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Extraordinary



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Official Gazette

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Government Notice No. 523

The following is published as Supplement to this Gazette :—

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Supplement to Official Gazette Extraordinary No. 38, Vol. 69 11th August
1982—Part A

**NATIONAL ELECTRIC POWER AUTHORITY
(AMENDMENT) ACT 1982**



1982 No. 4

**AN ACT TO MAKE PROVISION FOR THE RECONSTITUTION OF THE BOARD OF
DIRECTORS OF THE NATIONAL ELECTRIC POWER AUTHORITY**

[17th June 1982]

Commence-
ment.

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

1. Part I of Schedule 1 to the National Electric Power Authority Act 1972 (which deals with membership of the Board of Directors of the Authority), as amended by the National Electric Power Authority (Amendment) Act 1977 and the National Electric Power Authority (Amendment) Act 1979, is hereby further amended by substituting for paragraph 2 thereof the following new paragraph—

Amendment
of the
National
Electric
Power
Authority.
Act 1972.
1972 No. 24.
1977 No. 35.
1979 No. 64.

“2. The Board shall consist of a Chairman to be appointed by the President and the following other members, that is—

(a) seven persons appointed by the President being persons who by reason of any requisite ability, experience and specialised knowledge, have skills that will be useful and will enable them to make effective contributions to the work of the Authority ;

(b) the Permanent Secretary, Federal Ministry of Mines and Power, and in his absence, the Director, Electric Inspectorate Services, Federal Ministry of Mines and Power ; and

(c) the General Manager of the Authority.”

2. This Act may be cited as the National Electric Power Authority (Amendment) Act 1982.

Short title.

I certify in accordance with Section 2 (1) of the Acts Authentication Act, 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

GIDADO IDRIS,
Clerk to the National Assembly



1982 No. 5

AN ACT TO AUTHORISE THE ISSUE OUT OF THE CONSOLIDATED REVENUE FUND OF THE FEDERATION OF SIX BILLION, SEVEN HUNDRED AND FIFTY-EIGHT MILLION, ONE HUNDRED AND TWENTY-THREE THOUSAND, THREE HUNDRED AND SIXTY NAIRA (N6,758,123,360) FOR THE SERVICE OF THE FEDERATION FOR THE PERIOD OF TWELVE MONTHS COMMENCING ON 1ST JANUARY AND ENDING ON 31ST DECEMBER 1982.

[27th April 1982]

Commence-
ment.

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

1.—(1) The Accountant-General of the Federation may, when authorised to do so by warrants signed by the Minister of Finance, pay out of the Consolidated Revenue Fund of the Federation during the financial year ending 31st December 1982 the sums specified by the warrants, not exceeding in the aggregate six billion, seven hundred and fifty-eight million, one hundred and twenty-three thousand, three hundred and sixty naira.

Issue and
appropria-
tion of
N6,758,123,
360 from
the Con-
solidated
Revenue
Fund for
1982.

(2) The amount mentioned in subsection (1) of this section shall be appropriated to heads of expenditure as indicated in the Schedule to this Act.

(3) No part of the amount aforesaid shall be issued out of the Consolidated Revenue Fund of the Federation after the end of the year mentioned in subsection (1) of this section.

2.—(1) All agreements for external loans by the Federal and State Governments shall be subject to the approval of the National Assembly ; such approval or non-approval shall be given within thirty working days of the request being presented to the National Assembly.

(2) A request from a State Government for the provision of a guarantee for external loans shall be considered only if such request is supported by a resolution of the State House of Assembly concerned, consenting to the loan.

3. This Act may be cited as the Appropriation Act 1982.

Short title.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

GIDADO IDRIS,
Clerk to the National Assembly

SCHEDULE

HEAD	N
20. National Assembly	115,994,880
21. Presidency	516,656,280
23. Police	587,288,860
24. Police Service Commission	930,900
25. Ministry of Agriculture	34,114,480
26. Federal Audit Department	4,176,920
27. Ministry of Aviation	35,535,620
29. Ministry of Communications	1,405,300
30. Ministry of Defence	660,818,240
31. Ministry of National Planning	28,066,830
32. Ministry of Education	546,698,980
33. Federal Capital Territory	15,674,250
34. Ministry of External Affairs	133,018,450
35. Ministry of Finance	131,391,140
36. Ministry of Health	155,807,280
37. Ministry of Industries	11,390,230
38. Ministry of Social Development, Youth, Sports and Culture	115,312,380
39. Ministry of Internal Affairs	87,378,640
40. Judicial Service Commission	50,340
41. Ministry of Justice	6,014,610
42. Ministry of Employment, Labour and Productivity	14,076,270
43. Ministry of Mines and Power	8,866,670
44. Ministry of Science and Technology	84,452,720
45. Ministry of Housing and Environment	68,308,990
46. Public Complaints Commission	4,735,890
47. Civil Service Commission	5,236,430
48. Ministry of Commerce	16,161,520
49. Ministry of Transport	16,925,780
50. Ministry of Water Resources	4,618,470
51. Ministry of Works	217,776,770
52. Federal Electoral Commission	42,073,460
55. Contingencies	2,000,000
56. Contribution to Development Fund	3,085,165,780
TOTAL	6,758,123,360

SCHEDULE OF BILL PRESENTED FOR ASSENT

<i>Long Title of Bill</i>	<i>Summary of Contents</i>	<i>Date Passed by House of Representatives</i>	<i>Date Passed by Senate</i>
A Bill for an Act to make provision for the number of persons to constitute the membership of the Nigerian Coal Corporation.	<p>The Bill makes the following provision for the reconstitution of the membership of the Board of directors of the Nigerian Coal Corporation :—</p> <p>(a) a Chairman and seven other members to be appointed by the President. Such members should have the requisite, experience, ability, specialised knowledge or skills that would usefully contribute to the proper running of the Corporation ;</p> <p>(b) two <i>ex-officio</i> members comprising the Permanent Secretary, Federal Ministry of Mines and Power and in his absence, the Director of Geological Survey ; and the General Manager of the Corporation.</p>	9-12-81	16-11-81

I certify in accordance with Section 2 (2) of the Acts Authentication Act, 1961, that this Schedule is a true and correct record.

GIDADO IDRIS,
Clerk to the National Assembly

I ASSENT



SHEHU SHAGARI,
President

17th day of June, 1982.

SCHEDULE OF BILL PRESENTED FOR ASSENT

<i>Long Title of Bill</i>	<i>Summary of Content</i>	<i>Date passed by House of Representatives</i>	<i>Date passed by Senate</i>
A BILL for an Act to amend the Federal Court of Appeal Act 1976 and for purposes connected therewith.	The Bill seeks to bring the Federal Court of Appeal Act 1976 in line with the provisions of the Constitution of the Federal Republic of Nigeria as well as increase the number of Justices of that Court from twenty-two to thirty-six to enable it cope with the ever increasing volume of appeal cases coming before it.	3-5-82	22-10-81

I certify in accordance with Section 2 (2) of the Acts Authentication Act, 1961, that this Schedule is a true and correct record.

GIDADO IDRIS,
Clerk to the National Assembly

I ASSENT



SHEHU SHAGARI,
President

15th day of July, 1982.

SCHEDULE OF BILL PRESENTED FOR ASSENT

<i>Long Title of Bill</i>	<i>Summary of Contents</i>	<i>Date Passed by House of Representatives</i>	<i>Date Passed by Senate</i>
A Bill for an Act to make provision for the reconstitution of the Board of the National Electric Power Authority.	<p>The Bill makes provision for the reconstitution of the membership of the Board of the National Electric Power Authority as follows :—</p> <p>(a) a Chairman to be appointed by the President and seven other persons to be similarly appointed with requisite experience, ability, specialised knowledge or skills that would usefully contribute to the proper running of the Authority ;</p> <p>(b) two <i>ex-officio</i> members comprising the Permanent Secretary, Federal Ministry of Mines and Power and in his absence, the Director Electrical Inspectorate Services ; and</p> <p>(c) the General Manager of the Authority.</p>	9-12-81	16-11-81

I certify in accordance with Section 2 (2) of the Acts Authentication Act, 1961, that this Schedule is a true and correct record.

GIDADO IDRIS,
Clerk to the National Assembly

I ASSENT.



SHEHU SHAGARI,
President

17th day of June, 1982.

NIGERIAN COAL CORPORATION AMENDMENT ACT 1982



1982 No. 6

AN ACT TO MAKE PROVISION FOR THE NUMBER OF PERSONS TO CONSTITUTE MEMBERSHIP OF THE NIGERIAN COAL CORPORATION

[17th June 1982]

Commence-
ment.

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

1. For subsection (2) of section 3 of the Nigerian Coal Corporation Act, as amended by the Nigerian Coal Corporation (Amendment) Act 1977, there shall be substituted the following new subsection, that is—

Amendment
of the
Nigerian Coal
Corporation
Act.
Cap. 134.
1977 No. 36.

“2. The Board shall consist of a Chairman to be appointed by the President and the following other members, that is to say—

(a) seven persons appointed by the President being persons who by reason of any requisite ability, experience and specialised knowledge, have skills that will enable them to make effective contributions to the work of the Corporation ; provided that one of the seven persons to be appointed shall come from one of the main areas of the corporation's activities.

(b) the Permanent Secretary, Federal Ministry of Mines and Power, and in his absence the Federal Director of Geological Survey ; and

(c) the General Manager of the Corporation.”

2. This Act may be cited as the Nigerian Coal Corporation (Amendment) Act 1982 .

Short title

I certify in accordance with Section 2 (1) of the Acts Authentication Act, 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

GIDADO IDRIS,
Clerk to the National Assembly

SCHEDULE OF BILL PRESENTED FOR ASSENT

<i>Long Title of Bill</i>	<i>Summary of Contents</i>	<i>Date passed by Senate</i>	<i>Date passed by House of Representatives</i>
A BILL for an Act to authorise the issue out of the Consolidated Revenue Fund of the Federation of six billion, seven hundred and fifty-eight million, one hundred and twenty-three thousand, three hundred and sixty naira (N6,758,123,360) for the service of the Federation for the period of twelve months commencing on 1st January and ending on 31st December 1982.	The Appropriation Bill 1982 covering the period 1st January to 31st December 1982 provides for the issue from the Consolidated Revenue Fund of the Federation of a total sum of N6,758,123,360 out of which the sum of N3,672,957,580 is for Recurrent Expenditure while the balance of N3,085,165,780 is the contribution to the Development Fund for capital projects. The Act also provides that all agreements for external loans by the Federal and State Governments shall be subject to the approval of the National Assembly and that such approval or otherwise shall be given within thirty working days of the presentation of the request. It further provides that all requests from State Governments for a guarantee for external loans shall be considered only if the request is supported by a Resolution of the State House of Assembly concerned.	31-3-82	1-4-82

I certify, in accordance with Section 2 (2) of the Acts Authentication Act, 1961, that this Schedule is a true and correct record.

GIDADO IDRIS,
Clerk to the National Assembly

I ASSENT



SHEHU SHAGARI,
President

27th day of April, 1982.

FEDERAL COURT OF APPEAL (AMENDMENT) ACT 1982



1982 No. 7

AN ACT TO AMEND THE FEDERAL COURT OF APPEAL ACT 1976 AND FOR PURPOSES CONNECTED THEREWITH.

[15th July 1982]

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows :—

1. Section 1 of the principal Act is hereby amended by deleting the words from “twenty-two” to “*Gazette*” inclusive and substituting therefor the word “thirty-six”.

Commence-
ment.

Amendment
of Section 1
of principal
Act.

2. Section 3 of the principal Act is hereby amended—

(a) in subsection (1) thereof by deleting the expression “Head of the Federal Military Government” and substituting therefor the expression “President of the Federal Republic of Nigeria” ; and

Amendment
of Section 3
of principal
Act.

(b) in subsection (2) thereof by deleting the words “a State” and substituting therefor the words “the Federal High Court”.

3. Section 4 of the principal Act is hereby amended by deleting the expression “121D of the Constitution of the Federation” and substituting therefor the expression “255 of the Constitution of the Federal Republic of Nigeria 1979”.

Amendment
of Section 4
of principal
Act.

4. Section 8 of the principal Act is hereby amended—

(a) in subsection (2) thereof, by deleting the words “with the approval of the Federal Executive Council” ; and

(b) by repealing subsection (3) thereof.

Amendment
of Section 8
of principal
Act.

5. Section 21 of the principal Act is hereby amended in subsection (3) by deleting the expression “Head of the Federal Military Government” wherever it may occur, and substituting therefor the expression “President of the Federal Republic of Nigeria”.

Amendment
of Section 21
of principal
Act.

6. Section 25 of the principal Act is hereby amended in subsection (4) by deleting the words “except in the case of a conviction involving the sentence of death”.

Amendment
of Section 25
of principal
Act.

7. Section 31 of the principal Act is hereby repealed.

Repeal of
Section 31
of principal
Act.

Amendment
of Section 32
of principal
Act.

8. Section 32 of the principal Act is hereby amended in the definition of the expressions "the Court of Appeal" or "the Court" by deleting the expression "121A of the Constitution of the Federation" and substituting therefor the expression "217 of the Constitution of the Federal Republic of Nigeria 1979".

Interpreta-
tion.

9. In this Act—

"principal Act" means Federal Court of Appeal Act 1976.

Short title.

10. This Act may be cited as the Federal Court of Appeal (Amendment) Act 1982.

I certify in accordance with Section 2 (1) of the Acts Authentication Act, 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

GIDADO IDRIS,
Clerk to the National Assembly



1982 No. 8

ARRANGEMENT OF SECTIONS

Section

PART I—REGISTRATION OF VOTERS

1. Persons eligible to vote at elections.
2. Ordinary residence.
3. Qualifying date.
4. Control of registration and elections by the Commission, etc.
5. The Executive Secretary and other employees of the Commission, pensions of employees, etc.
6. Electoral registration officers and assistant registration officers.
7. New register of voters.
8. Revision of the register of voters.
9. Registration agents.
10. Notice of display of preliminary lists.
11. Claims and objections.
12. Revising officer for hearing of claims, etc.
13. Power to make rules and hearing of claims, etc.
14. Completion of preliminary list.
15. Publication of preliminary list.
16. Inspection of register of voters.
17. Correction of register of voters.
18. Use of the register.

PART II—PROCEDURE AT ELECTIONS

19. Election dates.
20. Issue of writ.
21. Control of election by electoral officers.
22. Returning officer and assistants.
23. Poll clerks.
24. Supervision of returning officer and others.
25. Clerks at polling station.
26. Facilities at polling station.
27. Notice of election.
28. Delivery of names of candidates to Commission.
29. Nominations.
30. Nomination papers.
31. Deposit.
32. Validity of nominations.
33. Publication of list of nominations.
34. Death of sponsored candidates.
35. When poll required.
36. Uncontested elections.
37. Failure of nomination.
38. Ballot where election is held.
39. Establishment of polling stations.
40. Ballot boxes.

41. Ballot papers.
42. Polling agents.
43. Notice of ballot.
44. Hours of polling.
45. Preparation of ballot boxes.
46. Questions to be put to voters.
47. Issue of ballot papers.
48. Manner of voting.
49. Plural voting prohibited.
50. Ballot paper not to be marked by voter for identification.
51. Accidental destruction or marking of ballot papers.
52. Blind and incapacitated voters.
53. Personal attendance.
54. Voting at appropriate polling stations.
55. Use of certified extract of register in special cases.
56. Personation in polling station.
57. Tendered ballot papers.
58. Power to exclude unauthorised persons, etc.
59. Misconduct, etc. at polling station.
60. Interruption of election.
61. Closing of poll.
62. Ballot boxes and papers at close of poll.
63. Counting agents.
64. Counting of votes.
65. Method of counting.
66. Statement of rejected papers.
67. Dealing with ballot papers by returning officer.
68. Recount.
69. Equality of votes.
70. Declaration of results.
71. Return of writ and declaration of results.
72. Safe custody of results.
73. Report by the Federal Electoral Commission.

PART III—POLITICAL PARTIES

74. Interpretation.
75. Prohibition of political activities by associations.
76. Restriction on formation of political parties.
77. Programme and objectives of political parties.
78. Application for registration as a political party.
79. Registration of political party.
80. Renewal.

Section

81. Withdrawal of certificate of registration.
82. Symbols.
83. Allocation of symbols.
84. Finances of political parties.
85. Period to be covered by annual statement required by Act.
86. Statement as to election expenses.
87. Publication of statement of assets and liabilities.
88. Restriction on membership of political parties.
89. Annual report on finances of political parties.
90. Grants to political parties.
91. Election expenses of political parties.

PART IV—ELECTIONS TO LOCAL
GOVERNMENT COUNCILS

92. Date of Local Government elections.
93. Election of Chairman and Supervisory Councillors of Council.
94. Procedure for Local Government elections.
95. The first Local Government elections.
96. Local Government election petitions.

PART V—ELECTORAL OFFENCES

97. Offences in relation to registration, etc.
98. Offences in respect of nomination, etc.
99. Dereliction of official duty.
100. Disorderly behaviour at political meetings.
101. Improper use of registration cards.
102. Improper use of vehicles.
103. Corrupt practice.
104. Personation and voting if not qualified.
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106. Treating.
107. Undue influence.
108. Bribery.
109. Disqualification for certain corrupt practices.
110. Requirement of secrecy.
111. Wrongful voting and false statements.
112. Voting by unregistered person.
113. Disorderly conduct at elections.
114. Offences on election day.
115. Federal Electoral Commission to be notified of certain convictions.
116. Limitation on political broadcasting and campaign by political parties.
117. Limitation on political broadcasting and campaigning by candidate.
118. Broadcast from outside Nigeria, etc.

PART VI—LEGAL PROCEEDINGS TO
QUESTION THE VALIDITY OF AN
ELECTION

119. Proceedings to question an election.
120. Government mass media.
121. Right to present a petition.
122. Grounds for petition.
123. Substantial compliance with electoral provisions.
124. Decisions as to vacancy for Court.
125. Contents of the petition.
126. Further particulars.
127. Security.
128. Address for Service.
129. Proceedings, etc. and time for completion.
130. Appeals as of right from a High Court.
131. Appeals as of right from the Federal Court of Appeal.
132. Proceedings on appeal, etc. and time for completion.
133. Practice and procedure for appeals.
134. Service of notice, etc. of election petition.
135. Reply.
136. Amendment of election petition.
137. List of objections to votes.
138. List of objections to elections.
139. Time and place of hearing petition.
140. Withdrawal and disposal of petition.
141. Withdrawal of opposition.
142. Fees.
143. Allocation of costs.
144. Calling of witnesses.
145. Return of security.
146. Service of summons, etc.
147. Miscellaneous.
148. Proceedings, etc. of the Court.
149. Effect of judgment.
150. Reference to the Attorney-General.

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151. Persons disqualified from acting as election officers.
152. Loss of registration card.
153. Election publication to show printer's name and address, etc.
154. Special power to postpone election.
155. Remuneration and expenses.
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157. Secrecy of ballot.
158. Corrupt withdrawal of election petition.
159. Prosecution of offences disclosed in petition.
160. Time limit for certain prosecutions.
161. Inspection of ballot papers.
162. Delegation of powers of the Commission.
163. Regulations.
164. Interpretation.
165. Repeals.
166. Short title.

SCHEDULE—FORMS

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

[5th August 82]

Commence-
ment.

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

PART I—REGISTRATION OF VOTERS

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

Persons
eligible to
vote at
elections.

Provided that a person shall not be entitled to vote in any constituency unless registered there in the register of voters to be used at the election.

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

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

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

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

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

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

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

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

(c) electoral officers and assistant electoral officers ;

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

(e) the presiding officer.

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

Ordinary
residence.

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

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

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

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

(3) A person shall have one of the foregoing places of ordinary residence ; and the place nominated by him shall be his place of ordinary residence for the purposes of this section, and it shall not be lost to him—

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

(b) until he replaces it by another.

Qualifying
date.

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

Control of
registration
and elections
by the
Commission,
etc.

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

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

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

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

(a) shall be responsible for keeping proper records of the proceedings of the Commission ; and

(b) shall be the head of the Commission's secretariat and be responsible for the administration thereof and, subject as aforementioned, be responsible for the day to day direction and control of all other employees of the Commission.

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

(4) There shall be an Administrative Secretary responsible for the administration of each State Branch Office of the Commission to be appointed by the Commission who shall have such qualifications and experience as may be considered appropriate for a person required to perform such duties and, subject as mentioned with respect to the Executive Secretary, shall be under the general direction of the Resident Federal Electoral Commissioner.

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

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

1979 No.
102.

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

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

Electoral
registration
officers and
assistant
registration
officers.

(2) The Commission may appoint assistant electoral registration officers in respect of any registration area, and the assistant electoral registration officers so appointed shall be subject to the authority and control of the electoral registration officers for the area or part of the area in respect of which they are appointed, and subject thereto any assistant electoral registration officer appointed in respect of an area shall have and may exercise the powers and duties of the electoral registration officer in that area.

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

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

7.—(1) A new register of voters shall be compiled by the Commission for each constituency after the taking of every census.

New
register of
voters.

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

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

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

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

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

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

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

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

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

Revision of
the register
of voters.

8.—(1) The register of voters in every constituency shall be revised before a national election :

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

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

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

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

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

(6) Any person whose name appears in the register of voters shall be entitled to vote at any election pursuant to this Act.

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

Registration agents.

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

Notice of display of preliminary lists.

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

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

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

(c) that claims in the Form EC.2 or objections in the Form EC.3 respectively in the Schedule to this Act may be obtained at Local Government Council offices, or local electoral offices and such other public places throughout the constituency as shall be stated in the notice.

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

11.—(1) Any person qualified to be registered may, if his name is omitted or is incorrectly stated in the preliminary list, claim within 21 days of the publication of the preliminary list by notice in writing to the registration officer in Form EC.2 in the Schedule to this Act to have his name and address inserted or to have any such entry amended.

Claims and objections.

(2) Any person qualified to vote whose name appears in the preliminary list may within 21 days of the publication of the preliminary list by notice in writing to the registration officer in the Form EC.3 in the Schedule to this Act object to the inclusion of any other name appearing therein, as being the name of a person not entitled to inclusion in that list.

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

Revising officer for hearing of claims, etc.

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

Power to
make rules
and hearing
of claims,
etc.

13.—(1) Subject to the provisions of this Act, the Commission may make rules prescribing the time for hearing any claim or objection and the procedure at the hearing.

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

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

Completion
of prelimi-
nary list.

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

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

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

(3) If the registration officer or the Commission has reasonable cause to believe that a person is registered in more than one place either in the same constituency or in different constituencies, the registration officer or the Commission, as the case may be, shall make such alterations or corrections in the preliminary list as are necessary ; but no correction under this subsection shall be made without notice to the person affected and the giving of reasonable time for the receipt of objections to the proposed correction and, if necessary, for any hearing in respect thereof.

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

Publication
of prelimi-
nary list.

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

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

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

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

Inspection
of register
of voters.

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

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

Correction
of register
of voters.

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

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

Use of the
register.

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

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

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

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

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

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

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

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

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

PART II—PROCEDURE AT ELECTIONS

Election
dates.

19.—(1) Elections—

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

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

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

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

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

(4) The Commission shall not later than 21 days before the dates appointed in subsections (1) and (2) of this section publish in the *Gazette* and at least one newspaper widely circulated and read in the senatorial district or constituency not less than 21 days before the date of the election a notice of the dates so appointed.

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

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

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

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

(9) Whenever a vacancy occurs in any Legislative House, the President of the Senate (in the case of a vacancy occurring in the Senate) or the Speaker of the House of Representatives or of the House of Assembly of a State (in the case of a vacancy occurring in that House) shall within 14 days of being aware of that vacancy, issue a writ to the Commission for an election to fill the vacancy and the Commission shall within 28 days of receiving the writ, publish the date of the election in the *Gazette* and in at least one newspaper widely circulating and read in the senatorial district or constituency not less than 21 days before the date of the election :

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

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

Issue of
writ

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

(3) Where the election is to fill a vacancy in either House of the National Assembly, the writ shall be delivered by the Clerk of the National Assembly to the National Headquarters of the Commission and where the election is to fill a vacancy in the House of Assembly of a State, the writ shall be delivered by the Clerk of that House to the Headquarters of the Commission in the State, with a copy sent by registered post to the National Headquarters of the Commission.

TABLE

To the Federal Electoral Commission.

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

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

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

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

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

Endorsement

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

*Executive Secretary to the Federal
Electoral Commission*

CERTIFICATE ENDORSED ON WRIT

I hereby certify that the member elected for the Senatorial District/
Constituency of.....in pursuance of the within written
writ is.....
(here state the name of the member)

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

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

*Executive Secretary to the Federal
Electoral Commission*

*Delete where not applicable.

Control of
election by
electoral
officers.

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

(2) The Commission may likewise appoint from time to time assistant electoral officers for the purposes of the election and in respect of any constituency or senatorial district it thinks fit. An assistant electoral officer appointed under this subsection shall be subject to the authority and control of the electoral officer for the senatorial district or constituency, and subject thereto and to the direction of the Commission, an assistant electoral officer shall have and may exercise the powers and duties of an electoral officer ; and where it becomes necessary for an electoral officer to exercise those powers and duties in any part of a senatorial district or constituency, the electoral officer shall exercise supervisory functions in respect of the whole senatorial district or constituency.

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

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

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

Returning officer and assistants.

(2) There may likewise be appointed for an election such number of assistant returning officers as are necessary and, subject to the direction of the Commission, an assistant returning officer shall have the power and may perform the duties of a returning officer but shall be subject to the authority and control of the returning officer appointed in respect of the same election.

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

Poll clerks.

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

Supervision of returning officer and others.

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

Clerks at polling station.

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

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

26. The Commission shall—

Facilities at polling station.

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

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

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

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

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

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

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

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

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

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

Notice of election.

27. Not less than 120 days before the date appointed for the election, the electoral officer in each constituency shall in the name of the Commission publish a notice stating the date of the election.

Delivery of names of candidates to Commission.

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

(2) The Commission shall, not later than 21 days after delivery of the list aforesaid, deliver to the political party a list containing the names of candidates who are qualified for elections under the provisions of the Constitution and, where appropriate, a separate list of those rejected by the Commission and in the case of those so rejected, the Commission shall—

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

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

(3) If after 21 days a political party is not informed within the specified period of the disqualification of its candidates, all the candidates named in such list shall be deemed qualified or approved by the Commission.

(4) The powers exercisable by the Commission determining the qualification of candidate for an election shall be limited to the provisions of the Constitution and this Act.

Nominations.

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

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

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

(4) Not less than 75 days before the date of the election, the electoral officer in each constituency shall in the name of the Commission publish a notice stating that not later than 60 days before the date of the election nomination papers are to be delivered to him at any time during normal office hours or at such other times as may be prescribed by the Commission at such place or places so appointed by the electoral officer. During the period, the electoral officer shall make himself available for collecting nomination papers at the stipulated times, otherwise the provisions of Section 104 shall apply.

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

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

Nomination
papers.

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

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

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

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

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

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

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

Provided that in the event of absence or proved irregularity on the part of an electoral officer, the Resident Federal Electoral Commissioner, the Chief Federal Electoral Officer of the State or of the Federation, as the case may be, may accept the nomination paper of a candidate within 48 hours to the closing date of nominations.

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

Deposit.

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

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

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

(c) ₦200 in respect of an election to the Senate and the House of Representatives ;

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

(2) A candidate shall at the time of the delivery of his nomination paper produce and hand over to the appropriate electoral officer the official receipt for the sum paid and no nomination paper shall be valid without production of the receipt to the electoral officer.

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

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

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

(c) there is no contested election ;

(d) a contested election is declared void ; or

(e) in any contested election the candidate is successful or obtains not less than one-half of the total number of votes cast for the winning candidate.

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

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

Validity of
nominations.

32.—(1) If after delivery to him of a nomination paper an electoral officer is satisfied that the prescribed deposit has been paid and that other requirements of this Act have been complied with, the acceptance within the time required by this Act, of the nomination paper on the

form prescribed in subsection (3) of this section shall be *prima facie* evidence of the validity of the nomination.

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

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

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

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

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

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

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

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

(4) A person nominated as a candidate in accordance with the provisions of this Act may, at any time before the beginning of the period of 40 days ending with the date of the election, withdraw his candidature by delivering in person to the electoral officer a declaration in writing to that effect signed by him and duly attested by the signatures of any two of his nominators.

(5) The Commission shall notify the sponsoring political party of the withdrawal and the party concerned shall be allowed to submit another nominee before 20 days to the election.

(6) An electoral officer to whom a declaration is delivered in pursuance of the foregoing subsection shall forthwith cause a copy of the declaration to be displayed, until the date of the election, at each place at which nomination papers may be delivered in connection with the election.

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

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

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

33.—(1) The electoral officer shall in the name of the Commission prepare a statement setting out the full names of all persons standing nominated and of the persons nominating them and their respective addresses and occupations ; the statement shall be displayed at least 40

Publication
of list of
nominations.

days before the date appointed for the election at the place or places appointed for the delivery of nomination papers.

Death of a
sponsored
candidate.

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

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

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

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

When poll
required.

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

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

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

Uncontested
elections.

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

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

Failure of
nomination.

37.—(1) Where at the close of nomination there is no candidate validly nominated, the Commission shall within 14 days call for nomination and commence an election thereafter within 21 days.

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

Ballot where
election is
held.

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

39.—(1) If an election is to take place, the Commission shall establish a sufficient number of polling stations in the constituency and shall allot voters in the constituency among such polling stations. Provided that every voter shall be allotted a polling station nearest to his residence.

Establishment of polling stations.

(2) Not more than 500 voters shall be required to vote at any one polling stations and no voter shall travel more than 5 kilometres to vote unless the Commission is satisfied that it is unnecessary or impracticable, as the case may be, to provide other polling stations. The name of any voter on the official list of voters for the constituency shall appear on one and one only, of the part of the list of voters allotted to various polling stations established in the constituency.

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

Ballot boxes.

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

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

Ballot papers.

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

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

Polling agents.

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

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

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

(3) Polling agents shall have such power as the Commission may allow for the purposes of this Act. Such polling agents shall be

persons whose names appear on the register of voters for the Senatorial District or constituency, as the case may be, in respect of which they are appointed.

Notice of
ballot.

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

- (a) the day and hours fixed for the poll ;
- (b) the full names arranged in alphabetical order of surnames or last names and places of residence and occupations of the candidates remaining nominated, together with the symbols allotted to each candidate ;
- (c) by way of indication, the persons entitled to vote ;
- (d) the location of the polling station or polling stations.

Hours of
polling.

44. The polling stations shall be open to voters at 7 o'clock in the forenoon of the day fixed for the poll, and unless interrupted under the provisions of this Act, shall close at 6 o'clock in the evening of that day.

Preparation
of ballot
boxes.

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

(a) be locked, the key to that box shall be dropped into the same ballot box through the opening in it for the insertion of ballot papers and sealed with one of the special metal seals prescribed by the Commission for the use of the presiding officer ;

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

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

Question to
be put to
voters.

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

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

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

Issue of
ballot paper.

47. Every person intending to vote shall present himself to a presiding officer at the polling station in the constituency in which his name is registered as being entitled to vote. Where a voter produces his registration card, the presiding officer shall—

(a) record the attendance of the voter in a register specifically kept for that purpose ;

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

(c) stamp the ballot paper with the official mark of the polling station ;

(d) sign his name on the back of the envelope ; and

(e) after the voter has voted, mark the card in such a way as to indicate that it has been presented and used at the election :

Provided that where a person claims that his name is on the register of voters for that polling station but that his registration card has been destroyed or lost, the presiding officer shall if the name of the person is found on the register of voters for the polling station and satisfies himself that the voter has not voted earlier in that particular election, allow the voter to cast his vote.

48. A voter on receiving a ballot paper shall—

Manner of voting.

(a) proceed forthwith to the voting compartment and there with ink provided in a pad and indelible to leave a mark on the skin of the thumb for a period of approximately ten hours, make his thumb impression on the blank space on the ballot paper at the left of the symbol of the candidate for whom he intends to vote or on the symbol of the candidate for whom he intends to vote ;

(b) insert the ballot paper in the envelope and seal the envelope ;

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

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

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

A different finger should be marked for each election.

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

Plural voting prohibited.

If the number of votes cast in any constituency exceeds the number of registered voters for that constituency, the election for that constituency shall be declared null and void and another election conducted within seven days.

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

Ballot paper not to be marked by voter for identification.

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

Accidental destruction or marking of ballot papers.

52. A voter who is blind or is otherwise unable to distinguish symbols or who suffers any other physical disability may be accompanied into the polling station by a friend or relative chosen by him and the friend or relative 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 left thumb mark on the left side of the symbol nominated by the voter, to insert the ballot paper in the envelope and to

Blind and incapacitated voters.

seal the envelope. A voter who has lost his left thumb may be allowed to use his right thumb, finger, or any other limb to make a mark on the left side of the ballot paper.

Personal
attendance.

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

Voting at
appropriate
polling
stations.

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

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

55.—(1) Where election officers other than as specified in subsection (4) of section (21) of this Act and police officers are appointed for duty elsewhere than at the station at which they are entitled to vote and it is not possible to release such officers to vote during the day for the polling, and polling stations are within the same constituency, the presiding officer at the polling station where an election officer or police officer is on duty shall issue a certificate of polling duties in the Form EC. 6 in the Schedule to this Act. On presentation of the Form to the presiding officer in-charge of the polling station where the officer is registered as being entitled to vote, the last mentioned presiding officer may issue in exchange a certified extract in the Form EC. 7 in the Schedule to this Act of the register of voters or the part thereof in his custody.

(2) If a presiding officer issues a certified extract of the register of voters he shall mark the register of voters or the part thereof in his custody with some appropriate mark and proceed as though the officer concerned had cast his vote; and the presiding officer shall retain the certificate of polling duties delivered to him and deal with it in the manner prescribed in this Part of this Act for dealing with election papers at close of poll.

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

Personation
in polling
station.

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

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

on the counterfoil of the ballot paper. If any such person admits to the presiding officer that he is not the person he holds himself out to be, he shall not be permitted to vote ; and if he has already voted, the presiding officer shall note the number of the ballot paper delivered to such person, and upon count being taken that ballot paper shall be invalid.

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

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

Tendered
ballot
papers.

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

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

Power to
exclude
unauthorised
persons, etc.

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

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

Misconduct,
etc., at
polling
station.

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

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

Interruption
of election.

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

Closing of
poll.

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

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

Ballot boxes
and papers
at close of
poll.

62.—(1) Immediately after the close of the poll the presiding officer in the presence of the poll clerk and such candidates or their agents as are present, shall count the ballot papers and enter therein the scores of each party against his name in such number of copies sufficient to make available one copy to the polling clerk, the Presiding Officers and the candidates or their agents and such entries shall be stamped and signed by the Presiding Officer and endorsed by each candidate or his agent. The presiding officer shall make up into separate packets to be sealed with his own seal and marked for identification—

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

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

(c) the counterfoils of used ballot papers ;

(d) the tendered ballot papers ;

(e) the tendered vote list ;

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

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

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

and when so made up and sealed the presiding officer shall deliver the packets to the returning officer accompanied by candidates or their agents who may also remain close to the boxes and presiding officer or returning officer as the case may be, until the boxes arrive in the hall of the counting centres.

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

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

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

(b) the number of spoilt ballot papers ;

(c) the number of unused ballot papers ;

- (d) the number of tendered ballot papers ;
- (e) the number of persons marked on the register of voters (including any additions deemed to be made thereto in accordance with this Part of this Act) as having been issued with ballot papers ;
- (f) the opening serial numbers and the closing serial numbers of the ballot papers issued by him.

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

63.—(1) Each candidate may appoint such number of persons (in this Act called "counting agents") as the returning officer may approve; and so far as practicable the number of counting agents approved shall be sufficient to allow each candidate to be represented by at least 2 counting agents at any place and time at which any part of the counting of votes is taking place. Such counting agents shall be persons whose names appear on the register of voters for the Senatorial District or Constituency, as the case may be, in respect of which they are appointed.

Counting
agents.

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

(3) If a counting agent dies, or becomes incapable of acting as a counting agent, a candidate may appoint another counting agent in his place, and the candidate shall immediately give notice in writing to the returning officer of the name and address of the counting agent so appointed.

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

Counting of
votes.

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

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

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

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

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

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

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

**Method of
counting.**

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

(2) In counting the votes the returning officer after consultation with the counting agents shall reject any envelope which on being opened contains more than one ballot paper and shall reject any ballot paper—

(a) found in an unsigned envelope ;

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

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

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

(e) which does not bear any of the serial numbers issued in the polling station.

The returning officer shall endorse his rejection on such ballot papers. If a counting agent objects to the rejection, the returning officer shall add the words "rejection objected to" on the ballot paper, but the count by the returning officer shall proceed as if objection had not been taken by the counting agent.

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

(4) The decision of the returning officer on any question arising in respect of a ballot paper shall be subject to review only in proceedings

before a court of law by way of election petition instituted in accordance with the provisions of this Act.

66. The returning officer shall when counting is completed prepare a statement showing the number of ballot papers rejected, and shall on request allow any counting agent to copy the statement, but no candidate or counting agent shall interrupt the count so as to record the number of any ballot paper whether rejected or not which he sees during the counting.

Statement
of rejected
papers.

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

Dealing with
ballot papers
by returning
officer.

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

Recount.

69. When an equality of Votes is found to exist between any candidates the returning officer shall declare the results a nullity and shall thereupon notify the electoral officer of the fact and the electoral commission accordingly. The Commission or the Chairman of the Commission if no quorum is available at the time, shall when so notified by the electoral officer, appoint some other convenient date for another election.

Equality of
votes.

70. After counting the votes and ascertaining the result of the polls the returning officer shall—

Declaration
of results.

(a) complete and sign the certificate of return in Form EC. 8 in the Schedule to this Act;

(b) deliver a signed copy of the certificate to each candidate or his counting agents;

(c) declare the result of the poll by reading the completed certificate of return aloud in the place of counting;

(d) cause to be delivered to the Commission the original of the certificate of return.

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

Return of
writ and
declaration
of results.

Safe custody
of results.

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

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

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

(4) In this section "documents" include any completed form prescribed under this Act.

Report by
the Federal
Electoral
Commission

73. The Commission shall—

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

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

PART III—POLITICAL PARTIES

Interpreta-
tion.

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

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

"political party" includes any association of persons whose activities include canvassing for votes in support of a candidate for election to the office of President or Vice-President, Governor or Deputy Governor or membership of a Legislative House or of a Local Government Council, and registered by the Federal Electoral Commission.

Prohibition
of political
activities
by associa-
tions.

75.—(1) No association other than a political party shall canvass for votes for any candidate at an election or contribute to the funds of any political party or the election expenses of any candidate at an election.

(2) Any association which contravenes the provisions of this section shall be guilty of an offence and the leaders shall be severally liable on conviction to a fine of ₦5,000.

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

Restriction
on formation
of political
parties.

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

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

(b) its membership is open to every Nigerian citizen irrespective of his place of origin, ethnic group, sex or religion ;
and an association which is desirous of being registered as a political party by the Commission shall only be considered as being open to every Nigerian citizen as provided in this paragraph if—

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

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

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

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

(e) its name, emblem, or motto has no ethnic or religious connotation and does not give the appearance that the association's activities are confined to a part only of the geographical area of Nigeria ;

(f) its headquarters is situated in the Federal Capital.

(2) Any association which through the submission of false or misleading information pursuant to the provisions of this section procures a certificate of registration shall have such certificate cancelled by the Commission.

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

Programme and objectives of political parties.

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

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

Application for registration as a political party.

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

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

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

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

79.—(1) Where the Commission is satisfied that an association has fulfilled all the conditions as prescribed by this Act, the Commission shall register such association as a political party by issuing it with a

Registration of political party.

certificate of registration as in Form PP. 2 in the Schedule to this Act and notice of the registration shall be published in the *Gazette* and in such other manner as the Commission may deem fit.

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

(3) Any political party which after having been duly registered upon satisfying the Commission that its constitution and rules are in accordance with section 203 of the Constitution subsequently contravenes the provisions of that section shall have its registration certificate cancelled by the Commission and shall thereupon cease to function as a political party.

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

Renewal.

80.—(1) Every political party which has been issued with a certificate of registration shall be deemed to be so registered for a period not later than 31st December, following the next election.

(2) At the end of every general election each political party shall renew its certificate of registration on payment of a fee of ₦100.

(3) Where a political party fails to renew its certificate of registration after three months of its being due for such registration, it shall be deemed as having forfeited its right to be so registered, and it shall cease to function as a political party.

Withdrawal of certificate of registration.

81.—(1) Every political party which contravenes any provision of this Act shall be liable to have its certificate withdrawn by the Commission after a court of competent jurisdiction shall have determined whether the political party has contravened any of the said provisions of this Act.

(2) Where a political party has its certificate of registration withdrawn under subsection (1) of this section, no person shall—

- (a) summon a meeting of members or officers of the political party;
- (b) attend or cause any person to attend any meeting in the capacity of a member or officer of the political party;
- (c) publish any notice or advertisement relating to any such meeting;
- (d) invite persons to support the political party;
- (e) make any contribution or loan to funds held or to be held by or for the benefit of the political party or accept any such contribution or loan; or give any guarantee in respect of such funds as aforesaid.

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

Symbols.

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

(2) The leader of a political party may apply to the Commission for entry in the register of symbols of a symbol to be used by his political party.

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

- (a) that no other symbol of the same design is registered ;
- (b) that the symbol is distinctive from any other symbol already registered ; and
- (c) that its use will not be offensive or otherwise objectionable howsoever.

(4) The Commission shall without the refund of any fee remove a symbol from the register of symbols if—

- (a) a political party in whose name it is registered requests the removal ; or
- (b) the Commission is of the opinion that the political party in whose name the symbol is registered has ceased to exist or to use the symbol.

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

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

- (a) the Coat of Arms of the Federation ;
- (b) the Coat of Arms of any other country ;
- (c) any device or emblem which in the opinion of the Commission is normally associated with—
 - (i) the official acts of Government, or
 - (ii) any of the armed forces of the Federation or the Nigeria Police Force or other uniformed service ; or
 - (iii) the regalia of a chief ; or
 - (iv) any tribe or ethnic group ; or
 - (v) any religion or cult ;
- (d) any representation of a person living or dead ;
- (e) any symbol or part of a symbol which under the provisions of this section continues to be registered by another political party or an independent candidate.

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

83.—(1) Where a symbol is registered by a political party in accordance with this Act, the Commission shall allot the symbol to any candidate sponsored by the political party.

Allocation
of symbols.

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

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

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

Finances
of political
parties.

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

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

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

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

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

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

Period to be covered by annual statement required by Act

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

Statement as to election expenses.

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

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

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

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

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

- (d) the open market value of all goods donated and services rendered, other than volunteer labour by registered members of the party ;
- (e) hiring expenses of halls and other meetings venues ;
- (f) the cost of advertisements of all types in connection with or pertaining to the election including advertisements by means of radio and television broadcasting, cinematograph, newspaper, handbills and posters and in any other form whatsoever.

87. Every statement of assets and liabilities required to be published by a political party pursuant to section 84 of this Act shall be published by the political party concerned, and at its own expense, in the *Gazette* and in at least three newspapers having wide circulation in the Federation.

Publication of statement of assets and liabilities.

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

Restriction on membership of political parties.

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

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

(4) Any political party which contravenes the provisions of subsection (2) of this section shall be guilty of an offence and liable on conviction to a fine of ₦5,000 for the first offence and to a fine of ₦10,000 for a second or any subsequent offence.

89.—(1) The Commission shall in every year prepare and submit to the National Assembly a report on the accounts and balance sheet of every political party.

Annual report on finances of political parties.

(2) It shall be the duty of the Commission in preparing its report under this section to carry out such investigations as will enable it to form an opinion as to whether proper books of accounts and proper records have been kept by any political party ; and if the Commission is of the opinion that proper books of accounts have not been kept by a political party, the Commission shall so report.

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

90.—(1) The Commission may approve a grant for disbursement to political parties that will contest any elections and the total block grant to be made available by the Commission for this purpose shall be the sum arrived at by multiplying ten kobo by the total number

Grants to political parties.

of names appearing in the final list of voters in all the Federal constituencies in the Federation, provided that any election under this Act, the Federal Electoral Commission shall pay, from its funds honorarium of ten naira to all polling and counting agents employed by all candidates.

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

(a) fifty per cent of the block grant shall at least six months before the Commencement of election be shared equally among all the registered political parties that have candidates for elections in not less than 20 per cent of the constituencies for the particular election at the commencement of campaigns for votes ;

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

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

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

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

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

(b) to each and every political party registered in-between elections, one-half of the least sum receivable by an existing political party under paragraph (a) above, so however that where such a party wins seats in the National Assembly following by-elections the Commission may choose which of either, but not both, formulae should be applicable in the case of the party concerned, whichever is more favourable to such party.

Election
expenses of
political
parties.

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

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

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

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

(5) Any political party which incurs election expenses beyond the limit stipulated is guilty of an offence and shall be liable on conviction to a fine of ₦10,000 payable jointly by the party leader and the party treasurer.

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

PART IV—ELECTIONS TO LOCAL GOVERNMENT COUNCILS

92.—(1) Elections to all the Local Government Councils in the country shall be held on the same day. The Electoral Commission of the States shall fix the date of such elections in consultations with the Federal Electoral Commission.

Date of
Local
Government
elections.

(2) By-elections to fill vacancies that occur in Local Government Councils of a State shall be held on such date as may be fixed by the Electoral Commission of that State.

93. There shall for each Local Government Council be a full time Chairman and such number of Supervisory Councillors as may be prescribed by the law of a State, who shall all be elected by the Councillors from their number on the day that each Council is inaugurated.

Election of
Chairman
and Super-
visory
Councillors
of Council.

94.—(1) The procedure for filing nominations and the casting and counting of votes for Local Government elections and the declaration of results shall be the same as is applicable to elections to the House of Assembly of a State, with such necessary modifications as may be made by the law of the State. Such modifications shall be published in the State *Gazette* and in at least two newspapers circulating in the State.

Procedure
for Local
Government
elections.

(2) The Electoral Commission of a State shall organise, undertake and supervise all elections to Local Government Councils of that State.

The first
Local
Government
elections.

95.—(1) The first elections to the Local Government Councils after the coming into effect of this Act shall be held not later than three months after the date of the modification of the electoral register pursuant to section 8 of this Act.

(2) Subject to subsection (1) of this section, subsequent elections to the Local Government Councils shall be held not earlier than one month before and not later than one month after the date of which all the Local Government Councils stand dissolved.

(3) All Local Government Councils shall stand dissolved three years after the date of the first and subsequent elections.

Local
Government
election
petitions.

96. Any election petition in respect of any election to a Local Government Council shall be filed in the Chief Magistrate's Court having jurisdiction in the area of the Local Government Council concerned within such time as may be prescribed by a law of the State.

PART V—ELECTORAL OFFENCES

Offences in
relation to
registration,
etc.

97. Any person who—

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

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

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

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

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

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

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

(h) forges a registration card ;

shall be guilty of an offence and liable on conviction to a fine of N500 or to six months imprisonment or to both.

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

Offences in respect of nomination, etc.

- (a) forges any nomination paper ;
- (b) wilfully defaces or destroys any nomination paper ;
- (c) delivers to an electoral officer any nomination paper knowing it to be forged ;
- (d) signs a nomination paper as a candidate in more than one constituency at the same election ;
- (e) forges any ballot paper or official mark on any ballot paper or any certificate or return ;
- (f) Wilfully destroys any ballot paper or official mark on any ballot paper or any certificate or return ;
- (g) without proper authority supplies a ballot paper to any person ;
- (h) wilfully places in any ballot box any unauthorised paper ;
- (i) wilfully removes from a polling station any ballot paper whether or not the ballot paper was issued to him in that polling station ;
- (j) without proper authority destroys or in any other manner interferes with a ballot box or its contents or any packet of ballot papers then in use for the purpose of the election ;
- (k) signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at the election ;
- (l) without proper authority prints a ballot paper or what purports to be or is capable of being used as a ballot paper at an election :

Provided that nothing in this subsection shall prevent the printing of sample ballot papers boldly so marked, for the purpose of demonstration.

(m) being authorised by the Commission to print ballot papers prints more than the number or quantity the Commission authorised.

(n) without lawful authority, is found in possession of a ballot paper when he is not in the process of voting and at a time when the election for which the ballot paper is intended is not yet completed.

(o) manufactures, constructs, imports into Nigeria, has in his possession, supplies to any election officer or uses for the purpose of an election, or causes to be manufactured, constructed or imported into Nigeria, supplied to any election officer or used for the purpose of any election, any ballot box including any compartment, appliance, device or mechanism on or by which a ballot paper may or could be secretly placed or stored in, or having been deposited during polling may be secretly diverted, misplaced or manipulated ;

and shall be liable on conviction to a fine of ₦1,000 or to imprisonment for twelve months or to both.

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

(3) Where any person is convicted of an offence under this section he shall in addition to any penalty imposed on conviction be deemed to be guilty of a corrupt practice under sections 103 and 109 of this Act and those sections shall have effect accordingly.

(4) In any prosecution for an offence under this section it shall, where appropriate, be sufficient evidence of ownership if the property in the papers, boxes and instruments is stated to be in the Commission until the contrary is proved.

**Dereliction
of official
duty.**

99. Any officer appointed for the purposes of this Act, who without lawful excuse is guilty of any act or omission in breach of his official duty commits an offence against the Act and shall be liable on conviction to a fine of ₦1,000 or to imprisonment for twelve months or to both.

**Disorderly
behaviour
at political
meetings.**

100.—(1) Any person who, at a political meeting held in any constituency after the date for an election has been announced—

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

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

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

**Improper use
of registra-
tion cards.**

101. Any person who—

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

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

(c) without lawful excuse has in his possession more than one registration card, shall be guilty of an offence and liable on conviction to a fine of ₦200 or to imprisonment for three months or to both.

**Improper
use of
vehicles.**

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

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

103.—(1) If at an election, a candidate commits any offence whereby he is guilty of any corrupt practice, and that candidate is elected, his election shall be invalid.

Corrupt
practice.

(2) For the purposes of this section, a candidate shall be deemed to have committed a corrupt practice, if it was committed with his knowledge and consent.

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

104.—(1) Any person who—

Personation
and voting if
not qualified.

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

(b) having once to his knowledge been properly included in a list of voters under this Act as a voter entitled to vote at a pending election, applies, except as authorised by this Act, to be included in any other list of voters prepared for any constituency as a voter at the same election ;

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

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

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

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

(2) Any person who commits the offence of personation or who aids, abets, counsels or procures the commission of that offence shall be liable on conviction to a fine of ₦500 or imprisonment of six months or to both.

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

105.—(a) Any polling Officer who fails to turn up at his polling station on an election day without lawful excuse shall be guilty of dereliction of duty and on conviction shall be sentenced to a term of imprisonment not more than two years.

Dereliction
of duty and
corrupt
practice.

(b) Any polling Officer who fails to discharge his lawful duties at his polling station without lawful excuse shall be guilty of dereliction of lawful duties and on conviction shall be sentenced to not more than two years term of imprisonment.

(c) Any returning Officer who fails to discharge his lawful duties at his counting station without lawful excuse shall be guilty of dereliction of lawful duties and on conviction shall be sentenced to a term of imprisonment not more than two years.

(d) Any Officer who announces either by radio and/or television an election result knowing same to be false or which is at variance with the signed certificate of return shall be guilty of corrupt practice

and on conviction shall be sentenced to a term of imprisonment not more than two years.

(e) Any returning Officer who causes to be delivered a false certificate of return to the Federal Electoral Commission, shall be guilty of corrupt practice and on conviction shall be sentenced to a term of imprisonment not more than two years.

(f) Any Officer of the Federal Electoral Commission who causes to be delivered a false certificate of return to any radio and/or television broadcasting station shall be guilty of corrupt practice and on conviction shall be sentenced to a term of two years imprisonment.

(2) Any person who commits the offence of personation or who aids, abets, counsels or procures the commission of that offence shall be liable on conviction to a fine of ₦500 or imprisonment of six months or to both.

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

Treating.

106. Every person shall be guilty of corrupt practice and commits the offence of treating who—

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

(b) being a voter, corruptly accepts or takes money during any such period.

Undue influence.

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

Bribery.

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

(a) directly or indirectly by himself or by any other person on his behalf, corruptly gives, lends or agrees to give or lend, or offers, promises, or promise, to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order

to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, at any election ; or

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

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

(d) upon or in consequence of any gift, loan, offer, promise, procurement or agreement as aforesaid, corruptly procures, or engages or promises or endeavours to procure, the return of any person as a member of a Legislative House or to an elective office or the vote of any voter at any election ; or

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

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

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

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

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

109. Any person guilty of a corrupt practice who is convicted of the offence of personation, treating, undue influence, or bribery or is convicted of aiding, abetting, counselling or procuring the commission of the offence of personation or, being convicted of any other offence under this Part of this Act is deemed for the purposes of this section to be

Disqualifi-
cation for
certain
corrupt
practices.

guilty of a corrupt practice and shall, in addition to any other penalty, be disqualified during a period of four years from the date of his conviction—

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

(b) from being elected under this Act or if elected before his conviction, from retaining the office to which he was elected.

Requirement
of secrecy.

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

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

(3) No person shall—

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

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

(4) Any person acting contrary to the provisions of this section commits an offence and shall be liable upon conviction to a fine of ₦200 or to imprisonment for three months.

Wrongful
voting and
false state-
ments

111. Any person who—

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

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

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

shall be guilty of an illegal practice and liable on conviction to a fine of ₦1,000 or imprisonment for a term of twelve months or to both, and shall in addition to any penalty imposed on conviction, be deemed to be guilty of a corrupt practice for the purposes of sections 98 and 103 of this Act and those sections shall have effect accordingly.

Voting by
unregistered
person.

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

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

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

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

Disorderly
conduct at
elections.

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

Offences on
election day.

(a) canvass for votes ;

(b) solicit the vote of any voter ;

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

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

(e) shout slogans concerning the election ;

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

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

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

(i) display by any means on a vehicle the name or photograph of the candidate ;

(j) loiter without lawful excuse after voting or being refused to vote.

(2) No person shall in a constituency on the day on which an election is held—

(a) convene, hold or attend any public meeting ; or

(b) unless appointed under this Act to make official announcements, operate any megaphone, amplifier or public address apparatus for the purpose of making announcements concerned with the election ; or

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

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

115. Where any person is convicted of an offence under this Part of this Act, the effect of which is to disqualify such person from being registered as a voter, or from being elected to any of the Legislative Houses, or elective offices, the court by which he is convicted shall notify the Commission of the conviction ; and in the event of an appeal the court hearing the appeal shall give notice of the result of such appeal to the Commission.

Federal
Electoral
Commission
to be notified
of certain
convictions.

Limitation
on political
broadcasting
and cam-
paign by
Political
Parties.

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

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

(b) procures for publication or acquiesces in the publication, during the period described in paragraph (a) of an advertisement in a newspaper, for the purpose of promoting or opposing a particular political party or the election of a particular candidate,

is guilty of an offence against this Act and upon conviction shall be liable to a fine of ₦5,000.

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

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

Limitation
on political
broadcasting
and cam-
paigning by
candidate.

117. Every candidate who directly or through any person acting on his behalf—

(a) during two days immediately preceding polling day, or on polling day advertises on the facilities of any broadcasting undertaking ; or

(b) procures for publication or acquiesces in the publication during the period described in paragraph (a) of an advertisement in a newspaper for the purpose of promoting or opposing a particular registered party or the election of a particular candidate,

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

Broadcast
from outside
Nigeria, etc.

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

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

(3) Every candidate who directly or through any other person or association acting on his behalf, engages in campaigning or broadcasting based on religious, tribal, or sectional bias for the purpose of promoting

or opposing a particular political party or the election of a particular candidate, is guilty of an offence against this Act and on conviction shall be liable to a fine of ₦1,000 or imprisonment for one year or to both.

PART VI—LEGAL PROCEEDING TO QUESTION THE VALIDITY OF AN ELECTION

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

Proceedings to question an election.

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

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

(b) in any case involving any other office, the High Court of the State as respects which such office is established under the Constitution ; and

(c) in any case involving the membership of or the seat of a person in a Legislative House, the High Court of the State where the Senatorial district, Federal constituency or State constituency of that member or person is located.

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

(4) A petition to question an election or result shall be presented to the competent High Court not later than 14 days from the date that the result of the election is declared and shall be commenced—

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

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

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

120.—(1) All the mass media controlled by the Federal and State Governments shall be brought under a National Advisory Council three months before and a month after an election. The National Advisory Council shall consist of one representative selected by each political party contesting an election during an election year.

Government mass media.

(2) The Chairman shall be elected from among the members and an official of Federal Electoral Commission shall be nominated as Secretary for the Council by the Federal Electoral Commission.

(3) The National Advisory Council on the Mass Media shall let the programmes appear on Television network and on the Radio broadcasting to ensure a free and fair election.

Right to
present a
petition.

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

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

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

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

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

(a) the successful candidate ; and

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

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

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

and where a petition complains of the conduct of a returning officer, he shall for all purposes be deemed to be a respondent.

Grounds for
petition.

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

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

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

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

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

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

Substantial
compliance
with electoral
provisions.

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

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

124.—(1) Any question as to whether the seat of any member of a Legislative House has become vacant by virtue of the provisions of this Act shall be referred to and decided by the Court in accordance with the procedure prescribed for the adjudication of a petition.

Decisions as to vacancy for Court.

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

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

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

Contents of the petition.

(a) of the right of the petitioner to present the petition ; and

(b) of the holding and result of the election and of the facts and grounds relied upon to sustain the prayer of the petition.

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

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

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

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

Further particulars

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

Security.

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

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

128. The petitioner shall, for the purpose of service of the petition on the respondent, give to the Registrar of the Court the address of the respondent or if the Court otherwise orders he shall give such other

Address for service.

addresses within the constituency in which the petition is filed, where personal service can be effected on the respondent, if known to the petitioner.

Proceedings,
etc. and time
for comple-
tion.

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

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

(3) Proceedings before a High Court in the case of a petition in respect of the office of President or Vice-President, Governor or Deputy Governor or in respect of any of the Legislative Houses shall be completed not later than 30 days from the date of the election concerned.

Appeals as of
right from a
High Court.

130. An appeal shall lie as of right from a High Court to the Federal Court of Appeal on decisions on any question whether any person has been rightly elected to any office under the Constitution, or membership of any Legislative House or whether the term of office of any person has ceased or the seat of a person in a Legislative House has become vacant.

Appeals as of
right from
the Federal
Court of
Appeal.

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

Proceedings
on appeal,
etc. and
time for
completion.

132.—(1) Any appeal to the Federal Court of Appeal pursuant to section 130 of this Act shall be filed in the Federal Court of Appeal not later than 14 days from the date of the decision of the High Court and the decision of the Federal Court of Appeal on the appeal shall be given not later than 7 days from the date on which the appeal was filed.

(2) Any appeal to the Supreme Court pursuant to section 131 of this Act shall be filed in the Supreme Court not later than 14 days from the date of the decision of the Federal Court of Appeal and the decision of the Supreme Court on the appeal shall be given not later than 7 days from the date on which the appeal was filed.

Practice and
procedure
for appeals.

133. The provisions of any enactment (including rules of court) regulating the practice and procedure of the Federal Court of Appeal and the Supreme Court shall with any necessary modification apply in respect of appeals from the decisions of any court subordinate to the Federal Court of Appeal or the Supreme Court.

Service of
notice, etc.
of election
petition.

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

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

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

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

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

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

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

(6) If the respondent fails to enter an appearance, any document intended for the respondent may be affixed to the Court's notice board and the Party Secretariat concerned and the fact that it is in such places shall be sufficient notice for any of the purposes of this Part of this Act.

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

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

Reply.

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

Amendment
of election
petition.

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

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

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

(3) The Court in the trial and determination of the petition shall confine its inquiry or findings to the issues raised by the petition and the reply ; and subject to the provisions of this Part of this Act as to

time for presentation of a petition, may with or without ordering or allowing the amendment to any statement of the facts and grounds relied upon in support of the petition or the amendment of any admission or denial contained or facts or grounds set out in the reply inquire into any other issue otherwise raised or apparent or any matter otherwise appearing as to the Court may seem necessary for the proper determination of the petition.

List of
objections
to votes.

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

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

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

List of
objections
to election.

138.—(1) When the respondent in a petition complaining of an undue return and claiming the seat for some person intends to give evidence to prove that the election of such person was undue, the respondent shall within 4 days after the filing of the reply, file in the Court a list of the objections to the election upon which he intends to rely. No evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the Court given upon such terms as to amendment of the list, postponement of the trial and payment of cost as the Court may think fit.

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

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

Time and
place of
hearing
petition.

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

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

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

(2) Notwithstanding the provisions of subsection (1) of this section, if all the parties to the petition consent to the holding of the trial of the

petition at a place other than the place described in subsection (1) above, the venue of the trial of the petition may in the discretion of the Court be that place.

(3) The Commission shall, if it thinks fit, give notice of the trial of the petition by causing the copy delivered to it under subsection (1) of this section to be affixed at the place appointed for the delivery of nomination papers, or at some conspicuous place within the constituency; but failure to affix such copy shall not affect the proceedings.

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

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

Withdrawal
and disposal
of petition.

(2) A petition filed before the High Court in respect of any election shall be disposed of by the Court not later than 30 days from the date of such election and any election petition not so disposed of shall be time barred and such petition shall be deemed null and void.

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

Withdrawal
of opposition.

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

Fees.

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

143.—(1) All costs, charges and expenses of and incidental to the presentation and trial of a petition unless otherwise provided for in this Part of this Act shall, if allowed by the Court, be paid by the parties to the petition in such manner and in such proportions as the Court may determine; and the Court may disallow costs, charges or expenses which in the opinion of the Court were caused by the vexatious conduct of unfounded allegations or objections of the petitioner or the respondent, or may afflict with costs a successful party in any case.

Allocation
of costs.

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

144.—(1) On the trial of a petition, the Court may summon any person as a witness who appears to the Court to have been concerned in the election. The Court may examine any witness so summoned or

Calling of
witnesses.

any person although such witness or person is not called and examined by any party to the petition, and thereafter he may be cross-examined by or on behalf of the petitioner and the respondent. The expenses of any witness called by the Court of its own motion shall, unless the Court otherwise orders, be deemed to be costs of the petition; and such expenses may, with the leave of the Court be paid in the first instance by the Registrar in the same way as expenses of a State witness are paid and they may be recovered in such manner as the Court may direct.

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

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

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

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

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

**Return of
security.**

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

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

Service of
summons,
etc.

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

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

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

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

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

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

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

(a) by delivery to any person where it is proved that there is reasonable probability that the document would in the ordinary course, through that person come to the knowledge of the person to be served ;

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

(c) notice put up on the Courts notice board.

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

Miscella-
neous.

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

(3) Where a petition complains of the conduct of a returning officer, he shall for all purposes be deemed to be a respondent ; and except

with the consent in writing of the Attorney-General he may not withdraw from the trial of the petition. If the consent of the Attorney-General is withheld, the returning officer shall, where the misconduct was not wilful, incur no personal liability for costs which may be awarded against him upon the trial of the petition, and this section shall be a sufficient indemnity accordingly.

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

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

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

Proceedings,
etc. of the
Court.

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

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

Effect of
judgment.

149. The High Court shall determine what person was duly returned or whether the election was void, as the case may be, and shall certify its determination to the Commission ; and the election shall stand confirmed or a fresh election shall be held on a date to be appointed by the Commission :

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

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

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

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

and until such determination is upheld, or as the case may be, the expiration of the period concerned, the successful candidate at the election shall, for the time being, have and exercise the same rights and

be subject to the same obligations as if he were successful candidate whose election had not been questioned by way of a petition under this Part of this Act.

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

Reference to the Attorney-General.

PART VII—MISCELLANEOUS

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

Persons disqualified from acting as election officers.

152. If the registration card of a voter is lost or accidentally destroyed the voter may attend in person at the office of the registration officer and make application for an official copy of the registration card. The registration officer shall make such enquiries as the Commission may prescribe for the purpose; and where the registration officer is satisfied as to the loss or accidental destruction of the registration card, he may issue an official copy of it to the voter.

Loss of registration card.

153.—(1) A person shall not—

(a) print or publish or cause to be printed or published any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting the election of a candidate; or

(b) post or cause to be posted any bill, placard or poster as aforesaid; or

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

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

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

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

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

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

Special power to postpone election.

(2) If the Commission is satisfied that there has been a substantial failure to comply with the requirements of this Act before the date fixed

for holding the election in respect of nominations or otherwise howsoever, the Commission may postpone the election until such time as such requirements are satisfied.

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

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

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

Remuneration and expenses.

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

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

Use of public buildings by a candidate.

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

Secrecy of ballot.

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

Corrupt withdrawal of election petition.

158. If any person makes any agreement or terms or enters into any undertaking in relation to the withdrawal of any election petition, and such agreement, terms or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or that the seat shall at any time be vacated, or that any other election petition will be withdrawn and the agreement is not mentioned in any affidavit filed in support of the withdrawal of the election petition, that person shall be guilty of an offence, and on conviction shall be liable to imprisonment for a term of twelve months.

Prosecution of offences disclosed in petition.

159. The Attorney-General of the Federation shall consider any recommendation made to him by a Court with respect to the prosecution by him of any person for an offence disclosed in an election petition ; and if it appears to him that any person who has not received a certificate

of indemnity has been guilty of a corrupt or illegal practice he may, in his discretion, prosecute that person for the offence before any competent Court.

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

Time limit
for certain
prosecutions.

(2) This section applies to any corrupt or illegal practice, any illegal payment, employment or hiring and any offence under section 153 or section 158 of this Act.

161. Where the Court at any time during the trial of an election petition for the purposes of any prosecution for an offence in relation to ballot papers is satisfied that the inspection of rejected ballot papers relating to counted ballot papers is necessary it may, upon such terms as it thinks fit, order the Commission in whose custody they are to produce rejected ballot papers for inspection and to open any sealed packet of counterfoils relating to counted ballot papers for such purposes as the court may require.

Inspection of
ballot papers.

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

Delegation of
powers of the
Commission.

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

Regulations.

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

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

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

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

“commissioner” means any member of the Federal Electoral Commission including the Chairman ;

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

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

Interpreta-
tion.

"election officer" includes an electoral officer, a presiding officer, a poll clerk, a polling orderly, a registration officer, a returning officer or any other official appointed by or with authority of the Commission to assist in the conduct or suspension of any election ;

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

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

"functions" includes powers and duties ;

"law" includes the Constitution ;

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

"petition" means an election petition under this Act ;

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

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

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

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

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

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

Repeals.

165. The Electoral Act 1962 and the Electoral Act 1977 are hereby repealed and the following Acts are hereby consequentially repealed, that is to say—

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

- (a) the Electoral Act 1964 ;
- (b) the Electoral (Amendment) Act 1978 ;
- (c) the Electoral (Amendment) Act 1979 ;
- (d) the Electoral (Amendment) (No. 2) Act 1979 ; and
- (e) the Electoral (Amendment) (No. 3) Act 1979.

Short title.

166. This Act may be cited as the Electoral Act 1982.

Electoral Act 1982

Section 7 (7)

REGISTRATION FORM EC. 1 A

STATE _____ CODE _____ LOCAL GOVERNMENT AREA _____ CODE _____

REGISTRATION AREA _____ CODE _____ REGISTRATION UNIT _____ CODE _____

[illegible]

Electoral

1982 No. 8

A 85

Electoral Act 1982

SECTION A

FORM EC. 1

Section 8 (2)

APPLICATION FOR INCLUSION IN REGISTER OF VOTERS

To the Registration Officer,

.....Constituency19.....

I,

of

apply to be included in the Preliminary List of the Register of Voters for the above constituency upon the grounds :—

1. That I am a citizen of Nigeria ;
2. That I am 18 years or above 18 years of age ;
3. That I am now ordinarily resident at.....

.....
(here state town or village and if possible the street number if known)

4. And I declare that the above particulars are true to the best of my belief and :—

*(a) that I am not already registered in this or any other Preliminary List or Register of Voters under the above Act (or I request that my name be now entered in the appropriate list) ; or

*(b) that I have already registered, but wish my name transferred to the area of my new abode. Particulars of my former place of residence are given below :—

CODE

STATE.....

LOCAL GOVERNMENT AREA.....

REGISTRATION AREA.....

REGISTRATION UNIT.....

VOTER'S NUMBER.....

VOTER'S NAME.....

SECTION B

APPLICANT'S OTHER PARTICULARS (*In Capitals*)

5. NAME IN FULL.....
(*Family Name First*)

6. OCCUPATION.....

7. AGE.....

8. SEX MALE (M) FEMALE (F).....

9. ADDRESS (*i.e.* HOUSE NUMBER, STREET NAME OR NAME OF VILLAGE OR HAMLET
.....
.....

*Signed.....

or

*Right thumb print impressed in the presence of

witness to thumb print.....

Address and occupation of such witness :
.....
.....
.....

*Cross out whichever is inapplicable

Electoral Act 1982

EC. 1G

Section 8 (4)

Counterfoil

FEDERAL REPUBLIC OF NIGERIA

FEDERAL REPUBLIC OF NIGERIA

Voter's Registration Card

	CODE		
STATE			
LOCAL GOVT.			
REG. AREA			
REG. U. (P)			
VOTER'S No.			
VOTER'S NAME			

RIGHT THUMB PRINT

--

Right thumb print

--



--

Voters Registration Card

	CODE		
STATE			
LOCAL GOVERNMENT AREA			
REGISTRATION AREA			
REGISTRATION UNIT (PRECINCT)			
VOTER'S NUMBER			
VOTER'S NAME			

BRING THIS CARD TO THE POLLING STATION

Electoral Act 1982

FORM EC. 2

Section 11 (1)

CLAIM FOR CORRECTION OF OR INSERTION OF
NAME IN PRELIMINARY LIST

To the Registration Officer,

.....Constituency Date.....19....

I,
of
declare :—

1. That I applied for inclusion in the Preliminary List for the Register of Electors for the above Constituency on the.....19.....and that my particulars have been (omitted/inaccurately stated).

2. I am a citizen of Nigeria.

3. I am 18 years of age or over.

4. I am ordinarily resident at the above address (or.....
.....

5. I hereby apply for the Preliminary List to be (completed/corrected) accordingly.

6. I declare that the above particulars are true to the best of my belief and that I am not already registered in this or any other Preliminary List or Register of Electors under the above Act.

Signed.....

or

Right thumb print impressed in the presence of

Witness to thumb print

Address and occupation of such witness :
.....
.....
.....

Electoral Act 1982

FORM EC. 3

Section 11 (2)

OBJECTION TO NAME IN PRELIMINARY LIST

To the Registration Officer,

Constituency

19

I,

of

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

1. That I object to the inclusion in such list of the name

of

whose address is given as

on the following grounds

(here insert the grounds)

2. I wish to produce the following witnesses

Signed

Objector

Electoral Act 1982

FORM EC. 4A

Section 30 (1)

FORM OF NOMINATION OF PRESIDENT

To :

THE CHIEF FEDERAL ELECTORAL OFFICER,
FEDERAL REPUBLIC OF NIGERIA

Date

I,

of

(Address)

(Occupation)

hereby state :

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

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

Signed.....
Candidate for President

Signed.....
Candidate for Vice-President

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

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

Signed.....
First Nominator

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

Signed.....
Second Nominator

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

Signed.....
Third Nominator

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

Signed.....
Fourth Nominator

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

Signed.....
Fifth Nominator

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

Signed.....
Sixth Nominator

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

Signed.....
Seventh Nominator

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

Signed.....
Eighth Nominator

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

Signed.....
Ninth Nominator

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

Signed.....
Tenth Nominator

Electoral Act 1982

FORM EC. 4B

Section 30 (1)

FORM OF NOMINATION OF GOVERNOR

To :—

THE CHIEF FEDERAL ELECTORAL OFFICER

STATE

Date 19

I, of

(Address)

(Occupation)

hereby state :

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

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

Signed

Candidate for Governor

Signed

Candidate for Deputy Governor

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

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

Signed

First Nominator

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

Signed

Second Nominator

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

Signed

Third Nominator

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

Signed.....
Fourth Nominator

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

Signed.....
Fifth Nominator

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

Signed.....
Sixth Nominator

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

Signed.....
Seventh Nominator

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

Signed.....
Eighth Nominator

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

Signed.....
Ninth Nominator

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

Signed.....
Tenth Nominator

Electoral Act 1982

To :

FORM EC. 4C

Section 30 (1)

FORM OF NOMINATION OF SENATOR

THE ELECTORAL OFFICER,

..... Senatorial District

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

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

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

Signed.....
Candidate for the Senate

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

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

Signed.....
First Nominator

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

Signed.....
Second Nominator

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

Signed.....
Third Nominator

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

Signed.....
Fourth Nominator

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

Signed.....
Fifth Nominator

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

Signed.....
Sixth Nominator

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

Signed.....
Seventh Nominator

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

Signed.....
Eighth Nominator

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

Signed.....
Ninth Nominator

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

Signed.....
Tenth Nominator

Electoral Act 1982

FORM EC. 4D

Section 30 (1)

FORM OF NOMINATION OF MEMBER OF HOUSE
OF REPRESENTATIVES

To :—
The Electoral Officer,

..... Federal Constituency

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

I,
of
(here state address)

..... hereby state:—
(Occupation)

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

Signed.....
Candidate for House of Representatives

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

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

Signed.....
First Nominator

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

Signed.....
Second Nominator

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

Signed.....
Third Nominator

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

Signed.....
Fourth Nominator

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

Signed.....
Fifth Nominator

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

Signed.....
Sixth Nominator

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

Signed.....
Seventh Nominator

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

Signed.....
Eighth Nominator

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

Signed.....
Ninth Nominator

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

Signed.....
Tenth Nominator

Electoral Act 1982

FORM EC. 4E

Section 30 (1)

FORM OF NOMINATION OF MEMBER OF
STATE ASSEMBLY

To :

The Electoral Officer,

.....State Constituency

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

I.....

of.....

(here state address)

.....hereby state that :—

(Occupation)

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

Signed.....

Candidate for State Assembly

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

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

Signed.....

First Nominator

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

Signed.....

Second Nominator

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

Signed.....

Third Nominator

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

Signed.....
Fourth Nominator

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

Signed.....
Fifth Nominator

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

Signed.....
Sixth Nominator

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

Signed.....
Seventh Nominator

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

Signed.....
Eighth Nominator

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

Signed.....
Ninth Nominator

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

Signed.....
Tenth Nominator

Electoral Act 1982

FORM EC. 5

*Section 32 (3)*ELECTORAL OFFICER'S RULING AS TO VALIDITY OF
NOMINATION

To :

(Prospective Candidate)

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

Dated _____

Signed _____

*Electoral Officer**Electoral Act 1982*

FORM EC. 6

Section 55 (1)

CERTIFICATE OF POLLING DUTIES

To :

The Presiding Officer,

_____ Polling Station (Where proposed voter is registered)

_____ Constituency. Date _____

I certify :—

1. That _____

of _____

is employed at the Polling Station named below as _____

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

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

3. A certified extract of the Register containing particulars relating to the above person is accordingly requested in accordance with section 55 of the Electoral Act 1982.

Signed.....

*Presiding Officer (where proposed
elector is employed)*

.....
Polling Station

.....
Constituency

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

Signed.....

Proposed Voter

Electoral Act 1982

FORM EC. 7

Section 55 (1)

CERTIFIED EXTRACT OF REGISTER

To:—

The Presiding Officer,

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

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

I certify :—

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

Name.....

Address.....

Occupation.....

Sex.....

Number in Register

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

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

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

Signed.....

*Presiding Officer (where proposed voter
is registered)*

.....
Polling Station

.....
Constituency

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

Signed.....

Proposed Voter

Electoral Act 1982

FORM EC. 8

Section 70

DECLARATION OF RESULT OF POLL

.....*Constituency*

certify that having carried out my duties and the formalities required by the Electoral Act 1982, the result on the poll carried out in the.....

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

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

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

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

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

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

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

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

Signed.....

Returning Officer

Electoral Act 1982

Section 78

FORM PP. 1



FEDERAL ELECTORAL COMMISSION
LAGOS, NIGERIA

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

A.

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

(P.O. Box only not acceptable)

B.

NATIONAL EXECUTIVE COMMITTEE OF ASSOCIATION

The name, designation and State of Origin of each member of the Executive Committee of the Association are as hereunder :—

Name	Designation	Place of Residence	State of Origin	Date of Election

A 106

1982 No. 8

Electoral

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

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

D. Attached hereto are :

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

E. We hereby declare :

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

DATED at this day of 19.....

Leader of Association

Secretary of Association

Electoral Act 1982

FORM PP. 2

Section 79 (1)

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

(Full names of Chairman)
Chairman,
Federal Electoral Commission

WHEREAS by section 76 (1) of the Electoral Act 1982 it is provided that no association shall function as a Political Party unless it is registered as a Political Party by the Federal Electoral Commission :

AND WHEREAS the Federal Electoral Commission is satisfied from the information supplied thereto by the*.....

.....
that the association has complied with all the requirements of the Electoral Act 1982 relating to the registration of an association as a Political Party :

NOW THEREFORE, the Federal Electoral Commission has with effect from the date hereunder written registered the aforesaid association as a Political Party pursuant to the provisions of section 79(1) of the Electoral Act 1982.

Given under my hand and the seal of the Federal Electoral Commission at.....

.....this.....day of.....

one thousand nine hundred and.....

*Note.—Full names of association applying to be registered.

Electoral Act 1982

FORM PP. 3

Section 86 (1)

RETURN OF ELECTION EXPENSES

1. Name of Party
2. Type of Elections
3. Number of Candidates Sponsored.....
4. States in the Federation in which the Party contested showing against each State number of seats won :—

[illegible]

5. Period covered by the return.....
6. Total amount spent as election expenses.....
7. Description of expenses showing the total expenditure against each item or sub-head :—
- (i)
- (ii)
- (iii)
- (iv)
- (v)
- etc.
8. Total value of commercial goods and services received.....
9. Description of goods and services showing value against each item or sub-head :—
-
-

Notes :—

- (1) Paragraph 2 should cover all elections.
- (2) The details in paragraph 7 must be supported by the relevant voucher particulars duly signed by the Treasurer of the Party and receipted by the persons to whom the payments were made.
- (3) The details in paragraph 9 must be supported by documentary evidence of the goods and services supplied and the statement of their value by the donors.

Chairman.....

Member.....

Electoral Act 1982

FORM EC. 10

Section 124

PETITION

In the High Court of Judicial Division State

The election under the Electoral Act 1982 for

..... held on the day of

(State Constituency)

....., 19.....

Between
A.B. { } Petitioner(s)

and

E.F. { }
G.H. { } Respondent(s)

The petition of A.B. of (or of A.B.
of and C.D., of
as the case may be) whose names are subscribed.

1. Your petitioner A.B. is a person who voted (or had a right to vote, as the case may be) at the above election (or claims to have had a right to be returned or elected at the above election, or was a candidate at the above election ; and your petitioner C.D. (here state in the manner the right of each petitioner)

2. And your petitioner(s) state(s) that the election was held on the day of 19..... when A.B., C.D., (and) E.F. (and) G.H. were candidates, and the returning officer has returned E.F. and (G.H.) as being duly elected.

3. And your petitioners say that (here state the facts and grounds on which the petitioners rely)

Wherefore your petitioners pray that it may be determined that the said E.F. (and G.H.) was (were) not duly elected (or returned) (or duly elected or returned), and that (the or his) election was void) (or that the said A.B. (and C.D.) was (were) duly elected and) ought to have been returned, or as the case may be).

(Signed) { } A.B.
 { } C.D.

Address for service (within five metres of a post office within the areas of jurisdiction of the High Court for the State)

Occupier.....

The name of my (or our) Legal Practitioner is
 I (or we) am (or are) acting for myself (or ourselves)

(Signed) { } A.B.
 { } C.D.

SIGNED before me this day of , 19

.....
Registrar

Electoral Act 1982

FORM EC. 11

Section 133 (1)

NOTICE OF PRESENTATION OF PETITION

IN THE HIGH COURT OF STATE JUDICIAL DIVISION

..... The election under the Electoral Act 1982 for
 (state the place) held on the day of , 19

between

(A.B.)
Petitioner(s)

and

(C.D.)

(E.F.)
Respondent(s)

(H.G.)

The Petition of A.B. of.....(or of A.B., of.....and C.D., of.....or as the case may be) whose names are subscribed.

TAKE NOTICE that the petition a duplicate whereof is attached hereto has this day been presented in the Registry at..... and that you are to enter appearance to the petition in the said Registry within..... days of the date of service of this notice on you (or within..... days of the date of posting hereof, or within..... day of the date when this notice was left at your address set out below, or as the Court may direct by order under section 127 of the above Act,) otherwise proceedings upon the petition may be continued and determined in default of your appearance, and any document relating to such proceedings, and intended for you may be posted up on the court's notice board, which shall be sufficient notice thereof.

DATED this..... day of....., 19.....

.....
Registrar

I certify in accordance with Section 2 (1) of the Acts Authentication Act, 1961, that this is a true copy of the Bill passed by both Houses of the National Assembly.

GIDADO IDRIS,
Clerk to the National Assembly

SCHEDULE OF BILL PRESENTED FOR ASSENT

<i>Long Title of Bill</i>	<i>Summary of Contents</i>	<i>Date passed by House of Representatives</i>	<i>Date passed by Senate</i>
<p>A BILL for an Act for regulating the conduct of Presidential and Gubernatorial elections ; elections to the National Assembly and Houses of Assembly of the States in the Federation and for other purposes connected therewith.</p>	<p>The Electoral Bill 1982 has been prepared pursuant to Item 21 of the Exclusive Legislative List in Part I of the Second Schedule to the Constitution of the Federal Republic of Nigeria 1979 and Item E of Part II of that Schedule.</p> <p>Part I of the Bill provides for the registration of all citizens of Nigeria entitled to vote at elections at registration centres and for the preparation of a register of voters at the end of such exercise. Revisions of the register are to be made from time to time to ensure that no eligible voters are disenfranchised. Supplementary provisions are also made therein for the appointment of the Executive Secretary to the Federal Electoral Commission (FEDECO), Administrative Secretaries to man FEDECO Branch Offices in the States, Registration Officers and other Staff of the Commission.</p> <p>Part II deals with procedure at elections and hence such matters as fixing of election dates, nominations, election officers and poll clerks, preparation of ballot boxes and ballot papers. Voting is to be by the usual manner of marking ballot papers against the symbols of candidates.</p> <p>Provision is also made for blind and incapacitated persons to vote when accompanied there by close friends or relations.</p> <p>Registration of political parties is treated in Part III. Also dealt with are annual grants to political parties and special grants for conducting general elections. Annual reports on the finances of political parties would be rendered to the National Assembly by FEDECO. Stiff penalties are contained in this Part for contraventions of its provisions and in particular recruitment of underage persons as members of parties and for inordinate election expenses.</p> <p>Part IV deals with elections to Local Government Councils.</p> <p>Part V deals with electoral offences such as dereliction of official duties by registration and electoral officers ; improper use of registration cards otherwise known as rigging ; corrupt practices and impersonation, treating, bribery and undue influence and breach of the requirement of secrecy of ballot. Disorderly conduct and other offences on the election day itself are also covered. Broadcasting in support of candidates from outside Nigeria is prohibited while broadcasting in Nigeria for the same purpose is also forbidden within the period of 48 hours before elections.</p> <p>Part VI deals with election petitions. It is clearly now specified that while an appeal is pending the originally returned candidate would continue to hold his electoral office until a final determination by the appeal court concerned is handed down. This would obviate unnecessary vacancies and discontinuity in the governance of the Federation or any part thereof.</p>	14-6-82	10-6-82

SCHEDULE OF BILL PRESENTED FOR ASSENT—continued.

<i>Long Title of Bill</i>	<i>Summary of Contents</i>	<i>Date passed by House of Representatives</i>	<i>Date passed by Senate</i>
A BILL for an Act for regulating the conduct of Presidential and Gubernatorial elections ; elections to the National Assembly and Houses of Assembly of the States in the Federation and for other purposes connected therewith.	<p>In order to ensure fair and equal opportunities for all registered political parties, Part VI also provides for the control of Government mass media three months before and one month after an election.</p> <p>Supplementary and miscellaneous matters are treated in the last Part, i.e. Part VII of the Bill. These include replacement lost or defaced registration cards ; remuneration of registration and electoral officers ; secrecy of ballot ; prosecution of offences and time limits within which they could be brought. FEDECO is empowered to make regulations generally to supplement the provisions of the Bill. The Electoral Act 1962 and its amending Electoral Act 1964, which were only impliedly repealed by the 1977 Act are now expressly repealed while the said Electoral Act 1977 and all amendments thereto would accordingly stand repealed upon enactment into law of the Bill.</p> <p>The Schedule to the Bill contains the various Forms relating to registration of voters and objections thereto and nomination of candidates. Also contained therein are Forms for application by organisations for registration as political parties and election petitions.</p>		

I certify in accordance with Section 2 (2) of the Acts Authentication Act, 1961, that this Schedule is a true and correct record.

GIDADO IDRIS,
Clerk to the National Assembly

I ASSENT.



SHEHU SHAGARI,
President

5th day of August, 1982