

Date Printed: 01/06/2009

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JTS Box Number: IFES\_15  
Tab Number: 29  
Document Title: PRESIDENTIAL ELECTION (BASIC  
CONSTITUTIONAL AND TRANSITIONAL  
Document Date: 1999  
Document Country: NGA  
Document Language: ENG  
IFES ID: EL00398



*Extraordinary*

# Federal Republic of Nigeria

## Official Gazette

No. 11

Lagos - 19th February, 1999

Vol. 86

*Government Notice No. 26*The following is published as Supplement to this *Gazette* :

<i>Decree No.</i>	<i>Short Title</i>	<i>Page</i>
6	Presidential Election (Basic Constitutional and Transitional Provisions) Decree 1999	A 379

Printed and Published by The Federal Government Press, Lagos, Nigeria  
FGP 68/299/1,500 (OL 8)

Annual Subscription from 1st January, 1999 is Local : ₦5,200.00 Overseas : ₦8,200 [Surface Mail] ₦10,200.00 [Second Class Air Mail]. Present issue ₦400.00 per copy. Subscribers who wish to obtain *Gazette* after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

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*Law / NGA / 1999 / 14 / eng (C1)*  
*REZ*



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## **PRESIDENTIAL ELECTION (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1999**



### **ARRANGEMENT OF SECTIONS**

#### *Section*

#### **PART I - PRESIDENT OF THE FEDERATION**

1. Establishment of the office of President.
2. Qualification for election as President.
3. Disqualification for election as President.
4. Time for election.
5. Tenure of office of the President.
6. Death of President-elect before Oath of office.
7. President: disqualification from other jobs.
8. Declaration of assets and liabilities: Oaths of President.
9. Establishment of the Office of Vice-President.
10. Nomination and election of Vice-President.

#### **PART II - ELECTION**

11. Conduct of election by the Commission.
12. Persons eligible to vote.
13. Disqualification.
14. Campaign for election.
15. Date of election and system of voting.
16. Court or tribunal orders not to affect conduct of elections, etc.
17. Ordinary residence.
18. Registration of voters.
19. Extension of time for nomination.
20. Election of single Presidential candidate.
21. Election where two or more Presidential candidates.

22. Appointment and supervision of officers.
23. Procedure at elections.
24. Forms for use at the elections.
25. Breach of official duty.
26. Offences by law enforcement agents, etc.
27. Requirement of secrecy.
28. Corrupt practices.
29. Personation and punishment for personation.
30. Treating.
31. Undue influence.
32. Bribery.
33. Punishment for treating, undue influence and bribery, etc.
34. Offences in respect of nomination forms, ballot papers, etc. and ballot boxes.
35. Punishment of persons guilty of certain illegal practices.
36. Voting when not registered.
37. Fraudulent use of ballot paper.
38. Offences relating to statement of result.
39. Disqualification of person convicted of certain offences.
40. Disorderly conduct at election.
41. Polling day offences.
42. Offences in relation to counting of votes.
43. Disturbance at public meetings.
44. Conviction of disqualifying offence to be reported, etc.
45. Punishment for attempts, etc. to commit offences.
46. Trial of offences.
47. Proceedings to question an election.
48. Jurisdiction of Court of Appeal to determine election petitions.
49. Time for presenting election petition.
50. Presentation of petition.
51. Grounds for petition.
52. Non-compliance with certain provisions not to invalidate election.
53. Appeals over election petitions.
54. Nullification of election by Court of Appeal.
55. Persons elected to remain in office pending appeal.
56. Procedure for election petition.
57. Voter not required to disclose his vote.

- 58. Election may be postponed for threatened disturbances.
- 59. Custody and inspection of documents.
- 60. Election expenses.
- 61. Electoral officials not eligible for election.

### **PART III - MISCELLANEOUS**

- 62. Interpretation.
- 63. Application of Cap. 192 LFN.
- 64. Citation.

### **SCHEDULES**

- |            |  |
|------------|--|
| Schedule 1 | Oaths.                                   |
| Schedule 2 | Appointment and Supervision of Officers. |
| Schedule 3 | Procedure at the election.               |
| Schedule 4 | Procedure for Election Petitions.        |
| Schedule 5 | Forms.                                   |



**Decree No.6**

[20th January 1999] Commencement.

**THE FEDERAL MILITARY GOVERNMENT** hereby  
decrees as follows:-

**PART 1 - PRESIDENT OF THE FEDERATION**

1.-(1) There shall be for the Federation a President.

Establishment of  
the office of  
President.

(2) The President shall be the Head of State, the Chief  
Executive of the Federation and Commander-in-Chief of the  
Armed Forces of the Federation.

2. A person shall be qualified for election to the office of  
President if -

Qualification for  
election as  
President.

(a) he is a citizen of Nigeria by birth;

(b) he has attained the age of 40 years;

(c) he is a member of a political party and is sponsored by  
that political party; and

(d) he has been educated up to at least School Certificate  
level or its equivalent.

3.-(1) No person shall be qualified for election to the office  
of President if -

Disqualification  
for election as  
President.

(a) he has been elected to such office at any 2 previous  
elections; or

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



(c) he is under a sentence of death imposed by any competent court of law or a sentence of imprisonment or fine for any offence involving dishonesty or fraud (by whatever name called) or for any other offence, other than a misdemeanour or simple offence, imposed on him by any court or substituted by a competent authority for any other sentence imposed on him by such a court; or

1989 No. 1.

(d) he has been found guilty of the contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989; or

(e) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Nigeria or any other country; or

(f) being a person employed in the civil or public service of the Federation or of any State or of any Local Government Council or Area Council, he has not resigned, withdrawn or retired from the employment at least 30 days before the date of the election; or

(g) he is a member of any secret society; or

(h) he has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal under the Tribunals of Inquiry Act or any other law set up by the Federal, State or Local Government or Area Council which indictment has been accepted by the Federal, State or Local Government or Area Council, respectively; or

(i) he has presented a forged certificate to the Commission.

(2) Where in respect of any person who has been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment, or adjudged bankrupt, any appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when the appeal is lodged

and ending on the date when the appeal lapses or is abandoned, whichever is earlier, and for the purposes of this subsection, an "appeal" includes any application for an injunction or an order of certiorari, mandamus, prohibition or *habeas corpus*, or any appeal from any such application.

4.-(1) An election to the office of President shall be held on a date to be appointed by the Independent National Electoral Commission (in this Decree referred to as "the Commission").

Time for election.

(2) For the purpose of an election to the office of President, the whole of the Federation shall be regarded as one constituency.

5.-(1) Subject to the provisions of this Decree, a person shall hold the office of President until -

Tenure of office of the President.

(a) when his successor in office takes the oath of that office; or

(b) he dies whilst holding such office; or

(c) the date when his resignation from office takes effect; or

(d) he otherwise ceases to hold office in accordance with the provisions of this Decree or any other law.

(2) Subject to the provisions of subsection (1) of this section and this Decree, the President shall vacate his office at the expiration of a period of 4 years commencing from that date, when-

(a) in the case of a person first elected as President under this Decree, he took the Oath of Allegiance and the Oath of Office; and

(b) in any other case, the person last elected to that office under this Decree took the Oath of Allegiance and the Oath of Office or would but for his death, have taken such Oaths.

(3) If the Federation is at war in which the territory of Nigeria is physically involved and the President considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of 4 years mentioned in subsection (2) of this section from time to time, but no such extension shall exceed a period of 6 months at any one time.

Death of President  
elect before Oath  
of Office.

6.-(1) If a person duly elected as President dies before taking and subscribing the Oath of Allegiance and Oath of Office, the person elected with him as Vice-President shall be sworn in as President and he shall nominate a new Vice-President who shall be appointed by the new President with the approval of each House of the National Assembly.

(2) Where the persons duly elected as President and Vice-President die before the inauguration of the National Assembly, the Commission shall immediately conduct an election for a President and the Vice-President.

President:  
disqualification  
from other jobs.

7. The President shall not, during his tenure of office, hold any other executive office or paid employment in any capacity whatsoever.

Declaration of  
assets and liabilities:  
Oaths of President.

8.-(1) A person elected to the office of President shall not begin to perform the functions of that office until he has declared his assets and liabilities as prescribed in the Code of Conduct Bureau and Tribunal Decree 1989 and has subsequently taken and subscribed the Oath of Allegiance and the Oath of Office as prescribed in Schedule 1 to this Decree on 29th May 1999.

1989 No. 1.  
Schedule 1.  
1998 No. 34.

(2) The Oaths aforesaid shall be administered by the Chief Justice of Nigeria or the person for the time being appointed to exercise the functions of that office.

Establishment of the  
office of Vice-President.

9. There shall be for the Federation a Vice-President.

Nomination and  
election of  
Vice-President.

10.-(1) In any election to which the foregoing provisions of this Decree relate, a candidate for an election to the office of President shall not be deemed to be validly nominated unless he nominates another candidate as his associate from the same political party for his running for the office of President, who is

to occupy the office of Vice-President, and that candidate shall be deemed to have been duly elected to the office of Vice-President if the candidate for an election to the office of President who nominated him as such associate is duly elected as President in accordance with the provisions aforesaid.

(2) The provisions of this Part of this Decree relating to qualification for election, tenure of office, disqualification, declaration of assets and liabilities and oaths of President shall apply in relation to the office of Vice-President as if references to President were references to Vice-President.

## **PART VI - ELECTIONS**

### ***A - Conduct of Elections***

11.-(1) The conduct of election into the office of President shall be under the direction, organisation and supervision of the Commission in accordance with the provisions of this Decree and any other enactment or law, regulations, guidelines, rules or manuals issued or made by the Commission.

Conduct of  
elections by  
the Commission.

(2) The Commission may designate such public buildings to be used as polling stations or units as it may deem necessary in addition to the polling booths which may be erected by the Commission.

(3) Notwithstanding the provisions of subsection (2) of this section, the residences and palaces of traditional rulers and places of worship shall not be designated as public buildings, polling stations or units.

12.-(1) A person shall be eligible to vote in any election to the office of President if -

Persons eligible  
to vote.

(a) he is a citizen of Nigeria;

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

(c) he is ordinarily resident in the ward where he intends to vote, or is an indigene of the ward; and

(d) he is registered as a voter in the ward where he intends to vote, and has obtained a registration card to be presented at the polling station or unit on the day of the election.

(2) Where a person claims that his name is on the register of voters for the polling station or unit, but that his voter's card is missing or has been destroyed, the Presiding Officer shall if -

(a) the name of the person is found in the register of voters for the polling station or unit; and

(b) he satisfies himself that the person has not voted earlier in that particular election,

allow the person to vote.

**Disqualification.**

**13.-(1)** A person shall not be qualified as a candidate to contest election to the office of President unless -

(a) he is ordinarily resident anywhere in Nigeria;

(b) he produces evidence of tax payment as and when due for a period of 3 years immediately preceding the year of the election or he is exempted from the tax payment;

(c) he has been nominated in writing by 60 persons from at least two-thirds of all the States of the Federation and the Federal Capital Territory, Abuja whose names appear in the register of voters for their respective wards;

(d) he has made to the Commission a non-refundable deposit of ₦100,000;

(e) he has not been dismissed from the civil or public service of the Federation or of a State or Local Government or Area Council;

(f) he has not been found guilty of an offence involving narcotic drugs or any other psychotropic substance under any law in force in Nigeria or abroad;

(g) he is registered as a voter in the Constituency in which he intends to contest the election or in an indigence registered anywhere in Nigeria;

(h) he has not been adjudged guilty or of treason or treasonable felony, by any court of law or tribunal;

(i) he has nominated a running mate for the office of Vice-President.

(2) The provisions of this Decree relating to the qualifications and disqualifications of President, except subsection (1)(c) and (d) of this section, shall also apply to the Vice-President.

(3) Where a person seeking to contest as a candidate is involved in a case that may lead to his being disqualified from contesting the election under paragraphs (b), (e), (f) or (h) of subsection (1) of this section and the case is pending before a court of law or tribunal, he may stand as a candidate in the election pending the determination of the case, but if he is found guilty or liable by the court or tribunal, as the case be, he shall withdraw from the election and if already elected, he shall cease to be the President.

14.-(1) A candidate campaigning for an election and his party shall campaign for the elections in conformity with the Political Parties (Registration and Activities) Decree 1998 and in accordance with such rules and guidelines as may be determined, from time to time, by the Commission.

Campaign for election.

1998 No. 35.

(2) A candidate or agent who contravenes the provisions of subsection (1) of this section commits an offence under this Decree and is liable on conviction to a fine of ₦5,000 or imprisonment for a term of 6 months or to both such fine and imprisonment.

(3) A candidate who contravenes the provisions of subsection (1) of this section shall, in addition to the penalty specified in subsection (2) of this section, be disqualified from contesting as a candidate for the election.

(4) An offence committed under this section shall be triable in a Magistrate Court.

Date of election and system of voting.

**15.-(1)** Election to the office of President shall be held on the same day throughout the Federation on the day appointed by the Commission.

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

Court or tribunal orders not to affect conduct of elections, etc.

**16.-(1)** No interim or interlocutory or any other order, decisions or judgement made by any court or tribunal before or after the commencement of this Decree, in respect of any intra-party or inter-party dispute or any other proceedings or matter pertaining to an election under this Decree, shall affect the conduct or timing of an election under this Decree.

(2) No person or authority shall be liable to prosecution, contempt charge, sanction or penalty by reason only that he conducted an election on the day or time fixed by the Commission for the election.

Ordinary residence.

**17.-(1)** For the purposes of this Decree, a person shall be deemed to be ordinarily resident in that place where he normally lives, sleeps and has his usual abode, whether or not he is an indigene of that place.

(2) A person who is ordinarily resident in a place outside his indigenous Ward, Local Government Area or State shall be eligible to vote in that place if he has been ordinarily resident in that place for not less than twelve months prior to the date of the election.

Registration of voters.

**18.** The registration of voters for an election under this Decree shall be in accordance with Guidelines issued by the Commission.

Extension of time for nomination.

**19.-(1)** Where in an election to the office of President -

(a) at the close of nomination only one candidate has been nominated, the Commission shall extend the time for nomination; or

(b) at the close of nomination one of the candidates nominated for the election is the only candidate by reason of the disqualification, withdrawal, incapacitation or death of the other candidates, the Commission shall extend the time for nomination by 7 days.

(2) Where after an extension under subsection (1) of this section only one candidate remains validly nominated, there shall be no further extension.

**20.** A candidate for an election to the office of President shall be deemed to have been duly elected to office where, being the only candidate nominated for the election -

Election of si:  
Presidential  
candidate.

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

(b) he has not less than one-third of the YES votes cast at the election in each of at least two-thirds of all the States of the Federation and the Federal Capital Territory, Abuja,

but where the only candidate fails to be elected in accordance with this subsection, then there shall be fresh nominations.

**21.-(1)** A candidate for an election to the office of President shall be deemed to have been duly elected where, there being only 2 candidates for the election -

Election whe  
two or more  
Presidential  
candidates.

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

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States of the Federation and the Federal Capital Territory, Abuja.

(2) If no candidate is duly elected in accordance with subsection (1) of this section, the Commission shall, within 7 days of the result of the election held under that subsection, arrange for another election between the 2 candidates and a candidate at this



last election shall be deemed to have been duly elected to the office of President if he scores a simple majority of the votes cast at the election.

(3) A candidate for an election to the office of President shall be deemed to have been duly elected where, there being more than 2 candidates for the election -

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

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States of the Federation and the Federal Capital Territory, Abuja.

Second election.

(4) Where no candidate is duly elected in accordance with subsection (3) of this section, there shall be a second election in accordance with subsection (5) of this section at which the only candidates shall be -

(a) the candidate who scored the highest number of votes cast at the election; and

(b) one among the remaining candidates who has the highest number of votes in the highest number of States of the Federation and the Federal Capital Territory, Abuja, so however, that where among such remaining candidates there are more than one candidate with the highest number of votes in the highest number of States of the Federation and the Federal Capital Territory, Abuja, one among them with the highest total number of votes cast at the election shall be the second candidate for the election.

Second run-off election where there are more than 2 candidates.

(5) In default of a candidate being duly elected under subsection (3) of this section, the Commission shall, within 7 days of the result of the election held under that subsection, arrange for another election between the 2 candidates selected under subsection (4) of this section and a candidate at such election shall be deemed to have been duly elected to the office of President if he has a simple majority of the votes cast at the election.

**22.** The appointment and supervision of officers in respect of the conduct of the election under this Decree shall be in accordance with the provisions set out in Schedule 2 to this Decree.

Appointment and supervision of officers.  
Schedule 2.

**23.** The rules of procedure to be followed in the Presidential election shall be in accordance with the provisions set out in Schedule 3 to this Decree or as may be determined by the Commission from time to time.

Procedure at elections.  
Schedule 3.

**24.** The forms to be used for the conduct of any election under this Decree and for election petitions arising therefrom shall be substantially as set out in Schedule 5 to this Decree or as may otherwise be determined by the Commission in guidelines issued from time to time.

Forms for use at the elections.  
Schedule 5.

### ***B - Offences***

**25.-(1)** If a person -

Breach of official duty.

(a) to whom this section applies; or

(b) who is for the time being under a duty to discharge any of the functions of that person,

without reasonable cause, commits an act or omission in breach of his official duty, he commits an offence and is liable on summary conviction to a fine not exceeding ₦5,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

(2) The persons to whom this section applies are -

(a) an Electoral Officer and an Assistant Electoral Officer;

(b) a Presiding Officer and an Assistant Presiding Officer;

(c) a Returning Officer and an Assistant Returning Officer;

(d) a Poll Clerk and an Assistant Poll Clerk;

(e) an Orderly; and

Schedule 2.

(f) any other officer appointed under paragraph 4 of Schedule 2 to this Decree.

Offences by law  
enforcement  
agents, etc.

**26.-(1)** A person to whom this section applies, who is for the time being under a duty to discharge a function relating to an election, if he, without reasonable cause, before or during an election or at any time thereafter -

(a) fails to perform or discharge that duty; or

(b) performs that duty fraudulently, negligently or recklessly; or

(c) does or omits to do any act in breach of that duty,

he commits an offence and is liable on conviction to a fine of ₦20,000 or imprisonment for a term of 3 years or to both such fine and imprisonment.

(2) The persons to whom this section applies are -

(a) police officers;

(b) members of the State Security Service;

(c) officials and members of staff of the Commission;

(d) Party Agents; and

(e) any other officer or officers by whatsoever name called appointed to discharge a function relating to the election.

Requirement of  
secrecy.

Schedule 2.

**27.-(1)** Every Electoral Officer, Assistant Electoral Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, Poll Clerk, Assistant Poll Clerk, Poll Orderly or any other officer appointed under paragraph 4 of Schedule 2 to this Decree concerned in the conduct of an election

and every Party Agent or candidate in attendance at a polling station or unit, at the counting of votes, shall maintain and aid in maintaining the secrecy of the voting.

(2) No officer, Agent or candidate referred to in subsection (1) of this section shall, except for some purpose authorised by law, communicate to a person before the poll is closed, any information as to the name or number on the register of voters of a voter who has or has not voted at the place of voting.

(3) No person shall -

(a) interfere with a voter when recording his vote unless invited by the voter for assistance; or

(b) otherwise obtain or attempt to obtain, in the place of voting, information as to the candidate for whom a voter in that place is about to vote or has voted unless while assisting the voter to record his vote; or

(c) communicate to a person information obtained while assisting a voter as to the candidate for whom the voter has voted or is about to vote; or

(d) communicate at any time to any person any information obtained in the place of voting through whatever means as to the candidate for whom a voter in that place is about to vote or has voted.

(4) A person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine not exceeding ₦20,000 or imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

**28.-(1)** A candidate is guilty of corrupt practice if he commits any of the offences defined as a corrupt practice under subsection (3) of this section or if any of those offences is committed with -

Corrupt practices.

(a) his knowledge or consent; or

(b) the knowledge or consent of a person who is acting under the general or special authority of the candidate with reference to the election.

(2) If a corrupt practice as defined in subsection (3) of this section is committed by any candidate elected at an election held under this Decree, the election of that candidate shall be invalid.

(3) The expression "corrupt practice" as used in this Decree, means any of the following offences, that is -

(a) personation; or

(b) treating; or

(c) undue influence; or

(d) bribery; or

(e) aiding, abetting, counselling or procuring the commission of any of the offences specified in paragraphs (a) to (d) of this subsection.

**Personation and  
punishment for  
personation.**

**29.-(1) A person who at an election -**

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

(b) having voted once at the election, applies at the same election for a ballot paper in his own name or in the name of any other person, living or dead or of a fictitious person,

**commits the offence of personation.**

**(2) A person who at an election -**

(a) votes in the name of some other person, whether that name is the name of a person living or dead, or of a fictitious person; or

(b) having voted once at an election, votes a second time in his own name, or in the name of any other person living or dead or of a fictitious person,

commits the offence of personation.

(3) A person who is guilty of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation, is liable on conviction to a fine not exceeding ₦5,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

(4) A person charged with the offence of personation shall not be convicted except on the evidence of not less than two witnesses.

**30.**-(1) A person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part, the expense of giving or providing any food, drink, entertainment or provisions to or for any person -

Treating.

(a) for the purpose of influencing that person, or any other person to vote or refrain from voting; or

(b) on account of that person or any other person, having voted or refrained from voting,

at the election, commits the offence of treating.

(2) A voter who corruptly accepts or takes any food, drink, entertainment or provisions to which subsection (1) of this section relates at an election commits the offence of treating.

**31.** A person who -

Undue influence.

(a) 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;

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

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

at an election, commits the offence of undue influence.

**Bribery.**

**32.-(1) A person who -**

(a) directly or indirectly by himself or by any other person on his behalf -

(i) gives, lends or agrees to give or lend, or offers or promises to procure or to endeavour to procure money or valuable consideration to or for any voter, or to or for any person, in order to induce the voter to vote or refrain from voting, or

(ii) corruptly does an act referred to in sub-paragraph (i) of this paragraph on account of that voter having voted or refrained from voting; or

(b) directly or indirectly, by himself or by any other person on his behalf, corruptly -

(i) gives or procures, or promises to procure or to endeavour to procure, any office, place, employment to or for a voter or to or for a person, in order to induce the voter to vote or refrain from voting, or

(ii) does an act referred to in sub-paragraph (i) of this paragraph on account of a voter having voted or refrained from voting; or

(c) directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement to or for any person or community in order to induce a person or community to procure, or to endeavour to procure the return of a person to the office of President; or

(d) on or in consequence of any gift, loan, offer, promise, procurement or agreement, procures or engages or promises or endeavours to procure, the return of any person to the office of President; or

(e) advances or pays, or causes to be advanced or paid any money to or for the use of a person, with the intent that the money, or any part thereof, shall be expended in bribery; or

(f) knowingly pays or causes to be paid, any money to a person, in discharge or repayment of any money wholly or in part expended in bribery;

(g) after an 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,

at an election, commits the offence of bribery.

(2) A voter who, before or during an election, directly or indirectly by 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 from voting at an election commits the offence of bribery.

(3) The provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning an election.



Punishment for  
treating, undue  
influence and  
bribery, etc.

**33.-(1)** A person who commits the offence of treating, undue influence or bribery, or of aiding, abetting, counselling or procuring the commission of any of those offences, is liable on conviction to a fine not exceeding ₦5,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

(2) A person who commits the offence of personation, treating, undue influence or bribery or of aiding, abetting, counselling or procuring the commission of any of these offences shall, in addition to any of the punishment, not be eligible, during a period of 5 years from the date of his conviction to be -

(a) registered as a voter or to vote at any election; or

(b) elected under this Decree or if elected before his conviction, to retain his seat.

Offences in respect  
of nomination forms,  
ballot papers, etc.,  
and ballot boxes.

**34.-(1)** A person who -

(a) forges or fraudulently defaces or fraudulently destroys a nomination form, or delivers to the officer charged with the conduct of an election, a nomination form, knowing the nomination form to be forged; or

(b) forges or counterfeits or fraudulently destroys a ballot paper or the official mark on a ballot paper or a statement of result; or

(c) without due authority, supplies a ballot paper to a person; or

(d) fraudulently puts into a ballot box a paper which he is not authorised by law to put in; or

(e) fraudulently takes out of the polling station or unit a ballot paper; or

(f) without due authority, destroys, takes or otherwise interferes with a ballot box or ballot papers then in use for

the purpose of an election,  
commits an offence.

(2) A person who commits an offence under this section is liable on conviction to a fine of ₦10,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

(3) An attempt to commit an offence specified in this section shall be punishable in the same manner in which the offence itself is punishable.

(4) In a prosecution for an offence in relation to a nomination paper, ballot box, ballot paper or the marking of instruments at an election held under this Decree, the property in the paper, box or instrument shall be stated to be that of the officer charged with the conduct of the election.

(5) Any candidate who forges, utters or falsifies any document or gives any false information to the Commission for the purpose of nomination for an elective office or post under this Decree shall be disqualified as a candidate for that election or any election under this Decree and any subsequent elections during the transition to civil rule period.

**35. A person who -**

(a) votes or induces or procures any person to vote at an election knowing that he or that person is prohibited by this Decree or by any other law, from voting at the election; or

(b) before or during the election, knowingly or recklessly publishes a false statement of the withdrawal of a candidate, at the election for the purpose of promoting or procuring the election of another candidate,

commits an offence and is liable on conviction to a fine of ₦5,000 or imprisonment or a term of 1 year or to both such fine and imprisonment.

Punishment of  
persons guilty of  
certain illegal  
practices.

Voting when  
not registered.

**36.** A person who wilfully votes at an election in a ward or constituency in respect of which his name does not appear on the register of voters commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Fraudulent  
use of  
ballot paper.

**37.-(1)** A person who, having been issued with a ballot paper in a polling station or unit, takes or attempts to take that ballot paper out of the polling station or unit commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

(2) A person who, at an election, brings into a Polling Station or Unit a ballot paper relating to the election which ballot paper was issued to another person commits an offence and is liable to conviction to a fine of ₦2,000 or imprisonment for a term of one year or to both such imprisonment and fine.

(3) For the purposes of sections 30, 31 and 32 of this Decree, the expression "refrain from voting" includes taking a ballot paper out of a Polling Station or Unit contrary to subsection (1) of this section.

(4) If the Presiding Officer in a polling station or unit has reason to suspect that a person who has been issued with a ballot paper and is about to leave a Polling Station or Unit has the ballot paper in his possession, the Presiding Officer or a person acting under his directions may search that person.

Offences  
relating to  
statement  
of result.

**38.** A person who, being a Presiding Officer at an election-

(a) gives a certificate or statement of result which, to his knowledge, is false in a material particular; or

(b) perversely and without lawful excuse, refuses to render a statement of result relating to the election to the officer to whom it is required to be delivered; or

(c) does anything which impedes or obstructs the proper counting or obtaining of the correct result of the election,

commits an offence and is liable on conviction to a fine of ₦10,000 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

**39.** A person who is convicted of an offence under section 30, 34, 35, 36, 37 or 38 of this Decree shall, in addition to any other punishment, not be eligible, during a period of three years from the date of his conviction to -

Disqualification  
of person  
convicted of  
certain offences.

(a) vote at any election; or

(b) be elected under this Decree or if elected before his conviction, to retain his seat.

**40.** A person who, at any polling station or unit or place being used for the counting of votes, acts or incites others to act in a disorderly manner commits an offence and is liable on conviction to a fine not exceeding ₦2,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Disorderly  
conduct  
at election.

**41.-(1)** No person shall, on the date or dates on which a poll is taken in an election to the office of President -

Polling day  
offences.

(a) convene, hold or attend a public meeting in the State ;  
or

(b) operate any megaphone, amplifier or any other public address apparatus in the State for the purpose of making an announcement concerning the election except where the apparatus is operated by an officer, appointed under this Decree, for the purpose of making official announcements relating to the election.

**(2)** No person shall, on the date or dates on which a poll is taken at a polling station or unit under this Decree -

(a) canvass for votes; or

(b) solicit the vote of a voter; or

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

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

(e) shout, exhibit or tender a notice, sign, symbol, slogan,  
badge, photograph or party card referring to the election;  
or

(f) shout slogans concerning the election,

within the polling station or unit or in a public or private place  
within a distance of two hundred metres of the polling station or  
unit.

(3) No candidate or any other person, with the connivance  
of the candidate, shall, whether on payment or otherwise, use, hire  
or procure any vessel or vehicle for the conveyance of a voter,  
other than the candidate himself or his agent, to or from a polling  
station or unit.

(4) No person shall bring alcoholic liquor into or consume  
alcoholic liquor in a polling station or unit or in a place being used  
for the counting of votes.

(5) A person who contravenes the provisions of subsection  
(1), (2), (3) or (4) of this section commits an offence and is liable  
on conviction to a fine of ₦2,000 or imprisonment for a term of  
1 year or to both such fine and imprisonment.

Offences in  
relation to  
counting of votes.  
Schedule 3.

**42.** A candidate or an agent who records the serial number  
of a rejected ballot paper or of a ballot paper in contravention of  
the provisions of paragraph 35(3) of Schedule 3 to this Decree  
commits an offence and is liable on conviction to a fine not  
exceeding ₦2,000 or imprisonment for a term not exceeding 1  
year or to both such fine and imprisonment.

Disturbance at  
public meetings.

**43.** A person who at a lawful public meeting to which this  
Decree applies -

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

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

commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

**44.** Where a person is convicted of an offence under this Part of this Decree which disqualifies him from being elected as to office of President, the court by which he was convicted shall send to the Commission the judgment of the conviction and where the person convicted has appealed, the court which heard the appeal shall within 3 months send the judgment of the appeal to the Commission.

Conviction of disqualifying offence to be reported, etc.

**45.** An attempt or a conspiracy to commit an offence specified in this Decree shall be punishable in the same manner as the offence.

Punishment for attempts, etc. to commit offences.

**46.-(1)** An offence committed under this Part of this Decree shall be triable in a Magistrate Court of the State in which the offence is committed.

Trial of offences.

**(2)** A prosecution under this Part of this Decree shall be undertaken by -

(a) the Attorney-General of the Federation or by a legal officer in the Federal Ministry of Justice, if the offence is committed in the Federal Capital Territory, Abuja; or

(b) the Attorney-General of the State in which the offence is committed or by a legal officer in the Ministry of Justice of that State; or

(c) an officer of the Nigeria Police Force.

***C - Determination of Election Petitions***

Proceedings  
to question  
an election.

**47.** No election and no return at an election under this Decree shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Decree referred to as an "election petition") presented to the Court of Appeal in accordance with the provisions of this Decree, and in which the person elected or returned is joined as a party.

Jurisdiction of  
Court of Appeal  
to determine  
election petition.  
1998 No. 3.

**48.**-(1) Notwithstanding the provisions of the Constitutional Court Decree 1998, the Court of Appeal shall, to the exclusion of any other court or tribunal, have original jurisdiction to hear and determine any question as to whether -

(a) any person has been validly elected to the office of President or Vice-President under this Decree; or

(b) the term of office of the President or Vice-President has ceased; or

(c) a question or petition brought before the Court of Appeal has been properly or improperly brought.

(2) In the hearing and determination of election petitions under this Decree, the Court of Appeal shall be duly constituted if it consists of at least 3 Justices of the Court.

Time for presenting  
election petition.

**49.** An election petition under this Decree shall be presented within 14 days from the date on which the result of the election is declared.

Presentation  
of petition.

**50.**-(1) An election petition may be presented by one or more of the following persons -

(a) a person claiming to have had a right to contest or be returned at an election; or

(b) a candidate at the election.

(2) The person whose election is complained of is in this Decree referred to as the respondent, but if the petition complains

of the conduct of an Electoral Officer, a Presiding Officer, a Returning Officer or any other person who took part in the conduct of an election, the Electoral Officer, Presiding Officer, a Returning Officer or that other person shall for the purpose of this Decree be deemed to be a respondent and shall be joined in the election petition as a necessary party.

**51.**-(1) An election may be questioned on any of the following grounds, that is - Grounds for petition.

(a) that a person whose election is questioned was, at the time of the election not qualified, or was disqualified from being elected;

(b) that the election was voided by corrupt practices or offences or non-compliance with the provisions of this Decree;

(c) that the respondent was not duly elected by a majority of valid votes cast at the election; or

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

(2) The Commission shall not be liable to any civil action whatsoever for the exclusion of a person from contesting an election under this Decree, and shall not be damnified in damages or any other penalty thereof.

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

**52.**-(1) An election shall not be invalidated by reason of non-compliance with the provisions of this Decree if it appears to the Court of Appeal that the election was conducted substantially in accordance with the principles of this Decree and that the non-compliance did not affect substantially the result of the election. Non-compliance with certain provisions not to invalidate 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 or acting in the office given the right to conduct the election.

Appeals over  
election  
petitions.

53.-(1) An appeal arising in respect of an election petition under this Decree shall lie to the Supreme Court.

(2) Notwithstanding anything to the contrary in any other enactment, notice of appeal to the Supreme Court, on an election petition shall be given within 7 days from the date of the decision appealed against.

(3) The decision of the Supreme Court on an appeal brought under subsection (1) of this section shall be final.

Nullification  
of election by  
Court of Appeal.

54.-(1) Subject to subsection (2) of this section, if the Court of Appeal determines that a candidate who was returned as elected was not validly elected on any ground, the Court of Appeal shall nullify the election.

(2) If the Court of Appeal determines that a candidate who was returned as elected was not validly elected on the ground that he did not score the majority of valid votes cast at the election, the Court of Appeal shall declare as elected the candidate who scored the majority of valid votes cast at the election.

Schedule 4

(3) On the motion of a respondent in an election petition, the Court of Appeal may strike out an election petition on the ground that it is not in accordance with the provisions of this Part of this Decree or the provisions of Schedule 4 to this Decree.

Person elected  
to remain in  
office pending  
appeal.

55.-(1) If the Court of Appeal determines that a candidate returned as elected was not validly elected, then if notice of appeal against that decision is given the candidate returned as elected shall, notwithstanding the contrary decision of the Court of Appeal, remain in office pending the determination of the appeal.

(2) If the Court of Appeal determines that a candidate returned as elected was not validly elected, the candidate returned as elected shall notwithstanding the contrary decision of the Court

of Appeal, remain in office pending the expiration of the period of 7 days within which an appeal may be brought.

**56.** The rules of procedure to be adopted for election petitions and appeals arising therefrom shall be those set out in Schedule 4 to this Decree.

Procedure for election petition. Schedule 4.

### ***D - Miscellaneous***

**57.** Subject to the provisions of this Decree, no person who has voted at an election held under this Decree shall, in any legal proceedings arising out of the election, be required to state whom he voted for.

Voter not required to disclose his vote.

**58.-(1)** Where a date has been appointed for the holding of an election and there is reason to apprehend that a serious breach of the peace is likely to occur if the election is proceeded with on the appointed date, the holding of the election may be postponed by the Commission until some other convenient date to be appointed by the Commission.

Election may be postponed for threatened disturbances.

(2) Where an election has started on the appointed date but is, before conclusion, substantially disturbed by any intervening cause, the election may be cancelled, and the Commission shall appoint a new date for a fresh election.

(3) Where an election is postponed before the last day for the delivery of nomination forms, the Electoral Officer shall, on a new date being appointed for the election, proceed in all respects as if that date were the date referred to in paragraph 1 of Schedule 3 to this Decree as the date for the holding of the election.

Schedule 3.

(4) Where an election is postponed under this Decree on or after the last day for the delivery of nomination forms, and a poll has to be taken between the candidates then nominated, the Electoral Officer shall, on a new date being appointed for the election, proceed as if the date appointed were the date for taking of the poll between the candidates.

(5) Where an election is cancelled under this Decree as a result of substantial disturbance intervening in the course of the

election, the Electoral Officer shall, on a new date appointed for the election, proceed as if the date appointed were the date for taking of the poll between the candidates nominated for the election.

(6) An election postponed under this section may in like manner be further postponed.

Custody and  
inspection of  
documents.

**59.**-(1) The Chief Electoral Officer of the Federation or any other officer of the Commission authorized by him shall retain for six months all documents relating to an election forwarded to him in accordance with the provisions of this Decree and shall then, unless--

(a) otherwise ordered by the Supreme Court or the Court of Appeal, as the case may be; or

(b) he is aware that legal proceedings are pending in respect of the election,

cause them to be destroyed or discarded.

(2) An order for an inspection of a polling document or an inspection of a document or any other packet in the custody of the Chief Electoral Officer of the Federation or any other officer of the Commission may be made by the Supreme Court or the Court of Appeal, if it is satisfied that the order required is for the purpose of instituting or maintaining an election petition.

(3) An order under this section may be made subject to such conditions as the Supreme Court or the Court of Appeal may think fit, just or expedient.

(4) A document, other than a document referred to in subsection (2) of this section, relating to an election and which is retained by the Chief Electoral Officer of the Federation or any other officer of the Commission in accordance with subsection (1) of this section, shall be open to inspection on an order made by the Supreme Court or the Court of Appeal in exercise of its powers to

compel the production of documents in legal proceedings, but shall not otherwise be open to inspection.

(5) A document referred to in this section which is in the custody of the Chief Electoral Officer of the Federation or any other officer of the Commission shall be deemed to be in proper custody for the purposes of the hearing and determination of an election petition.

**60.-(1)** The Commission may prescribe -

Election  
expenses.

(a) a scale of remuneration for officers appointed under this Decree for the conduct of elections;

(b) a scale of maximum charges in respect of other expenses incurred by an Electoral Officer, a Presiding Officer or a Returning Officer in connection with an election,

and may revise the scales as it thinks fit or expedient.

(2) An Electoral Officer, Presiding Officer or Returning Officer shall, in addition to any remuneration prescribed under paragraph (a) of subsection (1) of this section, be entitled to such sums in respect of expenses not exceeding the prescribed scale, in connection with the conduct of an election as are reasonable.

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

(4) Notwithstanding any defect or error in any notice, form or document made or given or other thing whatsoever done in pursuance of the provisions of this Decree, rules, regulations, guidelines, manuals or circulars made or issued thereunder, such notice, form or document, is hereby validated for all purposes with effect from the date on which it was made, given or done respectively.

Electoral officials  
not eligible for  
election.

**61.-(1)** A person who by reason of his holding or acting in an office under this Decree has a responsibility for, or in connection with the conduct of elections under this Decree shall be disqualified from nomination as a candidate thereof, while he holds or acts in that office.

(2) No official or staff of the Commission shall contest an election under this Decree, notwithstanding that he resigns from or vacates his office before the date of the election.

### **PART III - MISCELLANEOUS**

Interpretation.

**62.-(1)** In this Decree, unless it is otherwise expressly provides or the context otherwise requires -

"Chief Electoral Officer of the Federation" means the Chairman of the Commission;

"Commission" means the Independent National Electoral Commission;

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

"enactment" means any law or subsidiary instrument;

"Federation" means the Federal Republic of Nigeria;

"function" includes power and duty;

"government" includes the Government of the Federation, or of any State, or Local Government or any person who exercises power or authority on its behalf;

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

"oath" includes affirmation;

"Oath of Allegiance" means the Oath of Allegiance prescribed in the Schedule 1 to this Decree;

Schedule 1.

"Oath of Office" means the appropriate Oath of Office prescribed in Schedule 1 to this Decree;

Schedule 1.

"office" when used with reference to the validity of an election means any office the appointment to which is by election under this Decree.

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

"School Certificate or its equivalent" means the following -

(a) a Secondary School Certificate or its equivalent, or Grade II Teacher's Certificate, the City and Guilds Certificate; or

(b) Education up to Secondary School Certificate level; or

(c) Primary Six Certificate or its equivalent and

(i) service in the public or private sector of the Federation in any capacity acceptable to the Commission for a minimum of 10 years, and

(ii) attendance at courses and training in such institutions as may be acceptable to the Commission for periods totalling up to a minimum of 1 year, and

(iii) the ability to read, write, understand and communicate in the English language to the satisfaction of the Commission; and

(d) any other qualification acceptable to the Commission;

"secret society" includes any association, group or body of persons (whether registered or not) -

(a) that uses secret signs, oaths, rites or symbols and which is formed to promote a cause, the purpose or part of the purpose of which is to foster the interest of its members and to aid one another under any circumstances without due regard to merit, fair play or justice to the detriment of the legitimate interest of those who are not member;

(b) the membership of which is incompatible with the function or dignity of any public office under this Decree or any other enactment and whose members are sworn to observe oaths of secrecy; and

(c) the activities of which are not known to the public at large, the names of whose members are kept secret and whose meetings and other activities are held in secret;

"State" when used otherwise than in relation to one of the component parts of the Federation includes government;

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

(2) Whenever it is provided that any authority or person has power to make, recommend or approve an appointment to an office, such power shall be construed as including the power to make, recommend or approve a person for the appointment, whether on promotion or otherwise, or to act in any the office.

(3) In this Decree, reference to a person holding an office includes references to a person acting in such office.

Application of  
Cap. 192 LFN.

**63.** The Interpretation Act shall apply for the purpose of interpreting the provisions of this Decree.

Citation.

**64.** This Decree may be cited as the Presidential Election (Basic Constitutional and Transitional Provisions) Decree 1999.

## SCHEDULES

### SCHEDULE 1

### Section 8(1)

#### OATHS

##### *OATH OF ALLEGIANCE*

I, ..... do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria.

So Help me God.

##### **OATH OF OFFICE OF PRESIDENT**

I, ..... do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as President of the Federal Republic of Nigeria, I will perform my duties honestly to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directives Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will not allow my personal interest to influence my official conduct or any official decisions; that I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria; that in all circumstances, I will do right to all manner of people, according to law, without fear of favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as President of the Federal Republic of Nigeria, except as may be required for the due discharge of my duties as President; and that I will devote myself to the service and well-being of the people of Nigeria.

So Help me God.



## OATH OF OFFICE FOR VICE-PRESIDENT

I, ..... do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as Vice-President, I will discharge my duties to the best of my ability, faithfully and in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and the law, and always in the interest of the sovereignty, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objective and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability, preserve, protect and defend the provisions of the Constitution of the Federal Republic of Nigeria and that I will abide by the Code of Conduct contained in the Fifth Schedule of the Constitution of the Federal Republic of Nigeria: that in all circumstances I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Vice-President except as may be required for the discharge of my duties.

So Help me God.

## SCHEDULE 2 *Sections 22, 25 and 27*

### APPOINTMENT AND SUPERVISION OF OFFICERS

Appointment of Electoral Officer. 1.-(1) For each Local Government Area there shall be an Electoral Officer who shall be appointed by the Commission.

(2) An Electoral Officer may be appointed by name or by reference to an office, and shall hold office until his appointment is revoked.

(3) The Commission may, in any case it considers it expedient, appoint more than one Electoral Officer for a Local Government Area and shall specify the part of the Local Government Area for which each Electoral Officer is responsible and, in relation to that part of the Local Government Area the Electoral Officer shall have and exercise the functions of an Electoral Officer of more than one Local Government Area.

(4) For the avoidance of doubt, it is hereby declared that a person may be appointed Electoral Officer of more than one Local Government Area.

2.-(1) The Commission may appoint a person to be an Assistant Electoral Officer for the conduct of an election and a person so appointed shall in respect of that election have such of the functions imposed or conferred by this Decree on the Electoral Officer as the Commission may determine.

Appointment of other officers for the conduct of elections.

(2) The Commission shall for the purpose of an election appoint such Returning Officers, Assistant Returning Officers, Presiding Officers, Assistant Presiding Officers, Poll Clerks, Assistant Poll Clerks and such other officers as are required to be appointed under this Decree.

(3) A person appointed as an Assistant Returning Officer under the provisions of this paragraph shall have the functions imposed or conferred by this Decree on a Returning Officer.

(4) For the avoidance of doubt, it is hereby declared that a person may be appointed as a Returning Officer of one or more State constituencies.

(5) For the elections, the Electoral Officer or Resident Electoral Commissioner may be appointed to act as a Returning Officer.

3. An Electoral Officer shall exercise supervision over acts of officers as are appointed under paragraph 4 of this Schedule in his Local Government Area and may, subject to this Decree or any instructions issued by the Commission, give directions to those officers with regard to the performance of their functions.

Supervision of other officers by Electoral Officer.

Appointment of  
officer to exercise  
supervisory  
functions over  
conduct of elections.

4. The Commission may appoint, in respect of a State, an officer (by whatever name called) to exercise supervisory functions over the conduct of an election or of elections generally, and that officer shall have such powers and duties as shall be assigned to him by the Commission.

Functions of  
Resident Electoral  
Commissioner.

5.-(1) Subject to the provisions of this Decree, the general supervision of the conduct of an election under this Decree shall be vested in the Resident Electoral Commissioner.

(2) The Resident Electoral Commissioner may -

(a) require information from an officer appointed under this Schedule with respect to a matter relating to the functions of that officer under this Decree;

(b) subject to the provisions of this Decree, issue instructions to any of those officers with respect to the performance of their functions under this Decree;

(3) An officer appointed under this Schedule shall comply with the requirements and instructions of the Resident Electoral Commissioner under this paragraph.

### **SCHEDULE 3** *Section 23 and 58*

#### **PROCEDURE AT THE ELECTION**

Notice of  
elections.

1. (1) Not less than 21 days before the date specified for holding of an election under this Decree the Commission shall, through the Resident Electoral Commissioner, publish in each State of the Federation, a notice -

(a) stating the date of the election; and

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

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

2.-(1) Every political party shall, on such day as may be specified by the Commission before the date appointed for an election, deliver to the Commission -

List, screening, clearance, etc. of candidates.

(a) in Form C.F. 001 set out in Schedule 5 to this Decree, the personal particulars of their candidate for the election as supplied by the candidates; and

to  
Form C.F. 001  
Schedule 5.

(b) in Form C.F. 002 set out in Schedule 5 to this Decree, a list of candidates the political party proposes to sponsor at the election.

Form C.F. 002  
Schedule 5.

(2) The Commission shall, within a reasonable time after receipt of the Forms referred to in sub-paragraph (1) of this paragraph, deliver to the political party -

(a) in Form C.F. 003 set out in Schedule 5 to this Decree, a list of the candidates who are adjudged qualified to contest the election; and

Form C.F.003  
Schedule 5.

(b) where applicable, in Form C.F. 004 set out in Schedule 5 to this Decree, a separate list of the candidates rejected by the Commission.

Form C.F. 004.  
Schedule 5.

(3) Where a candidate is rejected, the Commission shall afford the political party concerned an opportunity to substitute the candidate rejected with a fresh candidate, provided that the substitution is made within a reasonable time or as may be directed by the Commission.

3. (1) Screening and clearance of candidates for election under this Decree shall be in accordance with the provisions of this Decree.

Screening and clearance of candidates.

(2) Screening and clearance of candidates for elections under this Decree shall be done by the Screening Committee.

(3) The membership of the Screening Committee shall be as approved by the Commission, from time to time.

Nomination of  
candidates.

4.-(1) A candidate for an election under this Decree shall be nominated in writing by such number of persons prescribed by subsection (1)(c) of section 13 of this Decree:

Forms EC 4C  
Schedule 5.

(2) The nomination may be as in Form EC: 4C set out in Schedule 5 to this Decree and shall be subscribed by the candidate and by the persons nominating him -

(3) The Commission, shall -

(a) supply each candidate for an election with nomination forms on payment of such fee as may be prescribed by the Commission; and

(c) at the request of any candidate, his nominators being present, complete the nomination forms on behalf of the candidate.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination form subscribed as in sub-paragraph (2) of this paragraph at the place appointed by the Commission under paragraph 1 of this Schedule not later than four o'clock in the afternoon of the fifth day before the day of the election.

(5) No person shall subscribe as a nominator to more than one nomination form at the same election and, if he does, his signature shall be inoperative on any second or subsequent form which he subscribes as a nominator, so however, that no account shall be taken of the nomination of a candidate who has died or withdrawn or whose nomination has not been accepted as valid before the delivery of the second nomination form.

(6) No person who has subscribed as a nominator shall, so long as the candidate stands nominated, withdraw his nomination.

(7) A candidate for an election shall deliver along with the nomination form such number of posters containing his photograph and the symbol of his political party as may be required by the Commission.

5:-(1) Every candidate for election under this Decree shall, before his nomination form is delivered to the Commission, deposit or cause to be deposited the amount prescribed in subsection (1)(d) of section 13 of this Decree by the Commission for the election and shall, at the time of the delivery of his nomination paper, produce to the Commission the official receipt for the amount.

Deposits.

(2) No nomination shall be valid unless the prescribed amount is deposited and the receipt for the amount produced in the manner required by sub-paragraph (1) of this paragraph.

6:-(1) When a nomination form is delivered and a deposit is paid in accordance with the provisions of this Decree, the candidate shall be deemed to stand nominated unless and until -

Validity of nomination.

(a) the Commission decides that the nomination paper is invalid; or

(b) proof is given to the satisfaction of the Commission of the candidate's death; or

(c) the candidate withdraws his candidature as specified in paragraph 8 of this Schedule.

(2) The Commission shall be entitled to declare the nomination form invalid only on one or more of the following grounds -

(a) that the candidate has not produced evidence of tax payments as and when due for a period of three years immediately preceding the year of election or a valid evidence of exemption from the payment of all or any of the tax; or

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

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

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

(e) that the nominators of the candidate or any one of them is not a person whose name appears on the appropriate register of voters in respect of the constituency; or

(f) that the candidate does not possess any of the qualifications required under this Decree; or

(g) that the candidate is not a registered voter in Nigeria; or

(h) that the candidate is not a member of a political party; or

(i) that the candidate is disqualified under this Decree.

(3) Notwithstanding any other provision of this Decree or any other law, the decision of the Commission, that a candidate has been validly nominated under sub-paragraph (2) of this paragraph shall not be the ground of an election petition under this Decree.

(4) Whenever the Commission decides that a candidate has not been validly nominated, he shall endorse and sign on the nomination form the fact and reasons for his decision.

Form EC. 5.  
Schedule 5.

(5) The Commission shall, within forty-eight hours of the receipt of a nomination form, communicate in writing in Form EC. 5 set out in Schedule 5 to this Decree to the candidate or to one of the persons nominating the candidate or political party sponsoring the candidate his decision as to the validity or otherwise of the nomination.

(6) A candidate whose first nomination form is or may be invalid may be permitted to submit a second nomination form within the time allowed, but a candidate who forges or falsifies a document or gives a false information for the purpose of nomination under this Decree may be disqualified and prevented from contesting the election.

7.-(1) The Commission shall, not later than twenty-four hours before the day of election, publish by displaying it or causing it to be displayed at the place or places appointed for the delivery of nomination forms and in such other places as he may think fit, a statement of the full names of all candidates standing nominated and of the persons nominating them with their respective addresses and occupations.

Publication of statement of persons nominated.

(2) No candidate who has been screened and cleared to contest an election shall be prevented from contesting the election for any reason whatsoever, or substituted, except the candidate dies or voluntarily withdraws his candidature.

8. A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself, or by one of the persons nominating him to the Commission not later than one o'clock in the afternoon of the second day before the election.

Withdrawal of candidates.

9. If after the latest time for the delivery of nomination forms and before the commencement of the poll, a nominated candidate dies, the Commission shall, on being satisfied of the fact of the death, countermand the poll, and the Commission shall appoint some other convenient date for the election.

Death of candidate.

10. If a nomination form, signed by a candidate and by the persons nominating him, is lodged in more than one constituency, his candidature shall be void in each constituency.

Invalidity of double nomination.

11.-(1) Subject to the provisions of this Decree, if after the latest time for the delivery of nomination forms and for withdrawal of candidates for an election under this Decree more than one person remains validly nominated, a poll shall be taken.

Contested and uncontested election.

(2) Subject to the provisions of this Decree, if after the latest time for the delivery of nomination forms and the withdrawal of candidates for an election under this Decree, only one candidate remains duly nominated, that candidate shall be declared elected.

(3) Where a person is declared elected under the provisions of sub-paragraph (2) of this paragraph, a declaration of result



Form EC. 8E  
Schedule 5.

Form EC. 8E set out in Schedule 5 to this Decree shall be completed and a copy thereof issued to the person by the Returning Officer while the original of the form shall be returned to the Chief Electoral Officer as in the case of a contested election.

Where no  
nominated  
candidate.

12. Where no candidate remains nominated on the date appointed for the election, the Commission shall fix a date for another election.

Ascertainment of  
result of poll.

13. The result of the poll shall be ascertained by carefully counting the votes cast for each candidate at the election and the collation of the figures returned from the various parts of the constituency.

Arrangements for  
contested election.  
Schedule 2.

14.-(1) When a poll has to be taken, the Commission shall appoint from among Poll Clerks, Presiding Officers and Poll Orderlies appointed under Schedule 2 to this Decree, persons to conduct the election in each polling station or unit.

(2) The Presiding Officer shall be in charge of a polling station or unit.

(3) For purposes of a contested election, the Commission shall -

(a) appoint a sufficient number of polling stations or units in each ward or constituency in which a poll is taking place, and allot voters to the various polling stations or units as may be considered convenient;

(b) assign to each polling station or unit a Poll Clerk and Orderly to assist the Presiding Officer;

(c) provide each polling station or unit with instruments for making official mark on the voter's card and for applying indelible ink to the thumb of any person who has voted at the polling station or unit;

(d) provide each polling station or unit with copies of the register of voters for the area, or such part thereof as contains the names of the voters allotted to vote at the polling station or unit; and

(e) do such other acts and things as may be necessary for conducting the election in the manner prescribed by this Decree.

(4) The Commission shall appoint at least one polling station or unit in respect of each ward in which the election is to be held.

15.-(1) Each candidate may appoint a Party Agent to attend at each polling station or unit in respect of the election for the purpose of ensuring that the interests of the candidate are protected.

Party Agents.

(2) Notice in writing shall be given to the Commission by every candidate not later than twenty-four hours before the day of the election, conveying the names and addresses of his Party Agents and the respective polling stations or units to which they are being posted by the candidate.

(3) A candidate shall be entitled to change his Party Agent and appoint a substitute before the election, and shall forthwith furnish the Commission in writing with the name, address and any other particulars of the agent so substituted.

16.-(1) The Commission shall on or before the second day to the day of the election, cause to be published in every constituency in which election is to be held, in such manner as he may think appropriate, a notice specifying -

Notice of poll.

(a) the day and the hours fixed for the poll;

(b) the full names, arranged in alphabetical order, of the surname, place of residence and occupation of each candidate remaining nominated; and

(c) the location of the polling stations and units in the constituency and an indication of the persons entitled to vote in the respective polling stations and units.

(2) The hours fixed for the taking of polls shall be a continuous period as may be determined by the Commission.

Provision of  
materials at  
polling stations.

17. Without prejudice to sub-paragraph (3)(c) of paragraph 14 of this Schedule, the Commission shall -

(a) furnish each Presiding Officer with such ballot boxes and ballot papers as may be required for the poll; and

(b) provide each Presiding Officer with pens, ink pad, ink and other items of stationery necessary for the conduct of poll in accordance with the provisions of this Decree.

Form of ballot  
paper.

18. Every ballot paper shall -

(a) be a printed paper on which the symbol adopted by the political party and duly registered as prescribed by law shall be clearly set out and have a blank space at the right side of the symbol on which a thumb impression can conveniently be made;

(b) have a serial number printed or stamped on its back or some other part; and

(c) be attached to a counterfoil bearing the same serial number as is printed or stamped on the ballot paper.

Form of  
ballot box.

19. The ballot box shall be transparent and be so constructed that the ballot papers can be put in them easily by the voter but cannot be withdrawn by him without the accredited Presiding Officer opening the ballot box.

Accreditation  
procedure.

20.-(1) The accreditation of voters shall commence on the day and time stipulated pursuant to paragraph 22 to this Schedule.

(2) The Presiding Officer shall -

(a) cross-check voter's card of a person applying for accreditation against the register of voters and may ask the voter if required by a candidate or the Party Agent, the following questions or any of the questions, that is -

(i) "Are you the person whose name is on the register of voters as follows ..... (reading the copy of the entry in the register?",

(ii) "Are you a person above 18 years of age?";

(b) not accredit any voter who answers the questions in sub-paragraph (2)(a) of this paragraph in the negative;

(c) mark the name of the voter in the register of voters with biro;

(d) stamp and sign each voter's card at the back with the appropriate stamp and state the date and type of election in code; and

(e) enter in Form EC 8A, set out in Schedule 5 to this Decree, the number of persons registered to vote at the polling station or unit, the number of registered voters accredited, the serial numbers of the ballot papers issued to the polling station or unit, the serial numbers of ballot papers issued to the voters, the serial numbers of the balance of unused ballot papers and the number of accredited voters standing in the queue at the commencement of voting.

EC. 8A.  
Schedule 5.

(3) The Presiding Officer and the Party Agents shall sign Forms EC. 8A to authenticate the numbers entered therein.

21.-(1) Any person who, having been accredited, leaves the polling zone or any other place appointed for the accreditation of persons or mixes up with unaccredited persons is guilty of an offence of disorderliness under this Decree and liable on conviction to the punishment as provided in this Decree.

Disorderliness  
during  
accreditation.

(2) Any person who, not being an accredited person, is found in any polling zone is guilty of an offence of disorderliness under this Decree, and liable on conviction to the punishment as provided in this Decree.

Post-accreditation  
procedure.

22. At the close of accreditation, the Presiding Officer shall-

- (a) explain the voting procedure to be followed;
- (b) introduce the candidates, their symbols, the Poll Clerk and the Party Agents;
- (c) explain all activities which constitute election offences within the polling zone, including penalties for committing each offence;
- (d) call the roll of accredited voters.

Conduct of  
Poll.

23. After compliance with the provisions of paragraph 22 of this Schedule, the Presiding Officer shall -

- (a) announce the commencement of voting;
- (b) request the accredited voters to line up in a single line;
- (c) separate the queue between men and women if, in that area of the country, the culture is such that it does not permit the mingling of men and women in the same queue;
- (d) request security agents or Poll Orderlies to stand at the end of the queue behind the last accredited voter and request the voters in the queue to show their voter's cards duly stamped by the Presiding Officer;
- (e) issue accredited voters with ballot papers;
- (f) direct voters to the voting table where, <sup>after thumb b.p.</sup> marking the ballot paper secretly, they shall vote in the full view of all present;
- (g) count the votes at the close of poll in the presence of the voters; and

(h) announce the number of votes counted for each of the candidates.

24. Any person who breaks into the queue while voting has commenced is guilty of an offence of disorderliness under this Decree and liable on conviction to the punishment provided in this Decree.

Offence of crossing or breaking into another queue.

25.-(1) No person shall be permitted to vote at any Polling Station or Unit other than the one to which he is allotted.

Allocation of Polling Station and admission thereto.

(2) The Presiding Officer shall regulate the admission of voters to the Polling Station or Unit and shall exclude all other persons except the candidates, Party Agents and any other person who in his opinion has lawful reason to be admitted.

26.-(1) If at the time a person applies for accreditation, or after he has so applied and before he has left the Polling Station or Unit, a Party Agent or security agent declares to the Presiding Officer that he has reasonable cause to believe that the person is under the age of 18 years or has committed the offence of personation and undertakes to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest that person, and the Presiding Officer's order shall be sufficient authority for the police officer so to do.

Personation by applicant for ballot paper.

(2) A person in respect of whom a Party Agent or security agent makes a declaration in accordance with the provisions of sub-paragraph (1) of this paragraph shall not, by reason of the declaration, be prevented from voting, but the Presiding Officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of voters or part of the register of voters.

(3) Where a person in respect of whom a declaration is made under sub-paragraph (2) of this paragraph admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already voted, and if he has already voted, the Presiding Officer shall cancel his vote.

(4) A person arrested under the provisions of this paragraph 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 warrant.

Conduct at  
polling stations.

27.-(1) The Presiding Officer shall ensure compliance with the provisions of this Decree at the polling station or unit in respect of the election.

(2) If a person misconducts himself in a polling station or unit, or fails to obey a lawful order of the Presiding Officer, the Presiding Officer may order the person to be removed from the polling station or unit by any police officer, or by any other person authorised in writing by the Presiding Officer in that behalf.

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

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

Adjournment of  
poll in case  
of riot, etc.

28.-(1) Subject to the provisions of section 58(2) of this Decree, when the proceedings at a polling station or unit are interrupted or obstructed by riot or violence or any other reason as may be determined by the Commission, the Presiding Officer may adjourn the proceedings till following day, and shall forthwith give notice of the adjournment to the Electoral Officer.

(2) When the poll is adjourned at any polling station or unit-

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day of the poll; and

(b) references in this Schedule to the close of the poll shall be construed accordingly.

29. When the prescribed hour for the closing of accreditation has been reached, the Presiding Officer shall declare accreditation closed and no more persons shall be admitted to the polling station or unit, but those persons already inside the polling station or unit shall be accredited and be allowed to vote.

Closing of  
accreditation.

30.-(1) The Presiding Officer shall, after counting the votes at the polling station or unit, enter the votes scored by each candidate in Form EC. 8A set out in Schedule 5 to this Decree.

Counting of  
votes.  
Form EC. 8A.  
Schedule 5.

(2) Form EC.8A shall be signed and stamped by the Presiding Officer and countersigned by the candidates or their Party Agents where available at the polling station or unit.

(3) A Party Agent shall be required to sign Form EC. 8A especially where he has requested for a recount, but failure by a Party Agent to sign Form EC. 8A shall not invalidate the result of the poll.

(4) The Presiding Officer shall give to the Party Agents and the police officer present a copy each of completed Form EC. 8A after it has been signed by both the Presiding Officer and the Party Agents.

31. After the recording of the result of the election, the Presiding Officer shall take the election result and materials to the Ward Collation Centre under security escort if available.

Post-election  
procedure and  
collation of  
election result.

32. Subject to the provisions of the Decree, the Commission shall make and publish in the *Gazette*, Guidelines for the Presidential election and the Guidelines shall make provisions, among other things, for the step by step recording of the poll in the electoral Forms EC. 8A, EC. 8B, EC. 8C, 8D, EC. 8D(A), EC. 8E set out in Schedule 5 to this Decree, beginning from the polling station or unit to the last collation centre for the ward or constituency where the result of the election shall be declared.

Step by step  
recording of  
poll.

Forms EC. 8A,  
EC. 8B, EC. 8C,  
EC. 8D, EC. 8D(A),  
EC. 8E.  
Schedule 5.



Result forms to  
be signed and  
countersigned.

33. Every result Form completed at the Ward, Local Government and State levels in accordance with the provisions of this Decree or any Guidelines issued by the Commission shall be stamped, signed and countersigned by the relevant officers and Party Agents at those levels and copies given to the police officers and the Party Agents, if available.

Rejection of  
ballot paper  
without official  
mark.

34.-(1) Subject to sub-paragraph (2) of this paragraph, a ballot paper which does not bear the official mark shall not be counted.

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

Endorsement on  
rejected ballot  
papers.

35.-(1) The Presiding Officer shall endorse the word "rejected" on the ballot papers rejected under the provision of sub-paragraph (1) of paragraph 34 of this Schedule or for any other reason, and the ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.

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

(3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection, and shall on request allow a candidate or a Party Agent to copy the statement, but shall not be allowed to record the serial number of the rejected ballot papers.

Decision of  
Returning Officer  
final.

36. The decision of the Returning Officer on any question arising from or relating to -

(a) unmarked ballot papers;

(b) rejected ballot papers; and

(c) declaration of scores of candidates and the return of a candidate,

shall be final and subject to review only by Court of Appeal in an election petition proceedings under this Decree.

37. A candidate or a Party Agent may, if present at the polling station or unit when the counting of votes is completed by the Presiding Officer, demand to have the votes recounted, but the Presiding Officer may refuse to do so if, in his opinion, the demand is unreasonable.

Recount.

38. If two or more candidates poll equal number of votes, the Returning Officer shall not return any of the candidates and a fresh election shall be held for the candidates on a later date to be appointed by the Commission.

Equality of votes.

39. The Resident Electoral Commissioner or the Electoral Officer, as the case may be, shall cause to be posted at the State or Local Government Area Office of the Commission, as the case may be, a notice showing -

Publication of result of election.

(a) the candidates at the election and their scores; and

(b) the person declared as elected or returned at the election.

40. The Resident Electoral Commissioner or the Electoral Officer shall keep official custody of all the documents, including statement of results and ballot papers relating to the election, which are returned to either of them by the Returning Officers.

Custody of documents.

41. The Poll Clerk shall enjoy and exercise all the powers of the Presiding Officer in respect of a polling station or unit except that he shall not order the arrest of a person or the exclusion or removal of a person from the polling station or unit without the authority of the Presiding Officer.

Poll Clerk to enjoy powers of Presiding Officer.

Non-attendance of  
Party Agent not to  
invalidate  
election.

42. Where in this Decree, an act or a thing is required or authorized to be done by or in the presence of Party Agents, the non-attendance of a Party Agent at the time and place appointed for the act or thing or refusal by a Party Agent to do the act shall not, if the act or thing is otherwise done properly, invalidate the act or thing.

Certificate of  
Return at election.  
Schedule 5.

43. A sealed Certificate of Return at an election in the Form set out in Schedule 5 to this Decree shall be issued to every candidate who has won an election under this Decree.

Reference to  
Forms.  
Schedule 5.

44. Reference to a Form in this Schedule is reference to the Form as set out in Schedule 5 to this Decree or as may otherwise be determined by the Commission in Guidelines issued from time to time.

#### **SCHEDULE 4      *Sections 54 and 56***

##### **PROCEDURE FOR ELECTION PETITIONS**

Interpretation.

##### **1. In this Schedule -**

"Attorney-General" means the Attorney-General of the Federation;

"Civil Procedure Rules" means the Civil Procedure Rules of the Federal High Court for the time being in force;

"election" means any election to which an election petition relates;

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

"Registry" means a Registry of the Court of Appeal or the Registry of the Supreme Court, as the case may be;

"Secretary" means the Registrar of the Court of Appeal and includes the Registrar of the Supreme Court.

2.-(1) An election petition shall be heard and determined within 21 days from the date on which the petition is filed.

Hearing and  
determination of  
election petitions.

(2) Notwithstanding the provisions of any other enactment, an appeal arising from the decision of the Court of Appeal on an election petition shall be heard and determined within 14 days from the date of filing the appeal in the case of an election to the office of the President.

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

Security  
for costs.

(2) The security shall be of such amount not less than ₦3,000 as the Court of Appeal may order and shall be given by depositing the amount with the Court of Appeal.

(3) Where two or more persons join in an election petition, a deposit as may be ordered under sub-paragraph (2) of this paragraph of this Schedule shall be sufficient.

(4) If no security is given as required by this paragraph, there shall be no further proceedings on the election petition though the time prescribed under sub-paragraphs (1) and (3) of paragraph 2 of this Schedule shall continue to run.

4.-(1) The presentation of an election petition under this Decree shall be made by the petitioner [or petitioners if more than one] leaving it in person, or by his Solicitor, if any, named at the foot of the election petition with the Secretary, and the Secretary shall give a receipt which may be in Form TF. 001 set out in Schedule 5 to this Decree.

Presentation  
of election  
petition.  
Form TF. 001.  
Schedule 5.

(2) At the time of presenting the election petition, there shall also be left a copy of the election petition for each respondent and seven other copies to be preserved by the Secretary.

(3) The Secretary shall compare the copies of the election petition left in accordance with sub-paragraph (2) of this paragraph with the original petition and shall certify them as true copies of

the election petition on being satisfied by the comparison that they are true copies of the election petition.

(4) The petitioner or his Solicitor, as the case may be, shall, at the time of presenting the election petition, pay the fees for the service and the publication of the election petition, and for certifying the copies and, in default of the payment, the election petition shall be deemed not to have been received, unless the Court of Appeal otherwise orders.

Contents of  
election petition.

5.-(1) An election petition under this Decree shall -

- (a) specify the parties interested in the election petition;
- (b) specify the right of the petitioner to present the election petition;
- (c) state the holding of the election, the scores of the candidates and the person returned as the winner of the election; and
- (d) state clearly the facts of the election petition and the ground or grounds on which the election petition is based and the relief sought by the petitioner.

(2) The election petition shall be divided into paragraphs each of which shall be confined to a distinct issue or major facts of the election petition, and every paragraph shall be numbered consecutively.

(3) The election petition shall further -

- (a) conclude with a prayer or prayers, as for instance, that the petitioner or one of the petitioners be declared validly elected or returned, having polled the majority of lawful votes cast at the election or that the election may be declared nullified, as the case may be; and
- (b) be signed by the petitioner or all the petitioners or by the Solicitor, if any, named at the foot of the election petition.

(4) At the foot of the election petition there shall also be stated an address of the petitioner for service within five kilometres of a post office in the Judicial Division, and the name of its occupier, at which address documents intended for the petitioner may be left.

(5) If an address for service and its occupier are not stated as specified in sub-paragraph (4) of this paragraph, the petition shall be deemed not to have been filed, unless the Court of Appeal otherwise orders.

(6) An election petition which does not conform with sub-paragraph (1) of this paragraph or any provision of that sub-paragraph is defective and may be struck out by the Court of Appeal.

(7) The Form TF. 002 set out in Schedule 5 to this Decree or one substantially like it, shall be sufficient for the purposes of this paragraph.

Form TF 002.  
Schedule 5.

6. Evidence need not be stated in the election petition, but the Court of Appeal may order such further particulars as may be necessary -

Further  
particulars.

(a) to prevent surprise and unnecessary expense;

(b) to ensure a fair and proper hearing in the same way as in a civil action in the Federal High Court; and

(c) on such terms as to costs or otherwise as may be ordered by the Court of Appeal.

7. For the purpose of service of an election petition on the respondents, the petitioner shall furnish the Secretary with the address of the respondents' abode or the addresses of places where personal service can be effected on the respondents.

Address for  
service.

8.-(1) On the presentation of an election petition and payment of the requisite fees, the Secretary shall forthwith -

Action by  
Secretary.

Form TF. 003.  
Schedule 5.

(a) cause notice, in Form TF. 003 set out in Schedule 5 to this Decree, of the presentation of the election petition and a certified copy of the election petition, to be served on each of the respondents;

(b) post on the Court of Appeal notice board a certified copy of the election petition; and

(c) set aside a certified copy for onward transmission to the person or persons required by law to adjudicate and determine the election petition.

(2) In the notice of presentation of the election petition, the Secretary shall state a time, not being less than three days but not more than 6 days after the date of service of the notice, within which each of the respondents shall enter an appearance in respect of the election petition.

(3) In fixing the time within which the respondents are to enter appearance, the Secretary shall have regard to -

(a) the necessity for securing a speedy hearing of the election petition; and

(b) the distance from the Registry or the place of hearing to the address furnished under sub-paragraph (4) of paragraph 5 of this Schedule.

Personal service  
on respondents.

9.-(1) Subject to sub-paragraphs (2) and (3) of this paragraph, service on the respondents -

(a) of the documents mentioned in sub-paragraph (1) (a) of paragraph 8 of this Schedule; and

(b) of any other documents required to be served on them before entering appearance,

shall be personal.

(2) Where the petitioner has furnished, under paragraph 7 of this Schedule, the addresses of the places where personal service can be effected on the respondents and the respondents or anyone of them cannot be found at the place or places, the Court of Appeal, on being satisfied, on an application supported by an affidavit showing that all reasonable efforts have been made to effect personal service, may order that service of any document mentioned in sub-paragraph (1) of this paragraph be effected in any of the ways mentioned in the relevant provisions of the Civil Procedure Rules for effecting substituted service in civil cases and that service shall be deemed to be equivalent to personal service.

(3) The proceedings under the election petition shall not be vitiated notwithstanding that -

(a) the respondents or anyone of them may not have been served personally; or

(b) a document of which substituted service has been effected pursuant to an order made under sub-paragraph (2) of this paragraph did not reach the respondents,

and in either case, the proceedings may be heard and continued or determined as if the respondents or anyone of them had been served personally with the document and shall be valid and effective for all purposes.

10.-(1) Where the respondent intends to oppose the election petition, he shall within such time after being served or deemed to be served with the election petition enter an appearance by filing in the Registry a memorandum of appearance stating that he intends to oppose the election petition and giving the name and address of the Solicitor, if any, representing him or stating that he acts for himself, as the case may be, and, in either case, giving an address for service within five kilometres of a post office in the Judicial Division and the name of its occupier, at which documents intended for him may be left or served.

Entry of  
appearance.

(2) If an address for service and its occupiers are not stated, the memorandum of appearance shall be deemed not to have been filed, unless the Court of Appeal otherwise orders.



Form TF. 004.  
Schedules 5.

(3) The memorandum of appearance which may be as in Form TF. 004 set out in Schedule 5 to this Decree shall be signed by the respondent or his Solicitor, if any.

(4) At the time of filing the memorandum of appearance, the respondent or his Solicitor, as the case may be, shall -

(a) leave a duplicate of the memorandum of appearance for each of the other parties to the election petition and three other copies of the memorandum of appearance to be preserved by the Secretary; and

(b) pay the fees for service as may be prescribed or directed by the Secretary,

and in default of the copies being left and the fees being paid at the time of filing the memorandum of appearance, the memorandum of appearance shall be deemed not to have been filed, unless the Court of Appeal otherwise orders.

(5) A respondent who has a preliminary objection against the hearing of the election petition on grounds of law may file a conditional memorandum of appearance.

Non-filing of  
memorandum of  
appearance.

11.-(1) If the respondent does not file a memorandum of appearance as required under paragraph 10 of this Schedule, a document intended for service on him may be posted on the notice board and that shall be sufficient notice of service of the document on the respondent.

(2) The non-filing of a memorandum of appearance shall not bar the respondent from defending the election petition if the respondent files his reply to the election petition in the Registry within a reasonable time, but, in any case, not later than fourteen days from the receipt of the election petition.

Notice of  
appearance.

12. The Secretary shall cause copies of the memorandum of appearance to be served on, or its notice to be given to, the other parties to the election petition.

13.-(1) The respondent shall, within six days of entering an appearance, file in the Registry his reply, specifying in it which of the facts alleged in the election petition he admits and which he denies, and setting out the facts on which he relies in opposition to the election petition. Filing of reply.

(2) Where the respondent in an election petition complaining of an undue return and claiming the seat or office for a petitioner, intends to prove that the claim is incorrect or false, the respondent, in his reply shall set out the facts and figures clearly and distinctly, disproving the claim of the petitioner.

(3) The reply may be signed by the respondent or the Solicitor representing him, if any.

(4) At the time of filing the reply, the respondent or his Solicitor, if any, shall leave copies of the reply for service on the other parties to the election petition with seven extra copies of the reply to be preserved by the Secretary, and pay the fees for service as may be prescribed or directed by the Secretary, and in default of leaving the required copies of the reply or paying the fees for service, the reply shall be deemed not to have been filed, unless the Court of Appeal otherwise orders.

14. The Secretary shall cause a copy of the reply to be served on each of the other parties to the election petition. Service of reply.

15.-(1) Subject to sub-paragraph (2) of this paragraph, the provisions of the Civil Procedure Rules relating to amendment of pleadings shall apply in relation to an election petition or a reply to the election petition as if for the words "any proceedings" in those provisions there were substituted the words "the election petition or reply". Amendment of election petition and reply.

(2) After the expiry of the time limited by -

(a) section 49 of this Decree for presenting the election petition, no amendment shall be made. -

(i) introducing any of the requirements of sub-paragraph (1) of paragraph 5 of this Schedule not contained in the original election petition filed, or

(ii) effecting a substantial alteration of the ground for, or the prayer in, the election petition, or

(iii) except anything which may be done under the provisions of sub-paragraph (3) of this paragraph, effecting a substantial alteration of or addition to, the statement of facts relied on to support the ground for, or sustain the prayer in the election petition; and

(b) paragraph 13 of this Schedule for filing the reply, no amendment shall be made -

(i) alleging that the claim of the seat or office by the petitioner is incorrect or false, or

(ii) except anything which may be done under the provisions of sub-paragraph (3) of this paragraph, effecting any substantial alteration in or addition to the admissions or the denials contained in the original reply filed, or to the facts set out in the reply.

(3) The Court of Appeal shall not, in the hearing and determination of an election petition, be obliged to confine its inquiry or findings to the issues raised by the parties in the election petition or the reply, if any, and may, without ordering or allowing -

(a) the amendment of a statement of facts and grounds relied on in support of the election petition or the amendment of any admission or denial contained in the reply; or

(b) the facts or grounds set out in the reply, but subject always and having due regard to the time limited by section

49 of this Decree for presentation of an election petition,  
inquire into any other issue otherwise raised or apparent, as the Court of Appeal may deem necessary for the purpose of the full and proper inquiry into, and determination of the election petition.

16. When a petitioner claims the seat alleging that he had the majority of valid votes cast at the election, the party defending the election or return at the election shall set out clearly in his reply particulars of the votes, if any, which he objects to and the reasons for his objection against such votes, showing how he intends to prove at the hearing that the petitioner is not entitled to succeed.

Particulars of votes objected to by respondent.

17.-(1) If a person in his reply to the election petition raises new issues of fact in defence of his case which the petition has not dealt with, the petitioner shall be entitled to file in the Registry, within three days from the receipt of the respondent's reply, a petitioner's reply in answer to the new issues of fact, so however that -

Petitioner's reply.

(a) the petitioner shall not at this stage be entitled to bring in new facts, grounds or prayers tending to amend or add to the contents of the petition filed by him; and

(b) the petitioner's reply does not run counter to the provisions of sub-paragraph (1) of paragraph 15 of this Schedule.

(2) The time limited by sub-paragraph (1) of this paragraph shall not be extended.

18.-(1) If a party in the election petition wishes to have further particulars or other directions of the Court of Appeal, he may, at any time after entry of appearance, but not later than ten days after the filing of the reply, apply to the Court of Appeal specifying in his notice of motion the direction for which he prays, and the motion shall, unless the Court of Appeal otherwise orders, be set down for hearing on the first available day.

Further particulars or direction.

(2) If a party does not apply as provided in sub-paragraph (1) of this paragraph, he shall be taken to require no further particulars or other directions and the party shall be barred from so applying after the period laid down in sub-paragraph (1) of this paragraph has lapsed.

(3) Supply of further particulars under this paragraph shall not entitle the party to go beyond the ambit of supplying such further particulars as have been demanded by the other party, and embark on undue amendment of, or additions to, his petition or reply, contrary to paragraph 15 of this Schedule.

Hearing of petition  
to be in open  
Court.

Time and place of  
hearing petition.

Form TF. 005.  
Schedule 5.

19. Every election petition shall be heard and determined in an open Court.

20.-(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the time and place of the hearing of an election petition shall be fixed by the Court of Appeal, and notice of the time and place of the hearing, which may be as in Form TF. 005 set out in Schedule 5 to this Decree, shall be given by the Secretary at least five days before the day fixed for the hearing by-

(a) posting the notice on the Tribunal notice board; and

(b) sending a copy of the notice by registered post or through a messenger to -

(i) the petitioner's address for service,

(ii) the respondents' addresses for service, if any, and

(iii) the Resident Electoral Commissioner or the Electoral Officer.

(2) In fixing the place of hearing, the Court of Appeal shall have due regard to the proximity to and accessibility from the place where the election was held.

Notice of  
hearing.

21. The Resident Electoral Commissioner or Electoral Officer shall publish the notice of hearing by causing a copy of the

notice to be displayed in the place which was appointed for the delivery of nomination forms prior to the election or in some conspicuous place or places within the constituency, but failure to do so or any miscarriage of the copy of notice of hearing shall not affect the proceedings if it does not occasion injustice against any of the parties to the election petition.

22. The posting of the notice of hearing on the notice board shall be deemed and taken to be good notice, and the notice shall not be vitiated by any miscarriage of, the copy or copies of the notice sent pursuant to paragraph 20 of this Schedule.

Posting of notice on notice board deemed to be good notice.

23.-(1) The Court of Appeal may, from time to time, by order made on the application of a party to the election petition or at the instance of the Court of Appeal, postpone the beginning of the hearing to such day as the Court of Appeal may consider appropriate, having regard at all times to the need for speedy conclusion of the hearing of the election petition.

Postponement of hearing.

(2) A copy of the order shall be sent by the Secretary by registered post or messenger to the Electoral Officer or the Resident Electoral Commissioner, who shall publish the order in the manner provided in paragraph 21 of this Schedule for publishing the notice of hearing, but failure on the part of the Electoral Officer or Resident Electoral Commissioner to publish the copy of the order of postponement shall not affect the proceedings in any manner whatsoever.

(3) The Secretary shall post or cause to be posted on the notice board a copy of the order.

(4) Where the Court of Appeal gives an order of postponement at its own instance, a copy of the order shall be sent by the Secretary by registered post or messenger to the address for service given by the petitioner and to the address for service, if any, given by the respondents or any of them.

(5) The provisions of paragraph 22 of this Schedule shall apply to an order or a notice of postponement as they do to the notice of hearing.

Non-arrival of  
Presiding Justice  
of Court of  
Appeal.

24. If the Presiding Justice of the Court of Appeal has not arrived at the appointed time for the hearing or at the time to which the hearing has been postponed, the hearing shall by reason of that fact stand adjourned to the following day and so from day to day.

Hearing to  
continue from  
day to day.

25.-(1) No formal adjournment of the Court of Appeal for the hearing of an election petition shall be necessary, but the hearing shall be deemed adjourned and may be continued from day to day until the hearing is concluded unless the Court of Appeal otherwise directs as the circumstances may dictate.

(2) If the Presiding Justice who begins the hearing of an election petition is disabled by illness or otherwise, the hearing may be recommenced and concluded by another Presiding Justice appointed by the appropriate authority.

Adjournment  
of hearing.

26.-(1) After the hearing of an election petition has begun, if the inquiry cannot be continued on the ensuing day or, if that day is a Sunday or a public holiday, on the day following the same, the hearing shall not be adjourned *sine die* but to a definite day to be announced before the rising of the Court of Appeal, and notice of the day to which the hearing is adjourned shall forthwith be posted by the Secretary on the notice board.

(2) The hearing may be continued on a Saturday or on a public holiday if circumstances dictate.

Power of the  
Presiding Justice  
to dispose of  
interlocutory  
matters.

27.-(1) All interlocutory questions and matters shall be heard and disposed of by the Presiding Justice who shall have control over the proceedings as a Judge in the Federal High Court.

(2) After the hearing of the election petition is concluded, if the Court of Appeal before which it was heard has prepared its judgment but the Presiding Justice is unable to deliver it due to illness or any other cause, the judgment may be delivered by one of the members, and the judgment as delivered shall be the judgment of the Court of Appeal, and the member shall certify the decision of the Court of Appeal to the Electoral Officer, the Resident Electoral Commissioner or the Commission.

28.-(1) At the conclusion of the hearing, the Court of Appeal shall determine whether a person whose election or return is complained of or any other person, and what person, was validly returned or elected, or whether the election was void, and shall certify the determination to the Electoral Officer, Resident Electoral Commissioner or the Commission.

Effect of determination of election petition.

(2) If the Court of Appeal has determined that the election is invalid, then, subject to section 55 of this Decree where there is an appeal and the appeal fails, a new election shall be held by the Commission.

(3) Where a new election is to be held under the provisions of this paragraph, the Commission shall appoint a date for the election which shall not be later than 3 months from the date of the determination.

29.-(1) An election petition shall not be withdrawn without leave of the Court of Appeal.

Withdrawal or abatement of petition.

(2) Where the petitioners are more than one, no application for leave to withdraw the election petition shall be made except with the consent of all the petitioners.

(3) The application for leave to withdraw an election petition shall be made by motion in Form TF. 006 set out in Schedule 5 to this Decree after notice of the application has been given to the respondents.

Form TF. 006.  
Schedule 5.

(4) The notice of motion shall state the grounds on which the motion to withdraw is based, supported with affidavit verifying the facts and reasons for withdrawal, signed by the petitioner or petitioners in the presence of the Secretary.

(5) At the time of filing the notice of motion, the petitioner or petitioners shall leave copies for service on the respondents.

(6) The petitioner or petitioners shall also file the affidavits required under paragraph 30 of this Schedule together with copies for each respondent and pay the fees prescribed or directed by the Secretary for service.



Affidavit against  
illegal terms of  
withdrawal.

30. Before leave for withdrawal of an election petition is granted, each of the parties to the petition shall produce an affidavit, stating that -

(a) to the best of the deponent's knowledge and belief no agreement or term of any kind whatsoever has been made; and

(b) no undertaking has been entered into,

in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set out that agreement and shall make the foregoing statement subject to what appears from the affidavit.

Time for hearing  
motion for leave  
to withdraw  
petition.

31.-(1) The time for hearing the motion for leave to withdraw the election petition shall be fixed by the Court of Appeal.

(2) The Secretary may give notice of the day fixed for the hearing of the motion to the respondents and post or cause to be posted on the notice board a copy of the notice.

Payment of cost  
to respondents.

32. If the election petition is withdrawn, the petitioner shall be liable to pay appropriate costs to the respondents or anyone of them unless the Court of Appeal otherwise orders.

Abatement of  
proceedings in  
election petition.

33. (1) If a sole petitioner or the survivor of several petitioners dies then, subject to sub-paragraphs (2) and (3) of this paragraph, there shall be no further proceedings on the election petition and the Court of Appeal may strike it off its cause list.

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred in the course of proceedings in respect of the election petition prior to its abatement.

(3) Where notice, with copies for each party to the election petition supported by the affidavit of two witnesses testifying to the death of a sole petitioner or of the survivor of several petitioners,

is given to the Secretary, he shall submit the notice to the Court of Appeal, and if the Court of Appeal so directs, the Secretary shall -

- (a) serve notice thereof on the other parties to the election petition;
- (b) post or cause to be posted a notice thereof on the notice board; and
- (c) cause notice thereof to be published in the *Gazette* and in conspicuous places in the constituency, in such form as the Court of Appeal may direct.

34.-(1) If before the hearing of an election petition, a respondent, other than the Electoral Officer, the Returning Officer or Presiding Officer, gives to the Court of Appeal notice in writing signed by him or his Solicitor before the Secretary that he does not intend to oppose the election petition, the Secretary shall -

Notice of  
no opposition  
to petition.

- (a) serve notice thereof on the other parties to the election petition; and
- (b) post or cause to be posted a notice thereof on the notice board.

(2) The respondent shall file the notice with a copy for each other party to the election petition not less than six days before the day appointed for hearing the election petition.

(3) A respondent who has given notice of his intention not to oppose the election petition shall not appear or act as a party against the election petition in any proceeding on it, but the giving of the notice shall not of itself cause him to cease to be a respondent.

35.-(1) Where a notice of -

- (a) the petitioner's intention to apply for leave to withdraw an election petition; or

Countermand  
of notice of  
hearing.

(b) the death of the sole petitioner or the survivor of several petitioners; or

(c) the respondent's intention not to oppose an election petition,

is received after notice of hearing of the election petition has been given, and before the hearing has begun, the Secretary shall forthwith countermand the notice of hearing.

(2) The countermand shall be given in the same manner and, as near as may be, as the notice of hearing.

Discretion of  
Court of Appeal  
if no reply.

36. Where the respondent has not entered an appearance, or has not filed his reply within the prescribed time or within such time as the Court of Appeal may have allowed, or has given notice that he does not intend to oppose the petition, then if -

(a) there remains no more than one other candidate in the election who was not returned; or

(b) the election petition contains no prayer for a determination that the election was void; or

(c) there are no facts or grounds stated in the election petition or in the reply, if any, or stated in any further particulars filed in the proceedings or otherwise appearing on proof of which it ought to be determined that the election was void; or

(d) the election petition is one complaining of an undue return and claiming the seat or office for the candidate who was not returned and the respondent has not raised any formal or written objections to any of the votes relied on by the petitioner,

the Court of Appeal may, if it thinks fit, determine the proceedings on the election petition without hearing evidence or further evidence, and in any case, the proceedings shall be continued and determined on such evidence or otherwise as the Court of Appeal

may deem necessary for the full and proper determination of the election petition.

37.-(1) The fee payable on the presentation of an election petition shall not be less than ₦600.

Fees.

(2) A hearing fee shall be payable for the hearing at the rate of ₦40 per day of the hearing but not exceeding ₦200 in all, but the Court of Appeal may direct a lower fee to be charged for any day of the hearing.

(3) For the purpose of sub-paragraph (2) of this paragraph, the petitioner shall make a deposit of not less than ₦200 at the time of presenting his petition.

(4) Subject to the provisions of this paragraph, the fees payable in connection with an election petition shall be at the rate prescribed for civil proceedings in the Federal High Court.

(5) No fees shall be payable by the Attorney-General of the Federation (acting in person or through any other Legal Officer) or by a respondent who was the Electoral Officer, Returning Officer or Presiding Officer at the election.

(6) No fees shall be payable for the summoning of witnesses summoned by the Court of Appeal at its own instance.

(7) A charge payable for the service of *subpoena* on a witness may be paid by the Secretary in the same way as a State witness' expenses.

38.-(1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the election petition in such manner and in such proportions as the Court of Appeal may determine, regard being had to -

Allocation  
of costs.

(a) the disallowance of any costs, charges or expenses which may in the opinion of the Court of Appeal have been

caused by vexatious conduct, unfounded allegation or unfounded objection on the part of the petitioner or of the respondent, as the case may be; and

(b) the discouragement of any needless expenses by throwing the burden of defraying the expenses on the party by whom it has been caused, whether that party is or is not on the whole successful.

(2) Where the Court of Appeal declares an election to be void, it may, if satisfied that the invalidity of the election was due either wholly or in part to the culpable default of an officer responsible for the conduct of the election in the performance of his duties imposed by this Decree, order that the whole or part of the cost awarded to the successful petitioner be paid by that officer.

Return of  
security.

39. Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it is deposited or to the person entitled to receive it by order of the Court of Appeal, which may be made on motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Court of Appeal may require.

Payment of  
costs out  
of security.

40.-(1) The Court of Appeal may, on application made by a person to whom any costs, charges or expenses is payable, order it to be paid out of a deposit made to secure it, after notice to the party by or on whose behalf the deposit was made, requiring him to file a statement within a specified time whether he opposes the application and the ground of his opposition.

(2) Where a dispute arises on an application under subparagraph (1) of this paragraph, the Court of Appeal shall afford every person affected by the dispute an opportunity of being heard and shall make such order thereon as it may deem fit.

(3) A person shall be deemed to have been afforded the opportunity of being heard if notice of the time appointed for the inquiry into the dispute was given to him, though the person may not have been present at the making of the inquiry.

(4) A notice to be given to a person under this paragraph may be given by the Secretary handing him the notice or sending it to him by registered letter -

(a) in the case of a party, at the address for service ;

(b) in the case of an application for payment, at the address given in his application,

so however, that the provisions of this sub-paragraph shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorised by the Court of Appeal.

(5) Execution may be levied under an order for payment made by the Court of Appeal under this paragraph in the same manner and to the same extent as execution may be levied under a judgment for the payment of money.

41.-(1) On the hearing of an election petition, the Court of Appeal may summon a person as a witness who appears to the Court of Appeal to have been concerned in the election.

Calling of  
witnesses.

(2) The Court of Appeal may examine a witness so summoned or any other person in the Court of Appeal although the witness or person is not called and examined by a party to the election petition, and thereafter he may be cross-examined by or on behalf of the petitioner and the respondent.

(3) The expenses of a witness called by the Court of Appeal at its own instance shall, unless the Court of Appeal otherwise orders, be deemed to be costs of the election petition and may, if the Court of Appeal so directs, be paid in the first instance by the Secretary in the same way as State witness' expenses and recovered in such manner as the Court of Appeal may direct.

(4) Where the Court of Appeal summons a person as a witness under this paragraph, the provisions of the relevant Civil Procedure Rules relating to the expenses of persons ordered to attend a hearing shall apply as if they were part of this paragraph.

(5) The Court of Appeal shall -

(a) in making and carrying into effect an 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

(b) in the examination of any witness who produces or will produce a document,

ensure that the way in which the vote of a particular person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the Court of Appeal to be invalid.

Privileges of  
a witness.

42.-(1) A person called as a witness in a proceeding in the Court of Appeal shall not be excused from answering a question relating to an offence at or connected with an election on the grounds that the answer thereto may incriminate or tend to incriminate him, or on the ground of privilege.

(2) A witness who answers truly all questions which he is required by the Court of Appeal to answer shall be entitled to receive a certificate of indemnity under the hand of the Presiding Justice of the Court of Appeal stating that the witness has so answered.

(3) An answer by a person to a question before the Court of Appeal shall not, except in the case of a criminal proceeding for perjury in respect of the answer, be admissible in any proceeding, civil or criminal, in evidence against him.

(4) When a person has received a certificate of indemnity in relation to an election and legal proceedings are at any time brought against him for an offence against the provisions of this Decree, committed by him prior to the date of the certificate at or in relation to that election, the Court of Appeal having cognizance of the case shall, on proof of the certificate, stay the proceeding, and may, at its discretion, award to that person such costs as he may have been put to in the proceeding.

43. At the hearing of an election petition complaining of an undue return and claiming the seat on office for a petitioner, the respondent may, subject to the provisions of sub-paragraph (2) of paragraph 13 of this Schedule, give evidence to prove that the election of the petitioner was undue in the same manner as if he had the person presenting the election petition complaining of the election.

Evidence by respondent.

44.-(1) The Court of Appeal shall have power, subject to the provisions of section 49 of this Decree and paragraph 15 of this Schedule, to enlarge time for doing any act or taking any proceeding on such terms (if any) as the justice of the case may require except otherwise provided by any other provision of this Schedule.

Enlargement and abridgement of time.

(2) An enlargement of time may be ordered although the application for the enlargement is not made until after the expiration of the time appointed or allowed.

(3) When the time for delivering a pleading or document or filing any affidavit, answer or document, or doing any thing or act is or has been fixed or limited by any of the sections, paragraphs or rules under or in pursuance of this Decree or by a direction or an order of the Court of Appeal, the costs of an application to extend the time, where allowed or of an order made thereon shall be borne by the party making the application, unless the Court of Appeal otherwise orders.

(4) Every application for enlargement or abridgement of time shall be supported by affidavit.

(5) An application for abridgement of time may be made *ex parte*, but the Court of Appeal may require notice of the application to be given to the other parties to the election petition.

(6) An application for enlargement of time shall be made by motion after notice to the other party to the election petition but the Court of Appeal may, for good cause shown by affidavit or otherwise, dispense with the notice.



(7) A copy of an order made for enlargement or abridgement of time shall be filed or delivered together with any document filed or delivered by virtue of the order.

Service of  
notice.

45.-(1) Where a summons, notice or document, other than a notice or document mentioned in sub-paragraph (1) of paragraph 8 of this Schedule, is required to be served on a person for a purpose connected with an election petition, it may be served by delivering it to the person or by leaving it at his last known place of abode in the constituency with any person there found who is a resident of the abode and appears to be 18 years of age or more.

(2) After a party has given an address for service it shall be sufficient if, in lieu of serving him personally with a document intended for him, the document is served -

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

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

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

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

(3) A party may change his address for service by giving notice of his new address for service and its occupier to the Secretary and to each party to the election petition, but until a notice is received by the Secretary, his old address for service shall continue to be his address for service.

(4) Where service by one of the modes specified in this paragraph has proved impracticable, the Court of Appeal may, on

being satisfied, on an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect service -

(a) order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules relating to substituted service which service shall be sufficient; or

(b) dispense with service or notice as the Court of Appeal may think fit.

46. Two or more candidates may be made respondents to the same petition and their case may, for the sake of convenience be heard at the same time, but for all purposes (including the taking of security) the election petition shall be deemed to be a separate petition against each of the respondents.

Two or more  
candidates as  
respondents.

47. Where two or more petitions are presented in relation to the same election or return, all the petitions shall be consolidated, considered and be dealt with as one petition unless the Court of Appeal shall otherwise direct in order to do justice or an objection *in limine* against one or more of the petitions has been upheld by the Court of Appeal.

Consolidation  
for petitions.

48.-(1) Where an election petition complains of the conduct of an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission, he shall for all purposes be deemed to be a respondent and joined in the election petition as a necessary party, but an Electoral Officer, a Presiding Officer or Returning Officer shall not be at liberty to decline from opposing the petition except with the written consent of the Attorney-General of the State concerned or Attorney-General of the Federation, as the case may be.

Electoral  
Officer, etc  
as respondent.

(2) If consent is withheld by the Attorney-General under sub-paragraph (1) of this paragraph, the State Government or the Federal Government shall indemnify the Electoral Officer, Presiding Officer or Returning Officer against any costs which may be awarded against him by the Court of Appeal in respect of the election petition.

(3) Where an Electoral Officer, a Presiding Officer or Returning Officer or any other official of the Commission has been joined as a respondent in an election petition, a legal officer of the Commission or a legal practitioner engaged by the Commission or the Attorney-General of the State concerned (acting in person or through any of his legal officers) or Attorney-General of the Federation (acting in person or through any of his legal officers) shall represent the Electoral Officer, Presiding Officer, Returning Officer or other official at the Court of Appeal.

(4) A private legal practitioner engaged by the Commission under sub-paragraph (3) of this paragraph shall be entitled to be paid his professional fees, and a legal officer so engaged shall be paid such honorarium as may be approved by the Commission.

Duplicate of documents.

49. In the absence of express provision in this Schedule, a party filing any document or process paper in connection with any step being taken in the proceedings of an election petition shall, unless the Secretary otherwise directs, leave with the Secretary copies of the document or process paper for service on each of the parties to the election petition in addition to three copies which the Secretary may preserve.

Non-compliance with rules, etc.

50.-(1) Non-compliance with any of the provisions of this Schedule, or with a rule of practice for the time being operative, except otherwise stated or implied, shall not render any proceeding void, unless the Court of Appeal so directs, but the proceeding may be set aside wholly or in part as irregular, or amended, or otherwise dealt with in such manner and on such terms as the Court of Appeal may think fit and just.

(2) An application to set aside an election petition or a proceeding resulting therefrom for irregularity or for being a nullity, shall not be allowed unless made within a reasonable time and when the party making the application has not taken any fresh step in the proceedings after knowledge of the defect.

(3) An application to set aside an election petition or a proceeding pertaining thereto shall show clearly the legal grounds on which the application is based.

(4) An election petition shall not be defeated by an objection as to form if it is possible at the time the objection is raised to remedy the defect either by way of amendment or as may be directed by the Court of Appeal.

(5) An objection challenging the irregularity or competence of an election petition shall be heard and determined before any further steps in the proceedings if the objection is brought immediately the defect on the face of the election petition is noticed.

51. Subject to the express provisions of this Decree, the practice and procedure of the Court of Appeal in relation to an election petition shall be as nearly as possible, similar to the practice and procedure of the Federal High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules shall apply with such modifications as may be necessary to render them applicable having regard to the provisions of this Decree, as if the petitioner and the respondent were respectively the plaintiff and the defendant in ordinary civil action.

Application of  
Rules of Court.

52. Subject to the provisions of this Decree, an appeal to the Supreme Court shall be determined in accordance with the practice and procedure relating to appeals in the Supreme Court regard being had to the need for urgency on electoral matters.

Practice and  
procedure of  
Supreme Court.

**SCHEDULE 5**

*Section 24*

**FORM C.F. 001**

Confidential:

**INDEPENDENT NATIONAL ELECTORAL COMMISSION**

Code of Constituency .....

Name of Constituency .....

**Personal particulars of persons seeking election to the  
Office of the President, Federal Republic of Nigeria.**

**PART 1**

Office being contested for:.....  
.....

**A. PERSONAL PARTICULARS**

1. Surname (in block letters) .....
2. Other Names (in block letters).....
3. Former name(s) by which known: .....
4. Residential Address .....
5. Marital Status .....
6. Postal Address:.....
7. Nationality .....
8. Did you change nationality in the past? If so what was  
your former nationality?.....
9. Place of Birth: .....
10. Date of Birth: .....
11. Local Government Area/Area council.....
12. Ward: .....
13. State .....

14. Are you an indigene of 12 above:.....
15. How long have you been domiciled in 12 above.....
16. Occupation?.....  
.....

**B. EDUCATION INSTITUTIONS ATTENDED WITH DATES**

1. Primary Schools .....  
.....  
.....
2. Secondary Schools (including Teachers, Commercial, Technical and equivalent institutions).....  
.....  
.....  
.....
3. Tertiary Institutions (including Universities And Colleges) .....  
.....  
.....  
.....

**C. EDUCATIONAL QUALIFICATION WITH DATES:**

.....  
.....  
.....

**D. WORKING EXPERIENCE WITH DATES (State employer, nature of work, reason for leaving) .....**

.....  
.....  
.....  
.....

**E. POLITICAL EXPERIENCE AND ACTIVITIES:**

(State political activities involved in, in  
the past, public offices held, reason for leaving  
with dates (use additional sheet if necessary) .....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

**F. GENERAL**

1. Have your ever been tried in a Court or Tribunal for any criminal  
offence? If yes, give details: .....  
.....  
.....  
.....

2. Have you ever been tried by the Code of Conduct Tribunal? If yes, state  
details of the charges and the findings of the Tribunal, including  
punishment, if any .....  
.....  
.....

3. Have your ever been involved in any trial relating to narcotic drugs or any  
psychotropic substance ? If so, state place of trial, date and the outcome  
of the trial: .....  
.....  
.....  
.....

4. Have you ever been involved in any investigation or inquiry regarding lunacy ? If yes, give details: .....  
.....  
.....  
.....
5. State with full details the names and addresses of Clubs, Societies, Associations or Unions you belong to or have belonged to in the past (use additional sheets if necessary): .....  
.....  
.....
6. Have you ever been involved in any bankruptcy proceedings. If so, state where proceedings took place and the findings of the inquiry: .....  
.....  
.....
7. The name of your Political Party and your position in it: .....  
.....  
.....
8. Where have you paid your taxes in the last three years ? State the amount paid and the receipt numbers or tax clearance certificate: .....  
.....  
.....
9. Are you a registered voter ? If so, state place of registration, registration number and the registration area code number: .....  
.....  
.....  
.....  
.....



10.. Give any other information about your person:

.....  
.....  
.....

**G. DECLARATION BEFORE A COMMISSIONER OF OATHS, IN  
THE MAGISTRATE OR HIGH COURT OF THE PLACE YOU  
LIVE.**

1. I solemnly and sincerely declare that the particulars given above  
are true and correct to the best of my knowledge.
2. Before making the declaration, I verified the facts and cross-  
checked them as to their veracity.

.....  
**DEPONENT**

Sworn to at the Magistrate/  
High Court Registry .....  
this ..... day ..... 1999

**BEFORE ME:**

.....  
**COMMISSIONER FOR OATHS**

**PART II**

**H. FOR OFFICIAL USE OF THE COMMISSION**

(Here record any independent information obtained or available about the  
subject).



FORM C.F. 003

INDEPENDENT NATIONAL ELECTORAL COMMISSION  
PRESIDENTIAL ELECTION

RETURN OF LIST OF CANDIDATES DECLARED  
QUALIFIED TO CONTEST ELECTION

DATE:.....

NAME OF POLITICAL PARTY: \_\_\_\_\_

STATE: \_\_\_\_\_

LOCAL GOVERNMENT/AREA COUNCIL \_\_\_\_\_

S/NO	NAME OF CANDIDATE	AGE	SEX	HOME ADDRESS	WARD OR CONSTITUENCY	POST SOUGHT TO CONTEST	PARTICULARS OF DISQUALIFICATION	REMARK

**FORM C.F. 004**

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
PRESIDENTIAL ELECTION**

## RETURN OF LIST OF CANDIDATES DECLARED NOT QUALIFIED TO CONTEST ELECTION

**DATE:**.....

NAME OF POLITICAL PARTY: \_\_\_\_\_

STATE: \_\_\_\_\_

**LOCAL GOVERNMENT/AREA COUNCIL**

[illegible]

(INEC LOGO)

FORM EC. 4C

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
FORMS FOR NOMINATION OF PRESIDENT**

To:

**The Chairman,  
Independent National Electoral Commission,  
Abuja.**

Date .....

I .....  
of .....  
(Address)

.....  
(Occupation)

hereby state that:

1. I am the candidate to whom this nomination paper relates and I am willing to stand for election to the Office of President of the Federal Republic of Nigeria.
2. I am a Nigerian citizen of not less than 40 years of age.
3. I have paid my income tax as and when due for three years immediately preceding the years of the election.
4. My name appears on the official list of voters for the ward in which I reside namely:  
..... ward.
5. My educational qualifications are:  
.....  
.....
6. I hereby wish to nominate .....  
..... as the Vice President for the purpose of contesting the said election as my running mate.
7. In the event of a contested election, my Political affiliation and Party is.  
.....

Signed: .....  
Candidate for President

Signed: .....  
Candidate for Vice-President

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

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of First Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Second Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Third Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fourth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Sixth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Seventh Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Eighth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Ninth Nominator**



Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Tenth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Eleventh Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twelfth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Thirteenth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fourteenth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifteenth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Sixteenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Seventeenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Eighteenth Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Nineteenth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twentieth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twenty one Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twenty Second Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twenty Third Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twenty Fourth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twenty Fifth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twenty Sixth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twenty Seventh Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twenty-Eighth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Twenty-Ninth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Thirtieth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Thirty-First Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Thirty-Second Nominator

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

Voter's Registration Particulars:

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
Signature of Thirtieth-Third Nominator



Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Thirtieth-Fourth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Thirty-Fifth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Thirty-Sixth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Thirty-Seventh Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Thirty-Eighth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Thirty-Ninth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Thirty-Ninth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fortieth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Forty-First Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Forty-Second Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Forty-Third Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Forty-Fourth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Forty-Fifth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Forty-Sixth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Forty-Seventh Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Forty-Eighth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Forty-Ninth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fiftieth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifty-First Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifty-Second Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifth-Thirty Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifty-Fourth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifty-Fifth Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifty-Sixth Nominator**



Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifty-Seventh Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifth-Eight Nominator**

Name: .....  
Address: .....  
Party Affiliation (if any): .....  
Occupation: .....

**Voter's Registration Particulars:**

Number: .....  
Local Government: .....  
Ward: .....  
Registration Unit: .....  
Date: .....

.....  
**Signature of Fifty-Ninth Nominator**

Name: .....

Address: .....

Party Affiliation (if any): .....

Occupation: .....

**Voter's Registration Particulars:**

Number: .....

Local Government: .....

Ward: .....

Registration Unit: .....

Date: .....

.....  
Signature of Sixtieth Nominator

**FORM EC. 5**

**(I.N.E.C. LOGO)**

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
CHIEF ELECTORAL OFFICER'S RULING AS TO  
VALIDITY OF NOMINATION**

.....  
.....  
.....

Take notice that a nomination paper received by me on .....in your favour  
has been accepted/rejected by me upon the following grounds:

.....  
.....  
.....

Dated:..... day of ..... 19.....

.....  
Chairman

**INDEPENDENT NATIONAL ELECTORAL COMMISSION**

\* Strike out words not applicable.

FORM EC. 8A

(I.N.E.C. LOGO)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
STATEMENT OF RESULT OF POLL  
(ELECTION OF PRESIDENT)**

POLLING STATION: ..... CODE NO: .....  
WARD: ..... CODE NO: .....  
LOCAL GOVERNMENT AREA: ..... CODE NO: .....  
STATE: ..... CODE NO: .....

NO OF VOTERS ON THE REGISTER IN FIGURES: [ ]  
NO OF VOTERS ON THE REGISTER IN WORDS: .....  
NO OF ACCREDITED VOTERS IN FIGURES: [ ]  
NO OF ACCREDITED VOTERS IN WORDS: .....  
NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN FIGURES: [ ]  
NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN WORDS: .....  
SERIAL NUMBERS OF BALLOT PAPERS ISSUED TO THE POLLING STATION... TO ...  
SERIAL NUMBERS OF BALLOT PAPERS ISSUED TO VOTERS ..... TO .....  
SERIAL NUMBERS OF THE BALANCE OF UNUSED BALLOT PAPERS..... TO .....

I, ..... hereby certify:

1. That I was the Presiding Officer for the election held on ..... day of .... 1999 at the above Polling Station.
2. That the election was **CONTESTED/UNCONTESTED**.
3. That the candidates received the following votes:

AD	Votes scored in figures: [ ] votes scored in words: .....
APP	Votes scored in figures: [ ] votes scored in words: .....
PDP	Votes scored in figures: [ ] votes scored in words: .....

No. of Valid Votes ..... [ ]

No. of Invalid Votes ..... [ ]

Votes scored by all candidates in figures ..... [ ]

Votes scored by all candidates in words .....

Dated this ..... day of ..... 1999

Name of Presiding Officer ..... Sign/Stamp .....

Name/Sign of AD Agent

Name/Sign of APP Agent

Name/Sign PDP Agent

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
SUMMARY OF RESULTS FROM POLLING STATIONS  
FOR ELECTION TO THE OFFICE OF PRESIDENT**

STATE: ..... CODE: ..... LOCAL GOVERNMENT AREA: ..... CODE: ..... LEVEL OF COLLECTION: ..... WARD: .....

NAME OF WARD: ..... CODE: .....

POLLING STATIONS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		
S/NO	CODE	NAME	A D		A P P		P D P		TOTAL
			Name of Candidate		Name of Candidate		Name of Candidate		VOTES
			in fig	in words	in fig .	in words	in fig	in words	CAST
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									

14.									
15.									
16.									
17.									
18.									
19.									
20.									
21.									
22.									
23.									
24.									
25.									
TOTAL NO OF VOTES									

NAME OF WARD COLLATION OFFICER: ..... SIGNATURE: ..... STAMP .....

NAME AND SIGNATURE OF PARTY AGENT: .....

AD

APP

PDP

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
SUMMARY OF RESULTS FROM STATES  
ELECTION TO THE OFFICE OF PRESIDENT**

LEVEL OF COLLECTION:.....

NATIONAL.....

STATES			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		
S/NO	CODE	NAME	A D		A P P		P D P		TOTAL
			Name of Candidate		Name of Candidate		Name of Candidate		VOTES
			in fig	in words	in fig	in words	in fig	in words	CAST
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

18.									
19.									
20.									
21.									
22.									
23.									
24.									
25.									
TOTAL		NO	OF	VOTES					

PRESIDENTIAL RETURNING OFFICER: ..... SIGNATURE: ..... STAMP .....

NAME AND SIGNATURE OF PARTY AGENT: .....

AD

APP

PDP



**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
SUMMARY OF RESULTS FROM LOCAL GOVERNMENT AREA  
ELECTION TO THE OFFICE OF PRESIDENT**

STATE: ..... CODE: ..... LOCAL GOVERNMENT AREA: ..... CODE: ..... LEVEL OF COLLECTION: .....

STATE: .....

LOCAL GOVERNMENT AREAS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		
S/NO	CODE	NAME	A D		A P P		P D P		TOTAL
			Name of Candidate		Name of Candidate		Name of Candidate		VOTES
			in fig	in words	in fig	in words	in fig	in words	CAST
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

18.									
19.									
20.									
21.									
22.									
23.									
24.									
25.									
TOTAL NO		OF		VOTES					

NAME OF STATE RETURNING OFFICER: ..... SIGNATURE: ..... STAMP .....

NAME AND SIGNATURE OF PARTY AGENT: .....  
AD APP PDP

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
SUMMARY OF RESULTS FROM WARDS  
ELECTION TO THE OFFICE OF PRESIDENT**

STATE: ..... CODE: ..... LOCAL GOVERNMENT AREA: ..... CODE: ..... LEVEL OF COLLECTION: ..... LOCAL GOVERNMENT AREA: .....

LOCAL GOVERNMENT AREAS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		TOTAL
S/NO	CODE	NAME	A D		A P P		P D P		VOTES CAST
			Name of Candidate		Name of Candidate		Name of Candidate		
			in fig	in words	in fig	in words	in fig	in words	
1.									
2.									
3.									
4.									
5.									
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9.									
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11.									
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16.									
17. \									

18.									
19.									
20.									
21.									
22.									
23.									
24.									
25.									
TOTAL NO OF VOTES									

NAME OF LOCAL GOVERNMENT COLLATION OFFICER: ..... SIGNATURE: ..... STAMP .....

NAME AND SIGNATURE OF PARTY AGENT: .....  
AD APP PDP

**FORM EC. 8E**

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
DECLARATION OF RESULTS OF ELECTION  
(ELECTION TO THE OFFICE OF PRESIDENT)**

**PART I**

(To be completed by the Returning Officer)

I, .....hereby certify:-

1. That I was the Returning Officer for the Presidential election held on the ..... day of ..... 1999..... for .....State.....
- 2 That the election was CONTESTED/UNCONTESTED.
3. That the candidate received the following votes:

NAME OF CANDIDATE	PARTY	TOTAL VOTES RECEIVED BY CANDIDATE/PARTY	
		IN FIGURES	IN WORDS
	AD		
	APP		
	PDP		

**PART II**

**(TO BE COMPLETED BY THE RESIDENT ELECTORAL COMMISSIONER OR ANY OTHER PERSON DESIGNATED BY THE CHIEF ELECTORAL OFFICER OF THE FEDERATION)**

4. That .....of .....having complied with the requirements of the law and scored the majority of votes, is hereby returned elected.

Signature of Returning Officer:.....

Dated this.....day of .....1999.

**INDEPENDENT NATIONAL ELECTORAL COMMISSION  
ELECTION TO THE OFFICE OF PRESIDENT**

**CERTIFICATE OF RETURN OF ELECTION UNDER THE  
PRESIDENTIAL ELECTION (BASIC CONSTITUTIONAL AND  
TRANSITIONAL PROVISIONS) DECREE 1999**

I hereby certify that the President elect for the Federal Republic of Nigeria in the election held on the ..... day of.....19....

is .....  
(State the full names of the President)

of: .....  
(State the full address of the President)

**DATED** this ..... day of.....19.....

---

**INDEPENDENT NATIONAL ELECTORAL COMMISSION**

FORM TF.001

**PRESIDENTIAL ELECTION (BASIC CONSTITUTIONAL AND  
TRANSITIONAL PROVISIONS) DECREE 1999  
IN THE COURT OF APPEAL**

**HOLDEN AT .....**

**Suit No.....**

**RECEIPT OF PETITION**

**BETWEEN:**

.....} Petitioner(s)  
.....}

**AND**

.....} Respondent(s)  
.....}

Received on the .....day of ..... 19.... at the Registry of the Court of  
Appeal, a petition touching the election of ....., to the Office of President  
purporting to be signed by .....

(Insert name of Petitioner)

Dated at .....this..... day of ..... 19.....

.....  
Secretary

For Service on:

Petitioner:

.....  
.....  
.....  
.....

FORM TF.002

**PRESIDENTIAL ELECTION (BASIC CONSTITUTIONAL AND  
TRANSITIONAL PROVISIONS) DECREE 1999  
IN THE COURT OF APPEAL**

**PETITION**

Suit No:.....

The election to the ..... for the ..... Constituency held  
on the ..... day of ..... 19.....

*Between*

A.B.....)Petitioner(s)  
C.D.....)

*And*

E.F.....)Respondent(s)  
G.H.....)

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.

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 ....., (here state in like 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. (and C.D) and E.F. (and G.H.) were candidate(s).
3. And your petitioner(s) state(s) that (here state facts and grounds on which the petitioner(s) rely).  
.....  
.....



FORM T.F 003

**PRESIDENTIAL ELECTION (BASIC CONSTITUTIONAL AND  
TRANSITIONAL PROVISIONS) DECREE 1999**

**IN THE COURT OF APPEAL**

**NOTICE OF PRESENTATION OF PETITION**

HOLDEN AT .....

PETITION NO. ....

Suit No:.....

*Between*

.....)Petitioner(s)  
.....)

*And*

.....)Respondent(s)  
.....)

To Respondents (s):

**TAKE NOTICE** that a petition, a duplicate whereof is attached hereto, has this day been presented in the Registry of the Court of Appeal named above and that you are to enter an appearance in respect of the petition to the said Registry within ..... days of the date when this notice was left at your address set out below, or as the Court may direct by order under paragraph 9(2) of Schedule 4 to this Decree, otherwise proceedings on the petition may be continued and determined in default of your appearance, and any document intended for you may be posted up on the notice board, which shall be sufficient notice thereof.

Dated this ..... day of ..... 19 .....

Secretary

To .....  
.....  
.....

Wherefore your petitioner(s) pray(s) that it may be determined that the said E.F. (and G.H.) was (were) not duly elected (or returned) and that the (or his) election was void or that the said A.B. (and C.D.) was (were) elected and ought to have been returned, or as the case may be.

Signed.....A.B.  
.....C.D.

Address for services (within 5 kilometres)  
of a post office within the Judicial  
Division.....  
.....

The name of my (or our) Solicitor is.....  
or I (or we) am (or are) acting for myself (or ourselves)

Signed. ....A.B. Petitioner(s)  
.....C.D.

Signed before me this ..... day of ..... 19 .....

.....  
Secretary

FORM T.F 005

**PRESIDENTIAL ELECTION (BASIC CONSTITUTIONAL AND  
TRANSITIONAL PROVISIONS) DECREE 1999**

**IN THE COURT OF APPEAL**

**HOLDEN AT.....**

**Suit No.....**

**NOTICE OF HEARING**

*Between*

.....) Petitioner(s)  
.....)

*And*

.....) Respondent(s)  
.....)

The petition of ..... (Petitioner) of ..... (or of  
.....of..... and ..... (Petitioners) as the case may be)  
whose name are subscribed.

**TAKE NOTICE** that the above election petition will be heard at .....on  
..... the ..... day of ..... 19.... and on such other days as the Court  
of Appeal may determine.

Dated this ..... day of ..... 19 .....

.....  
**Secretary**

**Address For Service:**

**Petitioner:**

.....  
.....  
.....

**Respondent:**

.....  
.....  
.....

FORM T.F 004

**PRESIDENTIAL ELECTION (BASIC CONSTITUTIONAL AND  
TRANSITIONAL PROVISIONS) DECREE 1999  
IN THE COURT OF APPEAL**

**HOLDEN AT:.....**

**Suit No.....**

**MEMORANDUM OF APPEARANCE**

*Between*

.....)Petitioner(s)  
.....)

*And*

.....)Respondent(s)  
.....)

To: The Secretary,

.....Court of Appeal

Please enter appearance for .....

who is .....

in the above election petition:

The name and address of his Solicitor are as follows -

.....  
.....  
.....

Dated this ..... day of ..... 19 .....

.....  
Signed:

For Service on:  
Petitioner:

.....  
.....

FORM TF.006

**PRESIDENTIAL ELECTION (BASIC CONSTITUTIONAL AND  
TRANSITIONAL PROVISIONS) DECREE 1999**

**IN THE COURT OF APPEAL**

**HOLDEN AT .....**

**Suit No:.....**

**NOTICE OF MOTION TO WITHDRAW PETITION**

**PETITION NO .....**

*Between*

.....)Petitioner(s)  
.....)

*And*

.....)Respondent(s)  
.....)

**TAKE NOTICE** that this Honourable Court will be moved on ..... the  
.....day of ..... 19.... at the hour of 9 o'clock in the forenoon or as soon  
thereafter as the Petitioner or Counsel on his behalf can be heard praying the  
Court for an order enabling the Petitioner to withdraw the above petition on  
the following grounds:

.....  
.....

Dated at ..... this .....day of .....

.....  
Petitioner(s) or Solicitor

For Service on.

.....  
.....  
.....

**MADE** at Abuja this 17th day of February 1999.

**GENERAL ABDULSALAMI ALHAJI ABUBAKAR,**  
*Head of State, Commander-in-Chief  
of the Armed Forces,  
Federal Republic of Nigeria.*

**EXPLANATORY NOTE**

*(This note does not form part of the above Decree but is intended to explain its purport).*

The Decree provides, among other things -

(a) for the conduct of elections to the Office of President;  
and

(b) for offences and penalties and the determination of questions relating to the elections.

