



# **INDEPENDENT NATIONAL ELECTORAL COMMISSION (ESTABLISHMENT, ETC.) ACT**

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### CHAPTER I5

#### INDEPENDENT NATIONAL ELECTORAL COMMISSION (ESTABLISHMENT, ETC.) ACT

An Act to establish the Independent National Electoral Commission to organise, conduct and supervise elections and matters pertaining to elections into certain elective offices as provided for in the Constitution of the Federal Republic of Nigeria 1999 or any other enactment or law.

[5th August, 1998] [Commencement.]

### PART I

#### Establishment and functions, etc., of the Independent National Electoral Commission

1. Establishment of the Independent National Electoral Commission, etc.
  - (1) There is hereby established a body to be known as the Independent National Electoral Commission (in this Act referred to as "the Commission").
  - (2) The Commission—
    - (a) shall be a body corporate with perpetual succession; and
    - (b) may sue and be sued in its corporate name.
2. Membership of the Commission

- (1) The Commission shall consist of a chairman who shall be the Chief National Electoral Commissioner and the chief executive of the Commission and twelve other members to be known as National Electoral Commissioners.
- (2) The chairman and members of the Commission shall not be less than 50 and 40 years of age respectively.
- (3) The chairman and members of the Commission shall be— (a) persons of unquestionable integrity; and  
  
(b) appointed by the President.

### 3. Tenure of office

- (1) The chairman and members of the Commission shall each hold office for a period of five years and on such terms and conditions as may be specified in their letters of appointment.
- (2) A member may at any time be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for any act of misconduct but shall not be removed from office except in accordance with the provisions of this subsection.
- (3) A member may resign his membership by notice in writing addressed to the President and that member shall, on the date of the receipt of the notice by the President, cease to be a member.
- (4) There shall be paid to every member of the Commission such salaries and allowances as the Federal Government may, from time to time, direct.
- (5) A member shall not while holding office hold any other office of emolument whether in the Federal or State public service.

### 4. Functions of the Commission

- (1) The functions of the Commission shall be to—
  - (a) organise, conduct and supervise—
    - (i) the elections into the office of chairmen and vice-chairmen of local government councils and area councils, membership of the local government councils and area councils, office of Governor and Deputy

Governor, membership of the Houses of Assembly of the States, the office of President and Vice-President and membership of the Senate and House of Representatives as may be specified in any enactment or law;

- (ii) the elections into such other offices as may be specified in any enactment or law, and
  - (iii) all matters pertaining to those elections as may be provided in any other enactment or law;
  - (b) register political parties in accordance with the provisions of the relevant enactment or law;
  - (c) monitor the organisation and operation of the political parties including their finances;
  - (d) arrange for the annual examination and auditing of the funds and accounts of the political parties and publish a report on such examination and audit for public information;
  - (e) conduct the registration of persons qualified to vote and the preparation, maintenance and revision of the register of voters for the purpose of any election;
  - (f) monitor political campaigns and provide rules and regulations which shall govern the political parties;
  - (g) ensure that all Electoral Commissioners, Electoral and Returning Officers take and subscribe to the oath of office prescribed by law;
  - (h) delegate any of its powers to any State Resident Electoral Commissioner; and
  - (i) carry out such other functions as may be conferred upon it by an Act or any other enactment or law.
- (2) For the purpose of paragraph (a) of subsection (1) of this section—

“Vice-President” includes such number of Vice-Presidents as may be specified in the Constitution of the Federal Republic of Nigeria for the time being in force.

- (3) Notwithstanding the functions of the Commission specified under subsection (1) of this section, the Commission shall, with the approval of the Provisional Ruling Council, have power to divide—

- (a) every State in the Federation, into three Senatorial Districts and allot one Senatorial District to the Federal Capital Territory , Abuja;
- (b) the Federation, including the Federal Capital Territory, Abuja, into 360 Federal Constituencies for the purpose of elections to the House of Representatives;
- (c) for the purpose of election to the House of Assembly the area of a State, into three or four times the number of seats that State has in the House of Representatives divided in a way to reflect, as far as possible, nearly equal population:

Provided a House of Assembly of a State shall consist of not less than 24 and not more than 40 members;

- (d) the area of a local government area or area council, into such number of wards, not being less than ten or more than twenty, as the circumstances of each local government area or area council may require.

5. Establishment of office in each State

- (1) There shall be established in each State of the Federation, an office of the Commission which shall perform such functions as may be assigned to it, from time to time, by the Commission.
- (2) There shall be in each State of the Federation and the Federal Capital Territory, Abuja, a Resident Electoral Commissioner who shall—
  - (a) be persons of unquestionable integrity;
  - (b) not be less than 40 years of age; and
  - (c) be appointed by the President.
- (3) The Resident Electoral Commissioner appointed pursuant to subsection (2) of this section, may be removed by the President.

6. Commission not to be subject to the control of any other person or authority

In the discharge of its functions under this Act, the Commission shall not be subject to the direction or control of any other person or authority.

7. Members of the Commission disqualified from holding elective office

Notwithstanding anything to the contrary in any enactment or law, a person who holds or has held office as a member of the Commission under this Act

shall not, until after a period of five years immediately thereafter, be qualified for any elective office.

8. Proceedings, etc., of the Commission

- (1) The Commission shall meet for the conduct of its business at such times, places and on such days as the chairman may appoint.
- (2) The chairman shall preside at all meetings of the Commission but if he is absent from any meeting of the Commission the members present shall elect one of their number to preside at that meeting.
- (3) During the chairman's absence on leave or if the chairman is otherwise not available or is unable to perform his functions, the President may appoint any member of the Commission to act as chairman for any specified period.
- (4) The quorum for meetings of the Commission shall be eight.
- (5) Questions put before the Commission at a meeting shall be decided by consensus and, where this is not possible, by a majority of the votes of the members present and voting.
- (6) The chairman shall in the case of an equality of votes have a casting vote in addition to his deliberative vote.
- (7) Subject to this section, the Commission shall have power to regulate its proceedings and may make standing orders with respect to the holding of meetings, the notice to be given, the procedure thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
- (8) The validity of any proceedings of the Commission shall not be affected by any vacancy in its membership or any defect in the appointment of a member or by reason that a person not entitled to do so took part in the proceedings.
- (9) Where the Commission desires to obtain the advice or service of any person on a particular matter, the Commission may co-opt him to the Commission for such period as it thinks fit, but a person who is in attendance by virtue of this subsection shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

9. Committees of the Commission

- (1) The Commission may appoint one or more committees to carry out on behalf of the Commission any of the Commission's functions under this Act.
- (2) A committee appointed by the Commission under this section, shall consist of such number of persons as may be determined by the Commission.

## PART II

### Staff of the Commission

#### 10. Secretary to the Commission and other staff

- (1) There shall be a secretary to the Commission who shall—
  - (a) be an officer in the public service of the Federation not below the rank of a Permanent Secretary and the accounting officer of the Commission.
  - (b) have such qualifications and experience as are appropriate for a person required to perform the functions of his office under this Act; and
  - (c) be appointed by the President.
- (2) Subject to the general direction of the Commission, the secretary shall be—
  - (a) responsible for keeping proper records of the proceedings of the Commission;
  - (b) the head of the Commission's secretariat and be responsible for the administration thereof; and
  - (c) responsible for the direction and control of all other employees of the Commission with the approval of the Commission.
- (3) The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff as may be prescribed by this Act or any other enactment or law.
- (4) The Commission shall have power to appoint either directly, on secondment or on temporary basis from any public service in the Federation, such number of employees as may, in the opinion of the Commission, be required to assist the Commission in the discharge of any of its functions under this Act and shall have power to pay persons so

employed such remuneration (including allowances) as the Commission may, after consultation with the Federal Civil Service Commission, determine.

- (5) Nothing in subsection (4) of this section shall preclude the Commission from appointing persons from outside the public service of the Federation or of the State whenever it deems it necessary so to do.
- (6) All employees of the Commission appointed pursuant to subsections (4) and (5) of this section, excluding such as are appointed on a temporary basis for an honorarium, shall have the same rights and obligations as the members of the public service defined by section 24 of the Pensions Act.

#### 11. Savings and transfer of liabilities, staff, etc.

- (1) The statutory functions, rights, interests, obligations and liabilities of the National Electoral Commission of Nigeria, existing before the commencement of this Act under any contract or instrument, or in law or in equity, shall by virtue of this Act be deemed to have been assigned to and vested in the Independent National Electoral Commission established by this Act.
- (2) Any such contract or instrument as is mentioned in subsection (1) of this section shall be of the same force and effect against or in favour of the Independent National Electoral Commission established by this Act and shall be enforceable as fully and effectively as if instead of the National Electoral Commission of Nigeria existing before the commencement of this Act, the Independent National Electoral Commission established by this Act has been named therein or had been a party thereto.
- (3) The Independent National Electoral Commission established by this Act shall be subject to all the obligations and liabilities to which the National Electoral Commission of Nigerian existing before the commencement of this Act was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Independent National Electoral Commission established by this Act as they had against the National Electoral Commission of Nigeria existing before the commencement of this Act.
- (4) Any proceeding or cause of action pending or existing immediately before the commencement of this Act, by or against the National Electoral Commission of Nigeria existing before the commencement of this Act in respect of any right, interest, obligation or liability of the National Electoral Commission of Nigeria existing before the commencement of this Act may be continued or as the case may be commenced and any



determination of a court of law, tribunal or other authority or person may be enforced by or against the Independent National Electoral Commission established by this Act to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the National Electoral Commission of Nigeria existing before the commencement of this Act.

- (5) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the National Electoral Commission of Nigeria existing before the commencement of this Act shall by virtue of this Act and without further assurance, be vested in the Independent National Electoral Commission established by this Act.
- (6) Any person who immediately before the coming into force of this Act is the holder of any office in the National Electoral Commission of Nigeria existing before the commencement of this Act shall, on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Independent National Electoral Commission established by this Act unless authority by which the person was appointed terminates the appointment.

### PART III

#### Miscellaneous

#### 12. Interpretation

In this Act, unless the context otherwise requires— “chairman” means the chairman of the Commission;

“Commission” means the Independent National Electoral Commission established by section 1 of this Act;

“functions” includes powers and duties;

“member” means a member of the Commission and includes the chairman;

“secretary” means the secretary of the Commission appointed pursuant to section 10 of this Act;

13. Short title

This Act may be cited as the Independent National Electoral Commission (Establishment, etc.) Act.

## CHAPTER I5

### INDEPENDENT NATIONAL ELECTORAL COMMISSION (ESTABLISHMENT, ETC.) ACT

#### SUBSIDIARY LEGISLATION List of Subsidiary Legislation

1. Guidelines for Elections into the Office of President and the National Assembly.

#### **Guidelines for elections into the office of president and the national assembly**

##### ARRANGEMENT OF GUIDELINES

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GUIDELINES FOR ELECTIONS INTO THE OFFICE OF PRESIDENT AND THE NATIONAL ASSEMBLY [under section 4]

[20th January, 1999]

[Commencement.]

1. Presidential and National Assembly elections

There shall be Presidential and National Assembly elections at which—

- (a) a President shall be elected for the Federal Republic of Nigeria;
- (b) one Senator shall be elected from each of the three Senatorial Districts allotted to each of the 36 States of the Federation and from the one Senatorial District allotted to the Federal Capital Territory, Abuja; and
- (c) one member of the House of Representatives shall be elected from each of the 360 Federal Constituencies in the Federation.

2. Qualifications for election

A person shall be qualified for election to the office President or the National Assembly if—

- (a) he is a citizen of Nigeria;
- (b) in the case of the President, he has attained the age of 40 years;
- (c) in the case of a Senator, he has attained the age of 35 years;
- (d) in the case of a member of the House of Representatives, he has attained the age of 30 years;
- (e) he has been educated up to at least the School Certificate level or its equivalent; and
- (f) he is a member of a political party and is being sponsored by that party.

3. Disqualifications

A person shall not be qualified to contest the Presidential and National Assembly elections if—

- (a) under any law in force in any part of Nigeria, he is adjudged to be a lunatic or is otherwise declared to be of unsound mind;
- (b) he is under a sentence of death imposed upon him by any court or tribunal in Nigeria, or a sentence of imprisonment or fine for an offence involving dishonesty or fraud (by whatever name called), or for any other offence (other than misdemeanour or simple offence), imposed on him by any court or tribunal; or
- (c) he has been found guilty of contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Act;
- (d) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Nigeria or any other country;
- (e) being a person employed in the public or civil service of the Federation or of a State or of a local government or area council, he has not resigned, withdrawn or retired from such employment at least 30 days before the date of the election;
- (f) he is a member of a secret society;
- (g) he has been indicted for embezzlement of public funds or for bribery 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, local government which indictment has been accepted by the Federal, State, or local government respectively;
- (h) he has presented forged certificates to the Commission;
- (i) he has been dismissed from the public or civil service of the Federation or of a State or a local government or area council;
- (j) he has been found guilty of an offence involving narcotic drugs or any other psychotropic substances by any court or tribunal in Nigeria or in any other country; or
- (k) he has been adjudged guilty of treason or treasonable felony by any court or tribunal in Nigeria.

#### 4. Additional qualifications for contesting election

A person shall be qualified to contest the Presidential or National Assembly elections if—

- (a) he is ordinarily resident in the constituency in which he intends to contest the election or is an indigene registered anywhere in the country;
- (b) he is registered as a voter in the constituency in which he intends to contest the election or is an indigene registered anywhere in the country;
- (c) he produces evidence of tax payment as and when due for a period of three consecutive years immediately preceding the year of the election or is exempted therefrom;
- (d) in the case of House of Representatives election, he has been nominated in writing by twenty persons from at least two thirds of the wards in the local government or area council making up the constituency and whose names appear on the register of voters for the Federal constituency in respect of which the election is to be held;
- (e) in the case of Senatorial election, he is nominated in writing by thirty persons coming from all the local government areas making up the Senatorial district where he intends to contest the election, whose names appear in the register of voters for their respective wards;
- (f) in the case of the Presidential elections, he is nominated in writing by sixty persons spread in at least two thirds of all the States of the Federation whose names appear in the register of voters for their respective wards;
- (g) in the case of the House of Representatives elections, he makes to the Commission a non-refundable deposit of N15,000;
- (h) in the case of the Senatorial elections, he makes to the Commission a non-refundable deposit of N20,000;
- (i) in the case of the Presidential elections, he makes to the Commission a non-refundable deposit of N100,000;
- (j) in the case of a Presidential candidate, he has nominated a running mate for office of the Vice-President.

#### 5. Campaigns

Subject to the provisions of any enactment or law, candidates shall campaign for the Presidential and National Assembly elections in the following manner—

- (a) campaigns shall be within the constituency in which a candidate intends to contest the elections;
- (b) campaigns shall not be allowed within twelve hours preceding the date of the election;
- (c) campaigns or addresses shall be devoted to outlining what the candidate intends to do for the people of his constituency;
- (d) campaigns or addresses shall not be carried out in schools, churches, mosques, or other religious places, military or police barracks or stations, public offices and any other place the Commission may forbid from time to time;
- (e) campaigns or addresses shall not be based on sectional, ethnic or religious sentiments or prejudices;
- (f) bribery or other forms of inducement to voters, either directly or indirectly, shall be avoided by candidates and their agents; and
- (g) abusive or vile or derogatory language shall not be used during campaigns or addresses.

6. Qualification to vote

A person shall be eligible to vote at the Presidential and National Assembly elections if—

- (a) he is a citizen of Nigeria;
- (b) he has attained the age of eighteen 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:

Provided that where a person claims that his name is in 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—

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

- (ii) he has satisfied himself that the person is not impersonating any other person, allow the person to vote.

7. Voting by secret ballot

- (1) Voting shall be by open secret ballot in accordance with the procedure specified in these Guidelines.
- (2) Voting shall take place on the same day and at the same time throughout the Federation, as may be announced by the Commission.

8. Presentation of candidates by registered political parties

- (1) Every registered political party shall on or before 30 January 1999 in the case of National Assembly elections and 12 February 1999, in the case of Presidential election, deliver to the Commission—

- (a) in Form C.F. 001, the personal particulars of its candidates for the election as supplied by the candidates; and [Form C.F. 001.]

- (b) in Form C.F. 002, a list of candidates the political party proposes to sponsor at the elections. [Form C.F. 002.]

- (2) The Commission shall, on or before 7 February 1999 in the case of National Assembly elections and on 15 February 1999 in the case of the Presidential election, after receipt of the list of candidates and their personal particulars from the political parties, deliver to the political parties—

- (a) in Form C.F. 003, a list of candidates who are adjudged qualified to contest the election; and [Form C.F. 003.]

- (b) where applicable, in Form C.F. 004, a separate list of candidates disqualified from contesting the elections.

[Form C.F. 004.]

- (3) Where a candidate is disqualified from contesting the elections, the Commission shall allow the political party concerned an opportunity to substitute the candidate with another candidate:



Provided that the substitution is made within the time allowed by the Commission for that purpose.

- (4) Any person not satisfied with the decision of the State Screening Committee regarding qualification or disqualification of a candidate for National Assembly elections may object or appeal to the Commission's headquarters, ""Abuja"" for review, using Form C.F. 005 delivered to the chairman of the Commission on or before 7 February 1999.

[Form C.F. 005.]

9. Presentation and replacement of candidate for the election

- (1) No political party shall be allowed to present more than one candidate for the same election to the Commission.
- (2) No political party shall be allowed to replace a candidate it has presented and who has been screened and cleared by the Commission.
- (3) Without prejudice to sub-paragraph (2) of this paragraph, a political party shall be free within the specified time to replace a candidate who has been disqualified by the Commission for any reason.

10. Non-refundable deposit

- (1) Every candidate shall, before his nomination paper is delivered to the Commission, deposit or cause to be deposited with the Commission the sum specified in paragraph 4 (g), (n) or (i), of these Guidelines, as the case may be, and shall at the time of the delivery of the nomination paper produce and show to the electoral officer or the resident electoral commissioner, the official receipt for the said sum.
- (2) No nomination shall be valid unless it is backed by the receipt for the deposit made in accordance with sub-paragraph (1) of this paragraph.

11. Nomination papers

A candidate or any person nominating him for election shall obtain the nomination paper in Form E.C. 4CA, E.C. 4C or E.C. 4D, as the case may be, from the place appointed by the Commission for that purpose.

12. National Assembly elections

- (1) If, after the latest time for the delivery of nomination papers and the withdrawal of candidates for the National Assembly elections, that is one

o'clock in the afternoon of the second day before the election, only one candidate remains duly nominated, that candidate shall be deemed returned unopposed.

- (2) If, after the latest time for the delivery of nomination paper and for withdrawal of candidates for the National Assembly elections, more than one candidate remains duly nominated, a poll shall be taken and the candidate with a simple majority of votes cast at the election shall be returned as elected.
13. Election of President
- (1) Where in an election to the office of the President one of the candidates nominated for the election is the only candidate after the close of nomination by reason of the disqualification, withdrawal, incapacitation, disappearance or death of the other candidates, the Commission shall extend the time for nomination.
    - (2) 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—
      - (a) he has the 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 sub-paragraph, then there shall be fresh nominations.
    - (3) A candidate for an election to the office of President shall be deemed to have been duly elected where, there being only two candidates for the election—
      - (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 Territory, Abuja.
    - (4) If no candidate is duly elected in accordance with sub-paragraph (3) of this paragraph the Commission shall within seven days arrange for another election between the two candidates and a candidate at this last election shall become duly elected if he scores a simple majority of the votes at the election.
    - (5) A candidate for an election to the office of President shall be deemed to have been duly elected where, there being more than two 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 Territory, Abuja.
- (6) Where no candidate is duly elected in accordance with sub-paragraph (5) of this paragraph, there shall be a second election in accordance with sub-paragraph (7) of this paragraph at which the only candidates shall be—
  - (a) the candidates 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 including the Federal Capital Territory, Abuja, so however, that where there are more than one candidate with the highest number of votes in the highest number of States including 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.
- (7) In default of a candidate duly elected under sub-paragraph (5) of this paragraph, the Commission shall within seven days of the result of the election held under that sub-paragraph, arrange for another election between the two candidates selected under sub-paragraph (6) of this paragraph, 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.

#### 14. Party agents

- (1) Each candidate may appoint one person as his party agent for each polling station or unit and collation center in the constituency in which he is contesting the election.
- (2) Notice in writing shall be given to the Commission by each candidate not later than two days 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 have been assigned by the candidate.

#### 15. Allocation of polling stations or units

- (1) No person shall be permitted to vote at any polling station or unit other than the one at which he is entitled to vote according to his area or location.
- (2) The presiding officer shall regulate the admission of voters to the polling station or unit, and shall exclude all other persons except candidates,

party agents, poll clerk, poll orderly, security personnel and any other person who in his opinion has lawful reason to be admitted.

#### 16. Accreditation procedure

- (1) The accreditation of voters shall commence on the day and time stipulated by the Commission.
- (2) The presiding officer shall—
  - (a) cross-check the voter's card of a person applying for accreditation against the register 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 eighteen 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 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 E.C. 8A, Statement of Result Form, 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 accredited voters standing in the queue at the commencement of voting.
- (3) The presiding officer and the party agents shall sign Form E.C. 8A to authenticate the numbers entered therein.

#### 17. Closing of accreditation

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.

#### 18. Post accreditation procedure

At the close of accreditation, the presiding officer shall—

- (a) explain the voting procedure to be followed;
- (b) introduce the poll clerk, poll orderly and party agents;
- (c) explain the activities which constitute election offences within the polling zone, including penalties for committing each offence;
- (d) call the roll of accredited voters.

#### 19. Voting

After compliance with the provisions of paragraph 18 of these Guidelines 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 voters' cards duly stamped by the presiding officer;
- (e) issue accredited voters with two ballot papers in the case of National Assembly election and one ballot paper for Presidential election;
- (f) direct voters to the voting table, where, after thumb-marking the ballot papers/paper secretly, they shall vote in full view of all present;
- (g) count the votes at the close of poll in the presence of voters;
- (h) enter the scores of the candidates in Form E.C. 8A or E.C. 8A(1), as the case may be;
- (i) announce loudly the number of votes counted for each of the candidates; and
- (j) give copies of Form E.C. 8A or E.C. 8A(1) as the case may be, to the party agents and the Police, if available, and take the original to the ward collation officer.

## 20. Collation of votes

The ward collation officer shall—

- (a) take delivery of all Forms E.C. 8A and E.C. 8A(1) for the Senatorial and House of Representatives elections respectively from the presiding officers;
- (b) collate the votes entered in Form E.C. 8A, in the case of Senatorial election or Form E.C. 8A(1) in the case of House of Representatives election, using Form E.C. 8B or Form E.C. 8B(1), as the case may be;
- (c) enter the votes in both words and figures in the appropriate space in Forms E.C. 8B and E.C. 8B(1) respectively, sign the forms and get the party agents to sign too;
- (d) give a copy of Form E.C. 8B and E.C. 8B(1) respectively to each party agent and the Police, if available, at the ward collation centre;
- (e) take the originals of Form E.C. 8B to the local government area collation officer for the Senatorial election;
- (f) take the originals of Form E.C. 8B(1) to the Federal constituency returning officer, in the case of a Federal constituency made up of not more than one local government area; or
- (g) take the originals of Form E.C. 8B(1) to the local government area collation officer, in the case of a Federal constituency made up of more than one local government area.

## 21. Collation at Federal constituency made up of not more than one local government area

The Federal constituency returning officer, in the case of a Federal constituency made up of not more than one local government area, shall—

- (a) take delivery of all original Forms E.C. 8B (1) from the ward returning officers together with other electoral materials pertaining to the House of Representatives election;
- (b) collate the result of the House of Representatives election by entering the scores of each candidate in the original Forms E.C. 8B(1) into Form 8C (1) in words and figures, sign the form and get the party agents to countersign;

- (c) cross-check the figures in Forms E.C. 8C(1) and distribute copies of the form to party agents and Police, if available, at the collation centre;
  - (d) enter the score of each candidate into the Declaration of Result Form E.C. 8E (1) for the House of Representatives elections; and
  - (e) declare the result for the Federal constituency and return the candidate with the simple majority of votes as duly elected.
22. Collation at local government area level for Federal constituency with more than one local government area

The local government area collation officer, in the case of Federal constituency made up of more than one local government area, shall—

- (a) take delivery of all original Forms E.C. 8B(1) from the ward returning officers together with other electoral materials pertaining to the House of Representatives election;
- (b) collate the result of the House of Representatives election by entering the votes of each candidate in the original Form E.C. 8B(1) into Form E.C. 8C(1) in words and figures, sign the form and get the party agents to countersign;
- (c) cross-check the figures in Forms E.C. 8C(1), announce loudly the scores of each candidate and distribute copies of the Form to party agents and Police, if available, at the collation centre;
- (d) take the original Form E.C. 8C(1) to the designated collation centre for the Federal constituency where he shall hand same over to the returning officer for the constituency together with other materials relating to the House of Representatives elections.

23. Collation at Federal constituency made up of more than one local government area

The returning officer, in the case of a Federal Constituency with more than one local government area, shall—

- (a) collate the scores of the candidates from Form E.C. 8C(1) to Form E.C. 8D (1);
- (b) enter the votes in both words and figures in the appropriate spaces in Form E.C. 8D (1);

- (c) cross-check the figures in Form E.C. 8D(1), sign the Form, ask the party agents to countersign and distribute copies of Form E.C. 8D(1) to party agents and Police, if available, at the collation centre;
- (d) enter the scores of candidates in the Declaration of Result Form E.C. 8E(1) for the House of Representatives election; and
- (e) declare the result for the Federal constituency and return the candidate who has scored the simple majority of votes as duly elected.

24. Collation of result of Senatorial election at the local government area level

The local government area collation officer for the Senatorial election shall—

- (a) receive the originals of Form E.C. 8B for the Senatorial election from the ward officers together with other materials pertaining to the Senatorial elections;
- (b) enter the scores of the candidates from the Forms E.C. 8B to Form E.C. 8C in words and figures;
- (c) cross-check the figures, sign the Form E.C. 8C, ask the party agents to countersign, announce the score of each candidate loudly and distribute copies to party agents and Police, if available, at the collation centre; and
- (d) take the original Form E.C. 8C together with other materials pertaining to the election to the returning officer for the Senatorial election.

25. Collation at the designated collation centre for the Senatorial district

The returning officer for the Senatorial district shall at the designated district collation centre—

- (a) take delivery of all the original Forms E.C. 8C from the local government area collation officers together with other materials pertaining to the Senatorial election;
- (b) enter the scores of the candidates in words and figures from the original Form E.C. 8C into Form E.C. 8D;
- (c) sign the duly completed Form E.C. 8D, ask the party agents to countersign, if available, at the collation centre;
- (d) cross-check the figures in Form E.C. 8D and distribute copies of same to the party agents and the Police, if available, at the collation centre;



- (e) enter the score of each candidate in the Declaration of Result Form E.C. 8E for the Senatorial elections;
- (f) declare the Senatorial district election result and return the candidate who has scored the simple majority of votes cast as duly elected; and
- (g) return to the resident electoral commissioner for the State the originals of Forms E.C. 8D and E.C. 8E together with other materials pertaining to the Senatorial election.

26. Presidential election

The presiding officer having complied with paragraph 19 of these Guidelines on the day of Presidential election shall take the original of Form E.C. 8A to the ward collation centre.

27. Collation at the local government area centre

The ward collation officer for the Presidential election shall—

- (a) take delivery of originals of Form E.C. 8A for the Presidential election from the presiding officers from the polling stations or units;
- (b) collate the scores from Form E.C. 8A using Form E.C. 8B, entering them in both words and figures in the spaces provided;
- (c) sign the Form E.C. 8B, request the party agents, if available, at ward collation centre, to countersign the Forms and loudly announce the score of each Presidential candidate;
- (d) give copies of Form E.C. 8B to party agents and the Police, if available; and
- (e) take the original of Form E.C. 8B together with other materials returned to him by the presiding officers to the local government area collation centre.

28. Collation at local government area centre

The local government area collation officer for the Presidential election shall—

- (a) take delivery of the originals of Form E.C. 8B from the ward collation officers together with other electoral materials relating to the election;
- (b) collate the scores from Forms E.C. 8B, using Form E.C. 8C, entering them in both words and figures in the spaces provided;

- (c) cross-check the figures carefully, announce loudly the scores of each candidate and distribute copies of Form E.C. 8C to party agents and the Police, if available, at the collation centre; and
- (d) take the original of Form E.C. 8C together with other materials returned to him by the ward returned officers to the State Collation Centre.

#### 29. Collation at State level

The State collation officer for the Presidential election shall—

- (a) take delivery of the originals of Form E.C. 8C from the local government area collation officers together with other electoral materials relating to the election;
- (b) collate the scores from Forms E.C. 8C, using Form E.C. 8D, entering them in both words and figures in the spaces provided;
- (c) cross-check the figures carefully, announce loudly the scores of each candidate and distribute copies of Form E.C. 8D to party agents and the Police, if available, at the State collation centre; and
- (d) take the original Form E.C. 8D together with other materials relating to the election which were returned to him by the local government area collation officers, to the national collation centre.

#### 30. Collation at the National level

The returning officer for the Presidential election at the national level shall—

- (a) take delivery of the originals of Form E.C. 8D from the State collation officers, together with other electoral materials relating to the election;
- (b) collate the scores from Forms E.C. 8D, using Form E.C. 8DA, entering them in words and figures in the spaces provided;
- (c) cross-check the figures, carefully sign Form E.C. 8DA, request the party agents and the Police, if available, at the national level collation centre;
- (d) enter the scores of the candidates in Form E.C.8E for the declaration of the Presidential election result;
- (e) complete carefully Form E.C. 8E and sign the same; and

- (f) declare the result of the Presidential elections and return the candidate who has complied with the requirements of the law and scored the majority of votes at the election.

### 31. Decisions of returning officer to be final

The decision of the returning officer in respect of each of the elections covered by these Guidelines on any question arising from or relating to—

- (a) ballot papers;
- (b) scores of candidates; or
- (c) return of a candidate,

shall be final, and subject to review only by an Election Tribunal or the Court of Appeal, in an election petition proceedings.

### 32. Equality of votes

Subject to the provisions of these Guidelines, if two or more candidates poll an 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 date to be appointed by the Commission.

### 33. Certificate of Return at election

A sealed Certificate of Return at election shall be issued to every candidate who has been returned at an election under these Guidelines.

### 34. Resolution of an election dispute

Dispute arising from an election under these Guidelines shall be resolved through an election petition brought before an Election Tribunal, which shall be established for that purpose and by the Court of Appeal, as the case may be.

### 35. Election petition

- (1) An election petition shall be brought within 21 days in the case of the National Assembly elections and fourteen days in the case of the Presidential election.
- (2) An election petition shall be heard and determined within 60 days in the case of the National Assembly elections and within 21 days in the case of the Presidential election, from the date on which it is filed.

### 36. Elections appeals

(1) An appeal against the decision of an Election Tribunal in respect of the National Assembly elections shall lie to the Court of Appeal.

(2) An appeal against the decision of the Court Appeal in respect of the Presidential election shall lie to the Supreme Court.

37. Time within which to bring an appeal

(1) An appeal against the decision of an Election Tribunal in respect of the National Assembly election shall be brought within seven days from the date of the decision appealed against.

(2) An appeal against the decision of the Court of Appeal in respect of the Presidential election shall be brought within seven days from the date of the decision appealed against.



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