

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

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

(e) shout slogans concerning the election ;

(f) be in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voters ;

(g) exhibit, wear or tender any notice, symbol, photograph or party card referring to the election ;

(h) use any vehicle bearing the colour or symbol of a political party by any means whatsoever ;

(i) display by any means on a vehicle the name or photograph of the candidate ;

(j) loiter without lawful excuse after voting or being refused to vote.

(2) No person shall in a constituency on the day on which an election is held—

(a) convene, hold or attend any public meeting ; or

(b) unless appointed under this Decree to make official arrangements, operate any megaphone, amplifier or public address apparatus for the purpose of making announcements concerned with the election ; or

(c) wear or carry any badge, poster, banner, flag or symbol relating to a political party or to the election.

(3) Any person acting contrary to any of the provisions of this section shall be guilty of an offence and liable on conviction to a fine of N100 or imprisonment for one year, or to both, for every such offence.

104. Where any person is convicted of an offence under this Part of this Decree, the effect of which is to disqualify such person from being registered as a voter, or from being elected to any of the Legislative Houses, or elective offices, the court by which he is convicted shall notify the Electoral Commission of the conviction ; and in the event of an appeal the court hearing the appeal shall give notice of the result of such appeal to the Electoral Commission.

105.—(1) Every registered political party that through any person acting on its behalf—

(a) during two days before polling day or on polling day advertises on the facilities of any broadcasting undertaking ; or

(b) procures for publication or acquiesces in the publication, during the period described in paragraph (a) of an advertisement in a newspaper, for the purpose of promotion or opposing a particular political party or the election of a particular candidate is guilty of an offence against this Decree and upon conviction shall be liable to a fine of N5,000.

(2) For the purpose of subsection (1) of this section, a notice of a function, meeting or other event that the leader of a political party intends to attend or a notice of invitation to meet the leader of a political party at a specific place shall be deemed not to be an advertisement for the purpose of promoting or opposing a particular political party or the election of a particular candidate.

Limitation
on political
broadcasting
and
campaigning
by political
parties.

Electoral
Commission
to be notified
of certain
convictions.

(3) A prosecution for an offence under this section may be brought against a political party and in the name of that party and, for the purpose of any such prosecution only, the political party shall be deemed to be a person and any act or thing done or omitted by an officer of a political party within the scope of his authority to act on behalf of the political party shall be deemed to be an act or thing done or omitted by that party.

106. Every candidate who directly or through any other person acting on his behalf—

- (a) during two days immediately preceding polling day, or on polling day, advertises on the facilities of any broadcasting undertaking; or
- (b) procures for publication or acquiesces in the publication during the period described in paragraph (a) of an advertisement in a newspaper, for the purpose of promoting or opposing a particular registered party or the election of a particular candidate is guilty of an offence against this Decree and on conviction shall be liable to a fine of ₦500 or to imprisonment for one year, or to both.

107.—(1) Every person who with intent to influence persons to give or refrain from giving their votes at an election, uses, aids, abets, counsels or procures the use of any broadcast outside Nigeria during an election, for the broadcasting of matter having reference to an election is guilty of an illegal practice and an offence against this Decree and shall on conviction be liable to a fine of ₦500 or to imprisonment for one year, or to both.

(2) Where a candidate or any person acting on behalf of the candidate, with the candidate's actual knowledge and consent, broadcasts outside of Nigeria a speech or any entertainment or advertising programme during an election, in favour of or on behalf of any political party or any candidate at an election, the candidate is guilty of an illegal practice and an offence against this Decree and on conviction shall be liable to a fine of ₦500 or to imprisonment for one year, or to both.

(3) Every candidate who directly or through any other person or association acting on his behalf, engages in campaigning or broadcasting based on religious, tribal, or sectional bias for the purpose of promoting or opposing a particular political party or the election of a particular candidate, is guilty of an offence against this Decree and on conviction shall be liable to imprisonment for one year, without the option of a fine.

PART V—LEGAL PROCEEDINGS TO QUESTION THE VALIDITY OF AN ELECTION

108.—(1) No election and no return to the Senate, the House of Representatives or any State Assembly or to any elective office shall be questioned in any other manner except by a petition complaining about the election or the return, presented to the appropriate Tribunal comprising the Chief Judge of a State or such other judge or legally qualified person as may be appointed as Chairman by the Chief Justice of Nigeria and two other members to be appointed by the Chief Justice of Nigeria.

(2) There shall be one or more election Tribunals in each State of the Federation.

Proceedings to question an election.

Broadcasts from outside Nigeria.

Exemption on political broadcast—by campaigning candidates.

shall be brought against a political party and in the name of that party and, for the purpose of any such prosecution only, the political party shall be deemed to be a person and any act or thing done or omitted by an officer of a political party within the scope of his authority to act on behalf of the political party shall be deemed to be an act or thing done or omitted by that party.

(3) A prosecution for an offence under this section may be brought against a political party and in the name of that party and, for the purpose of any such prosecution only, the political party shall be deemed to be a person and any act or thing done or omitted by an officer of a political party within the scope of his authority to act on behalf of the political party shall be deemed to be an act or thing done or omitted by that party.

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(b) procures for publication or acquiesces in the publication during the period described in paragraph (a) of an advertisement in a newspaper, for the purpose of promoting or opposing a particular registered party or the election of a particular candidate is guilty of an offence against this Decree and on conviction shall be liable to a fine of ₦500 or to imprisonment for one year, or to both.

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PART V—LEGAL PROCEEDINGS TO QUESTION THE VALIDITY OF AN ELECTION

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(2) There shall be one or more election Tribunals in each State of the Federation.

(3) The Registrar of the High Court of the State or such other fit person shall be the Registrar for the Tribunal.

(4) A petition to question an election or return shall be presented to the appropriate Tribunal not later than 14 days from the date of the election and shall be commenced—

(a) in the case of the election of President or Vice-President, in the Tribunal established in the place where the capital of the Federal Republic of Nigeria is situated;

(b) in the case of the election of Governor or Deputy Governor of a State in the Tribunal established in the place where the capital of that State is situated; and

(c) in all other cases, in the Tribunal of the State established for or having jurisdiction in the senatorial district, federal constituency or state constituency for which the candidate was elected.

109.—(1) A person shall not be entitled to present an election petition under this Decree unless—

(a) he is a person claiming to have had a right to be returned at the election; or

(b) he is a person alleging himself to have been a candidate at the election; or

(c) his name is on the register of voters for that constituency.

(2) In any petition, the respondent to such petition shall be—

(a) the successful candidate; and

(b) the Chief Electoral Officer of the Federation where the petition relates to the election of the President or Vice-President; or

(c) the Chief Electoral Officer of the State where the election relates to the election of the Governor or Deputy Governor of that State; or

(d) the electoral officer for a senatorial district, federal constituency or state constituency where the election relates to the election of a senator, a member of the House of Representatives or a member of a State Assembly, as the case may be;

(e) where a petition complains of the conduct of a returning officer, he shall for all purposes be deemed to be a respondent.

110.—(1) An election may be questioned on any of the following grounds, that is to say—

(a) that a person whose election is questioned was, at the time of the election, not qualified to be elected;

(b) that the election was invalid by reason of corrupt practices or non-compliance with the provisions of Part II of this Decree;

(c) that the respondent was, at the time of the election, not duly elected by a majority of lawful votes at the election;

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

(2) An act or omission which is contrary to an instruction or direction of the Electoral Commission or any officer appointed for the purpose of the election, but which is not contrary to Part II of this Decree shall not of itself be a ground upon which an election may be questioned.

Grounds for petition.

Right to present a petition.

111.—(1) An election shall not be invalidated by reason of non-compliance with Part II of this Decree if it appears to the Tribunal having cognisance of the question that the election was conducted substantially in accordance with the provisions of the said Part II and that the non-compliance did not affect the result of the election.

(2) An election shall not be questioned by reason of a defect in the title or want of title of the person conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to conduct an election.

112.—(1) Any question as to whether the seat of any member of a Legislative House has become vacant shall be referred to and decided by the Tribunal in accordance with the procedure prescribed for the adjudication of a petition; the decision of the Tribunal shall be final and no civil or criminal action whatsoever shall arise from such decision.

(2) Proceedings under this section in relation to a question as to whether the seat of a member has become vacant may be instituted by any person who is qualified as a voter in the constituency which the elected member represents.

(3) The Tribunal shall certify its decision in writing to the Electoral Commission.

113.—(1) The petition shall state the facts and grounds on which the petitioner relies for invalidating the election and shall also state the name and address of any other person or persons affected by the petition. The petition shall be in the Form EC. 10 in Part II of the Schedule to this Decree and shall include brief statements—

(a) of the right of the petitioner to present the petition; and
(b) of the holding and result of the election and of the facts and grounds relied upon to sustain the prayer of the petition.

(2) The petition shall be divided into paragraphs each of which, as nearly as may be, shall be confined to a distinct portion of the subject and every paragraph shall be numbered consecutively.

(3) The petitioner shall conclude with a prayer that the person specified therein may be declared duly returned or elected, or that the election may be declared void, as the case may be; and the petition shall be signed by the petitioner or, if he has a legal practitioner by his legal practitioner named at the foot of the petition.

(4) At the end of the petition there shall be stated an address for service, at which address the documents intended for the petitioner may be left.

114. The Tribunal may order further particulars to be included in the petition so as to prevent surprise and unnecessary expense and to ensure a fair and effectual hearing.

115.—(1) At the time of filing the petition or within such extended time as may be allowed by the Tribunal the petitioner shall give security for an amount fixed by the Tribunal and as directed by the Tribunal; the petitioner shall deposit the amount in any Government Treasury or give security by recognisance for the amount.

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Contents

Further particulars

Security

(2) In the notice of presentation of the petition the Registrar shall state a time, not less than 3 days or more than 5 days after the date of service of the notice, within which the respondent shall enter an appearance.

(3) Subject to the provisions of this section, the notice and copy of the petition and any other documents to be delivered to the respondent before he enters appearance, shall be served on him personally or in any other manner prescribed by the Tribunal.

(4) Where the respondent intends to oppose the petition, he shall within the time limit allowed in the notice of presentation of the petition, enter an appearance by filing with the Registrar of the Tribunal a memorandum of appearance stating that he intends to oppose the petition and giving the name and address of his legal practitioner, or stating that he acts for himself, as the case may be. The memorandum of appearance shall be signed by the respondent, and may be filed by him or by any legal practitioner acting for him.

(5) On the filing of the memorandum of appearance the respondent or his legal practitioner shall leave a duplicate of the memorandum with the Registrar of the Tribunal for every other party to the petition together with three additional duplicates, and shall at the same time pay to any Government Treasury the fees for service and produce to the Registrar receipt thereof.

(6) If the respondent fails to enter an appearance, any document intended for the respondent may be affixed to the Tribunal's notice board and the fact that it is on such notice board shall be sufficient notice for any of the purposes of this Part of this Decree.

(7) The Registrar shall serve a duplicate of the memorandum of appearance, or give notice of it to all other parties to the petition.

120.—(1) Subject to the provisions of this section—

(a) no petition shall be amended except by leave of the Tribunal and the Tribunal may on any application for leave to amend grant the same if it appears that the respondent will not be prejudiced by the amendment;

(b) the Tribunal may at any stage of the proceedings either of its own motion or on the application of either party, order the petition or the reply, if any, to be amended, whether the defect or error be that of the party applying to amend or not; and all such amendments as may be necessary or proper for the purpose of eliminating all statements which may tend to prejudice, embarrass or delay the fair trial of the petition, and for the purpose of determining in the existing petition the real questions or question in controversy between the parties shall be so made, but the order shall be made upon such terms as to costs or otherwise as shall seem just.

(2) After the expiry of the time limited by this Part of the Decree for presenting a petition, no amendment shall be made for the purpose of introducing any fresh prayer into the petition, or effecting any alteration of substance in the prayer.

(3) The Tribunal in the trial and determination of the petition shall not be obliged to confine its inquiry or findings to the issues raised by the petition and the reply; and subject to the provisions of this Part of this Decree as to time for presentation of a petition, may with or without ordering or allowing the amendment to any statement of the facts and grounds relied upon in support of the petition or the amendment or any admission or denial contained or facts or grounds set out in the reply, inquire into any other issue otherwise raised or apparent or any matter otherwise appearing as to the Tribunal may seem necessary for the proper determination of the petition.

Amendment of election petition.

121.—

and any part reply, or which fixed for trial to be objected. No evidence of objection of such terms as if such costs as if (2) The duplicate and shall be delivered of the leave of (3) The every other

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121.—(1) When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, any party complaining of objections to votes, and any party defending the election shall, within 6 days after the filing of the reply, or where no appearance is entered, not less than 6 days before the day fixed for trial, file with the Registrar of the Tribunal a list of the votes intended to be objected to by him and of the heads of objection, to each vote. No evidence shall be given to challenge the validity of any or upon any head of objection not specified in the list except by leave of the Tribunal given upon such terms as to amendment of the list, postponement of the trial and payment of costs as the Tribunal may think fit.

List of objections to votes.

(2) The party filing the list shall at the same time deliver to the Registrar a duplicate for every other party to the petition together with 3 other duplicates and shall pay the appropriate fees for service; and if default is made in the delivery of the duplicates and in the payment the list shall not be filed without the leave of the Tribunal.

(3) The Registrar shall cause a duplicate of the list to be served on every other party forthwith.

List of objections to election.

122.—(1) When the respondent in a petition complaining of an undue return and claiming the seat for some person intends to give evidence to prove that the election of such person was undue, the respondent shall within 6 days after the filing of the reply, file in the Tribunal a list of objections to the election upon which he intends to rely. No evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the Tribunal given upon such terms as to amendment of the list, postponement of the trial, and payment of costs as the Tribunal may think fit.

(2) The party filing the list shall at the same time deliver to the Registrar a duplicate of the list for every other party to the petition together with 3 other duplicates, and shall pay the appropriate fees for service. If the party filing the list fails to deliver the necessary duplicates or to pay the fee, the list shall not be filed without the leave of the Tribunal.

Time and place of hearing petition.

(3) The Registrar shall forthwith after the filing of the list cause a duplicate of the list to be served on every other party.

123.—(1) Every petition shall be tried in public and subject to the provisions of this section the time and place of the trial of a petition shall be fixed by the Tribunal. Notice of the time and place of the trial in the Form BG 15 in Part II of the Schedule to this Decree shall be given by the Registrar at least 14 days before the notice on the Tribunal's notice board; and

(a) by posting the notice on the Tribunal's notice board; and

(b) by sending a copy of the notice by registered post or messenger to the petitioner's address for service, and to the respondent's address for service if known, and by delivering a copy to the Electoral Commission.

(2) Notwithstanding the provisions of subsection (1) of this section, if all the parties to the petition consent to the holding of the trial of the petition at a place other than the place described in subsection (1), the venue of the trial of the petition may in the discretion of the Tribunal be that place.

(3) The Electoral Commission shall, if it thinks fit, give notice of the trial of the petition by causing the copy delivered to it under subsection (1)

of this section to be affixed at the place appointed for the delivery of nomination papers, or at some conspicuous place within the constituency; but failure to affix such copy shall not affect the proceedings.

(4) The posting of the notice of trial on the Tribunal notice board shall be sufficient notice notwithstanding that any other copies dispatched under paragraph (b) of subsection (1) of this section may not have been delivered.

124.—(1) If the Chairman of the Tribunal before whom the petition was tried has written his judgment but is unable to deliver it through illness or otherwise, his judgment may be delivered by another member of the Tribunal and the judgment so delivered shall be the judgment of the Tribunal and the member delivering the judgment shall certify the determination of the petition to the Electoral Commission.

(2) The Tribunal shall determine what person was duly returned or whether the election was void, as the case may be, and shall certify its determination to the Electoral Commission; and the election shall stand confirmed or a fresh election shall be held on a date to be appointed by the Electoral Commission.

125.—(1) No petition shall be withdrawn without the leave of the Tribunal; and where there are more petitioners than one, the application for leave to withdraw a petition shall not be made except with the consent of all the petitioners.

(2) A petition filed before the Tribunal in respect of any election shall be disposed of by the Tribunal not later than 2 months from the date of such election. Any election petition not disposed of is time barred and unless the Tribunal at its discretion directs, such petition shall be declared null and void by the Tribunal.

126. If before the trial of a petition, the respondent gives notice to the Tribunal in writing signed by him or his legal practitioner before the Registrar that he does not intend to oppose the petition, the Registrar shall notify the other parties and shall post a notice thereof on the Tribunal's notice board.

127.—(1) The fee payable on the filing of a petition shall be N100 and the petitioner shall at the same time deposit the sum of N20 as a hearing fee.

(2) The cost of the hearing shall not exceed the amount deposited, and shall be payable for the trial at the rate of N5 for each day thereof; but the Tribunal in its discretion may direct a lower fee to be charged for any day of the trial or waive payment of a fee.

128.—(1) All costs, charges and expenses of and incidental to the presentation and trial of a petition unless otherwise provided for in this Part of this Decree shall, if allowed by the Tribunal, be paid by the parties to the petition in such manner and in such proportions as the Tribunal may determine; and the Tribunal may disallow costs, charges or expenses which in the opinion of the Tribunal were caused by the vexatious conduct or unfounded allegations or objections of the petitioner or the respondent, or may affix with costs a successful party in any case.

(2) Where the Tribunal declares an election to be void, and the Tribunal is satisfied that in whole or in part, the invalidity was caused by the default of any election officer in the performance of his duties under this Decree, it may order that the costs awarded to the successful petitioner shall be paid wholly or partly by that officer.

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Judgment, etc. of the Tribunal.
Withdrawal and disposal of petitions.
Withdrawal of opposition.
Fees.
Allocation of costs.

Calling of Witnesses.

129.—(1) On the trial of a petition the Tribunal may summon any person as a witness who appears to the Tribunal to have been concerned in the election. The Tribunal may examine any witness so summoned or any person although such witness or person is not called and examined by any party to the petition, and thereafter he may be cross-examined by or on behalf of the petitioner and the respondent. The expenses of any witness called by the Tribunal of its own motion shall, unless the Tribunal otherwise orders, be deemed to be costs of the petition; and such expenses may, with the leave of the Tribunal be paid in the first instance by the Registrar in the same way as expenses of a State witness are paid and they may be recovered in such manner as the Tribunal directs.

(2) Where the Tribunal issues a summons for the attendance of a person as a witness and that person fails to attend to give evidence or to produce documents, or having attended refuses to give evidence or to produce documents, such failure or refusal shall, unless that person excuses his failure or refusal to the satisfaction of the Tribunal, be treated as a contempt of the Tribunal and be punishable either by a fine or imprisonment, or both, as the Tribunal thinks fit.

(3) In making and carrying into effect any order for the production and inspection of documents used in the election and relating to the way in which the votes of particular persons were given and in the examination of any witness who produces or is required to produce any such documents, the Tribunal shall ensure that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved that the vote was given, and the vote has been declared by the Tribunal to be invalid.

(4) Subject to the provisions of this section, any person called as a witness in proceedings under this Part of this Decree shall not be excused from answering any question relating to any offence at or connected with an election on the grounds that the answer thereto may incriminate or tend to incriminate the witness, or on the ground of privilege.

(5) If a witness answers truly all questions which he is required by the Tribunal to answer he shall receive a certificate of indemnity under the hand of the Chairman of the Tribunal stating that such witness has so answered; and no answer by a person to a question before the Tribunal shall, except in the case of any criminal proceedings for perjury in respect of such evidence, be admissible in any proceedings in evidence against him.

(6) If a person receives a certificate of indemnity under this section and any legal proceedings are at any time brought against him for an offence under this Part of this Decree committed by him previously to the date of the certificate at or in relation to the election, the court having cognisance of the case shall, on production of the certificate, stay the proceedings and may, at its discretion award to that person such costs as he may have been put to in the proceedings.

130. When any money deposited as security for costs is no longer required as security therefor, any balance after payment of costs shall be returned to the person in whose name it was deposited, or to any other person entitled to receive it under any order of the Tribunal. The application for the return of the deposit may be made upon motion after notice, and the deposit shall be returned if the Tribunal is satisfied that all costs, charges and expenses are sufficiently provided for, or have been met, as the case may be.

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(3) Where a petition complains of the conduct of a returning officer, he shall for all purposes be deemed to be respondent; and except with the consent in writing of the Attorney-General he may not withdraw from the trial of the petition. If the consent of the Attorney-General is withheld, the returning officer shall, where the misconduct was not willful, incur no personal liability for costs which may be awarded against him upon the trial of the petition, and this section shall be a sufficient indemnity accordingly.

(4) Unless otherwise prescribed by this Part of this Decree, every part required to leave copies of documents with the Tribunal shall leave with the Registrar such number of copies or duplicates for distribution as he directs or requires.

(5) No failure to comply with this Part of this Decree as to the time for the giving of notice or the doing of any act, matter, or thing other than as to the time for filing a petition or lodging an appeal shall avoid any proceedings, and in any proper case the proceeding may with the consent of the Tribunal be amended or otherwise dealt with so as to give proper effect thereto; but if any proceedings are avoided, they shall, if commenced, be set aside in whole or in part, as the case may require.

(6) An application may be made at any reasonable time to set aside any proceedings for irregularity, and the application shall be by motion of which notice shall be given to any other party setting out the objections intended to be insisted upon, but no application shall be heard if the party moving has done any act, matter, or thing with knowledge of the irregularity, or if the irregularity objected to is merely as to form, or as to use of certified copies instead of duplicates.

133.—(1) The Tribunal shall meet for the purpose of its proceedings at such times, places and on such days as the Chairman may appoint.

(2) During the Chairman's prolonged absence or if the Chairman is not available or is unable to perform his functions, the Chief Justice of Nigeria may appoint any fit person to act as Chairman for any specified period.

(3) Questions put before the Tribunal at a meeting shall be decided by consensus and where this is not possible by a majority of the votes of the members.

(4) Subject to this section, the Tribunal shall have power to regulate its proceedings and procedures.

(5) The validity of any proceedings of the Tribunal shall not be affected by any vacancy in its membership or by any defect in the appointment of a member.

134.—(1) The Tribunal shall determine what person was duly returned or deemed to be returned, or whether the election was void, as the case may be, and shall certify its determination to the Electoral Commission.

(2) Where any Tribunal has declared an election invalid it shall be the duty of the Electoral Commission to arrange for the holding of another election for the purpose of filling the vacancy.

135.—Where it appears to the Tribunal after consideration of the papers filed or during the course of the trial of any petition that an offence under this Decree or any other enactment has been committed, the Tribunal shall on the determination of the trial refer all relevant papers in the case to the Attorney-General of the Federation for such action as he may deem fit.

Reference to the Attorney-General.

Effect of determination.

Proceedings etc. of the Tribunal.

PART VI—MISCELLANEOUS

136. No person holding an elective office to which this Decree relates or a position in a political party shall be eligible for or be appointed to carry out the duties of a returning officer, an electoral officer, registration officer, revising officer, or a poll clerk; and any officer appointed to carry out any of those duties shall be ineligible for nomination as a candidate for election while he continues to hold any such appointment.

137. If the registration card of a voter is lost or accidentally destroyed the voter may attend in person at the office of the registration officer and make application for an official copy of the registration card. The registration officer shall make such enquiries as the Electoral Commission may prescribe for the purpose; and where the registration officer is satisfied as to the loss or accidental destruction of the registration card, he may issue an official copy of it to the voter.

138.—(1) A person shall not—
(a) print or publish or cause to be printed or published any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting the election of a candidate; or
(b) post or cause to be posted any bill, placard or poster as aforesaid; or
(c) distribute or cause to be distributed any printed document for such purpose,
unless the bill, placard poster, or document bears upon its face the name and address of the printer and publisher.

(2) Any candidate or other person who contravenes the provisions of this section shall be guilty of an illegal practice and shall be liable on conviction to a fine not exceeding ₦200.

(3) For the purpose of this section, any process of multiplying copies of a document, other than copying it by hand shall be deemed to be printing, and the expression "printer" shall be construed accordingly.

139.—(1) Where a date is appointed for holding an election and there is reasonable cause to apprehend that a serious breach of the peace is likely to occur if the election is held on that date, the Electoral Commission may postpone the election until some later date to be appointed by the Electoral Commission.

(2) If the Electoral Commission is satisfied that there has been a substantial failure to comply with the requirements of this Decree before the date fixed for holding the election in respect of nominations or otherwise however, the Electoral Commission may postpone the election until such time as such requirements are satisfied.

(3) Where an election is postponed before the last day for the delivery of nomination papers and a new date is appointed for the election, the Electoral Commission shall do all things necessary for the holding of the election as required by this Decree on the new date so appointed.

(4) Where an election is postponed on or after the last day for the delivery of nomination and thereafter a new date is appointed for the election, the time for the delivery of nomination papers shall not be extended; and the Electoral Commission shall do all things necessary for the holding of the election as required by this Decree on the new date so appointed in respect of the candidates remaining nominated.

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146.—(1) Notwithstanding anything to the contrary in any law (including rule of law) no court shall have jurisdiction to hear or determine—

(a) any question pertaining to the validity or otherwise of the nomination of any candidate for election to any of the offices or Legislative Houses to which this Decree relates;

(b) any question pertaining to the disqualification or otherwise of any candidate for election to any of the offices or Legislative Houses to which this Decree relates;

(c) any question pertaining to the validity or otherwise of the election of any candidate to any of the offices or Legislative Houses to which this Decree relates;

(d) any question pertaining to any matter in respect of which jurisdiction is vested in a Tribunal under this Decree,

and no action whatsoever shall be brought in any court in respect of any such question and if such action is brought it shall be discharged and made void.

(2) No member of the Electoral Commission shall be personally liable for anything done in the performance of his duties under this Decree.

147. Where the Tribunal at any time during the trial of an election petition or a court for the purposes of any prosecution for an offence in relation to ballot papers is satisfied that the inspection of rejected ballot papers relating to counted ballot papers is necessary it may, upon such terms as it thinks fit, order the Electoral Commission in whose custody they are to produce rejected ballot papers for inspection and to open any sealed packet of counterfoils relating to counted ballot papers for such purposes as the Tribunal may require.

148. Without prejudice to the other provisions of this Decree the Electoral Commission may delegate any of its powers and functions to any officer subject to any conditions or limitations which it may consider necessary or expedient to impose and no such delegation shall be construed to limit the right of the Electoral Commission to exercise such powers itself.

149. The Electoral Commission may, subject to the provisions of this Decree, make regulations for the purpose of giving effect to the provisions of this Decree and for the due administration thereof.

150.—(1) In this Decree, unless the context otherwise requires—
"the Attorney-General" means the Attorney-General of the Federation;
"Constitution" means the Constitution of the Federal Republic of Nigeria;

"corrupt practice" includes any of the following offences, namely, bribery, personation, treating, and undue influence, and includes aiding, abetting, counselling and procuring any such offence;
"election" means an election of a person to a Legislative House or to the office of President, Vice-President, Governor or Deputy Governor.

Exclusion of proceedings in court

Inspection of records

Delegation of powers of the Commission

Regulations

Interpretation

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"election officer" includes an electoral officer, a presiding officer, a poll clerk, a registration officer, a returning officer or any other official appointed by or with the authority of the Electoral Commission to assist in the conduct or supervision of any election;

"Electoral Commission" means the Federal Electoral Commission established by section 1 of the Federal Electoral Commission Decree 1977; No. 41, 1977

"Electoral Commissioner" includes the Chairman of the Federal Electoral Commission;

"electoral officer" includes the Chief Electoral Officer of the Federation, the Chief Electoral Officer of a State and an assistant electoral officer;

"registration officer" includes an assistant registration officer;

"petition" means an election petition under this Decree;

"return" means the declaration of the result of the election in accordance with the appropriate provisions of this Decree and includes a certificate of return in Form EC/8 in Part I of the Schedule to this Decree;

"Tribunal" means an election Tribunal established under this Decree;

(2) A reference in this Decree to a section or Part of this Decree is a reference to that section or Part of this Decree.

151. This Decree may be cited as the Electoral Decree 1977.

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SCHEDULE

FORMS

PART I

FORM EC. 1

ELECTORAL DECREE 1977

APPLICATION FOR INCLUSION IN REGISTER OF VOTERS

To the Registration Officer,

Registration Area

19

I

of

apply to be included in the Preliminary List for the Register of voters for the above Registration area upon the grounds: —

1. That I am a citizen of Nigeria.

2. That I am 18 years over.

3. That I am now ordinarily resident at

(here state town or village and if possible the street and street number if known).

4. And I declare that the above particulars are true to the best of my belief and that I am not already registered in this or any other Preliminary List or Register of Voters under the above Decree (or I request that my name be now entered in the appropriate List).

Signed

Right thumb-print impressed in the presence

of Witness

to thumb-print

Address and Occupation of such Witness

VOTERS REGISTRATION CARD

STATE					
LOCAL GOVERNMENT AREA					
REGISTRATION AREA					
REGISTRATION UNIT					
VOTER'S NUMBER					

Bring This Card To The Polling Station

FORM EC 2

ELECTORAL DECREE 1977

CLAIM FOR CORRECTION OF OR INSERTION OF NAME IN PRELIMINARY LIST (C)

To the Registration Officer,

Constituency Date 19

declare:—

1. That I applied for inclusion in the Preliminary List for the Register of voters for the above Constituency on the 19

2. I am a citizen of Nigeria.

3. I am 18 years of age or over.

4. I am ordinarily resident at the above address (or

5. I hereby apply for the Preliminary List to be (completed/corrected) accordingly.

6/ I declare that the above particulars are true to the best of my belief and that I am not already registered in this or any other Preliminary List or Register of voters under the above Decree.

SIGNED _____

Right thumb print impressed in the presence of _____

Witness to thumb print _____

Address and occupation of such witness : _____

FORM EC 3

ELECTORAL DECREE 1977

OBJECTION TO NAME IN PRELIMINARY LIST

To the Registration Officer,

Constituency _____ 19 _____

whose name appears in the Preliminary List for the above Constituency hereby give notice :—

1. That I object to the inclusion in such list of the name _____

of _____

whose address is given as _____

on the following grounds _____

(here insert the grounds) _____

2. I wish to produce the following witnesses _____

3. I tender herewith the sum of twenty naira (N20) as a deposit as required by the above Decree.

Signed _____

Objector _____

FORM OF NOMINATION OF PRESIDENT

ELECTORAL DECREE 1977

FORM EC. 4A

THE CHIEF ELECTORAL OFFICER,
FEDERAL REPUBLIC OF NIGERIA

Date

I

(address)

(occupation)

hereby state:

1. I am the candidate to whom this nomination paper relates.

2. I am willing to stand for election to the office of the President of the Federal Republic of Nigeria.

3. I am a citizen of Nigeria and otherwise qualified for election.

4. I am not disqualified for election by virtue of any provision of the above Decree.

5. In the event of a contested election my political affiliation and preference of symbol is:

6. I wish to nominate as Vice-President and he is willing to stand for election to this Office.

Signed

Candidate for President

Signed

Candidate for Vice-President

WE, being registered as electors in the above Constituency, do nominate the above candidate:

(1) Name

(2) Address

(3) Occupation

Signed

First Nominator

(3)

(2)

(1)

(3)

(2)

(1)

(3)

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(2)

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(1)

(1) Name

(2) Address

(3) Occupation

Signed *Second Nominator*

(1) Name

(2) Address

(3) Occupation

Signed *Third Nominator*

(1) Name

(2) Address

(3) Occupation

Signed *Fourth Nominator*

(1) Name

(2) Address

(3) Occupation

Signed *Fifth Nominator*

(1) Name

(2) Address

(3) Occupation

Signed *Sixth Nominator*

(1) Name

(2) Address

(3) Occupation

Signed *Seventh Nominator*

date of the
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 ment
 nominate

(1) Name

(2) Address

(3) Occupation

Signed

Eighth Nominator

(1) Name

(2) Address

(3) Occupation

Signed

Ninth Nominator

(1) Name

(2) Address

(3) Occupation

Signed :

Tenth Nominator

FORM EC 4B

ELECTORAL DECREE 1977

FORM OF NOMINATION OF GOVERNOR

To :

THE CHIEF ELECTORAL OFFICER,

STATE

Date

19

I,

of

(Address)

(Occupation)

hereby s

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2. I

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5. I

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(3)

hereby state :

1. I am the candidate to whom this nomination paper relates.
2. I am willing to stand for election to the office of the Governor for the above State.
3. I am a citizen of Nigeria and otherwise qualified for election.
4. I am not disqualified for election by virtue of any provision of the above Decree.
5. In the event of a contested election my political affiliation and preference of symbol is
6. I wish to nominate

Signed
Candidate for Governor

Signed
Candidate for Deputy Governor

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

(1) Name

(2) Address

(3) Occupation

Signed
First Nominator

(1) Name

(2) Address

(3) Occupation

Signed
Second Nominator

(1) Name

(2) Address

(3) Occupation

Signed
Third Nominator

(1) Name
(2) Address
(3) Occupation

Signed
Fourth Nominator

(1) Name

(2) Address
(3) Occupation

Signed
Fifth Nominator

(1) Name

(2) Address

(3) Occupation

Signed
Sixth Nominator

(1) Name

(2) Address

(3) Occupation

Signed
Seventh Nominator

(1) Name

(2) Address

(3) Occupation

Signed
Eighth Nominator

- 1. I am the caric
- 2. I am willing above Senatorial D
- 3. I am a citizen
- 4. I am not disg above Decree.
- 5. In the event o fference of symbol is

To the Electoral O

I

of

(1) Name

(2) Address

(3) Occupation

Signed

Ninth Nominator

(1) Name

(2) Address

(3) Occupation

Signed

Tenth Nominator

To the Electoral Officer,

Senatorial District

ELECTORAL DECREE 1977

FORM EC 4C

Date 19

I

(here state address)

(occupation)

hereby state: -

1. I am the candidate to whom this nomination paper relates.

2. I am willing to stand for election to the Senate as member for the above Senatorial District.

3. I am a citizen of Nigeria and otherwise qualified for election.

4. I am not disqualified for election by virtue of any provision of the above Decree.

5. In the event of a contested election my political affiliation and preference of symbol is

Signed

Candidate for the Senate

We, being registered as electors in the above Senatorial District do nominate the above candidate: -

1. Name

2. Address

3. Occupation

Signed

First Nominator

1. Name

2. Address

3. Occupation

Signed

Second Nominator

1. Name

2. Address

3. Occupation

Signed

Third Nominator

1. Name

2. Address

3. Occupation

Signed

Fourth Nominator

1. Name

2. Address

3. Occupation

Signed

Fifth Nominator

1. Name

2. Address

3. Occupation

Signed

Sixth Nominator

1. Name

2. Address

3. Occupation

Signed

Seventh Nominator

1. Name

2. Address

3. Occupation

Signed

Eighth Nominator

1. Name

2. Address

3. Occupation

1. Name

2. Address

3. Occupation

* Delete if not app

To the Electoral

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1. I am the

2. I am will

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3. I am a

4. I am not

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1. Name

2. Address

3. Occupatio

District do

1. Name

2. Address

3. Occupation

Signed

Ninth Nominator

1. Name

2. Address

3. Occupation

Signed

Tenth Nominator

** Delete if not applicable*

FORM EC 4D

ELECTORAL DECREE 1977

To the Electoral Officer,

Federal Constituency

Date

19

I

of

(here state address)

1. I am the candidate to whom this nomination paper relates.
2. I am willing to stand for election to the National Assembly as member for the above Federal Constituency.
3. I am a citizen of Nigeria and otherwise qualified for election.
4. I am not disqualified for election by virtue of any provision of the above Decree.
5. In the event of a contested election my political affiliation and preference of symbol is

Signed
Candidate for National Assembly

We, being registered as electors in the above Federal Constituency do nominate the above candidate: —

1. Name

2. Address

3. Occupation

Signed

First Nominator

1. Name
2. Address
3. Occupation

Signed _____
Second Nominator

1. Name
2. Address
3. Occupation

Signed _____
Third Nominator

1. Name
2. Address
3. Occupation

Signed _____
Fourth Nominator

1. Name
2. Address
3. Occupation

Signed _____
Fifth Nominator

1. Name
2. Address
3. Occupation

Signed _____
Sixth Nominator

1. Name
2. Address
3. Occupation

Signed _____
Seventh Nominator

1. Name
2. Address
3. Occupation

Signed _____
Eighth Nominator

1. Name
2. Address
3. Occupation

Signed _____
Ninth Nominator

1. Name
2. Address
3. Occupation

* Delete if not applicable.

To the Electoral Officer,

State Constituency

I

of

1. I am the candidate for

2. I am willing to stand for the above State Constituency

3. I am a citizen of Nigeria

4. I am not disqualified by any of the provisions of the Electoral Act, 1977

5. In the event of a conflict of interest between my office and the office of a candidate, I shall resign the office of a candidate.

We, being registered voters of the above constituency, hereby nominate the above candidate for the office of a member of the State House of Assembly.

1. Name
2. Address
3. Occupation

1. Name
2. Address
3. Occupation

1. Name
2. Address
3. Occupation

Signed

Tenth Nominator

* Delete if not applicable.

FORM EC 4B

ELECTORAL DECREE 1977

To the Electoral Officer,

State Constituency

Date

19

I

of

(here state address)

(occupation) hereby state: —

1. I am the candidate to whom this nomination paper relates.

2. I am willing to stand for election to the State Assembly as member for the above State Constituency.

3. I am a citizen of Nigeria and otherwise qualified for election.

4. I am not disqualified for election by virtue of any provision of the above Decree.

5. In the event of a contested election my political affiliation and preference of symbol is

Signed
Candidate for State Assembly

We, being registered as electors in the above State Constituency do nominate the above candidate: —

1. Name

2. Address

3. Occupation

Signed

First Nominator

3. Occupation

2. Address

1. Name

Signed

Second Nominator

Delete if not applicable.

1. Name
2. Address
3. Occupation

Signed

Third Nominator

1. Name
2. Address
3. Occupation

Signed

Fourth Nominator

1. Name
2. Address
3. Occupation

Signed

Fifth Nominator

1. Name
2. Address
3. Occupation

Signed

Sixth Nominator

1. Name
2. Address
3. Occupation

Signed

Seventh Nominator

1. Name
2. Address
3. Occupation

Signed

Eighth Nominator

1. Name
2. Address
3. Occupation

Signed

Ninth Nominator

1. Name
2. Address
3. Occupation

Signed

Tenth Nominator

of

I.

I.

To the

Date

valid) or following

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To—(Pr

ELF

ELECTORAL OFFICER'S RULING AS TO VALIDITY OF NOMINATION

ELECTORAL DECREE 1977

FORM EC 5

To— (Prospective Candidate)

Take notice that a nomination paper received by me on _____
_____ in your favour (has been accepted by me as appearing to be
valid) or (has been rejected by me as appearing to be invalid) upon the
following grounds:—

Dated _____

Signed _____

Electorate Officer

FORM EC 6

ELECTORAL DECREE 1977

CERTIFICATE OF POLLING DUTIES

To the Presiding Officer,

Polling Station (where proposed voter is registered)

Constituency _____

Date _____

I certify:—

1. That _____

of _____

Nominator

Nominator

Nominator

Nominator

Nominator

Nominator

ator

ator

is employed at the Polling Station named below as
and that in my opinion he cannot reasonably and conveniently be released to
vote at another Polling Station.

2. Such person states that he is included in the part of the Register of
Electors appropriate to your Polling Station which is in the same Constitu-
ency as that named beneath.

3. A certified extract of the Register containing particulars relating to the
above person is accordingly requested in accordance with section
of the Electoral Decree 1977.

Signed
Residing Officer (where proposed
elector is employed)

.....
Polling Station

.....
Constituency

I certify that the particulars relating to myself in paragraph 1 above are to
the best of my belief correct.

Signed
(Proposed voter)

FORM EC 7

ELECTORAL DECREE 1977

CERTIFIED EXTRACT OF REGISTER

To The Presiding Officer,

.....
Polling Station (where proposed voter is employed)

.....
Constituency

.....
Date

I certify —

1. That the following particulars are contained in the part of the Register
of voters relating to the above Polling Station.

I certify

Name

Address

Occupation

Sex

Number

2. I have

3. No. of

person in

respect of

4. I have

treated in

To the

and I wish to

Name
 Address
 Occupation
 Sex
 Number in Register

2. I have no reason to suppose that such particulars do not relate to the person in respect of whom you have issued a Certificate of Polling Duties.
3. No person has cast a vote at the Polling Station named below in respect of this entry in the Register.
4. I have marked the Register appropriately and the voter will be treated in this Polling Station as though he has cast his vote.

Signed
 Presiding Officer (where proposed voter is registered)

.....
 Polling Station

.....
 Constituency

To the best of my belief the particulars in paragraph 1 above relate to me, and I wish to vote at the polling station at which I am on duty.

Signed
 Proposed voter

FORM EC 8

ELECTORAL DECREE 1977

DECLARATION OF RESULT OF POLL

.....
 Constituency

I certify that having carried out my duties and the formalities required

any disclosed to

of the Register of

the same Consti-

ara relating to the

where proposed

Station

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of the Register

by the Electoral Decree 1977, the result of the poll carried out in the
Constituency on the day of 19..... is as follows in order
of the number of votes each candidate received—

1. Candidate	Votes received
2. Candidate	Votes received
3. Candidate	Votes received
4. Candidate	Votes received

Dated this 19.....

Signed
Returning Officer

PART II
FORM EC 9
ELECTORAL DECREE 1977
RECEIPT OF PETITION

Received on the day of 19..... at the

office of the Registrar, the Election Tribunal, a

petition touching the election under the Electoral Decree 1977, of

(insert name of person elected)

of the Constituency purporting to be signed by
(insert name of petitioner)

Registrar

* Here insert elective office as may be appropriate.

2. And your petition
day of
were candidates, and th
being duly elected.

1. Your petitioners
the case may be) at th
returned or elected at
election; and your peti
petitioner)
and C.D. of
are subscribed.

The Petition of A

Between

(State the Cons

The election in

Office of the

FORM EC 10
ELECTORAL DECREE 1977

PETITION

Office of the Election Tribunal, State

The election under the Electoral Decree 1977 for

held on the day of (State the Constituency)

19

Between { A.B. } { C.D. }
 { Petitioner(s) }

and

{ E.F. } { G.H. }
 { Respondent(s) }

The Petition of A.B. of (or of A.B., of

and C.D., of or as the case may be) whose names

1. Your petitioner A.B. is a person who voted (or had a right to vote, as returned or elected at the above election (or claims to have had a right to be election; and your petitioner C.D. (here state in the manner the right of each

petitioner)

2. And your petitioner(s) state (s) that the election was held on the

day of 19 when A.B., C.B.; (and) E.F. (and) G.H.) were candidates, and the returning officer has returned E.F. and (G.H.)

being duly elected.

3. And your petitioners say that (here state the facts and grounds on which the petitioners rely).

Wherefore your petitioners pray that it may be determined that the said E.F. (and G.H.) was (were) not duly elected (or returned) (or duly elected or returned) (and that the) or his) election was void) (or that the said A.B. (and C.D.) was (were) duly elected and) ought to have been returned, or as the case may be).

(Signed) } A.B.
C.D.

Address for service (within five metres of a post office within the area of jurisdiction of the High Court for the

State)

Occupier

The name of my (or our) Legal Practitioner is
or
I (or we) am (or are) acting for myself (or ourselves)

(Signed) } A.B.
C.D.

Signed before me this

day of 19

Registrar

FORM EC II
ELECTORAL DECREE 1977
RECOGNIZANCE

Be it remembered that on the day of 19 before me (name and description) came J.K., of (place of abode and description) and acknowledged himself (or severally acknowledged themselves) to owe to the Government of the Federation the sum of N (or the following sums (that is to say) the said J.K., the sum of N; the said L.M., the sum of N; and the said P.Q., the sum of N;) to be levied on his (or their respective) goods and chattels, land and tenements.

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said A.B. (and C.D.) (was (were) duly elected and) ought to have been returned, or as the case may be).

(Signed) A.B. C.D.

Address for Service (within three miles of a post office within the area of jurisdiction of the High Court for the

State

Occupier

The name of my (or our) solicitor is

or

I (or we) am (or are) acting for myself (or ourselves)

(Signed) A.B. C.D.

Signed before me this day of 19

Registrar

FORM EC. 14
Electoral Decree 1977

NOTICE OF PRESENTATION OF PETITION

IN THE ELECTION TRIBUNAL OF

The election under the Electoral Decree 1977 for

(state the place) held on the day of

19

Between A.B. C.D. Petitioner(s)

and

E.F. G.H. Respondent(s)

The Petition of A.B. of (or of A.B., of and C.D., of names are subscribed.

or as the case may be) whose

TAKE NOTICE that the petition a duplicate whereof is attached hereto

and that you are to enter appearance to the petition in the said Registry within

days of the date of service of this notice on you (or within

days of the date when this notice was left at your address

set out below, or as the Court may direct by order under section 131 of the

above Decree), otherwise proceedings upon the petition may be continued and

such proceedings, and intended for you may be posted up on the court

notice board, which shall be sufficient notice thereof.

DATED this day of 19.....

Registrar

To F.F. of

FORM EC 15

ELECTORAL DECREE 1977

NOTICE OF TRIAL

IN THE ELECTION TRIBUNAL OF

The Election under the Electoral Decree 1977 for

(state the place) held on the day of

19.....

Between

A.B. {

C.D. {

and

E.F. {

G.H. {

Respondent(s)

Petitioner(s)

The Petition of A.B. of (or of A.B., of or as the case may be) whose names

are subscribed.

TAKE NOTICE that the above petition will be tried at

on the day of 19.....

and on such other subsequent days as may be useful.

DATED the day of 19.....

Registrar

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NOTICE OF MOTION TO WITHDRAW PETITION

IN THE ELECTION TRIBUNAL OF

The election under the Electoral Decree 1977 for

(state the place) held on the day of

19

Between

A.B. {
C.D. {
Petitioner(s)

and

E.F. {
G.H. {
Respondent(s)

The Petition of A.B. of (or of A.B., of

and C.D., of or as the case may be) whose names are subscribed

(Write out the Notice of Motion in the manner usual in civil proceedings and conclude as follows:—)

The petitioner proposes to apply to withdraw his petition on the following grounds:—

(Here state the ground)

(Petitioner or Solicitor)

Signed before me this day of 19

Registrar

(1) Name

(2) Address

(3) Occupation

Signed

Nominator

The Decree makes comprehensive provisions with respect to the registration of voters and with respect to the conduct and other matters pertaining to elections (Other than local government elections) to be held in the country.

(This note does not form part of the above Decree but is intended to explain its effect)

EXPLANATORY NOTE

LT-GENERAL O. OBASANJO,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

MADE at Lagos this 29th day of December 1977.

Nominator

Signed

(3) Occupation :

(2) Address :

(1) Name :