

ELECTORAL DECREE 1977



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SCHEDULE—FORMS

Decree No. 73

[29th December 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I—REGISTRATION OF VOTERS

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

Elections.

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

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

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

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

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

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

(4) The following persons are not qualified to vote at an election—

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

(b) the Chief Electoral Officers ;

(c) electoral officers and assistant electoral officers ;

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

(e) the presiding officer.

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

Ordinary
residence.

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

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

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

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

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

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

(b) until he replaces it by another.

Qualifying date.

3. The expression "qualifying date" as used in this Decree shall be the date on which the final register of voters is compiled under this Decree.

Control of registration and elections by the Commission, etc.

4.—(1) The registration of voters and the conduct of elections shall be subject to the direction and supervision of the Electoral Commission.

(2) Subject to section 148 below, the Commission shall appoint one of its members to be the Electoral Commissioner for each State of the Federation.

Registration officers and assistant registration officers.

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

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

(3) The Electoral Commission shall appoint a fit person as the chief registration officer in a State who shall subject to the control and direction of the Electoral Commission and the provisions of this Decree supervise all the registration officers for the registration areas within the State.

(4) The Executive Secretary of the Electoral Commission shall be the chief registration officer of the Federation and shall perform such functions in relation to the registration of voters under this Decree as the Electoral Commission may direct.

Preliminary lists.

6.—(1) There shall be a register of voters for each constituency to be compiled by the Federal Electoral Commission as herein prescribed. The first register of voters shall be compiled from a preliminary list obtained from a house to house registration of all eligible voters and from such other sources of information as may be available to the registration officer.

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

(3) Any of the persons referred to in subsection (2) above engaged in the house to house registration of voters shall wear and prominently display a badge provided by the Electoral Commission as evidence of his authority to register the names of the voters residing in the registration area, and notwithstanding subsection (2) above any such person shall, unless he is satisfied that no qualified voter residing in a dwelling place remains unregistered revisit every dwelling-house in the registration area at such reasonable time and hour of the day as may be directed by the Electoral Commission.

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

- (a) exercise the utmost care in preparing the list of voters; and
- (b) take all necessary precautions to ensure that the list when complete contains the principal name and such one or more further names by which a voter is usually or may be known, and his address, and that the list does not contain the name of any person who is not a voter.

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

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

(7) When all claims and objections to a preliminary list have been dealt with as required by this Decree, it shall be printed as directed by the Electoral Commission and be published as the register of voters.

(8) A new register of voters shall be compiled after the taking of every census and subject thereto the register of voters in every constituency shall be revised before a national election.

(9) The Electoral Commission shall in any area in which a revision is to be made and in such a manner as it thinks fit invite applications for inclusion in the register of voters from persons claiming to be entitled because of age, change of residence or other sufficient reason. Application within the time prescribed in this Decree shall be in Form EC.1 in Part I of the Schedule to this Decree and shall be made in person by the applicant; and if he is illiterate any person who is literate may assist him, or the registration officer may complete the form at the request of the applicant. The registration officer shall include the names in the list to be known as the supplementary list and the supplementary list shall with the existing register of voters comprise a new preliminary list, and the provisions of this Decree as to preliminary list shall apply and have effect accordingly.

(10) The Electoral Commission may authorise the issue in Form EC.1G in Part I of the Schedule to this Decree of registration cards to persons included in the preliminary list compiled as prescribed. Registration cards shall be numbered and bear the stamp of the registration officer.

7.—(1) Where it is necessary to display any list under this Decree, the registration officer shall prepare copies of the whole or any part of the list necessary for the purpose, and shall display the list in such places within a constituency as the Electoral Commission thinks fit; and each list shall bear the date of its display.

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

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

Display of
preliminary
lists.

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

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

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

Claims and objections.

8.—(1) Any person qualified to be registered may if his name is omitted or is incorrectly stated in the preliminary list claim within 15 days of the publication of the preliminary list by notice in writing to the registration officer in Form EC.2 in Part I of the Schedule to this Decree to have his name and address inserted or to have any such entry amended.

(2) Any person qualified to vote whose name appears in the preliminary list may within 15 days of the publication of the preliminary list by notice in writing to the registration officer in the Form EC.3 in Part I of the Schedule to this Decree object to the inclusion of any other name appearing therein, as being the name of a person not entitled to inclusion in that list.

(3) Every notice of objection under subsection (2) of this section shall be accompanied by a deposit of N20 which shall be refunded if the objection is sustained, or if the Electoral Commission after considering the report of the revising officer is satisfied that the objection was made in good faith ; but otherwise the amount deposited shall be paid into the Consolidated Revenue Fund by the registration officer.

Revising officers for hearing of claims, etc.

9.—(1) The Electoral Commission may appoint as a revising officer any fit person to hear and determine claims and objections to an entry in or omission from the preliminary list ; and may appoint any other person to assist the revising officer.

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

Power to make rules and hearing of claims, etc.

10.—(1) The Electoral Commission may make rules prescribing the time for hearing any claim or objection and the procedure at the hearing.

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

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

Completion of preliminary list.

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

(a) to give effect to a decision on any claim or objection ; or

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(b) to delete any duplicated entry ; or

(c) to delete the names of persons who are dead or disqualified.

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

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

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

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

Publication
of preliminary
list.

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

(3) For the purposes of this section and the avoidance of doubt, the preliminary list shall be deemed to be printed if it is produced in a visible form by lithography or photography.

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

Register of
voters.

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

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

Correction
of register
of voters.

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

Use of the
register.

15. The register of voters shall be used for the purpose of determining the persons entitled to vote at every election to the office of the President of the Federal Republic, the Governor of a State and to any of the Legislative Houses provided for in the Constitution.

PART II—PROCEDURE AT ELECTIONS

Election
dates.

16.—(1) For the purpose of the first elections after the commencement of this Decree—

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

(b) into any of the Legislative Houses provided for in the Constitution, the election date shall be appointed by the Electoral Commission upon receipt from the Supreme Military Council of a notice in that regard and the Electoral Commission shall not later than 21 days before the date so appointed publish in the *Gazette* a notice of the date appointed.

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

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

(4) Where the Electoral Commission appoints a substituted date in accordance with subsection (3) of this section there shall be no return for the election until polling has taken place in the area affected.

(5) Notwithstanding the provisions of subsection (4) of this section, the Electoral Commission may, if satisfied that the result of the election will not be affected by voting in the area in respect of which a substituted date has been appointed, direct that a return of the election be made.

(6) Whenever it is necessary to hold a bye-election to a Legislative House, the President of the Senate or the Speaker of that House shall forthwith certify the fact to the Electoral Commission and the Electoral Commission shall within 7 days of its receiving such notice publish not less than 21 clear days' notice of the date appointed for the bye-election in the *Gazette*:

Provided that nothing in this subsection shall be construed to require the holding of a bye-election to a Legislative House where less than 6 months remain before the dissolution of the Legislative House.

(7) For the purpose of any elections subsequent to those to which subsection (1) of this section relates the election dates shall be not less than 7 clear days before the expiration of any relevant period that may be specified in the Constitution in respect of the life of the Legislative House concerned, and the Electoral Commission shall publish in the *Gazette* and in such other manner as it may determine notice of the dates appointed for the elections.

Issue of
writ

17.—(1) Writs for the first election into the Legislative Houses after the commencement of this Decree shall be sealed with the public seal and shall be issued by or on behalf of the Head of the Federal Military Government and shall be returnable to the Clerk of the Legislative House concerned.

(2) Writs for subsequent elections into the Legislative Houses shall be similarly sealed and shall be issued by or on behalf of the President or Speaker of the Legislative House concerned and be returnable to the Clerk of that Legislative House.

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

TABLE

To the Electoral Commission,

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

.....
for the constituency of.....

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

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

*by (on behalf of the
Head of the Federal Military Government) Speaker
of the House of Representatives (or as the case may be)

Endorsement

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

.....
Secretary of the Electoral Commission

CERTIFICATE ENDORSED ON WRIT

I hereby certify that the member elected for the Constituency
of.....
in pursuance of the within written writ is

.....
(here state the name of the member)

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

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

.....
Secretary of the Electoral Commission

* Delete where not applicable

18.—(1) Subject to this section, the Electoral Commission shall whenever occasion may so require appoint a fit person (in this Decree referred to as an "electoral officer") for each senatorial district or constituency as the case may be.

Control of
election by
electoral
officers.

(2) The Electoral Commission may likewise appoint from time to time assistant electoral officers for the purposes of the election and in respect of any constituency or senatorial district it thinks fit. An assistant electoral officer appointed under this subsection shall be subject to the authority and

control of the electoral officer for the senatorial district or constituency, and subject thereto and to the direction of the Electoral Commission, an assistant electoral officer shall have and may exercise the powers and duties of an electoral officer; and where it becomes necessary for an electoral officer to exercise those powers and duties in any part of a senatorial district or constituency, the electoral officer shall exercise supervisory functions in respect of the whole senatorial district or constituency.

(3) The Electoral Commission shall appoint a fit person as the chief electoral officer in a State who shall subject to the control and direction of the Electoral Commission and the provisions of this Decree supervise all the electoral officers for the senatorial districts and the other constituencies within the State and shall direct and supervise election to the office of Governor and Deputy Governor.

(4) For the purpose of directing and supervising an election to the office of President and Vice-President the Executive Secretary of the Electoral Commission shall exercise the function of a Chief Electoral Officer subject to the direction and control of the Electoral Commission.

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

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

20. The Electoral Commission may appoint for any election in a constituency or senatorial district such poll clerks as appear to them to be necessary to assist an electoral officer.

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

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

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

(3) The presiding officer may authorise a poll clerk to do any act which the presiding officer is required or authorised to do at the polling station, including an order for the search of or arrest of any person, or the exclusion or removal of a person from the polling station.

Provided that the presiding officer shall keep a record of any such order stating the reasons for same for submission to the Electoral Commission.

23.—The Electoral Commission shall—

(a) provide in each polling station a compartment in which voters may make their marks on ballot papers screened from observation;

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

Returning
officer and
assistants.

Poll clerks.

Supervision
of returning
officer and
others.

Clerks at
polling
station.

Facilities at
polling
station.

- (c) provide such number of ballot papers under sealed covers as may be necessary ;
- (d) provide a statement showing the number of ballot papers so supplied with the serial number ;
- (e) provide each polling station with instruments for the making of an official mark on the ballot papers and with pads impregnated with indelible ink of distinctive colour ;
- (f) provide sufficient copies of printed directions for the guidance of voters ;
- (g) provide each polling station with copies as certified by the electoral officer of the register of voters for the constituency or with the part of the register which contains the names of the voters allotted to vote at the polling station ;
- (h) provide for the use of voters in marking on the ballot papers, a table or desk with a hard and smooth surface and a chair ;
- (i) give such instructions as may be necessary for the proper construction of the voting compartment ; and
- (j) do such other acts and things as it may prescribe for conducting the election as required by this Decree.

24.—(1) Not less than 14 days before the date appointed for the election, the electoral officer in each constituency shall in the name of the Electoral Commission publish a notice stating—

Notice of election and time for nomination.

- (a) the date of the election ; and
 - (b) the place and time by which nomination papers are to be delivered to the electoral officer, which time shall be on a day not later than 10 days before the date of the election.
- (2) Nomination papers may be lodged at any time during normal office hours at such place or places so appointed by the electoral officer.
- (3) For the avoidance of doubt, the nomination papers in respect of the nomination of candidates for the office of the President of the Republic or Governor of a State shall be lodged at any time during office hours at such place or places as may be appointed by the Chief Electoral Officer of the Federation or the Chief Electoral Officer of a State, as the case may be.

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

Nomination papers.

- (a) the names, addresses and occupations of the candidate ;
- (b) the names, addresses and occupations of the nominators of the candidate ;
- (c) a statement by the candidate that he is willing and qualified to stand for election ;
- (d) a statement by the candidate as to his symbol for the purpose of any contested election ;
- (e) a statement by the candidate as to the name of the political party which sponsors his candidature.

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

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(3) A candidate or one of the persons nominating him shall not later than the date and time prescribed, personally present the nomination paper to the electoral officer at the place appointed by the electoral officer: Provided that in the event of absence or proved irregularity on the part of an electoral officer, the Electoral Commissioner, the Chief Electoral Officer of the State or of the Federation, as the case may be, may accept the nomination paper of a candidate within 48 hours to the closing date of nominations.

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(4) In this section the term "electoral officer" includes the Chief Electoral Officer of the Federation and the Chief Electoral Officer of a State as the case may require.

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(5) A candidate for any election shall deliver along with the nomination paper receipts for payment by him of income tax anywhere in the Federation in respect of each of the three years immediately preceding the date of the election except where a candidate satisfies the Electoral Commission that he was not during the relevant period liable to pay income tax or had been exempted from payment of income tax.

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Nomina-
tions.

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

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

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

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Deposit.

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

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(a) N1,000 in respect of an election to the office of President and Vice-President;

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(b) N500 in respect of an election to the office of Governor and Deputy Governor;

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(c) N200 in respect of an election to the Senate or House of Representatives; and

(d) N100 in respect of an election to a State House of Assembly.

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

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

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

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

(c) there is no contested election ;

(d) a contested election is declared void ; or

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

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

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

28.—(1) If after delivery to him of a nomination paper an electoral officer is satisfied that the prescribed deposit has been paid and all other requirements of this Decree have been complied with, the acceptance within the time required by this section of the nomination paper on the form prescribed in subsection (3) of this section shall be prima facie evidence of the validity of the nomination.

Validity of nominations.

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

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

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

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

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

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

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

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

(4) A person nominated as a candidate in accordance with the provisions of this Decree may, at any time before the beginning of the period of 4 days ending with the date of the election, withdraw his candidature by delivering in person to the electoral officer a declaration in writing to that effect signed by him and duly attested by the signatures of any two voters who are qualified to vote in the constituency in which he was officially nominated.

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

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(6) The deposit paid by a candidate in pursuance of section 27 of this Decree shall be returned to him or his personal representatives if his candidature is withdrawn in accordance with the provisions of subsection (4) of this section.

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(7) The acceptance or rejection of a nomination paper shall not be questioned in any court of law other than the Tribunal trying an election petition under this Decree.

Publication
of list of
nominations.

29. The Electoral Commission shall prepare a statement setting out the full names of all persons standing nominated and of the persons nominating them and their respective addresses and occupations; the statement shall be displayed at least 7 days before the date appointed for the election at the place or places appointed for the delivery of nomination papers.

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Death of a
candidate.

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

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(2) Notice of the new day fixed for the nomination of candidate in replacement of the dead candidate shall not be more than 30 days from the death of the candidate whose death is the cause of fixing the new day or less than 15 days from the issue of notice for the new election.

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

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31. If after the expiry of the time for delivery of nomination papers there is more than one person standing nominated, a poll shall take place in accordance with the provisions of this Decree.

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32.—(1) If after the expiry of the time for delivery of nomination papers there is only one person whose name is validly nominated, that person shall be declared elected.

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

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33.—(1) Where on the close of nominations there is no candidate validly nominated, the Electoral Commission shall as soon after the date of the election as may be convenient fix a date for another election.

Failure of nominations.

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

34.—(1) In any contested election, the votes shall be given by ballot and the results shall be ascertained by counting the votes given to each candidate ; and the candidate to whom the majority of votes has been given shall be declared elected.

Ballot where election is contested.

(2) In the case of an election to the office of the President a candidate shall be deemed to have been duly elected to such office, if—

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

(b) he has not less than one quarter of all the votes cast at the election in each of at least two-thirds of all the States within the Federation ; or

(ii) where there are only two candidates for the election,

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

(b) wins a majority of votes in more than half of the States within the Federation ;

(iii) in default of a candidate who is duly elected in accordance with paragraph (i) of this subsection there shall be a second election, which shall be held not later than 30 days after the date of the first election at which the only candidates shall be the candidate who secured the highest votes at the first election and that one among the remaining candidates who has a majority of votes in the largest number of States : Provided that if there are more than one candidate with a majority of votes in the highest number of States the one with the higher total of votes cast at the election shall be the second candidate for the second election ;

(iv) (a) in default of a candidate who is duly elected in accordance with paragraph (ii) or (iii) of this subsection the Electoral Commission shall within seven days of the result of the second election hold an election in each House of the National Assembly and in each House of Assembly of every State in the Federation to determine which of the two candidates shall be elected as President ;

(b) the election mentioned in this paragraph shall be held simultaneously in every State and the person who has a simple majority of the votes cast at such election shall be deemed to have been duly elected as President.

(3) A candidate for an election to office of the Governor of a State shall be deemed to have been duly elected to such office if he has the highest number of votes cast at the election.

(4) A candidate shall be deemed to have been duly elected to the office of Vice-President or Deputy Governor if the person who nominated him as candidate in accordance with the provisions of the Constitution has been duly elected as President or Governor, as the case may be, in accordance with the provisions of this section.

35.—(1) If an election is to take place, the Electoral Commission shall appoint a sufficient number of polling stations in the constituency and shall allot voters in the constituency among such polling stations.

Appointment of polling stations.

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

Symbols.

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

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

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

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

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

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

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

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

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

Allocation of symbols.

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

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

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

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

Ballot
boxes.

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

39.—(1) Every ballot paper shall be a printed paper on which the symbol adopted by the candidate and duly registered as prescribed in section 36 shall be clearly set out together with the name of the candidate. Every ballot paper shall have a serial number printed or stamped on the back and shall be attached to a counterfoil bearing the same serial number as printed or stamped on the back of the ballot paper.

Ballot
papers.

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

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

Polling
agents.

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

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

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

(3) Polling agents shall have such power as the Electoral Commission may allow for the purposes of this Decree.

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

Notice of
ballot.

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

(b) the full names arranged in alphabetical order of surnames or last names and places of residence and occupations of the candidates remaining nominated, together with the symbols allotted to each candidate;

(c) by way of indication, the persons entitled to vote;

(d) the location of the polling station or polling stations.

42. Polling stations shall be open to voters at 7 o'clock in the forenoon of the day fixed for the poll, and unless interrupted under the provisions of this Decree, shall close not later than 6 o'clock in the evening of that day.

Hours of
polling.

Preparation of ballot boxes.

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

- (a) be locked and sealed with one of the special metal seals prescribed by the Electoral Commission for the use of presiding officer ;
- (b) then be placed on a table in full view of all present, and be maintained so placed until the close of poll.

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

Questions to be put to voters.

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

- (a) "What is your name and where do you live ?"
- (b) "Have you already voted at the present election at this or any other polling station ?"

Issue of ballot papers.

45. Every person intending to vote shall present himself to a presiding officer at the polling station in the constituency in which his name is registered as being entitled to vote. The presiding officer after satisfying himself that the name of the person intending to vote appears on the register of voters, and that such a person has not already voted shall —

- (a) if the voter produces his voter's registration card, mark the card in such a way as to indicate that it has been presented and used at the election ;
- (b) issue the voter with a ballot paper and an envelope ;
- (c) sign his name on the back of the envelope over the official stamp.

Manner of voting.

46. A voter on receiving a ballot paper—

- (a) proceeds forthwith to the voting compartment and there with ink provided in a pad and indelible to leave a mark for a period of approximately ten hours, makes his thumb impression on the blank space on the ballot paper at the left of the symbol and name of the candidate for whom he intends to vote ;
- (b) inserts the ballot paper in the envelope and seals the envelope ;
- (c) comes out from the compartment, have his thumb inspected by the presiding officer to satisfy the presiding officer that he has made his mark on the paper and in the full view of the presiding officer and all others present—
 - (i) deposit the envelope containing his vote in the ballot box ;
 - (ii) have his left thumb nail marked with indelible ink.

Plural voting prohibited.

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

Ballot paper not to be marked by voter for identification.

48.—(1) A voter shall not place on the ballot paper any writing or mark by which he may be identified.

(2) For the avoidance of doubt, a print resulting from the staining of the thumb of the voter in the voting compartment shall not be or be deemed to be a mark of identification under this section.

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

Accidental destruction or marking of ballot papers.

50. A voter who is blind or is otherwise unable to distinguish symbols or who suffers any other physical disability may be accompanied into the polling station by a friend or relative chosen by him and the friend or relative shall, after informing the presiding officer of the disability be permitted to accompany the voter into the voting compartment and assist the voter to make his left thumb mark, on the left side of the symbol nominated by the voter, to insert the ballot paper in the envelope and to seal the envelope.

Blind and incapacitated voters.

51. No elector shall record his vote otherwise than by personally attending at the polling station and recording his vote in the manner prescribed by this Decree.

Personal attendance.

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

Voting at appropriate polling stations.

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

Use of certified extract of register in special cases.

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

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

54.—(1) If at the time a person applies for a ballot paper, and after he has applied and before he leaves the polling station, a polling agent informs the presiding officer that he has reasonable cause to believe that the applicant for the ballot paper is not the person named in the register of voters, and the polling agent undertakes to substantiate a charge of impersonation in a court

Impersonation in polling station.

of law, the presiding officer may order a police officer to arrest such person ; and the order of the presiding officer shall be sufficient authority for the arrest.

(2) Any applicant for a ballot paper affected by subsection (1) of this section shall not be prevented from voting if he denies the charge or is not informed of it ; but the presiding officer shall cause the words "protested against for impersonation" to be placed against the name of the applicant in the marked copy of the register of voters and record this on the counterfoil of the ballot paper. If any such person admits to the presiding officer that he is not the person he holds himself out to be, he shall not be permitted to vote ; and if he has already voted, the presiding officer shall note the number of the ballot paper delivered to such person, and upon count being taken that ballot paper shall be invalid.

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

Tendered ballot papers.

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

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

Power to exclude unauthorised persons, etc.

56. The presiding officer shall regulate the admission of voters to the polling station and shall exclude all persons other than candidates, polling agents, poll clerks and persons lawfully entitled to be admitted, and the presiding officer shall keep order and comply with the requirements of this Decree at the polling station. In the exercise of his powers under this section the presiding officer may utilise the services of a police officer or officers available.

Misconduct, etc. at polling station.

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

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

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

Interrup-
tion of
election.

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

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

Closing
of poll.

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

60.—(1) Immediately after the close of the poll the presiding officer in the presence of the poll clerk and such candidates or their agents as are present, shall make up into separate packets to be sealed with his own seal and marked for identification—

Ballot boxes
and papers
at close of
poll.

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

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

(c) the counterfoils of used ballot papers;

(d) the tendered ballot papers;

(e) the tendered vote list;

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

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

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

and when so made up and sealed the presiding officer shall deliver the packets to the returning officer.

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

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

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

(ii) the number of spoilt ballot papers;

(iii) the number of unused ballot papers;

(b) the number of tendered ballot papers;

(c) the number of persons marked on the register of voters (including any additions deemed to be made thereto in accordance with this Part of this Decree) as having been issued with ballot papers.

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

Counting agents.

61.—(1) Each candidate may appoint such number of persons (in this Decree called "counting agents") as the returning officer may approve; and so far as practicable the number of counting agents approved shall be sufficient to allow each candidate to be represented by a counting agent at any place and time at which any part of the counting of votes is taking place.

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

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

Counting of votes.

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

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

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

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

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

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

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

(d) subject to the direction and supervision of the returning officer, a deputy returning officer shall have all the powers, functions and duties vested in or imposed upon a returning officer under this Decree other than the power conferred on a returning officer by section 67.

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

Method of counting.

(2) In counting the votes the returning officer shall reject any ballot paper—

- (a) found in an unstamped and unsigned envelope;
- (b) which does not bear the mark of the polling station or which is marked so as to identify the voter;
- (c) which has not been thumb-marked for any candidate;
- (d) which has been thumb-marked for more than one candidate.

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

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

(4) The decision of the returning officer on any question arising in respect of a ballot paper shall be subject to review only in proceedings before a Tribunal by way of election petition instituted in accordance with the provisions of this Decree.

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

Statement of rejected papers.

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

Dealing with ballot papers by returning officer.

Recount.

66. A candidate or his counting agent may, if present when counting is completed, require the returning officer to make a recount, and if the returning officer considers the request to be reasonable, he shall make the recount; but no further count shall thereafter be made except at the direction of a Tribunal on an election petition under this Decree.

Decision by lot.

67. When an equality of votes is found to exist between any candidates so that the addition of a vote would entitle any one of the candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and shall proceed as if the candidate on whom the lot falls had received one additional vote. The returning officer shall thereupon declare such candidate to be the person elected.

Declaration of results.

68. After counting the votes and ascertaining the result of the polls the returning officer shall—
(a) complete the certificate of return in Form EC.8 in Part I of the Schedule to this Decree;
(b) declare the result of the poll by reading the completed certificate of return aloud in the place of counting; and
(c) cause to be delivered to the Electoral Commission the original of the certificate of return.

Return of writ and declaration of results.

69. The Electoral Commission shall publish in such place or places as it thinks fit a notice of the result of the election; and shall cause the name of the successful candidate to be endorsed on the writ and shall return the writ. When the return of the writ is made to the Clerk of the Parliaments or the Clerk of the State Assembly or appropriate authority, as the case may be, he shall publish the result in the *Gazette*.

Safe custody of results.

70.—(1) The returning officer shall deliver all documents relating to the conduct of the election to the Electoral Commission who shall be responsible for their safe custody.
(2) The Electoral Commission shall retain for a period of 6 months all the documents relating to an election forwarded to it as required under subsection (1) of this section; and unless otherwise ordered by a Tribunal or notified of legal proceedings in respect of such election, it shall at the end of that period cause the documents to be destroyed.
(3) Documents in the custody of the Electoral Commission shall not be available for any purpose except as required under an order for inspection made by a Tribunal on an election petition.
(4) In this section "documents" include any completed form prescribed under this Decree.

Report by Electoral Commission.

71. The Electoral Commission shall—
(a) immediately after each general election, cause to be printed a report giving by constituencies, the number of votes polled for each candidate, the number of rejected ballots and the number of names on the list of voters, together with any other information that it may deem fit to include; and
(b) at the end of each year, cause to be printed a similar report on the bye-elections held during the year.

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72.—(1) Subject to the provisions of this section, a person shall be qualified for—

Qualifica-
tion for
election.

(a) election as a member of the House of Representatives or a State Assembly if he is a citizen of Nigeria and is not less than 21 years old and if—

(i) he has fully paid as and when due in respect of each of the three financial years preceding the date of the election income tax anywhere in the Federation ; and

(ii) he is nominated by ten persons whose names appear on the register of voters in the constituency he proposes to represent ;

(b) election as a senator if he is a citizen of Nigeria and has attained the age of 35 years and if—

(i) he has fully paid as and when due in respect of each of the three financial years preceding the date of the election income tax anywhere in the Federation ; and

(ii) he is nominated by ten persons whose names appear on the register of voters in the senatorial district he proposes to represent ;

(c) election to the office of Governor or Deputy Governor of a State if he is qualified for election as a senator and the candidate for Governor is nominated by ten persons whose names appear on the register of voters in the State he proposes to be Governor ;

(d) election to the office of President or Vice-President if he is qualified for election as a Senator and has attained such age as may be specified in that regard in the Constitution and the candidate for President is nominated by ten persons whose names appear on the register of voters in the Federation.

(2) For the avoidance of doubt, a person shall not be taken to have complied with the provisions of this section relative to the payment of income tax where such person has not paid his income tax for the year concerned in full as it became due under the relevant tax law or has paid his income tax in arrears for any two or all of those years during the year in which the election may fall, and, accordingly, such a person shall, without prejudice to any other provision of this Decree, be deemed not to have been validly nominated for the purpose of the election in question.

73.—(1) No person shall be qualified for election to any Legislative House or to the office of President or Vice-President or Governor or Deputy Governor of a State—

Disqualifi-
cation for
election.

(a) if he has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the National Assembly, has made a declaration of allegiance to that country ;

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

(c) if he is under a sentence of death imposed on him by any court in Nigeria or a sentence of imprisonment for an offence involving dishonesty (by whatever name called) exceeding six months imposed on him by such a court or substituted by a competent authority for some other sentence imposed on him by such a court ; provided that the National Assembly may, in order to permit any person who had been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment or declared bankrupt to appeal against the decision in accordance with any

law in force in Nigeria, provide that subject to such conditions as may be prescribed the decision shall not have effect for the purposes of this section until such time as may be prescribed ;

(d) if within a period of not less than 15 years before the date of an election to the Legislative House he has been sentenced to a term of imprisonment for an offence involving dishonesty and has not been pardoned, or has been found guilty of a contravention of the code of conduct ;

(e) if he is an undischarged bankrupt, having been adjudged or declared bankrupt under any law in force in any part of Nigeria ;

(f) if he is a person employed in the public service of the Federation or of any State or in a Local Government Service or Statutory Corporation or is employed as an officer in any Legislative House, the Judiciary or the Armed Forces or the Nigeria Police Force or was such a person within a period of less than four months before the election : Provided that if a person who holds office as a member of a statutory corporation, State-owned company or State-controlled company or a local government, is elected a member of any Legislative House, he shall cease to hold office as a member of that corporation, company or local government ;

(g) if he has held any office in the public service of the Federation or of any State or in any Local Government or in any Statutory Corporation or body, or in any company owned or controlled by the Government of the Federation or of a State and—

(i) has been removed from that office on any ground involving dishonesty, or

(ii) has been dismissed from office on any ground ;

(h) he is an Emir, Oba, Obi or Paramount Chief ; for the purposes of this paragraph if any question arises as to whether or not a person is an Emir, Oba, Obi or Paramount Chief the question shall be determined by the Governor of the State concerned whose decision thereon shall be final and shall not be enquired into in any court of law.

(2) No person shall be qualified for election to the offices of President or Vice-President and Governor or Deputy Governor if he—

(a) does any act, acquires any status or suffers any disability which, if he were a senator would have disqualified him from membership of the Senate; or

(b) has been elected to such office at any two previous elections.

(3) The reference in paragraph (g) of subsection (1) of this section to office in the public service of the Federation includes a reference to any member of the Armed Forces of Nigeria and the Nigeria Police Force.

74.—(1) Notwithstanding the provisions of sections 72 and 73 of this Decree a person to whom this section applies shall not, in respect of the first elections to be held after the commencement of this Decree or any election held during a period of four years beginning with the commencement of this Decree, be qualified as a candidate for the office of President, Vice-President, Governor, Deputy Governor or as a member of any of the Legislative Houses provided for in the Constitution.

(2) This section applies to any person found guilty of corruption, unjust enrichment or abuse of office by any tribunal or inquiry (including any military tribunal or inquiry) instituted by the Federal Military Government or by the Government of a State at any time not earlier than 15th January 1966, and the reference in this section to the Federal Military Government or the Government of a State includes a reference to any body or agency established by the Federal Military Government or by the Government of a State, as the case may be.

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Special disqualifications in respect of the first elections.

(3) The question whether a person was found guilty of corruption, unjust enrichment or abuse of office shall be determined by the Electoral Commission by reference to the relevant report of the tribunal or inquiry in question and the decision of the Federal Military Government or the Government of a State as the case may be thereon, and the decision of the Electoral Commission on any such question shall be final and shall not be inquired into in any court of law.

75. No person shall be qualified for election to any office or to membership of any Legislative House if he has been found guilty by a court or any tribunal of corrupt or illegal practice at any elections including election conducted under any Local Government Edict or Law for a period of four years commencing on the date of the finding.

Disqualification arising from election malpractices.

PART III—POLITICAL PARTIES

76. In this Part of this Decree, unless the context otherwise requires—
 "association" means any body of persons (corporate or unincorporate) who agree to act together for any common purpose and includes an association formed for any ethnic, social, cultural, occupational or religious purpose;
 "political party" includes any association of persons whose activities include canvassing for votes in support of a candidate for election to the office of President, Vice-President, Governor, Deputy Governor or membership of a Legislative House or a Local Government.

Interpretation.

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

Prohibition of political activities by associations.

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

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

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

Restriction on formation of political parties.

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

(b) its membership is open to every Nigerian citizen irrespective of his place of origin, religion, ethnic group or sex ;

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

(d) every alteration in its registered constitution is also registered in the principal office of the Electoral Commission within thirty days of such alteration being made ;

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

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

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

Constitution and rules of political parties.

79.—(1) The constitution and rules of a political party shall provide—

(a) for the periodic election on democratic basis of the principal officers or members of the Executive Committee or other governing body ;

(b) ensure that members of the executive committee or other governing body reflect the federal character of Nigeria.

(2) For the purposes of this section—

(a) the election of the officers or members of the executive committee of a political party shall be deemed to be periodical only if it is made at regular intervals not exceeding four years ;

(b) the members of the executive committee or other governing body of a political party shall be deemed to reflect the federal character of Nigeria only if the members belong to different States not being less in number than two-thirds of all the States comprising the Federation.

(3) Any political party which after having been duly registered upon satisfying the Electoral Commission that its constitution and rules are in accordance with subsection (1) of this section subsequently contravenes the provisions of this section shall have its registration certificate cancelled by the Electoral Commission and shall thereupon cease to function as a political party.

Programme and objectives of political parties.

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

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

Finances of political parties.

81.—(1) All political parties shall at such times and in such manner as the Electoral Commission for the Federation may require, submit to the Commission and publish a statement of their assets and liabilities.

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

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

(4) The Electoral Commission shall have power to direct political parties regarding the books or records of financial transactions which they shall keep and to examine all books and records of any political party.

(5) The powers conferred on the Electoral Commission under subsection (4) of this section may be exercised by it through any member of its staff or through an independent professional auditor.

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(6) Any political party which contravenes any of the provisions of subsections (1), (2) and (3) of this section shall be guilty of an offence and liable on conviction to a fine of ₦10,000 and, in addition, to a fine of ₦2,000 for every succeeding month it fails to comply with the provisions of each subsection. Where a political party fails to pay over to the Electoral Commission any funds or assets remitted to it from abroad as required by subsection (3) of this section that political party shall be liable to a fine of ₦5,000 for every day the political party unlawfully retains such funds or assets.

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

Restriction
on membership
of
political
parties.

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

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

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

Annual
report on
finances of
political
parties.

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

(3) Every member of the Electoral Commission or any person duly authorised by the Commission shall have a right of access at all times to the books and accounts and vouchers of all political parties and shall be entitled to require from the officers of the party such information and explanation as he thinks necessary for the performance of his duties under this Decree; and if the Commission or any members thereof fail to obtain all the information and explanation which, to the best of their knowledge and belief, are necessary for the purposes of their investigation, they shall state that fact in their report.

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

Prohibition
of quasi-
military
organisation
within a
political
party.

(2) Any persons in the management or control of any political party which contravenes the provisions of this section shall be guilty of an offence and jointly and severally liable on conviction to a fine of ₦5,000.

85.—(1) The Federal Military Government may approve a grant for disbursement to political parties that will contest the elections to be held in 1979. The total block grant to be made available to the Electoral Commission for this purpose shall be the sum arrived at by multiplying five kobo by the total number of names appearing in the final list of voters in all the Federal constituencies in the Federation.

Grant as a
transitional
measure.

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

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

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

Election
expenses
of political
parties.

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

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

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

(4) The return referred to in subsection (3) of this section shall show the amount of money expended by or on behalf of the party on election expenses, the items of expenditure and the commercial value of goods and services received for election purposes.

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

(6) Any political party which fails to submit to the Electoral Commission audited return of election expenses as required in subsection (3) of this section or contravenes any provision of that subsection is guilty of an offence and shall be liable on conviction to a fine of ₦10,000 payable jointly by the party leader and the party treasurer.

(7) The Electoral Commission shall submit a report to the Federal Government relating to the election expenses of registered political parties on which report the Government may base its consideration of the adequacy or otherwise of the limitation of election expenses.

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PART IV—ELECTORAL OFFENCES

87. Any person who—

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

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

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

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

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

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

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

(h) forges a registration card,

shall be guilty of an offence and liable on conviction to imprisonment for a term of six months without the option of a fine.

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

(a) forges any nomination paper ;

(b) wilfully defaces or destroys any nomination paper ;

(c) delivers to an electoral officer any nomination paper knowing it to be forged ;

(d) signs a nomination paper as a candidate in more than one constituency ;

(e) forges any ballot paper or official mark on any ballot paper or any certificate or return ;

(f) wilfully destroys any ballot paper or official mark on any ballot paper or any certificate or return ;

(g) without proper authority supplies a ballot paper to any person ;

(h) wilfully places in any ballot box any unauthorised paper ;

(i) wilfully removes from a polling station any ballot paper whether or not the ballot paper was issued to him in that polling station ;

(j) without proper authority, destroys or in any other manner interferes with a ballot box or its contents or any packet of ballot papers then in use for the purpose of the election ;

Offences in relation to registration, etc.

Offences in respect of nomination, etc.

(k) signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at the election ;

(l) without proper authority prints a ballot paper or what purports to be, or is capable of being used as a ballot paper at an election ;

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

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

and shall be liable on conviction to imprisonment for twelve months without the option of a fine.

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

(3) Where any person is convicted of an offence under this section he shall in addition to any penalty imposed on conviction be deemed to be guilty of a corrupt practice under section 93 of this Decree and that section shall have effect accordingly.

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

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

90. Any person who, at a political meeting held in any constituency after the date when an election has been announced—

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

(b) has in his possession an offensive weapon or missiles,— shall be guilty of an offence and liable on conviction to imprisonment for twelve months without the option of a fine.

91. Any person who—

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

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

(c) has in his possession more than one registration card, shall be guilty of an offence and liable on conviction to a fine of ₦200 or to imprisonment for one year, or to both.

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Dereliction of official duty.

Disorderly behaviour at political meetings.

Improper use of registration cards.

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

Improper
use of
vehicles.

(2) Notwithstanding the provisions of subsection (1) of this section the Electoral Commission may by notice in the *Gazette* restrict or limit the use of vehicles of any particular description or any water transport at an election.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine of N100 or to imprisonment for six months, or to both.

93.—(1) If at an election, a candidate commits or is deemed under this Decree to have committed any offence whereby he is guilty of any corrupt practice and that candidate is elected, his election shall be invalid.

Corrupt
practice.

(2) For the purpose of this section, a candidate shall be deemed to have committed corrupt practice, if it was committed with his knowledge and consent, or with the knowledge and consent of any person acting under the general or special authority of the candidate with reference to the election.

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

94.—(1) Any person who—

Personation
and voting
if not
qualified.

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

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

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

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

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

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

(2) Any person who commits the offence of personation or who aids, abets, counsels or procures the commission of that offence shall be liable on conviction to imprisonment for six months, without the option of a fine.

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

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

Treating.

(a) corruptly by himself or by any other person at any time after the date of an election has been announced directly or indirectly gives or provides or pays, wholly or in part, the expense of giving or providing

any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election ; or

(b) being a voter, corruptly accepts or takes any such food, drink, entertainment or provision during any such period, and shall be liable on conviction to a fine of ₹1,000 or to imprisonment for two years, or to both.

Undue
influence.

96. Any person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of, any force, violence, or restraint, or who inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel anyone to refrain from standing as a candidate or to vote or refrain from voting, or on account of anyone having voted or refrained from voting, at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free use of the vote by any voter or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election or to compel a candidate to stop canvassing for votes for himself shall be guilty of a corrupt practice and commits the offence of undue influence, and shall be liable on conviction to imprisonment for two years without the option of a fine.

Bribery.

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

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

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

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

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

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

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

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

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

(4) Any person who commits the offence of bribery shall be liable on conviction to imprisonment for two years, without the option of a fine.

98. Any person guilty of a corrupt practice who is convicted of the offence of personation, treating, undue influence, or bribery or is convicted of aiding, abetting, counselling or procuring the commission of the offence of personation or, being convicted of any other offence under this Part of this Decree is deemed for the purpose of this section to be guilty of a corrupt practice shall, in addition to any other penalty, be disqualified during a period of four years from the date of his conviction—

Disqualification for certain corrupt practices.

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

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

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

Requirement of secrecy.

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

(3) No person shall—

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

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

(4) Any person acting contrary to the provisions of this section commits an offence and shall be liable upon conviction to a fine of N100 or to imprisonment for six months, or to both; and shall in addition to the penalty imposed on conviction be deemed to be guilty of a corrupt practice for the purposes of section 93 of this Decree and that section shall have effect accordingly.

Wrongful voting and false statements.

100. Any person who—

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

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

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

shall be guilty of an illegal practice and liable on conviction to imprisonment for a term of twelve months without the option of a fine and, shall in addition to any penalty imposed on conviction, be deemed to be guilty of a corrupt practice for the purposes of section 93 of this Decree and that section shall have effect accordingly.

Voting by unregistered person.

101.—(1) Any person who knowingly votes or attempts to vote in a constituency in respect of which his name is not on the register of voters shall be guilty of an offence and liable on conviction to a fine of N100 or to imprisonment for six months, or to both.

(2) Any person who at an election brings into a polling station a ballot paper issued to another person shall be guilty of an offence and liable on conviction to a fine of N500 or to imprisonment for twelve months or to both.

(3) Where any person is convicted of an offence under this section he shall, in addition to any penalty imposed on conviction, be deemed to be guilty of a corrupt practice for the purposes of section 93 of this Decree, and that section shall have effect accordingly.

Disorderly conduct at elections.

102. Any person who at an election acts or incites others to act in a disorderly manner for the purpose of preventing or obstructing the conduct of such election shall be guilty of an offence and be liable on conviction to imprisonment for a term of two years, without the option of a fine.

Offences on election day.

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

(a) canvass for votes;

(b) solicit the vote of any voter;