

**FACTSHEET:
THE ELECTORAL ACT, 2006**

Functions of INEC

- Organize, undertake and supervise all elections under their mandate.
- Monitor the organization and operation of all political parties.
- Arrange for the annual examination and auditing of the funds and accounts of political parties.
- Arrange and conduct the registration of persons qualified to vote.
- Prepare, maintain and revise the register of voters.
- Monitor the campaigns of political parties.
- Provide rules and guidelines for the operations and conduct of political parties..
- Ensure that all Electoral Commissioners, Electoral and Returning Officers take the oath of office prescribed by law.
- Delegate any of its powers to any Resident Electoral Commissioner
- Conduct voter and civic education.
- Promote knowledge of sound democratic principles.
- Conduct referendum.

National Register of Voters and Voters Registration

- The Independent National Electoral Commission shall compile, maintain, and update on a continuous basis a National Register of Voters.
- The Registration of voters, updating and revision of the register of voters shall stop not later than 120 days before any elections.
- Every applicant for registration shall appear in person at the registration venue
- Applicants for registration as voters must be citizens of Nigeria.
- Applicants for must have attained the age of 18 years
- Applicants must present themselves to the Registration Officer.
- Applicants must be ordinarily resident, work in, originate from the Local Government/Area Council or Ward covered by the registration center.
- Applicants must not be subject to any limitation or incapacity preventing them from registration
- No voter shall register in more than one registration center.
- A voter that has moved from one constituency to another before elections can apply to the Resident Electoral Commissioner of the State to enter his name on the Transferred Voters List for the new constituency.
- The application to transfers a voters name from one constituency to another must be made 30 days before the date of an election in the constituency where the applicant is resides.
- No voter shall hold more than one valid voters card.
- The Electoral Officer of Local Government can on application by a voter issue a Duplicate voters card to a voter whose voter's card is lost, defaced or torn.
- It is an offence to sell, offer for sale, buy or be in unlawful possession of a voter's card.
- The penalty on conviction form be in unlawful possession, selling, buying or offering for sale of a voters card is a fine not exceeding N200, 000 or imprisonment not exceeding two years or both.

Procedure at Elections

- INEC can postpone elections in a constituency, a State or in the whole federation if it believes that a serious breach of the peace is likely to occur if elections are held.

- INEC can postpone elections on account of natural disaster or other emergencies and appoint a new date for the elections
- Staff of INEC taking part in elections shall affirm to Oath of Neutrality before the High Court.
- INEC shall public notice of the holding of elections and place for the delivery of nomination papers not later than 150 days before the date appointed for the holding of elections.
- All political parties shall submit to INEC the names of candidates it proposes to sponsor for elections 120 days before the date appointed for general elections.
- The list of candidates submitted to INEC shall be accompanied by an affidavit sworn to by the candidates indicating that they have complied with all constitutional requirements for the office they intend to contest.
- INEC shall publish the particulars submitted by candidates and political parties in the constituency where the candidate intends to contest elections and any person that believes the candidate gave false information can go to court to seek for a declaration that the candidate should be disqualified from contesting the elections.
- No person shall nominate more than one candidate for election to the same office.
- Any political party desiring to change the list of their candidates already submitted to INEC must communicate such information to INEC sixty days to the elections and the political party must give cogent and verifiable reasons for the change.
- Political parties can substitute the name of a candidate who passes on before elections.
- Candidates can withdraw their nominations 70 days to the elections.
- Political parties shall submit to the Electoral Officer of the Local Government/Area Council the list of their polling agents 7 days to the elections
- Voting for all the strands of elections shall take place on the same day and time throughout the federation
- On Election Day, the Presiding Officers shall display the ballot boxes in the full view of all present.
- The Presiding Officer in a polling unit can separate the queue for men and women if the culture in the area requires such separation.
- Voting shall be by open secret ballot.
- Voters shall vote for only one candidate in a particular election.
- Blind and incapacitated voters may be accompanied to the polling station and assisted to vote by a person of their own choice.
- The Presiding Officer in a polling station shall regulate the admission of voters to the polling stations.
- The Presiding Officer may allow candidates, polling agents, poll clerks and accredited observers into the polling station.
- At the close of poll, only authorized persons are permitted to remain in the polling stations.
- The counting and recording of votes shall be done at the polling station.
- The Presiding Officer shall give a copy of the result sheets to the candidate or his agent and a Police Officer where available.

Political Parties.

- The Independent National Electoral Commission shall register political parties that fulfill constitutional requirements.
- Political parties registered by INEC can sue and be sued in its registered name.
- The Commission shall register and keep the symbol of political parties.
- The symbol of political parties must not be offensive or objectionable.
- Political Parties desiring to merge shall give INEC six months notice before a general election of their desire to merge

- Registered political parties shall give INEC 21 days notice of their conventions, congresses or meetings convened for the purpose of electing members of their executive committee or the nomination of their candidates for elective offices.
- INEC shall monitor and keep record of the activities of political parties.
- Political parties shall not hold, retain or remit funds or other assets outside Nigeria.
- Political parties shall submit to INEC detailed annual statement and analysis of their sources of funds and other assets.
- The Commission shall publish the report of its examination of the records and audited accounts of political parties in three National Newspapers.
- Political parties shall within 90 days of the conclusion of an election submit to INEC separate audited accounts of its election expenses.
- The National Assembly may make an annual grant to political parties and INEC shall distribute the funds in the ratio of 10% to registered political parties and the remaining 90% in proportion to the number of seats won by a political party in the National Assembly.
- Presidential candidates can incur election expenses to the tune of N500, 000,000.and contravention of this ceiling attracts a penalty of N1, 000,000 or 12months imprisonment or both
- Gubernatorial candidates can incur election expenses to the tune of N100, 000,000and contravention of this ceiling attracts a penalty of N800, 000 or 9 months imprisonment or both
- Senatorial candidates can incur election expenses to the tune of N20, 000,000 and contravention of this ceiling attracts a penalty of N600, 000 or 6 months imprisonment or both
- House of Representative candidates can incur election expenses to the tune of N10, 000,000 and contravention of this ceiling attracts a penalty of N500, 000 or 5 months imprisonment or both
- State Assembly candidates can incur election expenses to the tune of N5, 000,000 and contravention of this ceiling attracts a penalty of N300, 000 or 3 months imprisonment or both
- Chairmanship candidates can incur election expenses to the tune of N5, 000,000 and contravention of this ceiling attracts a penalty of N300, 000 or 3 months imprisonment or both
- Councillorship candidates can incur election expenses to the tune of N500, 000 and contravention of this ceiling attracts a penalty of N100, 000 or 1months imprisonment or both
- No individual or entity can donate more than one million Naira to any candidate and contravention of this ceiling attracts a penalty of N500, 000 or 9 months imprisonment or both
- Political parties shall not accept or keep in their possession anonymous monetary or other contributions, gifts, properties etc. from any source.

Conducts at Political Rallies and Allied Matters

- Commissioners of Police shall provide adequate security for political rallies and processions.
- No person shall be in possession of any offensive weapon at a political rally or procession
- Political campaigns or slogans shall not be laced with abusive language that can incite ethnic, religious or sectional feelings.
- Abusive, intemperate, slanderous or base language or insinuations and innuendoes are not allowed during political campaigns.
- Places of worship, police stations and public offices shall not be used for political campaigns, rallies or processions

- Masquerades shall not be used or allowed to operate at political rallies and processions.
- Political parties shall not train, equip and use armed thugs and private security organizations, vanguard or other armed groups or individuals during rallies, processions and campaigns.
- Candidates and political parties shall not use or employ force during political campaigns.
- Public campaigns by political parties shall commence 90 days before elections and end 24 hours before elections.
- Government owed print and electronic media shall give equal access on a daily basis to all registered political parties or candidates.
- No candidate or political party shall use state resources, apparatus and media to the advantage or disadvantage of any political party or candidate.

Procedure for Election to Area Councils.

- INEC shall conduct and supervise elections to Area Councils.
- Area Councils shall elect a Chairman and Councilors for each electoral ward.
- In addition to other qualifications, candidates for elections in Area Councils shall have attained the age of 25 years for councilors and 30 years for Chairman and Vice Chairman.

Procedure for Election to Local Government Councils.

- Voting during Local Government Elections shall be by open secret ballot.
- If only one councillorship candidate remains at the close of nominations, the candidate shall be declared returned unopposed.
- Chairmanship candidates must receive a majority of YES over NO votes if they are the only ones nominated at the close of nominations.
- Chairmanship candidates in contested elections must have a majority of the votes cast and secure one-quarter of the votes cast in 2/3 of the wards in the Local Government.

Electoral Offences.

- Destroying, mutilating, defacing and alteration of notices required for purposes of voters registration.
- Giving false information or making false statements during registration of voters.
- Creating impediments and obstacles for registration officers.
- Wearing the identification clothes and tags of registration officers without lawful authority.
- Forging registration cards
- Carrying out registration of voters in fake registration unit.
- Forging, defacing and signing nomination papers for more than one candidate.
- Forging and destroying ballot papers and or placing them in unauthorized boxes.
- Interfering with ballot boxes and dealing with ballot papers in a manner not authorized by law.
- Printing of ballot papers and being in possession of ballot papers without lawful authority.
- Printing more than the authorized number of ballot papers.
- Manufacturing, importing and constructing electoral materials without lawful authority.
- Being in possession of offensive weapons at rallies and processions and acting in a disorderly manner.
- Improper use of voters cards
- Improper use of government and official vehicles.
- Impersonation and voting when not qualified to vote.
- Dereliction of duty by officers appointed to conduct registration of voters and elections.
- Giving and taking of bribes.

- Interfering with a voter casting his or her vote.
- Disclosure of the name of a voter and how he or she voted.
- Voting by persons that are not registered in a particular constituency
- Canvassing, soliciting and persuading a voter to vote for a particular candidate or not to vote on Election Day 300 meters of a polling station.
- Shouting slogans concerning elections and being in possession of offensive weapons, wearing symbols or photographs of candidates or parties, loitering around without lawful excuse, snatching or destroying election material or blaring siren 300 meters of a polling station.
- Convening public meetings in the vicinity of a polling unit during the hours of poll.
- Without lawful authority making official announcements, operating any megaphone, amplifier or public address apparatus.
- Threatening or using force or authorizing the use of force on any other person

Election Petitions

- Election petitions shall be presented within 30 days from the date the result of the election is declared.
- Area Council Election Tribunals and Area Council Election Appeal Tribunals shall hear and determine whether any Chairmen, Vice Chairmen and Councilors of Area Councils have been validly elected and whether the term of office or seat of any member has become vacant.
- Only candidates and political parties that participated in the election can challenge the results of the election.
- Candidates and political parties can question an election on grounds that the person whose election is questioned was at the time of the election not qualified to contest the election or that the election was invalid by reason of corrupt practices or non compliance with the Electoral Act, 2006 or that he or she was not elected by majority of lawful votes or that the petitioner was validly nominated but was unlawfully excluded from the elections.
- Election petitions shall be given accelerated hearing and take precedence over other matters
- Persons elected shall remain in office while petitions against them proceed in the various courts.