



# REVIEW OF THE ELECTORAL ACT AMENDMENT BILL 2021 IN LIGHT OF INEC PROPOSALS

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# **REVIEW OF THE ELECTORAL ACT AMENDMENT BILL 2021 IN LIGHT OF INEC PROPOSALS**

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## **About The Electoral Hub**

The Electoral Hub, an organ of the Initiative for Research, Innovation and Advocacy in Development (IRIAD), is a multidisciplinary strategic think-tank which seeks to provide solutions to improve the credibility and integrity of the electoral process. The Electoral Hub complements the roles and activities of the different institutions, stakeholders and drivers of the electoral process and governance. The Electoral Hub's aim is to strengthen electoral governance and accountability in Nigeria through research, documentation, electoral education, policy and legal influencing and impact advocacy. We believe that the integrity of the electoral process is crucial in improving the electoral governance and sustaining democracy in Nigeria. We also believe in solutions rooted in the principles of justice and equity.

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**Knowledge + Innovation + Inclusion**

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## **ACRONYMS**

APC	All Progressives Congress
CSOs	Civil Society Organisations
ECES	European Centre for Electoral Systems
EMB	Electoral Management Body
FCDO	Foreign, Commonwealth and Development Office
IDPs	Internally Displaced Persons
IFES	International Foundation for Electoral Systems
INEC	Independent National Electoral Commission
IRIAD	Initiative for Research, Innovation and Advocacy in Development
NASS	National Assembly
NCC	Nigerian Communications Commission
PLAC	Policy and Legal Advocacy Centre
PVCs	Permanent Voter Cards
PWDs	Persons with Disabilities

## INTRODUCTION

In preparation for the February 2023 elections in Nigeria and the forthcoming Anambra governorship elections in November 2021, the calls for electoral reform have been rampant. Since the beginning of the 2019-2023 electoral cycle, the ninth National Assembly has been undergoing a comprehensive process to enact the Electoral Act Amendment Bill 2021, which will repeal the Electoral Act 2010.

During the process of drafting this Bill, the Independent National Electoral Commission (INEC) held various retreats with the relevant committees in the National Assembly, including:

- a two-day retreat in Lagos in March 2020 supported by the European Centre for Electoral Support (ECES) and the International Foundation for Electoral Systems (IFES).<sup>1</sup>
- a four-day retreat in Abuja from 7-10 January 2021 supported by Policy and Legal Advocacy Centre (PLAC) and the United Kingdom Foreign, Commonwealth and Development Office (FCDO).<sup>2</sup>
- a two-day retreat in Abuja on 29 and 30 January 2021 supported by PLAC and the FCDO.<sup>3</sup>

These retreats saw INEC present proposals on various clauses in the Bill. Their proposals are also in line with the position that civil society organisations and the general public have been pushing through measures such as townhall meetings.<sup>4</sup> In this paper, we highlight those proposals that were adopted and those that were rejected.

The Bill has now reached harmonisation stage with a Conference Committee set up to harmonise the differences between the version of the Bill passed by the House of Representatives and the version passed by the Senate. In addressing the areas of divergence, we urge members of the Committee to accept the version that was supported by INEC, particularly regarding transmission of results. For those areas that are not currently in the Bill, we urge legislators to consider them in future amendment efforts.

Ultimately, the electoral legal framework sets the tone for the elections and can either make or mar them. INEC, as the primary electoral umpire in the country, is a critical

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<sup>1</sup> Kunle Oderemi. (2020, March 11). INEC, NASS Synergy on Legal Framework for 2023 Elections. *Nigerian Tribune*. <https://tribuneonlineng.com/inec-nass-synergy-on-legal-framework-for-2023-elections/>; EU-SDGN. (n.d.). *INEC Retreat with the National Assembly Committees on INEC and Electoral Matters*. <http://democracy-support.eu/nigeria/posts/inec-retreat-with-the-national-assembly-committee>; INEC. (n.d.). *National Assembly Pledges Commitment to Electoral Reform as INEC calls for Speedy Passage Amendment Bill*. <https://www.inecnigeria.org/national-assembly-pledges-commitment-to-electoral-reforms-as-inec-calls-for-speedy-passage-amendment-bill/>

<sup>2</sup> PLAC. (2021, January 13). *NASS Intensifies Efforts to Pass New Electoral Law*. <https://placng.org/Legist/nass-intensifies-efforts-to-pass-new-electoral-law/>

<sup>3</sup> PLAC. (2021, February 3). *NASS Committees Set to Present Final Draft of Electoral Bill to Plenary*. <https://placng.org/Legist/nass-committees-set-to-present-final-draft-of-electoral-bill-to-plenary>

<sup>4</sup> ECES. (n.d.). *Citizens Townhall on Electoral Reforms*. <https://www.eces.eu/en/posts/citizens-townhall-on-electoral-reforms->

stakeholder as the legal framework will determine the extent and limit of the powers of the Commission. It is against this background that The Electoral Hub, an organ of the Initiative for Research, Innovation and Advocacy in Development (IRIAD), has prepared this review of the Bill in light of INEC's proposals.

# **PROPOSALS FOR AMENDMENT**

During the Lagos retreat, INEC submitted comments and proposals for amendment on almost 80 clauses in the Bill. Some of these proposals were adopted by NASS, while others were rejected. In this section, we highlight some of the important proposals that were adopted, as well as the rejected proposals that we believe should have been adopted.

## **Adopted Proposals**

### **1. Inclusion of PWDs and IDPs**

INEC made proposals aimed at improving inclusivity. NASS adopted the proposal that the Commission should be required to record the names and disability status (disaggregated by type of disability) of those on the voter register (clause 9(1)). This will increase the data available on voters with disabilities and further help the Commission plan to meet their needs.

On INEC's recommendation, the language used for persons with disabilities (PWDs) was also made more inclusive. Instead of referring to them as "blind" as in the original Act, the Bill now refers to them as "voter with visual impairment" (clause 56(1)).

Furthermore, the Electoral Bill originally stated that "voting in any particular election under this Act shall take place on the date and time appointed by the Commission throughout the Federation". INEC proposed that the phrase "throughout the Federation" be removed to accommodate voting by internally displaced persons (IDPs) and this proposal was adopted (clause 47).

The original law which stated that voters shall only vote by personally attending at the polling unit was changed to include "polling unit or voting centres" to accommodate IDP voting (clause 57).

### **2. Political Party Operations**

INEC also made proposals aimed at strengthening internal democracy within parties. NASS adopted the proposal that candidates submitted by parties to INEC must have emerged from validly conducted primaries (clause 31(6)). This is a change from the previous law which stated that the Commission shall not reject or disqualify a candidate for any reason whatsoever. Although this new phrasing does not explicitly give INEC the power to reject candidates, it makes it clear that only candidates who emerge from valid primaries can be submitted. This can be used by aggrieved candidates during litigation.

In order to increase deterrence, NASS also adopted INEC's proposal that the fine for a party which presents the name of an unqualified candidate should be increased from ₦500,000 to ₦10,000,000 (clause 31(8)). This is necessary to discourage parties from sponsoring unqualified candidates.

Also to increase deterrence, INEC proposed stricter penalties for anyone who aids or abets a political party to contravene section 227 of the Constitution, which states:

No person or association shall retain, organise, train or equip any person or group of persons for the purpose of enabling them to be employed for the use or display of physical force or coercion in promoting any political objective or interest or in such manner as to arouse reasonable apprehension that they are organised and trained or equipped for that purpose.

The penalty was increased from a fine of ₦500,000 to ₦5,000,000 and imprisonment for a term of three years to five years (clause 81(2)). These stricter penalties are necessary given the serious nature of the offence.

Similarly, the fine for a political party which, on INEC's request, fails to provide information in connection with any of its activities which may be illegal was increased from ₦500,000 to ₦1,000,000 (clause 84(4)). This increase in fine should encourage compliance from parties.

Furthermore, INEC proposed that parties should be required to maintain a register of their members in both hard and soft copies, and make such register available to the Commission not later than 30 days before their primaries, Congresses or Convention (clause 80(2) and (3)). This proposal has the potential to strengthen internal democracy within parties.

Additionally, NASS adopted INEC's proposal that where a political party is deregistered, no political association should be permitted to use the name, symbol, logo or acronym of the deregistered political party within five years of the deregistration (clause 82(6)). This should ensure that there is no confusion regarding the identity of a party, especially during successive elections.

On INEC's suggestion, political parties' request for merger can no longer be deemed to be effective if the Commission fails to communicate its decision within a specified time. The new law states that where INEC fails to communicate its decision within 60 days, the parties can only challenge the decision in Court within 14 days thereafter (clause 84(4)).

NASS also adopted INEC's proposal that failure of a political party to give the Commission at least 21 days' notice of any convention, congress, conference or meeting convened for the purpose of merger, electing members of the executive committee, or nominating candidates shall render the meeting invalid (clause 85(2)). This penalty should encourage parties to comply with the law, thus strengthening internal party democracy.

To further increase monitoring of political parties, INEC proposed that, in addition to submitting detailed financial statements, parties should also submit hard and soft copies of their list of members (clause 89(1)). This should improve monitoring by the Commission and also strengthen internal democracy within parties.



### 3. Timelines Relating to INEC

INEC proposed specific timelines for certain activities to allow the Commission sufficient time to plan and administer elections. With regard to the release of election funds to INEC, the Commission proposed a timeline of not later than 180 days to the date of the election (clause 3(2)). NASS went further and extended this timeline to not later than one year before the next general election. This is commendable as it allows INEC sufficient time for planning and procurement issues prior to the elections. This should solve the frequent logistics issues that have led to delays in the opening of polls and even postponement of elections in previous years.

INEC also proposed a timeline of not later than 150 days before an election to publish the notice of elections (clause 30(1)). NASS extended this timeline to not later than 360 days. Similarly, INEC proposed a timeline of not later than 120 days before a general election for political parties to submit their candidate list (clause 31(1)). NASS extended this to not later than 180 days. These changes in timelines are necessary to allow parties conduct primaries and submit their candidate list on time, INEC compile the list of candidates and print sensitive materials, and civil society organisation (CSOs) conduct civic and voter education.

NASS also accepted INEC's proposal that the registration of voters, updating and revision of the voter register should stop not later than 90 days before an election (clause 9(5)). This is convenient because it allows INEC sufficient time to review and clean up the register, as well as display the register for citizens to make claims and objections.

Other proposed timelines that were adopted are as follows:

- the deadline for voters to apply for replacement Permanent Voter Cards (PVCs) was changed from 60 days to 90 days before polling day (clause 18(1)).
- the deadline for INEC to display the voter register was changed from 30 days to 90 days before a general election (clause 19(1)).
- the deadline for a candidate to withdraw their candidature was changed from not later than 45 days to not later than 90 days before an election (clause 35), although INEC had originally proposed a timeline of within 21 days after the initial submission.
- the deadline for INEC to issue a Certificate of Return was increased from 7 days to 14 days after an election (clause 75(1)).
- the deadline for an association to register as a political party was changed from not later than 6 months before a general election to not later than 12 months (clause 78(1)).
- the deadline for INEC to notify an association of the reason for their non-registration as a party was changed from within 30 days from the receipt of its application to within 90 days (clause 78(3)).
- the deadline for INEC to register a political association that meets the required conditions as a political party was increased from within 30 days to within 60

days from the date of receipt of the application (clause 78(4)). It must be noted, however, that INEC initially proposed an increase to 90 days.

- the deadline for an association to challenge INEC’s decision not to register it as a political party was changed from within 30 days to within 14 days from the date of receipt of the Commission’s decision (clause 79).<sup>5</sup>
- political parties intending to merge are each required to give INEC nine months’ notice of their intention to do so before a general election, up from 90 days’ notice.
- the deadline for INEC to communicate its decision to parties that have requested a merger is within 60 days from the date of receipt of the formal request, up from 30 days.

These changes in timelines are important for administrative convenience and to give INEC sufficient time to handle logistics.

#### **4. Timelines Relating to Area Council Election Petitions**

INEC also proposed specific timelines for hearing and determination of Area Council election petitions and appeals (clause 135):

- the deadline for filing an Area Council election petition was fixed at 21 days after the date of the declaration of result of the elections.
- the deadline for an Appeal Tribunal to deliver a judgement in writing was fixed at 180 days from the date of the filing of the petition.
- the deadline for an appeal from a decision of an Area Council Election Tribunal to be heard and disposed of was set at 60 days from the date of the delivery of judgement of the Tribunal.

These fixed timelines are necessary to ensure that Area Council election petitions and appeals do not persist for too long.

#### **5. Miscellaneous**

Other miscellaneous proposals that were adopted are as follows:

- Security officials deployed for election duties were included in the election workers who are required to subscribe to the oath of neutrality (clause 28). This will help to promote non-partisanship among security officials covering elections.
- Where a candidate submits false information in an affidavit regarding their constitutional requirements of eligibility, the Court shall not only disqualify the candidate and party, but also declare the candidate with the second highest number of valid votes and who satisfies the constitutional requirement as the

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<sup>5</sup> This is also in conformity with the provisions of section 285(9) of the 1999 Constitution of Nigeria, which states: “Notwithstanding anything to the contrary in this Constitution, every pre-election matter shall be filed not later than 14 days from the date of the occurrence of the event, decision or action complained of in the suit”.

winner of the election (clause 31(6)). INEC had made this suggestion to avoid the waste of public funds to repeat election following the removal of disqualified candidates. It is worth noting, however, that while INEC suggested that candidates should be disqualified if any of the information contained in the affidavit is false, the Bill stipulates that candidates will be disqualified only if the information relating to constitutional requirements of eligibility is false.

- The Commission was given the legal mandate to create Registration Areas in Local Government Areas (clause 42) and Area Councils (clause 105).
- Over voting was defined as “where the votes cast at an election in any polling unit exceeds the number of *accredited* voters” (clause 53). This is a change from the previous law, which defined over voting as where the votes cast exceeds the number of *registered* voters. The new definition should make it easier to identify cases where electoral malpractices have occurred.
- One of the requirements for sending a written request for merger of political parties was changed from “evidence of payment of administrative costs of N100,000 or as may be fixed from time to time by an Act of the National Assembly” to “evidence of payment of administrative fee as may be fixed by the Commission” (clause 84(3)). This use of flexible language is preferable as it gives the Commission the ability to quickly handle administrative issues like change of fees without requiring the National Assembly to pass another law.

## Rejected Proposals

### 1. Mode of Elections

In both the House and Senate versions of the Bill, INEC is given the discretion to determine the mode of voting, which may include electronic voting. It is worth noting, however, that INEC proposed the addition of a proviso to the clause on electronic voting, stating “Notwithstanding the provisions of this Act or any other Law” (clause 52(2)). The justification for this was to allow more flexibility on the method of voting prescribed by the Commission and to ensure that it was not inhibited by any other law. However, this proviso was not adopted.

Nevertheless, the main controversy on the mode of elections relates not to voting but to transmission of election results. The House Bill states that “voting at an election and transmission of result under this Bill shall be in accordance with the procedure determined by the Commission (clause 50(2)). The Senate Bill states that “the Commission may consider electronic transmission of results, provided that the national coverage is adjudged to be adequate and secured by the Nigerian Communications Commission (NCC) and approved by the National Assembly” (clause 51(2)).

During the Lagos retreat, this proviso on results transmission had not been introduced into the draft Bill, so INEC did not make recommendations on it. Nevertheless, in a different clause, INEC proposed that a Collation Officer or Returning officer should be able to collate and announce election results “using manually collated results or electronically transmitted results” (clause 67A). This proposal is acceptable because it does not restrict the Commission and election workers to using one form of results transmission. It is therefore our position that now that the Bill has reached harmonisation stage, the House version of this clause, which gives INEC the discretion to determine the mode of results transmission, should be adopted.

Also relating to election results, INEC proposed that the Commission, rather than the Presiding Officer or Collation Officer, should be able to announce results if there are serious disruptions at the designated locations. However, this power was not given to the Commission. This is worrisome as Presiding Officers and Collation Officers are agents of the Commission and should at all times be subject to the Commission’s directions including in the announcement of results.

Furthermore, INEC proposed that the Commission should have the power to review the declaration and return made by a Returning Officer where it determines that the declaration and return was made under duress or illegally (clause 65). However, this proposal was not adopted. This is worrying as it is a call to violence during elections. There have been situations in previous elections where Returning Officers were forced to declare false results at gun point. It is therefore necessary for INEC to have the power to review such declarations in order for the will of the people to prevail.

## **2. Political Party Operations**

INEC proposed that a party that presents an unqualified candidate to the Commission should, in addition to being fined, have its nomination invalidated by the Commission (clause 31(8)). However, this proposal was rejected. The implication is that INEC still has no power to invalidate candidate nominations by parties – only the courts can do this. This not only encourages underhand dealings within parties but also increases election-related litigations.

INEC also suggested the removal of the provision that a party that meets the required conditions shall be deemed to be registered if it receives no response from the Commission within 60 days of its application date (clause 78(4)). It is undesirable that this provision was not removed because deemed registration means a party can be in existence even though the Commission has not formally included it in its records. This could cause confusion and administrative issues on the part of the Commission. We posit that just as the provision for deemed merger of parties was removed, the provision for deemed registration of parties should also be removed.

## **3. Voter Registration**

INEC proposed amendment to one of the requirements for voter registration to the effect that a person only needs to be ordinarily resident in, *or* work in, *or* originate from the

Local Government, Area Council or Ward covered by the registration centre. However, this proposal was rejected. Consequently, the requirement in the Bill remains that a person must fulfil all three requirements (i.e. be ordinarily resident *and* work in *and* originate from that Local Government, Area Council or Ward) to be registered as a voter. This is regrettable as it makes the requirements for voter registration too onerous. This could have the negative effect of discouraging citizens from participating in the process.

## **CONCLUSION**

We commend the ninth National Assembly for the rigorous process of drafting and consultation that has gone into the Electoral Bill 2021. We especially commend them for adopting INEC's proposals on inclusion of PWDs and IDPs, political party operations, timelines relating to INEC and Area Council election petitions, and other miscellaneous issues.

However, we posit that INEC's proposals relating to the mode of elections, some political party operations, and voter registration should also have been adopted. Although it is now too late to bring new proposals into the Bill which has reached harmonisation state, we urge members of the Conference Committee to support the House version of the Bill relating to transmission of results as this is in line with INEC's proposals.

After the Bill has been harmonised and passed, future amendments to the Bill should also take into account other INEC proposals that were rejected as discussed above. We are confident that these proposals, if adopted, will further improve our electoral legal framework, which should in turn translate to better elections.

## APPENDIX: INEC PROPOSALS IN COMPARISON WITH SELECTED CLAUSES IN THE ELECTORAL BILL 2021

S/N	ISSUE	CLAUSE	INEC PROPOSAL	ELECTORAL BILL	STATUS
1	Establishment of INEC Fund	3(3)	Provided that the funds for General Elections shall be released to the Commission not later than <b>180 days</b> to the date appointed for the elections.	The election funds due to the Commission for any general elections are to be released to the Commission not later than <b>one year</b> before the next general election.	<b>Partly adopted</b>
2	National Register of Voters and Voter Registration	9(1)	The Commission shall Compile, maintain, and update on a continuous basis, a National Register of voters, in this Act referred to as “the register of voters” which shall include the names of all persons entitled to vote in any Federal, State or Local Government or Area Council elections, the names and <b>disability status disaggregated by type of disability</b> .	The Commission shall compile, maintain, and update, on a continuous basis, a National Register of Voters (in this Bill referred to as “the Register of Voters”) which shall include the names of all persons – (a) entitled to vote in any Federal, State, Local Government or FCT Area Council election; and (b) with <b>disability status disaggregated by type of disability</b> .	<b>Adopted</b>

S/N	ISSUE	CLAUSE	INEC PROPOSAL	ELECTORAL BILL	STATUS
3	National Register of Voters and Voter Registration	9(6)	The registration of voters, updating and revision of the Register of Voters under this Act shall stop <b>not later than 90 days</b> before the General Elections.	The registration of voters, updating and revision of the Register of Voters under this section shall stop <b>not later than 90 days</b> before any election covered by this Bill.	<b>Adopted</b>
4	Qualification for Registration	12(1)	A person shall be qualified to be registered as a voter if such a person [...] is <b>ordinarily resident or, works in or originates</b> from the Local Government/Area Council or Ward covered by the registration centre.	A person shall be qualified to be registered as a voter if such a person [...] is <b>ordinarily resident, works in, originates</b> from the Local Government, Area Council or Ward covered by the registration centre.	<b>Not adopted</b>
5	Replacement of Permanent Voter Cards	18(1)	Whenever a voter's card is lost, destroyed, defaced, torn or otherwise damaged, the owner of such card shall, <b>not later than ninety (90) days before polling day</b> , apply in person to the Electoral Officer or any other person duly authorized for that purpose by the Resident Electoral Commissioner, stating the circumstances of the loss, destruction, defacement or damage.	Whenever a voter's card is lost, destroyed, defaced, torn or otherwise damaged, the owner of such card shall, <b>not less than 90 days before polling day</b> , apply in person to the Electoral Officer or any other person duly authorized for that purpose by the Resident Electoral Commissioner, stating the circumstances of the loss, destruction, defacement or damage.	<b>Adopted</b>



S/N	ISSUE	CLAUSE	INEC PROPOSAL	ELECTORAL BILL	STATUS
6	Display of the Voter Register	19(1)	Subject to the provisions of Section 9(5) of this Act, the Commission shall, <b>not later than 90 days to a General Election</b> , appoint a period not exceeding 7 days during which a copy of the Voters Register for each Local Government, Area Council or Registration Area/Ward shall be displayed or published for public scrutiny at every Registration Area/Ward or on its official website or any website established by the Commission for that purpose.	Subject to the provision of section 9(5) of this Bill, the Commission shall, <b>not later than 90 days to a general election</b> , appoint a period of seven days during which a copy of the voters' register for each Local Government, Area Council or Ward shall be displayed or published for public scrutiny at every Registration Area and on its official website or any website established by the Commission for that purpose.	<b>Adopted</b>
7	Announcement and Declaration of Election Results	27(1)	<b>Except as otherwise directed by the Commission</b> , the Results of all the elections shall be announced by the – (a) Presiding Officer at the Polling unit; (b) Ward Collation Officer at the Registration Area or Ward Collation Centre; (c) Local Government or Area Council Collation Officer at	The Results of all the elections shall be announced by the – (a) Presiding Officer at the Polling unit; (b) Ward Collation Officer at the Registration Area or Ward Collation Centre; (c) Local Government or Area Council Collation Officer at	<b>Not adopted</b>

S/N	ISSUE	CLAUSE	INEC PROPOSAL	ELECTORAL BILL	STATUS
			the Local Government or Area Council Collation Centre; (d) State Collation Officer at the State Collation Centre	Area Council Collation Centre; (d) State Collation Officer at the State Collation Centre	
8	Oath of Neutrality by Election Officials	28	All Staff, Electoral Officers, Presiding Officers, Returning Officers, <b>Security Officials</b> and Staff taking part in the conduct of an election shall Affirm or Swear to an Oath of Loyalty and Neutrality indicating that they will not accept bribe or gratification from any person, and Shall perform their functions and duties impartially and in the interest of the Federal Republic of Nigeria without fear or favour.	All Staff, Electoral Officers, Presiding Officers, Returning Officers, and <b>security officials</b> taking part in the conduct of an election shall affirm or swear to an oath of loyalty and neutrality as in the Second Schedule, indicating that they will not accept bribe or gratification from any person, and shall perform their functions and duties impartially and in the interest of the Federal Republic of Nigeria without fear or favour.	<b>Adopted</b>
9	Notice of Election	30(1)	The Commission shall <b>not later than 150 days</b> before the day appointed under this Act publish a Notice of election on its website and in each State of the Federation and the Federal Capital Territory	The Commission shall, <b>not later than 360 days</b> before the day appointed for holding of an election under this Bill, publish a notice in each State of the Federation and the Federal Capital Territory –	<b>Partly adopted</b>

S/N	ISSUE	CLAUSE	INEC PROPOSAL	ELECTORAL BILL	STATUS
			(a) Stating the date of the election; and (b) Appointing the place at which nomination papers are to be delivered.	(a) stating the date of the election; and (b) appointing the place at which nomination papers are to be delivered.	
10	Submission of Candidate List by Parties	31(1)	Every Political Party shall, <b>not later than 120 days</b> before the date appointed for a General Election under this Act, submit to the Commission, in the prescribed Forms, the list of the candidates the Party proposes to sponsor at the elections, <b>who must have emerged from validly conducted primaries.</b>	Every political party shall, <b>not later than 180 days</b> before the date appointed for a general election under this Bill, submit to the Commission, in the prescribed Forms, the list of candidates the Party proposes to sponsor at the elections, <b>who must have emerged from valid primaries conducted by the political party.</b>	<b>Partly adopted</b>
11	Submission of Candidate List by Parties	31(6)	If the Court determines that <b>any of the information contained in the Affidavit</b> is false, the Court shall issue an order disqualifying the candidate from contesting the election; if already elected, the Court shall issue an order directing the person to vacate the office and <b>the next person with highest number of votes cast and who</b>	Where the Court determines that any of the <b>information contained in the affidavit</b> is false <b>only as it relates to constitutional requirements of eligibility</b> , the Court shall issue an order disqualifying the candidate and the sponsoring political party and then <b>declare the candidate with the second highest number of valid</b>	<b>Partly adopted</b>

S/N	ISSUE	CLAUSE	INEC PROPOSAL	ELECTORAL BILL	STATUS
			satisfies the requirement of the Constitution shall be declared by the Commission as duly elected.	votes and who satisfies the constitutional requirement as the winner of the election.	
12	Submission of Candidate List by Parties	31(8)	<p>(i) A Political Party that presents to the Commission the name of a candidate that does not meet the qualifications stipulated in the Constitution <b>shall have its nomination invalidated by the Commission.</b></p> <p>(ii) A Political Party that breaches subsection (i) above shall be guilty of an offence and liable to a maximum <b>fine of N10,000,000.00</b> on conviction.</p>	A political party which presents to the Commission the name of a candidate who does not meet the qualification stipulated in this section, commits an offence and is liable on conviction to a <b>fine of N10,000,000.00.</b>	<b>Partly adopted</b>
13	Withdrawal of Candidate	35	A Candidate may withdraw his candidature by Notice in writing signed by him and delivered by himself to the Political Party that nominated him for the election and the Political Party shall convey such withdrawal to the Commission and which shall only be allowed <b>within 21 days after the initial</b>	A candidate may withdraw his or her candidature by notice in writing signed by him and delivered personally by the candidate to the political party that nominated him for the election and the political party shall convey such withdrawal to the Commission <b>not later than 90 days to the election.</b>	<b>Partly adopted</b>

S/N	ISSUE	CLAUSE	INEC PROPOSAL	ELECTORAL BILL	STATUS
			<p><b>submission of list of candidates</b> the party earlier sponsored for the elections.</p>		
14	Establishment of Polling Units and Registration Areas	42	<p>(1) The Commission shall <b>divide each Local Government Area into Registration Areas not being less than 10 and not more than 20</b> as the circumstance of the Local Government Area may require.</p> <p>(2) The Commission shall establish sufficient number of polling units in each <b>Registration Area/Electoral ward</b> and shall allot voters to such polling units.</p>	<p>(1) The Commission shall <b>divide each Local Government Area into Registration Areas or Electoral Wards not being less than 10 and not more than 20</b> as the circumstance of the Local Government Area may require.</p> <p>(2) The Commission shall establish adequate number of polling units in each <b>Registration Area or Electoral ward</b> and shall allot voters to such polling units.</p>	<b>Adopted</b>
15	Hour of Polls	47	Voting in any particular election under this Act shall take place on the date and time appointed by the Commission.	Voting in any particular election under this Bill shall take place on the date and time appointed by the Commission.	<b>Adopted</b>
16	Mode of Voting	52(2)	<b>Notwithstanding the provisions of this Act or any other Law</b> , the Commission may adopt electronic voting or any other method of	Voting at an election and transmission of result under this Bill shall be in accordance with the procedure determined by the Commission. [House Bill]	<b>Not adopted</b>

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			voting in any election it conducts as it may deem fit	Voting at an election under this Bill shall be in accordance with the procedure determined by the Commission, which may include electronic voting. [Senate Bill]	
17	Over Voting	53(2)	Where the votes cast at an election in any polling unit exceeds the <b>number of accredited voters</b> in that polling unit, the result of the election for that polling unit shall be declared null and void by the Commission and another election may be conducted at a date to be fixed by the Commission where there result at that polling unit may affect the over result in the constituency.	Where the votes cast at an election in any polling unit exceeds the <b>number of accredited voters</b> in that polling unit, the Presiding Officer shall cancel the result of the election in that polling unit.	<b>Adopted</b>
18	Voters with Visual Impairment and Other Disabilities	56(1)	<b>Voter with visual impairment</b> and other forms of disabilities who is otherwise unable to distinguish symbol or who suffers from any other physical disability may be accompanied into the polling unit by a person chosen by him and that	<b>A Voter with visual impairment</b> or other form of disability who is otherwise unable to distinguish symbol or who suffers from any other physical disability may be accompanied into the polling unit by a person chosen by him or her	<b>Adopted</b>

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			person chosen by him and that person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting compartment and assist the voter to make his mark in accordance with the procedure prescribed by the Commission.	and that person chosen by him and that person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting compartment and assist the voter to make his or her mark in accordance with the procedure prescribed by the Commission.	
19	Attendance at Polling Unit or Voting Centre	57	No voter shall record his vote otherwise than by personally attending at the polling unit <b>or voting centres</b> and recording his vote in the manner prescribed by the Commission.	No voter shall record his or her vote otherwise than by personally attending at the polling unit <b>or voting centres</b> and recording his or her vote in the manner prescribed by the Commission.	<b>Adopted</b>
20	Collation and Announcement of Results	67A(1)	A Collation Officer or Returning officer at an election shall collate and announce the result of an election, <b>using manually collated results or electronically transmitted results</b> , subject to his verification and confirmation that the: (a) Number of accredited voters stated on the collated result	A Collation Officer or Returning Officer at an election shall collate and announce the result of an election, subject to his or her verification and confirmation that the – (a) number of accredited voters stated on the collated result are correct and consistent with the number of	<b>Not adopted</b>

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			<p>are correct and consistent with the number of accredited voters recorded and transmitted directly from polling units under Section 49 of this Act; and</p> <p>(b) The votes stated on the collated result are correct and consistent with the votes or results recorded and transmitted directly from polling units under section 63(4) of this Act.</p>	<p>accredited voters recorded and transmitted directly from polling units under Section 47(2) of this Bill.</p> <p>(b) the votes stated on the collated result are correct and consistent with the votes or results recorded and transmitted directly from polling units under section 60(4) of this Bill.</p>	
21	Power to Review Results Declared Under Duress	68	<p>The decision of the Returning Officer on any question arising from or relating to –</p> <p>(a) unmarked ballot paper;</p> <p>(b) rejected ballot paper; and</p> <p>(c) declaration of scores of candidates and the return of a candidate,</p> <p>shall be final subject to review by a Tribunal or Court in an Election Petition proceedings under this Act.</p>	<p>(1) The decision of the Returning Officer shall be final on any question arising from or relating to –</p> <p>(a) unmarked ballot paper;</p> <p>(b) rejected ballot paper; and</p> <p>(c) declaration of scores of candidates and the return of a candidate.</p> <p>(2) A decision of the Returning Officer under subsection (1) may be</p>	<b>Not adopted</b>



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			<b>Provided that the Commission shall have the power within a reasonable time to review the declaration and return where Commission determines that the said declaration and return was not made voluntarily or was made contrary to the provisions of the Law, Regulations and Guidelines, and Manual for the election.</b>	reviewed by a Election Tribunal or Court of competent jurisdiction in an election petition proceedings under this Bill.	
22	Certificate of Return	75(1)	<p>A sealed Certificate of Return at an election in a prescribed form shall be issued <b>within 14 days</b> to every candidate who has won an election under this Act:</p> <p>Provided that where the Court of Appeal or the Supreme Court being the final Appellate Court in any election petition as the case may be nullifies the Certificate of Return of any candidate, the Commission shall within 48 hours after the</p>	<p>A sealed Certificate of Return at an election in a prescribed form shall be issued <b>within 14 days</b> to every candidate who has been returned by the returning officer in an election under this Bill:</p> <p>PROVIDED that where the Court of Appeal or the Supreme Court being the final appellate court in any election petition, as the case may be, nullifies any candidate's Certificate of Return, the Commission shall within 48 hours</p>	<b>Adopted</b>

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			receipt of the order of such Court issue the successful candidate with a valid Certificate of Return.	after receipt of the court's order, issue the successful candidate with a valid Certificate of Return.	
23	Registration of Political Parties	78(1)	<p>Any political association that complies with the provisions of the Constitution and this Act for the purposes of registration shall be registered as a Political Party;</p> <p>Provided however, that such application for registration as a Political Party shall be duly submitted to the Commission <b>not later than 12 months</b> before a general election.</p>	<p>Any political association that complies with the provisions of the Constitution and this Bill for the purposes of registration shall be registered as a political party;</p> <p>PROVIDED however, that such application for registration as a political party shall be duly submitted to the Commission <b>not later than 12 months</b> before a general election.</p>	<b>Adopted</b>
24	Registration of Political Parties	78(3)	If the Association has not fulfilled all the conditions under this section, the Commission shall <b>within 90 days</b> from the receipt of its application notify the Association in writing stating the reasons for non-registration.	If the association has not fulfilled all the conditions under this section, the Commission shall <b>within 90 days</b> from the receipt of its application notify the association in writing stating the reasons for non-registration.	<b>Adopted</b>
25	Registration of Political Parties	78(4)	A Political Association that meets the conditions stipulated in the Constitution and this Act shall be	A political association that meets the conditions stipulated in the Constitution and this Bill shall be	<b>Partly adopted</b>

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			registered by the Commission as a Political Party <b>within 90 days</b> from the date of receipt of the Application. If after the 90 days such Association is not registered by the Commission and the Association is duly informed of this position, such Association shall within 14 days if it so desires <b>challenge the decision</b> of the Commission at the Federal High Court.	registered by the Commission as a political party <b>within 60 days</b> from the date of receipt of the application, and if after the 60 days such association is not registered by the Commission, unless the Commission informs the association to the contrary, it shall be <b>deemed to have been registered</b> .	
26	Non-Registration of Political Parties Subject to Judicial Review	79	The decision of the Commission not to register any association as a Political Party may be challenged in a court of law, provided that any legal action challenging the decision of the Commission shall be commenced <b>within 14 days</b> from the date of receipt of the decision on non registration from the Commission only at the Federal High Court.	The decision of the Commission not to register any association as a political party may be challenged in the Federal High Court, provided that any legal action challenging the decision of the Commission shall be commenced <b>within 14 days</b> from the date of receipt of the decision on non-registration from the Commission.	<b>Adopted</b>
27	Political Parties' Register of Members	80	(2) Every registered Political Party shall <b>maintain a register</b> of its	(2) Every registered political party shall <b>maintain a register</b> of its	<b>Adopted</b>

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			members in both hard and soft copy. (3) Each Political Party shall make such available to the Commission <b>not later than 30 days</b> before the date fixed for the party primaries, Congresses or Convention.	members in both hard and soft copy. (3) Each political party shall make such register available to the Commission <b>not later than 30 days</b> before the date fixed for the party primaries, Congresses or Convention.	
<b>28</b>	Contravention of Section 227 of the Constitution	<b>81(2)</b>	Any person or group of persons who aids or abets a Political Party in contravening the provisions of section 227 of the Constitution shall be guilty of an offence and be liable on conviction to a fine of N5,000,000.00 or 5 year imprisonment or both.	Any person or group of persons who aids or abets a political party in contravening the provisions of section 227 of the Constitution commits an offence and is liable on conviction to a fine of N5,000,000.00 or imprisonment for a term of five years or both.	<b>Adopted</b>
<b>29</b>	Symbols of Political Party	<b>82(6)</b>	Where a Political Party is deregistered, no political association shall be permitted to use the name, symbol, logo or acronym of the deregistered Political Party <b>within five (5) years</b> of the deregistration.	Where a political party is deregistered, no political association shall be permitted to use the name, symbol, logo or acronym of the deregistered political party <b>within five years</b> of the deregistration.	<b>Adopted</b>
<b>30</b>	Merger of Political Parties	<b>84(2)</b>	Political Parties intending to merge shall each give to the Commission	Political Parties intending to merge shall each give to the Commission	<b>Adopted</b>

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			<b>9 month's notice</b> of their intention to do so before a general election. Retained as in Bill.	<b>nine months' notice</b> of their intention to do so before a general election.	
<b>31</b>	Merger of Political Parties	<b>84(3)</b>	<p>The written request for merger shall be sent to the Chairman of the Commission and shall be signed jointly by the National Chairman, Secretary and Treasurer for the time being of the different Political Parties proposing the merger and shall be accompanied by –</p> <p>(a) a special resolution passed by the national convention of each of the political parties proposing to merge, approving the merger;</p> <p>(b) the proposed full name and acronym, Constitution, manifesto, symbol or logo of the party together with the addresses of the national office of the party resulting from the merger; and</p>	<p>The written request for merger shall be sent to the Chairman of the Commission and shall be signed jointly by the National Chairman, Secretary and Treasurer for the time being of the different Political Parties proposing the merger and shall be accompanied by –</p> <p>(d) a special resolution passed by the national convention of each of the political parties proposing to merge, approving the merger;</p> <p>(e) the proposed full name and acronym, Constitution, manifesto, symbol or logo of the party together with the addresses of the national office of the party resulting from the merger; and</p>	<b>Adopted</b>

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			(c) evidence of payment of administrative fee as may be fixed by the Commission.	evidence of payment of administrative fee as may be fixed from time to time by the Commission.	
32	Merger of Political Parties	84(4)	<p>On receipt of the request for merger of political parties the Commission shall consider the request; and if the parties have fulfilled the requirements of the Constitution and this Act, approve the proposed merger and communicate its decision to the Parties concerned before the expiration of <b>sixty (60) days</b> from the date of receipt of the formal request.</p> <p>PROVIDED that if the Commission fails to communicate its decision within 60 days shall <b>within 14 days thereafter challenge the decision</b> of the Commission at the Court. the political parties challenging the decision of the Commission shall establish by cogent and verifiable</p>	<p>On receipt of the request for merger of political parties the Commission shall consider the request; and if the parties have fulfilled the requirements of the Constitution and this Bill, approve the proposed merger and communicate its decision to the Parties concerned before the expiration of <b>60 days</b> from the date of receipt of the formal request.</p> <p>PROVIDED that where the Commission fails to communicate its decision within 60 days, the parties shall <b>within 14 days thereafter challenge the decision</b> of the Commission at the Court and establish by cogent and verifiable reason that they have met all the</p>	<b>Adopted</b>

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			reason that they have met all the constitutional requirements for merger.	constitutional requirements for merger.	
33	Notice of Convention, Congress, Conference, or Meeting	82(5)	<p>(1) Every registered political party shall give the Commission at least 21 days' notice of any convention, congress, conference or meeting convened for the purpose of "merger" and electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices specified under this Bill.</p> <p><b>(5) Failure of a political party to notify in the Commission as stated in subsection (1) shall render the convention, congress, conference or meeting invalid.</b></p>	<p>(1) Every registered political party shall give the Commission at least 21 days' notice of any convention, congress, conference or meeting convened for the purpose of "merger" and electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices specified under this Bill.</p> <p><b>(5) Failure of a Political Party to notify in the Commission as stated in subsection (1) shall render the convention, congress, conference or meeting invalid.</b></p>	<b>Adopted</b>
34	Monitoring of Political Parties	86(4)	(2) The Commission may seek information or clarification from any registered political party in connection with any activities of the political party which may be contrary to the provisions of the	(2) The Commission may seek information or clarification from any registered political party in connection with any activities of the political party which may be contrary to the provisions of the	<b>Adopted</b>

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			<p>Constitution or any other law, guidelines, rules or regulations made pursuant to an Act of the National Assembly.</p> <p>(4) A Political Party which fails to provide the required information or clarification under subsection (2) or carry out any lawful directive given by the Commission in conformity with the provisions of this section is liable to a fine <b>not more than N1,000,000.00.</b></p>	<p>Constitution or any other law, guidelines, rules or regulations made pursuant to an Act of the National Assembly.</p> <p>(4) A Political Party which fails to provide the required information or clarification under subsection (2) of this section or carry out any lawful directive given by the Commission in conformity with the provisions of this section shall be liable to a penalty <b>not exceeding N1,000,000.00.</b></p>	
35	Monitoring of Political Parties	89(1)	<p>Every Political Party shall submit to the Commission a detailed annual statement of Assets and Liabilities and analysis of its sources of funds and other assets, together with statement of its expenditure <b>including hard and soft copy of its list of members</b> or in such a form as the Commission may from time to time require.</p>	<p>Every Political Party shall submit to the Commission a detailed annual statement of Assets and Liabilities and analysis of its sources of funds and other assets, together with statement of its expenditure <b>including hard and soft copy of its list of members</b> or in such a form as the Commission may from time to time require.</p>	<b>Adopted</b>



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36	Division of Area Council into Registration Area	105	<p>(1) Subject to the provision of this section, the Commission shall divide each Area Council into <b>Registration Areas/Electoral Wards</b> not being less than 10 and not more than 20 as the circumstance of each Local Government Area/Area Council may require.</p> <p>(2) The boundaries of each <b>Registration Area/Electoral Ward</b> shall be such that the number of inhabitants of the Registration Area/Electoral Ward is as nearly equal to the population quota as is reasonably practicable.</p> <p>(3) The Commission shall review the division of every Area Council at intervals of not less than 10 years and may alter such <b>Registration Area/Electoral Ward</b> in accordance with subsection (1) of this section to such extent as it may</p>	<p>(1) Subject to the provision of this section, the Commission shall divide each Area Council into <b>Registration Areas or Electoral Wards</b> not being less than 10 and not more than 20 as the circumstance of each Area Council may require.</p> <p>(2) The boundaries of each <b>Registration Area or Electoral Ward</b> shall be such that the number of inhabitants of the Registration Area or Electoral Ward is as nearly equal to the population quota as is reasonably practicable.</p> <p>(3) The Commission shall review the division of every Area Council at intervals of not less than 10 years and may alter such <b>Registration Area or Electoral Ward</b> in accordance with subsection (1) to such extent as it may consider desirable in the light of the review.</p>	<b>Adopted</b>

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			consider desirable in the light of the review.		
37	Timelines for Area Council Election Petitions	135	<p>(1) An Area Council Election Petition shall be filed <b>within 21 days</b> after the date of the declaration of results of the election.</p> <p>(2) An Area Council Election Tribunal shall deliver its Judgement <b>within 180 days</b> from the date of filing of the petition.</p> <p>(3) An appeal from a decision of an Area Council Election tribunal in an election matter shall be heard and disposed of <b>within 60 days</b> from the date of the delivery of judgment of the tribunal.</p>	<p>(8) An election petition shall be filed <b>within 21 days</b> after the date of the declaration of result of the elections.</p> <p>(9) An Appeal Tribunal shall deliver a judgement in writing <b>within 180 days</b> from the date of the filing of the petition.</p> <p>(10) An appeal from a decision of an Area Council Election Tribunal shall be heard and disposed of <b>within 60 days</b> from the date of the delivery of judgement of the Tribunal.</p>	<b>Adopted</b>

NB: The clauses in this table correlate to the original clauses considered by INEC during the Lagos retreat.



## The Electoral Hub

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