</p>	<p>(1) A political party seeking to nominate candidates for elections under this Act shall hold direct or indirect primaries for aspirants to all elective positions, which shall be monitored by the Commission and the result of the primaries may be endorsed or certified by the Commission.</p> <p>(2) A political party shall not impose nomination qualification or disqualification criteria, measures, or conditions on any aspirant or candidate for any election in its constitution, guidelines, or rules for nomination of candidates for elections, except as prescribed under sections 65, 66, 106, 107, 131, 137, 177 and 187 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).</p> <p>(3) For the purpose of nomination of candidates for election, the total fees, charges, dues and any payment howsoever named imposed by a political party on an aspirant shall not exceed:</p> <p>(i) One Hundred and Fifty Thousand Naira (N150,000)</p>	<p>This amendment seeks to sanitize the candidate nomination process to produce democratically elected candidates in political parties. Introducing thresholds for party nomination fees charged is a progressive step.</p> <p>Political parties should be allowed to make their rules and guidelines for primaries and also make their membership register available to the Commission especially in direct primaries. However, it is important to provide a legal framework that sets a standard for conduct of primaries for all political parties especially with respect to procedure, cost and qualification. In addition, under this section, political parties should be required to include women, youth and persons living with disabilities for an inclusive primaries process and ensure that not more than two-thirds of ad-hoc and statutory delegates are from the same gender.</p>
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			<p>for a Ward Councillorship aspirant in the FCT;</p> <p>(ii) Two Hundred and Fifty Thousand Naira (N250,000) for an Area Council Chairmanship aspirant in the FCT;</p> <p>(iii) Five Hundred Thousand Naira (N500,000) for a House of Assembly aspirant;</p> <p>(iv) One Million Naira (N1,000,000) for a House of Representatives aspirant;</p> <p>(v) Two Million Naira (N2,000,000) for a Senatorial aspirant;</p> <p>(vi) Five Million naira (N5,000,000) for a Governorship aspirant; and</p> <p>(vii) Ten Million Naira (N10,000,000) for a Presidential aspirant.</p> <p>(4) Any requirement, criteria, measures, or conditions for the nomination of candidates for elections outside the provisions of subsections (2) or (3) of this section shall be invalid.</p>	
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			<p>(5) Every political party shall publish the venues, dates, times, guidelines, procedures and other relevant information of its primaries, conventions or any event conveyed for the purpose of nominating candidates for the party in, at least, two (2) national newspapers and, at least, ten (10) days before the date of the event to nominate candidates for the party.</p> <p>Direct Primaries</p> <p>(6) A political party that adopts the system of direct primaries for the nomination of its candidate(s) for an election shall ensure that all aspirants are given equal opportunity of being voted for by registered members of the party and comply with the procedure outline below –</p> <p>(a) in the case of nominations to the position of Presidential candidate in a Presidential election, a political party shall, where it intends to sponsor a candidate,:</p> <p>(i) conduct direct primaries in the registration areas in the 36 States of the Federation and the FCT</p>	
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			<p>where all registered members of the party shall be eligible to vote;</p> <p>(ii) declare the Presidential Aspirant with the highest number of valid votes cast during the primaries across the 36 States of the Federation and the FCT as the winner of the Presidential primaries;</p> <p>(iii) hold a National Convention where it shall present the winner of the primaries to the public as the Presidential candidate of the party; and</p> <p>(iv) forward the name of the winner of the Presidential primaries to the Commission as the Presidential candidate of the party in the Presidential election.</p> <p>(b) in the case of nomination to the position of Governorship candidate in a Governorship election in a State, a political party shall, where it intends to sponsor a candidate:</p> <p>(i) conduct direct primaries in the registration areas in each Local Government Area in the particular State where all registered</p>	
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			<p>members of the party in the State shall be eligible to vote;</p> <p>(ii) declare the Governorship aspirant with the highest number of valid votes cast in all Local Government Areas in the particular State as the winner of the Governorship primaries in the State;</p> <p>(iii) hold a State Congress where it shall present the winner of the Governorship primaries to the public as the Governorship Candidate of the party in the Governorship election; and</p> <p>(iv) forward the name of the winner of the primaries to the Commission as the Governorship candidate of the party in the election for the State.</p> <p>(c) in the case of nominations to the position of Senatorial candidate, House of Representatives candidate and State House of Assembly candidate for a Senatorial District, a Federal Constituency and a State House Constituency respectively, a political party shall, where it intends to sponsor candidates in elections for these elective positions,:</p>	
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			<ul style="list-style-type: none"> (i) conduct direct primaries in the registration areas in each Local Government Area in the Senatorial District where all registered members of the party in the Senatorial District shall be eligible to vote; (ii) conduct direct primaries in the registration areas in each Local Government Area in the Federal Constituency where all registered members of the party in the Federal Constituency shall be eligible to vote; (iii) conduct direct primaries in the registration areas in each Local Government Area in the State Assembly Constituency where all registered members of the party in the State Assembly Constituency shall be eligible to vote; (iv) subject to sub-paragraph (i) of this paragraph, declare the Senatorial aspirant with the highest number of valid votes cast in all Local Government Areas in the particular Senatorial District as the winner of the primaries in the Senatorial District and forward the name of the winner to the Commission as 	
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			<p>the Senatorial candidate of the party in the election for the Senatorial District;</p> <p>(v) subject to sub-paragraph (ii) of this paragraph, declare the House of Representatives aspirant with the highest number of votes in all Local Government Areas in the Federal Constituency as the winner of the primaries in the Federal Constituency and forward the name of the winner to the Commission as the House of Representatives candidate of the party in the election for the Federal Constituency; and</p> <p>(vi) subject to sub-paragraph (iii) of this paragraph, declare the State House of Assembly Aspirant with the highest number of votes in all Local Government Areas in the House of Assembly Constituency as the winner of the primaries in the House of Assembly Constituency and forward the name of the winner to the Commission as the State House of Assembly Candidate of the party in the election for the State Assembly Constituency.</p> <p>(d) in the case of the position of a Chairmanship candidate of an Area</p>	
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			<p>Council in the Federal Capital Territory, a political party shall, where it intends to sponsor a candidate:</p> <ul style="list-style-type: none"> (i) conduct direct primaries in the registration areas in the Area Council, where all registered members of the party in the Area Council shall be eligible to vote; (ii) declare the Chairmanship aspirant with the highest number of votes in all registration areas in the Area Council as the winner of the Chairmanship primaries in the Area Council and forward the name of the winner of the Chairmanship primaries to the Commission as the Chairmanship candidate of the party in the election for the Area Council. <p>Indirect Primaries</p> <p>(7) (a) Political Party that adopts the system of indirect primaries for the nomination of its candidates for elections shall have both Statutory Delegates and Adhoc Delegates who, subject to the provisions of this Act, shall be the only delegates eligible to vote</p>	
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- (b) For the purpose of indirect primaries, -
- (i) Adhoc Delegates shall be registered members of the Party elected at Adhoc Delegates Elections conducted by the Party in accordance with subsection (8) of this section;
 - (ii) Statutory Delegates are elected officials of the Party and elected government functionaries identified and listed in subsection (9) of this section; and
 - (iii) an Adhoc Delegates Election is an intra-party election conducted by the Party under subsection (8) of this section to elect the Party's Adhoc delegates and this election shall, except for a delegates election or primaries in respect of Local Government Council Chairmanship and Ward Councillorship offices in a State of the Federation under subsection (13) of this section, be monitored by the Commission.

Election of Adhoc Delegates

(8) Adhoc Delegates to a Political Party's indirect primaries shall be elected in Adhoc Delegates Elections at –

- (a) Ward Congresses which shall be held by the Party in every Ward in the Local Government Areas in the States of the Federation and the FCT, Abuja and where all registered members of the Party in a Ward shall be eligible to elect at least Five (5) Adhoc Ward Delegates (at least one (1) of whom, except otherwise impracticable, shall be a woman) who, being registered members of the party in that Ward and not delegates already under this Act, presented themselves to be voted for as Adhoc Ward Delegates of the Party in that Ward;
- (b) Local Government Congresses, where Adhoc Ward Delegates elected in every Ward in a Local Government Area under paragraph (a) of this subsection shall be eligible to elect in and for that Local Government Area –
 - (i) at least Fifty (50) Adhoc Local Government Delegates (at least Ten (10) of whom, except otherwise impracticable, shall be

			<p>women) who, being registered members of the party in that Local Government Area and not delegates already under this Act, presented themselves to be voted for as Adhoc Local Government Delegates of the Party in that Local Government Area, and these delegates shall be reasonably spread across the Wards in the Local Government Area;</p> <p>(ii) at least Five (5) Adhoc State/FCT Delegates (at least One (1) of whom, except otherwise impracticable, shall be a woman) who, being registered members of the party in that Local Government Area and not delegates already under this Act, presented themselves to be voted for as Adhoc State/FCT Delegates of the Party in that Local Government Area, and these delegates shall be reasonably spread across the Wards in the Local Government Area; and</p> <p>(iii) at least Five (5) Adhoc National Delegates (at least One (1) of whom, except otherwise impracticable, shall be a woman)</p>	
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who, being registered members of the party in that Local Government Area and not delegates already under this Act, presented themselves to be voted for as Adhoc National Delegates of the Party in that Local Government Area and these delegates shall be reasonably spread across the Wards in the Local Government Area.

Delegates to Nominate Party's Candidates
for Elections in Indirect Primaries

(9) The Statutory and Adhoc Delegates listed in each paragraph hereunder for the type of election in this subsection shall be eligible to vote in a Political Party's indirect primaries to nominate the party's candidate for that election.

Delegates to Nominate Presidential Candidate

(a) For the purpose of a Presidential Election, the Statutory and Adhoc Delegates listed hereunder shall be eligible to nominate the Presidential Candidate of a Political Party at the

			<p>Presidential Indirect Primaries or Special National Convention of the Party convened in the FCT Abuja or the capital of a State of the Federation mainly for that purpose:</p> <p>Statutory Delegates</p> <ul style="list-style-type: none"> (i) Serving members of the Board of Trustees of the Party; (ii) Elected serving members of the National Executive Committee of the Party; (iii) Elected serving members of the Zonal Executive Committees of the Party; (iv) Serving and past Presidents and Vice Presidents of Nigeria produced by the party and who are still members of the Party; (v) Serving and past Governors and Deputy Governors of States of the Federation produced by the party and who are still members of the Party; (vi) Serving Senators who are registered members of the Party and former Senators who served on the Party's platform and who 	
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			<p>are still registered members of the Party;</p> <p>(vii) Serving Members of the House of Representatives who are registered members of the Party and past Members of the House of Representatives who served on the Party's platform and who are still registered members of the Party;</p> <p>(viii) Serving Presiding and Principal Officers of States' Houses of Assembly, and past Presiding Officers of States' Houses of Assembly produced by the Party and who are still members of the Party;</p> <p>(ix) Elected serving Chairmen, Secretaries, Treasurers, Women Leaders and Youth Leaders of State Executive Committees of the Party, including those of the FCT, Abuja;</p> <p>(x) Elected serving Chairmen and Secretaries of Local Government Executive Committees of the Party in the Federation;</p> <p>(xi) Elected serving Local Government Council Chairmen produced by the Party and who are still members of the Party; and</p>	
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Adhoc Delegates

- (xii) Adhoc National Delegates (at least Five [5] per Local Government Area) elected under subsection (8)(b)(iii) of this section at each Local Government Congress held by the Party in every Local Government Area in each State of the Federation and the FCT, Abuja.

Delegates to Nominate Governorship Candidate

- (b) For the purpose of a Governorship Election in a State of the Federation, the Statutory and Adhoc Delegates listed hereunder shall be eligible to nominate the Governorship Candidate of a Political Party at the Party's State Governorship Indirect Primaries or State Congress which shall hold in the capital of that particular State for that purpose:

Statutory Delegates

- (i) Serving members of the Board of Trustees of the Party who are registered members of the Party in that State;

			<ul style="list-style-type: none"> (ii) Elected serving members of the National Executive Committee of the Party who are registered members of the Party in that State; (iii) Elected serving members of the Zonal Executive Committees of the party who are registered members of the Party in that State; (iv) Serving and past Presidents and Vice Presidents of Nigeria produced by the party and who are still registered members of the Party in that State; (v) Serving and past Governors and Deputy Governors of the State produced by the party and who are still registered members of the Party in that State; (vi) Serving Senators who are registered members of the Party in that State and former Senators who served on the Party's platform and who are still registered members of the Party in that State; (vii) Serving Members of the House of Representatives who are registered members of the Party in that State and past Members of the House of Representatives who served on the Party's platform and who are still 	
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			<p>registered members of the Party in that State;</p> <p>(viii) Serving Presiding, Principal Officers and Members of that States House of Assembly, and past Presiding Officers of that State House of Assembly produced by the Party who are still registered carrying members of the Party in that State;</p> <p>(ix) Elected serving members of the State’s Executive Committee of the Party;</p> <p>(x) Elected serving Chairmen and Secretaries of Local Government Executive Committees of the Party in that State;</p> <p>(xi) Elected serving Local Government Council Chairmen and Vice/Deputy Chairmen produced by the Party and who are still members of the Party in that State;</p> <p>Adhoc Delegates</p> <p>(xii) Adhoc Ward Delegates (at least Five [5] per Ward) elected under subsection (8)(a) of this section at each Ward Congress held by the Party in every Ward in the Local</p>	
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			<p>Government Areas of the States of the Federation;</p> <p>(xiii) Adhoc Local Government Delegates (at least Fifty [50] per Local Government Area) elected under subsection (8)(b)(i) of this section at each Local Government Congress held by the Party in every Local Government Area in the particular State;</p> <p>(xiv) Adhoc State Delegates (at least Five [5] per Local Government Area) elected under subsection (8)(b)(ii) of this section at each Local Government Congress held by the Party in every Local Government Area in the particular State; and</p> <p>(xv) Adhoc National Delegates (at least Five [5] per Local Government Area) elected under subsection (8)(b)(iii) of this section at each Local Government Congress held by the Party in every Local Government Area in the particular State.</p> <p>Delegates to Nominate Senatorial Candidate</p> <p>(c) For the purpose of a Senatorial Election to elect a Senator to represent a Senatorial District in a</p>	
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			<p>State of the Federation or the FCT, Abuja in the National Assembly, the Statutory and Adhoc Delegates listed hereunder shall be eligible to nominate the Senatorial Candidate of a Political Party at the Party's Senatorial Indirect Primaries or Senatorial Congress which shall hold in the headquarters of that Senatorial District (as shall be designated by the Commission) for that purpose:</p> <p>Statutory Delegates</p> <ul style="list-style-type: none"> (i) Serving members of the Board of Trustees of the Party who are registered members of the Party in that Senatorial District; (ii) Elected serving members of the National Executive Committee of the Party who are registered members of the Party in that Senatorial District; (iii) Elected serving members of the Zonal Executive Committees of the Party who are registered members of the Party in that Senatorial District; (iv) Serving and past Presidents and Vice Presidents of the Federation produced by the Party and who are 	
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			<p>still registered members of the Party in that Senatorial District;</p> <p>(v) Serving and past Governors and Deputy Governors of the State produced by the Party and who are still registered members of the Party in that Senatorial District;</p> <p>(vi) Serving Senators who are registered members of the Party in that Senatorial District and former Senators who served on the Party's platform and who are still registered members of the Party in that Senatorial District;</p> <p>(vii) Serving Members of the House of Representatives who are registered members of the Party in that Senatorial District and past Members of the House of Representatives who served on the Party's platform and who are still registered members of the Party in that Senatorial District;</p> <p>(viii) Serving Presiding and Principal Officers of a State House of Assembly, and former Presiding Officers of a State House of Assembly produced by the Party and who are still registered members of the Party in that Senatorial District;</p>	
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			<p>(ix) Elected serving Chairman, Secretary, Treasurer, Women Leader and Youths Leader of the Party's State (or FCT, Abuja) Executive Committee who are registered members of the Party in that Senatorial District;</p> <p>(x) Elected serving Chairmen and Secretaries of Local Government Executive Committees of the Party who are registered members of the Party in that Senatorial District;</p> <p>(xi) Elected serving Local Government Council Chairmen and Vice/Deputy Chairmen produced by the Party who are still registered members of the Party in that Senatorial District;</p> <p>Adhoc Delegates</p> <p>(xii) Adhoc Ward Delegates (at least Five [5] per Ward) elected under subsection (8)(a) of this section at each Ward Congress held by the Party in every Ward in Local Government Areas in that Senatorial District;</p> <p>(xiii) Adhoc Local Government Delegates (at least Fifty [50] per Local Government Area) elected under subsection (8)(b)(i) of this section at</p>	
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			<p>each Local Government Congress held by the Party in every Local Government Area in that Senatorial District;</p> <p>(xiv) Adhoc State Delegates (at least Five [5] per Local Government Area) elected under subsection (8)(b)(ii) of this section at each Local Government Congress held by the Party in every Local Government Area in that Senatorial District; and</p> <p>(xv) Adhoc National Delegates (at least Five [5] per Local Government Area) elected under subsection (8)(b)(iii) of this section at each Local Government Congress held by the Party in every Local Government Area in that Senatorial District.</p> <p>Delegates to Nominate House of Representatives Candidate</p> <p>(d) For the purpose of the election of a Member of the House of Representatives to represent a Federal Constituency in a State of the Federation or the FCT, Abuja in the National Assembly, the Statutory and Adhoc Delegates listed hereunder shall be eligible to nominate the House of Representatives Candidate of a Political Party at the Party's House of</p>	
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			<p>Representatives Indirect Primaries which shall hold in the headquarters of that Federal Constituency (as shall be designated by the Commission):</p> <p>Statutory Delegates</p> <ul style="list-style-type: none"> (i) Serving members of the Board of Trustees of the Party who are registered members of the Party in that Federal Constituency; (ii) Elected serving members of the National Executive Committee of the Party who are registered members of the Party in that Federal Constituency; (iii) Elected serving members of the Zonal Executive Committees of the Party who are registered members of the Party in that Federal Constituency; (iv) Serving and past Presidents and Vice Presidents of the Federation produced by the Party and who are still members of the Party in that Federal Constituency; (v) Serving and past Governors and Deputy Governors of the State produced by the Party and who are 	
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			<p>still members of the Party in that Federal Constituency;</p> <p>(vi) Serving Senators who are registered members of the Party in that Federal Constituency and former Senators who served on the Party's platform and who are still registered members of the Party in that Federal Constituency;</p> <p>(vii) Serving Members of the House of Representatives who are registered members of the Party in that Federal Constituency and past Members of the House of Representatives who served on the Party's platform and who are still registered members of the Party in that Federal Constituency;</p> <p>(viii) Serving Presiding and Principal Officers of a State House of Assembly, and former Presiding Officers of a State House of Assembly produced by the Party and who are still registered/ members of the Party in that Federal Constituency;</p> <p>(ix) Elected serving Chairman, Secretary, Treasurer, Women Leader and Youths Leader of the Party's State (or FCT, Abuja)</p>	
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			<p>Executive Committee who are registered members of the Party in that Federal Constituency;</p> <p>(x) Elected serving Chairman, Secretary, Treasurer, Women Leader and Youths Leader of Local Government Executive Committees of the Party who are registered members of the Party in that Federal Constituency;</p> <p>(xi) Elected serving Local Government Council Chairmen and Vice Chairmen produced by the Party and who are still registered members of the Party in that Federal Constituency;</p> <p>Adhoc Delegates</p> <p>(xii) Adhoc Ward Delegates (at least Five [5] per Ward) elected under subsection (8)(a) of this section at each Ward Congress held by the Party in every Ward in Local Government Areas in that Federal Constituency;</p> <p>(xiii) Adhoc Local Government Delegates (at least Fifty [50] per Local Government Area) elected under subsection (8)(b)(i) of this section at each Local Government</p>	
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			<p>Congress held by the Party in every Local Government Area in that Federal Constituency;</p> <p>(xiv) Adhoc State Delegates (at least Five [5] per Local Government Area) elected under subsection (8)(b)(ii) of this section at each Local Government Congress held by the Party in every Local Government Area in that Federal Constituency; and</p> <p>(xv) Adhoc National Delegates (at least Five [5] per Local Government Area) elected under subsection (8)(b)(iii) of this section at each Local Government Congress held by the Party in every Local Government Area in that Federal Constituency.</p> <p>(e) Delegates to Nominate House of Assembly Candidate For the purpose of the election of a Member of a State House of Assembly to represent a State Constituency in a State of the Federation, the Statutory and Adhoc Delegates listed hereunder shall be eligible to nominate the House of Assembly Candidate of a Political Party at the Party's House of</p>	
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			<p>Assembly Indirect Primaries which shall hold in that State Constituency:</p> <p>Statutory Delegates</p> <ul style="list-style-type: none"> (i) Serving members of the Board of Trustees of the Party who are registered members of the Party in that State Constituency; (ii) Elected serving members of the National Executive Committee of the party who are registered members of the Party in that State Constituency; (iii) Elected serving members of the Zonal Executive Committees of the party who are registered members of the Party in that State Constituency; (iv) Serving and past Presidents and Vice Presidents of the Federation produced by the Party and who are still registered members of the Party in that State Constituency; (v) Serving and past Governors and Deputy Governors of a State produced by the Party and who are still registered members of the Party in that State Constituency; 	
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			<ul style="list-style-type: none"> (vi) Serving Senators who are registered members of the Party in that State Constituency and former Senators who served on the Party's platform and who are still registered members of the Party in that State Constituency; (vii) Serving Members of the House of Representatives who are registered members of the Party in that State Constituency and past Members of the House of Representatives who served on the Party's platform and who are still registered members of the Party in that State Constituency; (viii) Serving and past members of a State House of Assembly produced by the Party and who are still registered members of the Party in that State Constituency; (ix) Elected serving members of a State Executive Committee of the Party who are registered members of the Party in that State Constituency; (x) Elected serving members of a Local Government Executive Committee of the Party who are registered members of the Party in that State Constituency; 	
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			<p>(xi) Elected serving members of a Ward Executive Committee of the Party who are registered members of the Party in that State Constituency;</p> <p>(xii) Elected serving Local Government Council Chairman and Vice Chairman produced by the Party and who are still registered members of the Party in that State Constituency; and</p> <p>Adhoc Delegates</p> <p>(xiii) Adhoc Ward Delegates (at least Five [5] per Ward) elected under subsection (8)(a) of this section at any Ward Congress held by the Party in that State Constituency.</p> <p>(f) Delegates to Nominate Local Government Area Chairmanship Candidate For the purpose of a Local Government Council Chairman Election, the Statutory and Adhoc Delegates listed hereunder shall be eligible to nominate a Local Government Council Chairmanship Candidate of a Political Party at the Party's Local Government Chairmanship Indirect Primaries</p>	
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which shall hold in that Local Government Area headquarters:

Statutory Delegates

- (i) Serving members of the Board of Trustees of the Party who are registered members of the Party in that Local Government Area;
- (ii) Elected serving members of the National Executive Committee of the Party who are registered members of the Party in that Local Government Area;
- (iii) Elected serving members of the Zonal Executive Committees of the Party who are registered members of the Party in that Local Government Area;
- (iv) Serving and past Presidents and Vice Presidents of the Federation produced by the Party and who are still registered members of the Party in that Local Government Area;
- (v) Serving and past Governors and Deputy Governors of the State produced by the Party and who are still registered members of the Party in that Local Government Area;

			<ul style="list-style-type: none"> (vi) Serving Senators who are registered members of the Party in that Local Government Area and former Senators who served on the Party's platform and who are still registered members of the Party in that Local Government Area; (i) Serving Members of the House of Representatives who are registered members of the Party in that Local Government Area and past Members of the House of Representatives who served on the Party's platform and who are still registered members of the Party in that Local Government Area; (ii) Serving and past members of the State House of Assembly produced by the Party and who are still registered members of the Party in that Local Government Area; (iii) Elected serving members of a State Executive Committee of the Party who are registered members of the Party in that Local Government Area; (iv) Elected serving members of a Local Government Executive Committee of the Party who are registered 	
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			<p>members of the Party in that Local Government Area;</p> <p>(v) Elected serving members of a Ward Executive Committee of the Party who are registered members of the Party in that Local Government Area;</p> <p>(vi) Elected serving and past Local Government Council Chairmen and Vice Chairmen produced by the Party and who are still registered members of the Party in that Local Government Area; and</p> <p>Adhoc Delegates</p> <p>(vii) Adhoc Ward Delegates elected at Ward Congresses in that Local Government Area under subsection (8)(a) of this section.</p> <p>Guidelines, Rules, etc on Primaries and Adhoc Delegates Election</p> <p>(10) A Political Party that adopts the system of indirect primaries for the nomination of its candidates may outline nomination guidelines, rules and procedures to guarantee free, fair, and credible indirect primaries and</p>	
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			<p>Adhoc Delegates Elections, but such guidelines, rules and procedures shall not be inconsistent with the provisions of this Act.</p> <p>Necessity and Validity of Adhoc Delegates Elections</p> <p>(11)</p> <p>(a) A party that adopts the system of indirect primaries for the nomination of candidates for elections shall not nominate candidates for any election unless it has conducted Adhoc Delegates Election to elect its Adhoc delegates who shall nominate its candidates for the elections, as provided in this Act.</p> <p>(b) Any Adhoc Delegates Election and/or indirect primaries conducted in contravention of or contrary to the provisions of subsections (7), (8), (9), (10) and/or 11(a) of this section shall be invalid.</p> <p>Time for Electing Delegates and their Term</p> <p>(12)</p> <p>(a) A Political Party nominating candidates by indirect primaries for a general election shall conduct its</p>	
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			<p>Adhoc Delegates Elections to elect its Adhoc Delegates not later than 80 days before the date appointed by the Commission for a general election.</p> <p>(b) A Political Party nominating candidates by indirect primaries for any election conducted by the Commission other than a general election shall not conduct a fresh Adhoc Delegates Election but the same Adhoc Delegates who nominated the candidate(s) of the party for the immediate past general election under paragraph (a) of this subsection shall (with Statutory Delegates) be eligible to nominate the party's candidate(s) for that election,</p> <p>PROVIDED that if more than half of the Adhoc Delegates who nominated the Party's candidate in the immediate past general election are no longer members of the party, confirmed dead or otherwise not available, the Party shall conduct fresh Adhoc Delegates Election(s) and nominate candidates for that election not later than 10 days before the date of the said election.</p>	
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			<p>(c) A Political Party nominating candidates by indirect primaries for a Local Government Council Chairmanship and Ward Councillorship general election conducted by a State Independent Electoral Commission all over a State of the Federation shall conduct its Adhoc Delegates Elections to elect its Adhoc Delegates not later than 80 days before the date appointed by the State's Independent Electoral Commission for the Local Government Council Chairmanship and Ward Councillorship general election in that State.</p> <p>(d) A Political Party nominating candidates by indirect primaries for any election conducted by a State Independent Electoral Commission other than a general Local Government Council Chairmanship and Ward Councillorship election conducted by a State Independent Electoral Commission all over a State of the Federation shall not conduct a fresh Adhoc Delegates Election but the same Adhoc Delegates who nominated the candidates of the party for the immediate past general Local Government Council Chairmanship</p>	
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			<p>and Ward Councillorship election under paragraph (c) of this subsection shall (with Statutory Delegates) be eligible to nominate the party's candidates for that election,</p> <p>PROVIDED that if more than half of the Adhoc Delegates who nominated the Party's candidate in the immediate past general Local Government Council Chairmanship and Ward Councillorship election held all over the State are no longer members of the Party, confirmed dead or otherwise not available, the Party shall conduct fresh Adhoc Delegates Election(s) and nominate candidates for that general Local Government Council Chairmanship and Ward Councillorship election not later than 10 days before the date of the said election.</p> <p>(13) Any Adhoc Delegates Election or primaries held by a Political Party to nominate Local Government Council Chairmanship and Ward Councillorship candidates in a State of the Federation shall be monitored by the State</p>	
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			<p>Independent Electoral Commission in that State and the result of such an Adhoc Delegate Election or primaries shall be endorsed or certified by the State Independent Electoral Commission for the correctness and validity of what it states.</p> <p>Issuance of False Results</p> <p>(14) Any official of the Commission or a State Independent Electoral Commission who issues, endorses or certifies a false report or result in respect of an Adhoc Delegates Election or primaries of a Political Party commits an offence and shall be liable on conviction to minimum imprisonment term of five (5) years, without an option of fine.</p> <p>Guarantee of Equal Opportunity for Aspirants</p> <p>(15) A Political Party that adopts the system of indirect primaries for the nomination of its candidate(s) for election shall ensure that all aspirants are</p>	
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given equal opportunity of being voted for by Adhoc and Statutory delegates of the Party who shall be registered members of the Party as provided in this Act.

Procedures for Nominating Candidates by Indirect Primaries

(16) Subject to subsection (17) of this section, a Political Party nominating candidates for elections by the system of indirect primaries shall adopt the procedure outlined hereunder in paragraph (a) to (f) of this subsection for each type of election.

Nomination of Presidential Candidate

- (a) In the case of nominations to the position of Presidential candidate for Presidential election, a Political Party shall, where it intends to sponsor a candidate, –
 - (i) hold Presidential primaries or a Special Presidential Convention at a designated place in the FCT or the headquarters of a State of the Federation and on a date agreed by the National

			<p>Executive Committee of the party where both Adhoc and Statutory Delegates of the Party listed in subsection (9)(a) of this section shall be eligible to vote for any presidential aspirant of the Party; and</p> <p>(ii) the presidential aspirant with the highest number of votes at the end of voting shall be declared the winner of the Presidential primaries and the Party shall forward the winner's name to the Commission as the Presidential candidate of the Party for the Presidential Election.</p> <p>Nomination of Governorship Candidate</p> <p>(b) In the case of nominations to the position of Governorship candidate for Governorship election, a Political Party shall, where it intends to sponsor a candidate in a State, -</p> <p>(i) hold Governorship primaries or a Special State Congress in a designated place in the State headquarters and on a date agreed by the party where Adhoc and Statutory Delegates of the party</p>	
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			<p>identified and listed under subsection (9)(b) of this section shall be eligible to vote for any Governorship aspirant of the party in the State; and</p> <p>(ii) the Governorship aspirant with the highest number of votes at the end of voting shall be declared the winner of the Governorship primaries of the party in the State and the party shall forward the winner's name to the Commission as the candidate of the party for the Governorship Election in that State.</p> <p>Nomination of Senatorial Candidate</p> <p>(c) In the case of nominations to the position of a Senatorial candidate for Senatorial Election, a Political Party shall, where it intends to sponsor a candidate in a Senatorial District, -</p> <p>(i) hold Senatorial primaries in a designated place in the headquarters of the Senatorial District (and the headquarters shall be designated by the Commission) and on a date agreed by the Party where both Adhoc and Statutory delegates of the party identified and listed under subsection (9)(c) of this section shall be eligible to vote for</p>	
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			<p>any Senatorial aspirant of the party in the Senatorial District; and</p> <p>(ii) the Senatorial aspirant with the highest number of votes at the end of voting in the Senatorial primaries shall be declared the winner of the Senatorial primaries of the Party for that Senatorial District and the Party shall forward the winner's name to the Commission as the Senatorial candidate of the party for that Senatorial District.</p> <p>Nomination of House of Representatives Candidate</p> <p>(d) In the case of nominations to the position of a House of Representatives candidate for a Federal Constituency Election, a Political Party shall, where it intends to sponsor a candidate in a Federal Constituency, -</p> <p>(i) hold House of Representatives primaries in a designated centre or place in the headquarters of the Federal Constituency (and the headquarters shall be designated by the Commission) and on a date agreed by the party where both Adhoc and Statutory Delegates of the party identified under subsections (9)(d) of this section</p>	
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			<p>shall be eligible to vote for any House of Representatives aspirant of the party in the Federal Constituency; and</p> <p>(ii) the House of Representatives aspirant with the highest number of votes at the end of voting in the Federal Constituency primaries shall be declared the winner of the primaries of the Party for that Federal Constituency and the Party shall forward the winner's name to the Commission as the House of Representatives candidate of the party for that Federal Constituency.</p> <p>Nomination of House of Assembly Candidate</p> <p>(e) In the case of nomination to the position of a State House of Assembly candidate of a State Constituency, a Political Party shall, where it intends to sponsor a candidate, -</p> <p>(i) hold State House of Assembly primaries in a designated centre or place within the State Constituency and on a date agreed by the Party where both Adhoc and Statutory Delegates of the Party identified under subsection (9)(e) of this section shall be eligible to vote for</p>	
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			<p>any House of Assembly aspirant of the Party in the State Constituency; and</p> <p>(ii) the House of Assembly aspirant with the highest number of votes at the end of voting in the State Constituency primaries shall be declared the winner of the primaries of the party for the State Constituency and the party shall forward the name of the winner to the Commission as the House of Assembly candidate of the party for that State Constituency.</p> <p>Nomination of Local Government Council Chairmanship Candidate</p> <p>(f) In the case of nomination to the position of a Chairmanship candidate of a Local Government Area/Council in a State of the Federation or the FCT, Abuja, a Political Party shall, where it intends to sponsor a candidate, -</p> <p>(i) hold Local Government Council Chairmanship primaries in a designated center or place in the headquarters of the Local Government Area/Council and on a date agreed by the Party where both Adhoc and Statutory Delegates of the party identified under sub-section</p>	
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			<p>(9)(f) of this section shall be eligible to vote for any Local Government Council Chairmanship aspirant of the Party; and</p> <p>(ii) the Chairmanship aspirant with the highest number of votes at the end of voting shall be declared the winner of that Local Government Area/Council primaries and the Party shall forward the winner's name to the Commission (in the case of a Local Government Council in the FCT, Abuja) or a State Independent Electoral Commission (in the case of a Local Government Area of a State in the Federation) as the Chairmanship candidate of the Party for that Local Government Area/Council.</p> <p>(17) Subject to the provisions of this Act, a Political Party shall have the option to and may hold Adhoc delegates elections or primaries to nominate its candidates for different types of elections at the same dates and venues as it may deem convenient in the same electoral constituencies provided that its Presidential and Governorship primaries convened to nominate its Presidential and Governorship</p>	
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			<p>candidates respectively shall stand alone.</p> <p>(18) Where there is only one aspirant in a Political Party for any of the elective positions mentioned in subsections (15)(a), (15)(b), (15)(c) and (15)(d) of this section, the Party shall convene a Special Convention or Congress, as the case may be, at a designated centre in the particular constituency on a specified date to vote to confirm that aspirant as the candidate of the Party and the Party shall forward the name of the aspirant to the Commission as the candidate of the Party for the position in question.</p> <p>(19) Where there is only one aspirant for an elective position in a Political Party that has adopted the system of direct primaries, such an aspirant shall be deemed to be unchallenged and the Party shall forward the name of the aspirant to the Commission as the candidate of the Party in the election in question.</p> <p>Nomination of Councillorship Candidate</p>	
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- (20) In the case of nomination to the position of a Councillorship candidate of a Ward Constituency, a Political Party shall, where it intends to sponsor a candidate, -
- (a) conduct direct primaries in the Ward Constituency where only registered members of the Party in that Ward shall be eligible to vote for any member of the Party who, subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and this Act, presents himself or herself to be voted for as the Candidate of the Party in that Ward; and
 - (b) the Party shall forward the name of the Councillorship aspirant with the highest number of votes at the end of voting in the Ward Constituency under paragraph (a) of this subsection to the Commission (in the case of the FCT, Abuja) or a State Independent Electoral Commission (in the case of a State in the Federation) as the Councillorship candidate of the Party for that Ward Constituency.

Political Appointee Not Eligible as Delegate

			<p>(21) A political appointee at any level of government shall not be a delegate at the primaries, Convention or Congress of a Political Party convened for the purpose of nominating candidates for any election under the indirect primaries system, except where such a political appointee is also a Statutory or Adhoc delegate under subsection (9) of this section.</p> <p>Commission’s Endorsement of Result of Primaries as Proof of Result</p> <p>(22) A report of a Political Party’s primaries or delegates election that is duly issued by the Commission shall be prima facie proof of the holding of the Party’s primaries or delegates election and the aspirants who participated in the Party’s primaries or delegates election.</p> <p>Staggered Primaries</p> <p>(23) Nothing in this section shall prevent a Political Party from organising staggered primaries.</p> <p>Jurisdiction of Courts</p>	
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			<p>(24) Notwithstanding the provisions of this Act or rules of a Political Party, an aspirant who complains that any of the provisions of this Act or rules of a Political Party has not been complied with in the nomination of a candidate of a Political Party for election, may apply to the Federal High Court or the High Court of a State or the FCT for redress.</p> <p>Court Cannot Stop General Election, etc</p> <p>(25) Nothing in this section shall empower the Courts to stop the holding of Adhoc delegates elections, primaries or general election or the processes thereof under this Act pending the determination of the suit.</p> <p>(26) Except the context otherwise warrants, reference to “registered members” of a Political Party in this section or any other part of this Act means persons of voting age whose names and other relevant personal</p>	
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			particulars are duly recorded in the Ward Register of that Party.	
48.	89.	PERIOD TO BE COVERED BY ANNUAL STATEMENT	<p>89. (1) Every Political Party shall submit to the Commission a detailed annual statement of Assets and Liabilities and analysis of its sources of funds and other assets, together with statement of its expenditure including hard and soft copy of its list of members or in such a form as the Commission may from time to time require.</p> <p>2. Any official that contravenes subsection (1) is guilty of an offence and liable to fine of 1000, 000 or six months imprisonment or both.</p>	The proposed amendment will strengthen the monitoring of political parties to ensure compliance with extant laws and regulations.
49.	90.	POWER TO LIMIT CONTRIBUTION TO A POLITICAL PARTY	<p>90.(1) "The Commission shall have power to place limitation on the amount of money or other assets which an individual can contribute to a Political Party or candidate and to demand such information on the amount donated and source of the funds."</p> <p>2. Any individual, candidate or Political Party who exceeds the limit placed by the Commission in subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to: (a)</p>	The amendment resolves the conflict posed by the phrase 'or group of persons' in the section. The phrase conflicts with Section 221 of the Constitution of the Federal Republic of Nigeria (1999) as amended because the group of persons are banned from donating or contributing to the funds of any Political Party or candidate.

			in case of a Political Party, a fine not exceeding N10,000,000 and forfeiture of the amount donated, in case of an individual, a fine of 5 times the amount donated in excess of the limit placed by the Commission.	
50.	91.	LIMITATION ON ELECTION EXPENSES	<p>91. (1) Election expenses shall not exceed the sum stipulated in Sub-Sections (2) (3) (4) (5) (6) and (7).</p> <p>(2) The maximum election expenses to be incurred by a candidate at a presidential election shall not exceed N5,000,000,000.00.</p> <p>(3) The maximum amount of election expenses to be incurred by a candidate in respect of governorship election shall not exceed N1,000,000,000.00.</p> <p>(4) The maximum amount of election expenses to be incurred by a Candidate in respect of Senatorial and House of Representatives seat shall not exceed N100,000,000.00 and N70,000,000.00 respectively.</p> <p>(5) In the case of State Assembly election, the maximum amount of election expenses to be incurred by a candidate shall not exceed N30,000,000.00.</p>	<p>Limiting election expenses could potentially reduce the influence of money in politics and corruption. Reducing the cost of running for promotes also promotes political inclusion.</p> <p>It is suggested that the proposed costs be reviewed downwards to encourage the participation of vulnerable groups in politics.</p>

		<p>(6) In the case of a chairmanship election to an Area Council, the maximum amount of election expenses to be incurred by a candidate shall not exceed N30,000,000.00.</p> <p>(7) in the case of Councillorship election to an area Council, the maximum amount of election expenses to be incurred by a candidate shall not exceed N5,000,000.00.</p> <p>(8) In determining the total expenditure incurred in relation to the candidature of any person at any election no account shall be taken of: -</p> <ul style="list-style-type: none">(a) any deposit made by the candidate on his nomination in compliance with the law;(b) any expenditure incurred before the notification of the date fixed for the election with respect to services rendered or material supplied before such notification; or(c) political party expenses in respect of the candidate standing for a particular election.	
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			<p>(9) No individual or other entity shall donate to a candidate more than N10,000,000.00.</p> <p>(10) a candidate who knowingly acts in contravention of this section, commits an offence and is liable on conviction to a fine of 1% of the amount permitted as the limit of campaign expenditure under this Bill or imprisonment for a term not exceeding 12 months or both.</p>	
51.	99.	LIMITATION ON POLITICAL BROADCAST AND CAMPAIGN BY POLITICAL PARTIES	99. (1) for the purpose of this Bill, the period of campaigning in public by every political party shall commence 150 days before polling day and end 24 hours prior to that day.	This amendment aligns the period of commencing public campaigns with the new proposed date of 150 days for Notice of Election and for commencement of party primaries.
52.	100.	CAMPAIGN FOR ELECTION	<p>6) Any person who contravenes subsections (3) and (4) commits an offence and is liable on conviction, in a case of -</p> <p>(a) a public media, to a fine of N2,000,000.00 in the first instance and to a fine of N5,000,000.00 for subsequent conviction; and</p> <p>(b) principal officers and other officers of the media house to a fine of N2,000,000.00 or to imprisonment for a term of 12 months.</p>	This section makes provisions for sanctions to any media house that violates the provisions of section 100 of the Electoral Act.

53.	101.	PROHIBITION OF BROADCAST, ETC 24 HOURS PRECEDING OR ON POLLING DAY		The Bill provides no sanction against principal officers of the media house involved in the crime. Provision should therefore be made to sanction principal officers and other officers of the media house involved in the crime.
54.	104.	ELECTION TO THE OFFICES OF CHAIRMAN, VICE-CHAIRMAN AND COUNCILORS		The Bill is silent on a gender inclusive government at the Area Councils. Provision should be made to introduce a proviso to ensure that the Chairman and the Vice-Chairman shall not be from the same gender and not more than two-thirds of the Councilors shall be from the same gender.
55.	105.	DIVISION OF AREA COUNCIL INTO REGISTRATION AREA	<p>105(1) "Subject to the provision of this section, the Commission shall divide each Area Council into Registration Areas/Electoral Wards not being less than 10 and not more than 20 as the circumstance of each Local Government Area/Area Council may require".</p> <p>(2) "The boundaries of each Registration Area/Electoral Ward shall be such that the number of inhabitants of the "Registration Area/Electoral Ward is as nearly equal to the population quota as is reasonably practicable".</p>	This proposed section gives the Commission a clear mandate to delimit Registration Areas and Electoral Wards. It also ensures uniformity and standardization in the delimitation.

			(3) "The Commission shall review the division of every Area Council at intervals of not less than 10 years and may alter such Registration Area/Electoral Ward in accordance with subsection (1) of this section to such extent as it may consider desirable in the light of the review".	
56.	106.	QUALIFICATION		It is proposed that the age qualification for the Chairman and Vice Chairman should be reviewed from 30 years to 25 years in line with the Not Too Young to Run entry age of 25 for public office
57.	112.	DEATH OF CHAIRMAN BEFORE OATH OF OFFICE	<p>NEW PROVISION</p> <p>"(4) If after the commencement of poll and before the announcement of the final result and declaration of a winner, a nominated candidate dies -</p> <p>(a) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days;</p> <p>(b) the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 14 days of the death of its candidate and submit a new candidate to the Commission to replace the dead candidate; and</p> <p>(c) subject to paragraphs (a) and (b), the Commission shall continue with the</p>	The proposed amendment gives political parties the opportunity to conduct fresh primaries to nominate a new candidate. It affords party members to an opportunity to exercise the right to choose.

			election, announce the final result and declare a winner.”	
58.	118	OFFENCES IN RESPECT OF NOMINATION ETC.		The section should be amended to include offences relating to electronic voting process.
59.	122	IMPERSONATION AND VOTING WHEN NOT QUALIFIED		The section should be amended to include offences relating to electronic voting process.
60.	138.	CERTAIN DEFECTS NOT TO INVALIDATE ELECTION	<p>138.-(1) An Election shall not to be invalidated by reason of non - compliance with the provisions of this Act and published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election, if it appears to the Election Tribunal or Court that the election was conducted substantially in accordance with the principles of this Act and that the non- compliance did not affect substantially the result of the election.</p> <p>(2) An election shall not be liable to be questioned by reason of a defect in the title, or want of title of the person conducting the election or acting in the office provided such a person has the right or authority of the Commission to conduct the election</p>	Given the constitutional responsibility placed on the Commission to issue guidelines and regulations, this section should be further amended to include substantial compliance with published manuals, guidelines, regulations or procedures issued by the Commission as a ground for upholding the validity of an election. This strengthens the legality of guidelines and regulations issued pursuant to the Constitution and Electoral Act.
61.	139.	NULLIFICATION OF ELECTION BY TRIBUNAL OR COURT	1) Subject to subsections (2)and (4) of this section, if the Tribunal or the Court as the case may be, determines that a candidate who was returned as elected was not validly elected on any ground, the Tribunal or the Court shall nullify the election and	

			<p>shall order the Commission to conduct a fresh election not later than ninety (90) days after the decision if an appeal is not filed against the decision, or not later than ninety (90) days after the nullification of the election by the court having final appellate jurisdiction in respect of the said election.”;</p> <p>“(2) Where an election Tribunal or Court nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, the election Tribunal or Court shall declare the person with the second highest number of valid votes cast at the election who satisfies the requirements of the Constitution and this Act as duly elected</p> <p>PROVIDED that the person with the second highest number of valid votes cast at the election remains a member of the political party on which platform he contested the election; otherwise, the candidate with the next highest number of votes in the election and who satisfies the same conditions herein shall be declared the winner of the election.”; and</p> <p>(3) If the Tribunal or the Court determines that a candidate who was returned as elected was not validly elected on the</p>	
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			<p>ground that he did not score the majority of valid votes cast at the election, the Election Tribunal or the Court, as the case may be, shall declare as elected the candidate who scored the highest number of valid votes cast at the election and satisfied the requirements of the Constitution and this Act.</p> <p>(4) If at the point of display or distribution of ballot papers by the Commission, a candidate or his agent discovers that his name or the name or logo of his party is omitted, a candidate or his agent shall notify the Commission and the Commission shall-</p> <p>(a) postpone the election to rectify the omission; and</p> <p>(b) appoint another date to conduct the election, not later than 90 days.</p> <p>(c) where the election is postponed due to omission of a political party's name or logo, the Commission's Officer responsible for such printing of party names or logos commits an offence and is liable on conviction to a fine of N2,000,000.00 or imprisonment for 2 years of both.</p> <p>(5) All objections filed in an election petition shall be determined at the time of final judgment.”</p>	
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62.	140.	EFFECT OF NON-PARTICIPATION IN AN ELECTION	An election tribunal or court shall not under any circumstance declare any person a winner at an election in which such a person has not fully participated in all the stages of the said election.	The Bill is consistent with the current provision of the law.
63.	141	ACCELERATED HEARING OF ELECTION PETITIONS	<p>NEW PROVISION</p> <p>Without prejudice to the provisions of section 294 subsection (1) of the Constitution of the Federal Republic of Nigeria, an election petition and an appeal arising therefrom under this Act shall be given accelerated hearing and shall have precedence over all other cases or matters before the Tribunal or Court.</p> <p>142A. It shall not be necessary for a party who alleges non-compliance with the provisions of this Act and the published manuals, guidelines, regulations or procedures issued by the Commission for the conduct of elections to call oral evidence if originals or certified true copies of electoral documents or materials used by the Commission to conduct the election in the polling unit(s) where the noncompliance is alleged are listed in a petition and tendered at the trial of the petition in proof of the non-compliance complained of.”</p>	This provision promotes speedy resolution of election disputes
64.	142.	Person elected to remain in office pending	(1) Where the election is nullified by the Court and notice of appeal against the decision is given within the stipulated period for appeal, the elected candidate	Consistent with the current provision of the law

		determination of appeal	<p>shall notwithstanding the contrary decision of the court remain in office and enjoy all the benefits that accrued to the office pending the determination of the appeal and shall not be sanctioned for the benefits derived while in office.</p> <p>(2) If the Election Tribunal or the Court, as the case maybe, determines that a candidate returned as elected was not validly elected, the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal or the Court, remain in office pending the expiration of the period of 21 days within which an appeal may be brought.</p>	
65.	143.	Legal representation of Commission, etc.	<p>143.-(1) where the Commission has been joined as a respondent in an election petition, a Legal Officer of the Commission or a Legal Practitioner engaged by the Commission shall represent the Commission at the Tribunal or Court.</p> <p>(2) The Attorney-General of the State concerned (acting in person or through any of his Legal Officers) or the Attorney General of the Federation (acting in person or through any of his Legal Officers) may represent the Commission and the Officers referred to in subsection (1) of this section with the written consent or authority of the Commission.</p> <p>(3) A private Legal Practitioner or Legal Officer engaged by the Commission</p>	Consistent with the current provision of the law.

			pursuant to subsection (1) and (2) of this Section shall be entitled to be paid such professional fees or honorarium, as the case may be, to be determined by the Commission.	
66.	150.	INSPECTION OF DOCUMENTS	“(3) Where there is a breach of an order of a court or tribunal directed at the Commission particularly, order to produce, inspect or take copies of electoral materials, such disobedience shall attract court sanctions, which shall include the committal by the Tribunal or Court of the Commission’s official to whom the order is directed to summary conviction to imprisonment for at least two (2) years, without an option of fine.”	The proposal imposes sanctions on INEC officials who disobey orders of court.
67.	151.	DELEGATION OF POWERS OF THE COMMISSION	<p>NEW PROVISION</p> <p>“152A. Subject to the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the provisions of this Act guaranteeing the conduct of free, fair and credible elections by the Independent National Electoral Commission shall apply with equal force to elections conducted by State Independent Electoral Commissions in the Federation.</p> <p>152B All elections conducted by a State Independent Electoral Commission to a local government council in the Federation shall be in compliance with relevant provisions of this Act.</p>	<p>With this proposal, the Electoral Act shall henceforth apply to local government elections. Whilst this is an attempt by the National Assembly to improve the quality of local govt election, it could create constitutional tension between State Independent Electoral Commissions (SIEC) and INEC. Although under Paragraph 11 of the 2nd Schedule to the Constitution, the National Assembly may make laws for regulating elections to a local government, the same Constitution empowers State Houses of Assembly to make laws on elections.</p> <p>This proposal undermines the principle of devolution of power and decentralization. As a federation, it is suggested that the</p>

			<p>152C. Any election conducted by a State Independent Electoral Commission to a local government council in the Federation in violation of section 152B of this Act shall be null, void and of no effect whatsoever.</p> <p>152D. Any official of a State Independent Electoral Commission who acts in contravention of section 152B or any provision of this Act shall be subject to prosecution as if he were an official of the Independent National Electoral Commission.”</p>	<p>states be allowed to enact laws that govern local elections.</p>
68.	153	Civic Education by the Commission		<p>This section should be reviewed to include conducting civic education using social media and digital technology. In addition, it is suggested that the Bill should state that the Commission shall discharge this responsibility in collaboration with other stakeholders like the Educational institutions, National Orientation Agency (NOA), civil society organisations and media etc.</p>



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