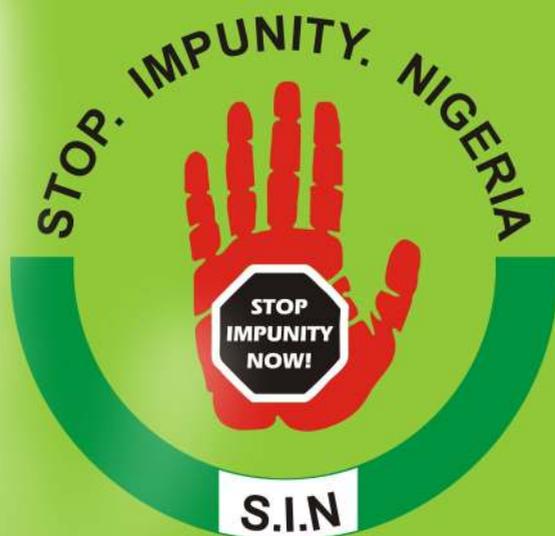


IMPUNITY REPORTING TOOLKIT FOR JOURNALISTS:

Identifying and Reporting Impunity in
the Electoral Process in Nigeria



Produced by
Media Rights Agenda
For the Stop Impunity Nigeria Campaign

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Acknowledgements

This toolkit is published by Media Rights Agenda for the Stop Impunity Nigeria Campaign. The toolkit has been made possible with the financial support of the Ford Foundation. Media Rights Agenda and the Stop Impunity Nigeria Campaign accordingly gratefully acknowledge the support of the Foundation.

Media Rights Agenda would also like to thank Mosunmola Oladapo and Chioma Nwaodike, Legal Officers of Media Rights Agenda who undertook the research aspect in producing this toolkit as well as Eseohé Ojo, Communication Officer, and Oluwatomi Aina, Programme Officer of Media Rights Agenda for the coordination, writing and production of this reporting toolkit.



Table of Content

- Preface
- Introduction

- 1. **The Concept of Impunity**
 - 1.1 Definition of Impunity
 - 1.2 Nature and Manifestation of Impunity

- 2. **Freedom of Information Act and Reporting Electoral Impunity**
 - 2.1 Understanding the Freedom of Information Act, 2011
 - 2.2 FOI as a Tool for Fighting Impunity
 - 2.3 FOI as a Tool for Investigative Reporting
 - 2.4 How to make an FOI Request

- 3. **Identifying Electoral Offences and When Acts of Impunity May Occur During Elections**
 - 3.1 Defining Electoral Offences and Electoral Impunity
 - 3.2 The Electoral Act
 - 3.2 The Constitution of Nigeria
 - 3.4 Code of Conduct Bureau

- 4. Conclusion and Recommendations

- 5. Toolkit Partner



Preface

The Impunity Reporting Toolkit for Journalists offers an essential view on issues that journalists should be monitoring during national elections in Nigeria. The toolkit breaks down salient points for investigative reporting on election coverage and provides information on tools to be used for investigative journalism for elections.

As Nigeria prepares to go to the polls for the 2015 elections, it is important that the media play their role in promoting a free and fair election in which all election stakeholders receive balanced and unbiased coverage.

Nigerian politicians and government officers have carried out various actions which may be labelled as impunity during elections since the 2003 elections and earlier. They have time and again confidently contravened the electoral provisions contained in the Constitution since during these periods and more recently in the Nigerian Electoral Act, without fear of any repercussion.

It is time that the media address such problems and report on election malpractice as a way to curtail the excesses of impunity seen during election periods.

This reporting toolkit provides an easy reference guide for journalists covering elections and election-related events. The toolkit will enable journalists to identify prohibited acts that constitute violation of the Electoral Act, the Constitution, and other applicable regulations during elections.



Introduction

Elections pose huge challenges for journalism in most countries especially weak states. It is a time when enthusiastic opinions on transformation or transition become the sole subject for public discuss. Journalist, are persons, with emotions and feelings with the tendency to show support for preferred political affiliation by increasing public awareness of accusations and counter accusations among political parties. These they do while ignoring the public's right to fair, unbiased and balanced view of the situation or worst still, totally ignoring the peoples voice or issues that need their concern. Such situations are made worse when the media has weak or little safety from government laws or where media ownership determines the sort of reportage a media house will provide on a subject.

Election activities go beyond the Election Day or when the votes are counted. Many challenges that manifest on Election Day can be traced to unsolved problems prior to the elections at the preparatory stages. These problems constitute road blocks to a smooth democratic transition process. The media plays a key role in identifying and reporting these problems prior to the elections. The media need to provide a balanced view of the whole process throughout the election cycle.

The media in Nigeria should offer equal representation to all aspects of the election cycle. They are expected to disseminate information, be the watchdog and the voice of the voting public during elections and also to keep government in check with seamless information accessed from the various public institutions involved in the elections.



Freedom to access information from public institutions is very important for any democracy. An efficient and effective access to information regime will promote accountability in government.

The public has the right to know how the public bodies in charge of election duties are spending tax payer's money in ensuring a free and fair election and if such implemented Activities meet up with expectations or of other recognised democratic best practices.

Freedom of information is a fundamental right and factor for accountability and transparency in governance. The Freedom of Information Act of Nigeria is an essential tool in keeping government accountable and the media can use this law to collect and share information to Nigerian citizens. It is important that the media and journalist understand how to make use of these law.

There are reported cases of gross violations of Nigeria's' Electoral Act 2010 in the current election cycle. The Electoral Act 2010, as amended, is broken with impunity and with total disregard for compliance with the Act. Issues like accountability of campaign funding, use of state instruments for campaigns, the fear that not all voters will be allowed to vote, are all information that the Electoral Act if implemented ensures to address. The Act prescribes the conduct of elections and requisite punishment for violations and the media should ensure they report both compliance and disregard for the law as part of its determined Actions to address such widespread irregularities.



Learning Objectives

This toolkit has been developed as a practical working tool for journalist in covering election related activities. The toolkit aims to:

- Provide practical introduction to issues of impunity
- Reflect on the role of key public institutions during elections
- Provide information on tools to be used to curb impunity in the electoral process
- Provide legal guidance for accessing information from public institutions

Provide support and advice on the field and to help to identify what constitutes impunity for decision making



1 | The Concept of Impunity

1.1 Definition of Impunity

The word “impunity” is from the Latin word “*impunitas*” which can literally be translated to mean “*without punishment*” or “*exemption from punishment*”. Impunity refers to a situation where there is no sanction for bad behaviour or punishments for misdeeds encouraged by an exemption from punishment or freedom from the injurious consequences of an Action among citizens and government of a country.

Impunity also refers to the absence of effective systems or traditions of accountability for crimes or other violations of established rules. Impunity undermines the rule of law allowing select people Act as though they are above the law.

Impunity is fostered by failure or neglect on the part of those with appropriate oversight and enforcement responsibilities to impose due punishment or discipline. A culture of impunity encourages wrongdoing because its sustenance restricts the law as a constraint to wrongdoing.

1.2 Nature and Manifestation of Impunity

The problem of impunity is a global phenomenon which is largely due to the failure, weakness or inefficiency of the legal and judicial framework



of a nation. Nigeria is characterized by a high level of corruption and a general disregard for the law and state institutions.

The practice of impunity affects the whole nation but most especially adversely affects the vulnerable groups in the society while the more powerful members of the society are shielded. Those in governance and the Nigerian political class in general have a disregard for the welfare and needs of the citizenry. The elites are self-serving rather than pursuing national interests. However, the common man is not exempted from the scourge as impunity is also at the level of the masses in a number of ways. Impunity fuels wrong Acts by both the government and ordinary citizens.

Impunity and its manifestations are a major impediment to the development of Nigeria. It has encouraged blatant Acts of corruption, bad governance, violence, human rights violations etc. Though in the public eye and even reported in the media, these Acts are not punished and where if anyone is apprehended, there is no justice as they either get away or little or no punishment is meted on them.

Impunity plays a key role as an obstacle to the socio-economic and political development of a country. In a democracy, the public is to expect transparency, accountability and responsibility which can positively drive development. Impunity leads to mass poverty, high crime rate, unemployment, insecurity, infrastructural decay, debt burden, poor welfare and inefficient public institutions, among other negative effects.

Nigeria has repeatedly ranked low in indicators of economic growth and development. The negative perception of the country has also led to condescending treatment from the international community. Nigeria's development challenges are largely caused by impunity which has become prevalent in the country, its systems and sectors. Impunity covers up other problems in the society and allowing them progress causing stagnancy if not decline of the development of the nation.

The nation's reputation suffers as corruption becomes a defining characteristic of the country. Despite the country's human and natural resources, it is yet to record significant development while most of its citizens are subjected to poverty in the country.



2

Freedom of Information Act and Reporting Electoral Impunity

2.1 Understanding the Freedom of Information Act, 2011

Freedom of Information refers to the right, which members of the public in any society have, to access information held by government officials and institutions. The underlying philosophy of Freedom of Information is aptly captured by Article IV(i) of the Declaration of Principles on Freedom of Expression in Africa which states that:

“Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.”

In Nigeria, the Freedom of Information (FOI) Act, 2011 gives every person a legally enforceable right of access to records, documents and information held by public institutions and relevant private entities to which the Act applies, subject to certain exemptions stated in the Act. An applicant for information is not required to justify his or her request or to demonstrate any kind of interest in the information he or she is seeking. The FOI Act covers all conceivable types of information including all records, documents and information stored in whatever form, including written, electronic, visual images, sound, audio recording, etc.



A public institution must respond to an applicant for information within 7 days under Section 4 of the Act except in circumstances explicitly stated by the Act. Public institutions are also required to proactively publish certain types of information through print, electronic and online means and to regularly update the information.

An applicant who is refused access to information can apply to a court to review the refusal. The court has the power to examine any record under the control of a public institution and order the public institution to disclose the information to the applicant if deemed necessary.

The FOI Act supersedes the provisions of all other Acts, Laws or Regulations, except the Constitution and laws “with constitutional flavour”. It supersedes the Official Secrets Act, the Evidence Act, the Criminal Code, the Penal Code, the Federal Public Service Rules, etc. These instruments cannot be used to limit its scope or application.

The FOI Act is a powerful tool that the media can use to make their work much more effective.

2.2 FOI as a Tool for Fighting Impunity

One of the major ways to fight impunity is to ensure transparency and accountability in governance. Transparency and accountability makes it easier to detect corruption and help to maintain integrity in government. Transparency and accountability can be achieved through many different ways and mechanisms.

One of the most effective means of ensuring transparency and accountability is through a freedom of information legislation, provided that such a law is effectively implemented. FOI Laws are designed as a check against corruption and to hold public authorities accountable to citizens. By systematically using the FOI Act to target certain types of information and materials, corruption, abuse of public trust, abuse of



power, impunity or other wrongdoings can be brought to light.

2.3 FOI as a Tool for Investigative Reporting

At the heart of investigative reporting is the ability of the journalist to get information. Investigative reporting is simply the putting together of evidence to substantiate or establish a fact or hypothesis. The most important part of this process is getting documentary evidence which cannot be easily refuted. Public records and documents are therefore frequently critical and invaluable assets for investigative reporting.

The FOI Act makes investigative reporting much more feasible but it does not remove the necessity for tenacity and rigorous checking of facts. Even with the FOI Act, investigative reporting remains a painstaking process of gathering evidence which may require you to submit several applications for information to many different public institutions and possibly private entities. FOI requests can be used to find out whether public bodies as well as private bodies covered by the Act are complying with or enforcing applicable rules, standards, regulations, codes, etc as required of the institution. This is particularly relevant for agencies such as the Independent National Electoral Commission (INEC) and other bodies involved in election conduct. By systematically using the FOI Act to target certain types of information, the media can help to reveal corruption, abuse of public trust, abuse of power or other wrongdoings during elections.



2.4 How to make an FOI Request

Date

Head of Institution (e.g. *Permanent Secretary, Director-General, Managing Director, etc.*)

Name of Public Institution

Address of Public Institution

Attention: Freedom of Information Officer

Dear Sir/Madam,

Application for Information/Records/Documents Under the Freedom of Information Act

I am applying pursuant to the Freedom of Information Act, 2011, on behalf of XYV Media House for information.

Kindly provide us with copies of all solicitation for bids (advertisements), the number of bids submitted for each, the reports for the technical and financial evaluation of the bids, the contract award documents and procedure of award with respect to the following contracts:

- The printing of ballot papers;
- Hiring or leasing of vehicles for distribution of election materials;
- Supply of ballot boxes;
- Supply of voting cubicles;
- PV Card Reader;
- Kits for Election Officials.

Should you require any clarification regarding this application, please do not hesitate to contact me either by phone (your phone number) or by email (your email address).

I look forward to receiving the information promptly and, in any event, within 7 days of the receipt of this application, as required by the Freedom of Information Act, 2011.

Yours sincerely,

Signature

Your Name

Your Designation

Your Organization



3 | Identifying Electoral Offences and When Acts of Impunity May Occur During Elections

3.1 Defining Electoral Offences and Electoral Impunity

The election process is critical to a democracy and should be handled with diligence and adequately scrutinized. There is need to shine a light on any impunity in the electoral system to ensure free, fair and credible elections.

Electoral offences are Acts that are illegal i.e. against the law. Electoral corruption refers to all illegal efforts designed to shape electoral outcomes, being interference in the electoral process that could result in undue advantage. Some Acts though not expressly unlawful may be morally unacceptable or contrary to the spirit of the electoral laws. Any violation of the principles of democracy or those in contravention of global best practices governing the conduct of free and fair elections may also be considered corrupt or improper.

Previous election experiences have shown that the electoral process in Nigeria is rife with wrong doing and such Acts as may be regarded as corrupt and improper.

3.2 The Electoral Act



The Nigerian Electoral Act was first enacted in 2006 and amended in 2010. The Act was passed to regulate the conduct of federal, state and area council's elections in Nigeria. For any electoral system to thrive, it depends largely on parties to the electoral system adhering to rules and regulations that runs the electoral process. The Electoral system in Nigeria has been scorned by the disregard by politicians and electoral institutions to comply with the rules as contained in the Electoral Act.

This section highlights possible offences from the Electoral Act will be highlighted. It entails emphasizing Actions that are expressly stated by the Act to be offences or certain duties created by the Act which failure to perform would constitute impunity as it disregards the statements of the law.

Section 2: Functions of the Commission

Section 2 of the Act covers the functions of the Electoral Commission. This section gives the Commission the power to conduct voter and civic education, promote knowledge of sound democratic election processes and conduct any referendum required. When the Commission defaults in carrying out these duties, it is in breach of the law. Journalist can make FOI requests to the Commission to ask for information on how it has met with these requirements.

Section 3(2): Establishment of the Independent National Electoral Commission (INEC) Fund

In pursuance to section 3 (1), this section addresses the setting up of the INEC Fund. It states that income for the Commission to carry out its functions, assets of the Commission, interest from investments of the Commission as well as aids and grants to the Commission should be put into the Fund.

Section 4(2): Expenditure of the Commission



The section speaks to the Commissions expenses from the Fund created in Section 3(2). Section 4(1)(c) permits the Commission to use from the Fund to pay salaries, fees or other remuneration or allowances and pensions, superannuation allowance gratuities (retirement fund) payable to officers and servants of the Commission. Section 4(2) above prohibits any such payment being made to anyone who is already being paid by the Federal or State Governments.

Section 5: Annual Estimates and Accounts

Section 5 talks about the estimate and accounts of the Commission, mandating the Commission to submit an estimate of its income and expenditure during the next succeeding financial year to the Ministry of Finance not later than August 31 in each financial year. It also makes it compulsory for the Commission to keep proper accounts and related records of each financial year as well as effect an audit by the Auditor General of the Federation of these accounts as soon as possible after the end of the financial year.

Section 9: National Register of Voters and Voters' Registration

This section of the Electoral Act states that the Commission should compile, maintain and update a National Register of Voters on a continuous basis. This register is to include the names of all persons entitled to vote in any Federal, State or Local Government or Area Council elections. It also requires the Commission to maintain a register of voters for each State of the Federation as well as the Federal Capital Territory as part of maintaining the National Register. Also as part of the Register of Voters for each State and the Federal Capital Territory, the Commission is to maintain a Register of Voters for each Local Government/Area Council within the State and the Federal Capital Territory.

The Act also states that the Register is to contain details required in the



Form prescribed by the Commission of every person in it. It also states that registration of voters is to be at registration centres designated for that purpose by the Commission and notified to the public.

Section 9(5) puts a time limit on the registration of voters and the updating or revising of the Voters' Register. It states that this is to end not later than 60 days before any election covered by the Act. In the case of the 2015 General Elections which is to begin on February 14, 2015, all registration should have ended before December 16, 2014. Any registration later than this date would be flouting the law.

Section 10: Voters Register

Section 10(2) states that each applicant for registration under the continuous voters registration scheme is to appear in person at the registration venue with a birth or baptismal certificate, a national passport, identity card or driver's licence or any other document which proves the identity, age and nationality of the applicant.

Section 10(3) calls on the Commission to ensure that within sixty days after each year, they should make available to every political party, the names and address of each person registered during that year. Section 10(4) states that when the Commission issues a notification for a general election following the submission of list of candidates and their affidavits by political parties as contained in Section 31 of the Act, the current official voters' register which follows the provisions of the Act will be the official voters' register for the elections. It also addresses the case of bye-elections stating that the existing current register relating to the senatorial district or constituency concerned would be the official voters' register to be used.

Section 11(1) (2): Appointment of officers

The Commission is to appoint officers for registration and the maintaining, updating or revision of the Voters' Register as is required.



These officers are expected not to be members of any political party. It grants any person the right to raise an objection against any of these officers during the registration or updating exercise so far failure to do so will not invalidate or undermine the Register. Therefore, in the event that such an objection is not raised, this will not nullify the Register.

Section 12: Qualification for Registration

Section 12 states the conditions qualifying a person to be registered as a voter which includes Nigerian citizenship, being eighteen years and above, resides, works or originates from the Local Government, Area Council or Ward covered by the registration centre. Such a person is to present himself to the registration officers assigned and must not be legally incapable of voting under any of Nigeria's laws.

This section also prohibits anyone from registering in more than one registration centre or registering more than once in the same centre. In any event where this is disobeyed, an offence has been committed and upon conviction, such a person is expected to pay a fine not more than N100,000 or imprisonment for not more than one year or both.

Section 13: Transfer of Registered voters

This section discusses the protocol for transferring registered voters. If a person is living in a different constituency other than the one registered in, such a person may apply to the Resident Electoral Commissioner (REC) of the State in which he is currently residing requesting the transfer of his name to the transferred voters list for the constituency. Such an applicant is expected to make this application not less than 30 days before the Election date in his constituency. The application is also to be accompanied by the applicant's voters' card.

The REC to which such an application is made is expected to enter the applicant's name in to the Transferred Voters' List if satisfied that the



applicant now resides in a polling area in the constituency and is registered in another constituency.

If the REC directs an Electoral Officer to enter the name of any person on the Transferred Voters' List for his constituency, the Officer is expected to assign the person to a polling unit or a polling area in his Constituency and indicate in the list the Polling unit to which that person is assigned. The officer is also to issue the person with a new voters' card and retrieve the previous voter's card and send a copy of the entry to the Electoral Officer of the constituency where the person was originally registered. That Electoral Officer is in turn expected to delete the name from his voters' list.

Section 14: Demand for Information Regarding Registration

Section 14 states that in performance of their duties, a registration or update officer can demand information from any applicant. Such information must be necessary to determine whether the applicant is qualified to be registered as a voter as provided by the Act. Such an officer may require any voter or applicant to complete an application form for registration but can fill the form at the request of an illiterate or disabled applicant.

Section 15: Power to print and issue register of voters

This section states that the Commission is to print the voters' register for each state. It also grants any person or political party the power to obtain a certified copy of any voters' register for the State, Local Government, Area Council or registration area from the Commission following payment of certain charges.

Section 16: Powers to print and issue voters' card

The Commission is expected to design, print and be in charge of issuing



the voters' cards to registered voters. Voters are prohibited from holding more than one valid voters' card and where this provision is disobeyed, it is deemed that an offence has been committed and such a person is liable on conviction to a fine not more than N100, 000, imprisonment of not more than a year or both.

Section 18: Power to issue duplicate voters' cards

This section requires the owner of a lost, destroyed, defaced, torn or otherwise damaged voters' card to apply in person not less than thirty days before the polling day to the Electoral Officer or any other officer authorized by the REC explaining the circumstances of the loss, destruction, defacement or damage. If the Officer is satisfied with the circumstances states, he is expected to issue the voter another copy of the original card with the word “DUPLICATE” clearly marked or printed on it also showing the date of issue.

This section also prohibits the issuance of a duplicate voters' card on polling day or less than thirty days before polling day. If this is done, it constitutes an offence and upon conviction, said person would be liable to a fine not more than N200,000, imprisonment of not more than two years or both.

Section 19: Display of the copies of the voters' list

Section 19 states that the Commission is to decide on a period between 5 – 14 days when a copy of the voters' register for each Local Government, Area Council or ward is to be displayed for public scrutiny. This provision is dependent upon Section 16(1) mandating the Commission to design, print and issue voters' cards. This display of the Register is to provide a period for objections or complaints regarding names omitted or included in the Register or necessary corrections which need to be raised or filed.



During the period of the display of the Voters' list under this Act, any person is allowed to raise an objection on the form arranged by the Commission against the inclusion of the name of a person in the supplementary Voters' Register on the basis that such a person is not qualified to be registered as a voter or where a deceased person is included.

An objection can also be raised on the grounds that someone who is registered to vote has been omitted. These objections are to be addressed to the REC through the Electoral Officer in charge of that Local Government or Area Council.

Section 20: Time for publication of supplementary voters' register

As clearly stated above, the supplementary voters' list is to be combined with the Voters' Register and published not later than 30 days before a general election.

Section 23: Offences of buying and selling voters' cards

This section deals with the possibility of buying and selling voters' cards stating that anyone who is in unlawful possession; buys or sells, offers or attempts to buy or sell any voters' card whether in the name of any voter or not, on behalf of himself or another person would have committed an offence and upon conviction can be fined any amount not more than N500,000 or a prison term of not more than two years or both.

Section 24: Offences relating to registration of voters

This section deals with offences relating to registration of voters which include making a false statement in an application to register as a voter knowing that it is false or signing an application form to register as a voter in the name of any other person, whether living, dead or fictitious in order to have that other person registered as a voter.



Other offences include failing to provide information requested from as allowed by the Act within the given time frame, communicates information relating to the registration which is false and known to be so or buying the registration of anyone (real or fictitious) on a Voters' Register knowing that such a person is not entitled to be on the Register or is already registered on another Register.

These offences may amount upon conviction to a fine not more than N100, 000, imprisonment not more than one year or both.

Also, if a person through use of force or threats stops anyone from registering as a voter or hinders them in anyway, such a person would be deemed to have committed an offence and if convicted could pay any amount not more than N500,00 or be imprisoned for up to five years.

Section 25: Days of Election

This section states the order of the elections into the offices of the President, Vice President, Governor, Deputy Governor of a State and Membership of the Senate, House of Representatives and the House of Assembly of each State. It mandates that the Senate and House of Representatives elections go first, the Presidential election follows and the State House of Assembly and Governorship elections are to be the last.

Section 26: Postponement of Election

This section covers the issue of postponement of the elections. It states that elections can be postponed on the basis of natural disasters, a possible breach of peace or any other such emergency. Another date is expected to be appointed for the area(s) concerned and the reason for postponement should be reasonable and verifiable. It states that where an election is postponed on or after the last date for the delivery of nomination papers and the candidates are supposed to be selected, the Electoral Officer will



continue on the new date appointed as the date for the voting to take place.

Following the postponement of an election, there would be no election results until after voting. However, if the results of the election will not be affected by the voting in the areas where dates were postponed, the Commission can instruct the results to be prepared though this can be challenged by any contestant at a court or tribunal with the jurisdiction to. If there is such a challenge, the decision will be suspended until the matter is determined.

Section 27: Announcement of Election Results

This Section covers the officers who can announce the results of all the elections at the different units or centres. It states that:

The Results of all the elections shall be announced by

(a) the Presiding Officer at the Polling unit;

(b) the Ward Collation Officer at the Ward Collation Centre;

(c) the Local Government or Area Council Collation Officer at the Local Government/Area Council Collation Centre;

(d) the State Collation Officer at the State Collation Centre;

(2) The Returning Officer shall announce the result and declare the winner of the election at:

(a) Ward Collation Centre in the case of Councillorship election in the Federal Capital Territory;



(b) Area Council Collation Centre in the case of Chairmanship and Vice Chairmanship election in the Federal Capital Territory;

(c) State Constituency Collation Centre in the case of State House of Assembly election;

(d) Federal Constituency Collation Centre in the case of election to the House of Representatives;

(e) Senatorial District Collation Centre in the case of election to the Senate;

(f) State Collation Centre in the case of election of a Governor of a State;

(g) National Collation Centre in the case of election of the President.

(h) the Chief Electoral Commissioner who shall be the Returning Officer at the Presidential election.

Section 28: Oath of Neutrality by election officers

This section mandates all staff appointed by the Commission to be involved with conducting the elections to take an Oath of Neutrality included in the Second Schedule of the Act. All Electoral officers, Presiding Officers, Returning Officers and all staff appointed by the Commission involved with conduct of the elections would also be expected to take an Oath of Loyalty and Neutrality indicating that they would not accept bribe or gratification from any person, and will perform their functions and duties impartially and in the interests of the Federal Republic of Nigeria without fear or favour.



Section 30: Notice of election

Section 30 covers the notice for elections mandating the Commission to publish a notice in every state and the FCT not later than 90 days before the Election Day stating the date of the election and appointed place for nomination papers to be delivered. The notice is also to be published in each constituency in which an election would hold. During by-elections, this notice is to be published not later than 14 days before the appointed election date stating the election date.

Section 31: Submission of list of candidates and their affidavits by political parties

This section states that every political party is expected to submit the prescribed forms of the list of the candidates the Party proposes to sponsor at the elections to the Commission not later than 60 days before the appointed Election Day. The list or information submitted by each candidate is to be accompanied by an Affidavit sworn to by the indicating that he has fulfilled all the constitutional requirements for election into that office. The Commission is expected to publish the personal details of the candidate in the constituency where the candidate intends to contest the election within 7 days of receiving it.

This section also gives anyone the power to apply to the Commission for a copy of the nomination form, affidavit and any other document submitted by a candidate at an election and the Commission can issue such person a certified copy within 14 days subject to payment of a prescribed fee.

The section also states that anyone who has reasonable grounds to believe that any information given by a candidate in the affidavit or any document submitted by that candidate is false, can file a suit at the State or Federal High Court against such person seeking a declaration that the information contained in the affidavit is false. If the Court determines that any of the information in question is false, the Court is to issue an order disqualifying the candidate from contesting in the election.



It also provides that a candidate for an election at the time of submitting the prescribed form is to provide the Commission with an identifiable address in the State he intends to contest where all documents and court processes from either the Commission or any other person shall be served on him.

Lastly, the section states that a political party which presents to the Commission the name of a candidate who does not meet the qualifications stipulated in this section will be guilty of an offence and on conviction be liable to a maximum fine of N500, 000.

Section 32: Prohibition of double nomination

Those whose names appear on the Voters' Register in a constituency can nominate a candidate for an election. However, no one is allowed to nominate more than one person to the same office and anyone who does having disobeyed the law is guilty of an offence liable upon conviction to a maximum fee of N100, 000, a prison term of three months or both. This Action will however not nullify his selection.

Where a nomination form is held or a candidate who is deceased or has withdrawn is selected, the ballot paper would not be counted but considered invalid. Anyone who signed up as a nominator backing a candidate running for election is not to withdraw his support.

Section 33: Political parties changing candidates

Except a candidate dies or withdraws himself, no political party is allowed to change or substitute the name of the candidate submitted.

Section 34: Publication of nomination

INEC is expected to publish and display at its relevant offices and on its website, a statement of the full names and addresses of all candidates at



least 30 days before Election Day.

Section 42: Establishment of polling Units

This section compels INEC to establish adequate polling units per registration area and allot voters to them.

Section 43: Ballot Boxes

INEC by this section is to provide suitable boxes for conducting the elections as well as create the forms for the conduct of elections and election petition arising from it. Before an election starts, INEC is to provide all the materials needed at the polling unit for the election.

Polling Agents are allowed to be present at the distribution of election materials from the office to the polling booth, at voting, counting and collating of election results.

Section 45: Polling Agents

Section 45 provides that each political party is allowed to appoint a person to be at each polling unit and collation centre in the Local Government or Area Council where it has candidate after notifying the Electoral Officer of the Local Government or Area Council in writing. The notice should state the name and address of the polling agent and be given to the Electoral Officer at least 7 days before the date fixed for the election. However, Section 45(3) states that this not stops a candidate from doing anything he has appointed a polling agent to do.

No one holding a political office under any tier of Government or just resigning his appointment at least three (3) months before the election is allowed to serve as a polling agent of any Political Party, either at the polling unit or at any centre designated for collation of results of an election.



In the event that a polling agent is not present or refuses to do something he is required or authorized by the Act to do, if it is done properly, such refusal does not invalidate it.

Section 46: Notice of Poll

INEC is to publish a notice stating the days and time fixed for voting, people entitled to vote and the location of polling units not later than 14 days before the election.

Section 47: Hour of Polls

Voting for any particular election is to take place simultaneously throughout the country.

Section 48: Display of Ballot boxes

This section states that before voting begins, the Presiding Officer at the Polling Unit is expected to open the empty ballot box, show those lawfully present and close and seal the box to prevent it from being opened by unauthorized persons. The ballot box is to be placed in the full view of all present until the voting closes.

Section 49: Issue of Ballot Papers

The Presiding Officer at the Polling Unit after ensuring that the name of any person is on the Voters' Register, he is to issue him a ballot paper and indicate that he has voted.

Section 51: Separate queues for men and women

If the culture in an area does not permit men and women to be on the same queue, the Presiding Officer is to separate the queues for men and women in the area.



Section 52: Conduct of Poll by Open Secret Ballot

This section states that voting is by open secret ballot and prohibits the use of electronic voting machines for the time being. Voters are to mark their ballot papers as set by INEC and all ballot papers at any polling station are to be put into the ballot boxes in open view of the public.

Section 53: Over voting

No voter is to vote for more than one candidate or record more than one vote in favour of any one candidate. If the votes cast in an election under a particular polling unit are more than those registered for that unit, the results are to be declared null and void and another election is to be conducted at a later date fixed by INEC. The result of this will affect the overall result of the constituency.

If an election is so nullified, results of that election are not to be released until another one has taken place but if these results will not affect the overall results, then it can be directed to be released.

Section 54: Ballot not to be marked by voter for identification

Voters are not to be identified on a ballot paper so when a voter makes a mark or writes on a ballot paper in a manner that identifies them, it is to be rejected. It however explains that a thumbprint in the voting compartment is not to be taken as identification and the Commission should use permanent ink for voters' thumb printing on ballot papers.

Section 56: Blind and incapacitated voters

This section permits persons suffering from disabilities to be accompanied to the polling unit by someone chosen by them who will be permitted to accompany them to the voting compartment and assist them with voting after informing the Presiding Officer of the disability. INEC



is expected to take steps to ensure that voters with disabilities are assisted at the polling unit by the provision of suitable means of communication e.g. Braille, electronic devices, sign language interpretation or even off site voting in appropriate cases.

Section 57: Personal attendance

Every voter is expected to vote in person

Section 58: Voting at appropriate Polling Unit

Every voter should vote at the allotted polling unit or would not be permitted to vote at any other polling unit.

Section 59: Impersonation by Applicant for ballot paper

Section 59 covers the possibility of an applicant impersonating someone to get a ballot paper. It states that if between the time the applicant applies for a ballot paper and before he has left the polling unit, the Presiding Officer is notified by a polling agent, polling unit official or security agent that the person in question is either under 18 years old or has impersonated someone, subject to an undertaking on an approved form, the Presiding Officer can order a police officer to arrest said person. The Presiding Officer's order is stated to be sufficient authority for the police officer to Act.

It however goes on to explain that such a person is not be prevented from voting but the statement "protested against for impersonation" is to be placed against his name in the marked copy of the register of voters or part of the register of voters. If such a person admits that is not who he has claimed to be, then he will not be permitted to vote but handed over to the Police and a person arrested under these provisions will be deemed to be taken into police custody.



Section 60: Tendered Ballot Paper

Section 60 addresses the possibility of someone who appears to vote under a name that someone else has voted upon. If after answering questions asked, the poll clerk determines that the answers were acceptable, he would be entitled to receive a ballot paper in the same manner as any other voter but the ballot paper which is “the tendered ballot paper” should be a colour different from the ordinary ballot papers.

The voter is to deliver the tendered ballot paper to the Presiding Officer instead of putting it in the ballot box and the Presiding Officer would endorse on it the name of the voter and his number in the register of voters. The ballot paper is to be set aside by the Presiding Officer in the view of all present in a packet intended for tendered votes to be counted by the Returning Officer.

When the Presiding Officer tenders a ballot paper under this section, he is to 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 is to be produced in any legal proceedings arising out of the election.

Section 61: Conduct at Polling Units

This section governs the conduct at polling units. It states that the Presiding Officer is to regulate the admission of voters to the polling unit and exclude all persons other than the candidates, polling agents, poll clerks and people lawfully entitled to be admitted including accredited observers. The Presiding Officer is to ensure the maintenance of order and compliance with the requirements of the Electoral Act at the polling unit.

The Presiding Officer can order a person to be removed from a polling unit for disorderly behaviour or for failing to obey a lawful order. If this happens, such a person who has been removed is not to enter the polling

unit again during Election Day without the permission of the Presiding Officer. If charged with committing an offence in that polling unit, the person is deemed to be taken into police custody for an offence in respect of which he may be arrested without a warrant. This provision is not to be enforced in order to prevent an otherwise qualified voter from doing so. Where there is no Presiding Officer, the Poll Clerk can exercise these powers in the Polling Unit.

Section 62: Closing of Poll

At the set time, the Presiding Officer is to declare the poll closed. At that time, no one is allowed to enter and only those already present would be allowed to vote. Those already in the polling unit would only remain if authorized to do so.

Section 63: Counting of votes and forms

The Act mandates the Presiding Officer to enter the votes scored by each candidate at the polling unit after counting, in a form, to be approved by INEC. The form will be signed and stamped by the Presiding Officer and counter signed by the candidates or their polling agents where available at the Polling unit.

The Presiding Officer is to give the Polling Agents and the police officer where available a copy each of the completed forms after it has been signed after which the Presiding Officer is to count and announce the result at the Polling unit.

Section 64: Recount

A candidate or polling agent can demand to have the votes recounted where present at the polling unit during the counting of votes by the Presiding Officer though it can only be recounted once.

Section 65: Post-election procedure and collation of election results



After the results of the election have been recorded, the Presiding Officer is to announce the results and hand it over along with election materials in his keeping to the approved personnel.

Section 66: Rejection of Ballot Paper without official mark

A ballot paper that does not bear the official mark is not to be counted. However, if the Returning Officer is convinced that it came from a book of ballot papers given to the Presiding Officer from which votes have been cast during the election, it can be counted even though it does not have the mark.

Section 67 Endorsement on Rejected Ballot Paper without official mark

The Presiding Officer sign each ballot paper rejected under section 54(1) of the Act or for any other reason with the word "rejected". These ballot papers are not to be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.

If an objection is raised to the decision of a Presiding Officer to reject a ballot paper by a candidate or polling agent at the time the decision is made, the Presiding Officer is to add to the word "rejected", the phrase "but objected to". The Presiding Officer is expected to prepare a statement on rejected ballot papers, stating the number rejected the reason for rejection and their serial number. On request, he can allow a candidate or polling agent copy the statement.

Section 68: Decision of Returning Officer on Ballot Paper

The decision of the Returning Officer on any questions that arise relating to an unmarked ballot paper, a rejected ballot paper or a declaration of scores and the results of candidates will be subject to a review by a tribunal or court in an election petition proceeding under this Act.



Section 69: Declaration of Result

In an election to the office of the President or Governor, to determine the results, the votes cast per candidate are to be counted. This applies whether or not the election is challenged and in any challenged election to any other elective office. Following the counting and subject to the provisions of sections 133, 134 and 179 of the Constitution, the candidate that receives the highest number of votes shall be declared elected by the appropriate Returning Officer.

Section 70: Equality of votes

Where there is a tie and two or more candidates record equal amount of votes as the highest in the election, there is to be no results. A fresh election on an appointed date is to be held.

Section 71: Posting of Results

INEC is mandated to post a notice showing the candidates at an election, their scores and the person selected by the election on its notice board and website.

Section 73: Step by step recording of poll

INEC is to issue and publish guidelines for the elections in the Gazette. These guidelines are expected to provide for the step by step recording of votes in the electoral forms among other things. These guidelines are expecting to govern recording from the polling unit to the last collation centre of the ward or constituency where results will be declared.

Section 74: Result forms to be signed and countersigned

All result forms completed at the Ward, Local Government, State and National levels according to the Act or Guidelines issued by INEC are to



be stamped, signed and countersigned by the relevant officers and polling agents at those levels. Copies are to be handed over to police officers and polling agents.

Section 75: Certificate of return

A sealed Certificate of Return at an election as arranged by INEC is to be issued within 7 days to every candidate who has won an election. If the Court of Appeal or Supreme Court being the final Appellate Court in any election petition as the case may be nullifies the Certificate of Return of any candidate, the Commission is to issue the successful candidate with a valid Certificate of Return within 48 hours after the receipt of the order of such Court. If the Commission refuses and/or neglects to issue a certificate of return, a certified true copy of the Order of a Court of Competent Jurisdiction is to be sufficient to swear-in a candidate declared as the winner by that Court.

Section 77: Access to Election Documents

The REC of a state where elections were conducted is to issue documents or a certified true copy of them within 7 days of any such application being made to him by any of the parties to an election petition. Where a REC wilfully fails to comply, he/she is guilty of an offence and liable upon conviction to a maximum fine of N2, 000,000, imprisonment for 12 months, or both.

Section 78: Powers of the Commission to register Political Parties

Section 78 states that any political association that complies with the provisions for registration in the Constitution and the Electoral Act can be registered as a political party. It however clarifies that the application to be registered as a political party needs to be submitted to INEC not later than 6 months before a general election. INEC after receiving the documents fulfilling the conditions stipulated by the Constitution is to



immediately issue the applicant with a letter acknowledging that all the necessary documents were indeed submitted.

If the Association has not fulfilled all the conditions, INEC is to within 30 days of receiving the application notify them in writing stating the reasons for non-registration. While any political association that meets the conditions stipulated in the Constitution and the Act should be registered by INEC as a political party within 30 days of receiving the application.

If after 30 days, the Association is not registered by INEC it is still deemed to have been registered unless INEC informs the Association to the contrary. Where an Association gets a certificate of registration through the submission of false or misleading information, such certificate will be cancelled.

Applications for registration as a political party should not be processed unless there is evidence of payment of administrative fee fixed from time to time by INEC. INEC can also deregister political parties if they breach any of the requirements for registration or fail to win a seat in the National or State Assembly election.

Section 81: Contravention of Section 227 of the 1999 Constitution

This section states that any political party or association that disobeys Section 227 of the Constitution is guilty of an offence and liable on conviction to a fine of N500,000 for the first offence, N700,000 for any subsequent offence and N50,000 for every day that the offence continues.

Section 81(1) Any political party or association, which contravenes the provisions of section 227 of the Constitution is guilty of an offence and liable on conviction to a fine of- (a) N 500,000.00 for the first offence; (b) N 700,000.00 for any subsequent offence;



and (c) N 50,000 for every day that the offence continues.

(2) Any person or group of persons who aids or abets a political party in contravening the provisions of section 227 of the Constitution shall be guilty of an offence and be liable on conviction to a fine of N500,000 or 3 years imprisonment or both.

Section 227 of the Constitution states that:

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

Section 81(2) of the Electoral Act goes on to say that any person or group of persons who aids or abets a political party in disobeying this provision is also guilty of an offence and liable on conviction to a fine of N500,000, 3 years imprisonment or both.

Section 82: Symbols of Political Parties

INEC is mandated to keep a register of symbols for use at elections and register the symbol of a political party if satisfied that no other symbol of the same design is registered; the symbol is distinctive from any other symbol already registered and its use will not be offensive or otherwise objectionable.

INEC is also to remove a symbol from the register of symbols if the political party in whose name it is registered requests the removal or INEC believes that the political party or independent candidate in whose



name the symbol is registered has no longer exists or uses the symbol.

This section goes on to state that a symbol is not to be allotted or registered for use in any election if it portrays the Coat of Arms of the Federation; the Coat of Arms of any other country or any device or emblem which in the opinion of the Commission is normally associated with the official Acts of Government; any of the Armed Forces of the Federation or the Nigeria Police Force or other uniformed service; the regalia of a Chief; any tribe or ethnic group; any religion or cult or any portrait of a person living or dead. It also prohibits any symbol or part of a symbol to be registered when is registered by another political party.

Symbols allotted to a political party and in use immediately before the coming into force of the Act is to be available to and continue to be used by that political party without payment of the fee.

Section 88: Offences in relation to finances of a Political Party

Section 225(3) of the Nigerian Constitution states that no political party should have any funds or assets outside Nigeria or be allowed to keep any funds or assets sent from outside Nigeria. Section 88 makes any of these an offence stating that such a political party is to forfeit funds or assets purchased with such funds to INEC. Any of these offences is punishable by a fine of not less than N500, 000. Section 88(1) states that:

Any Political Party that

(a) holds or possesses any fund outside Nigeria in contravention of section 91(3)(a) of this Act commits an offence and shall forfeit the funds or assets purchased with such funds to the Commission and on conviction shall be liable to a fine of not less than N500,000.00;

(b) retains any fund or other asset remitted to it from



outside Nigeria in contravention of section 91(3)(b) of this Act is guilty of an offence and shall forfeit the funds or assets to the Commission and on conviction shall be liable to a fine of not less than N 500,000.00.

Section 89: Period to be covered by Annual Statement

This section states that every political party is to submit a detailed annual statement of Assets and Liabilities, an analysis of its sources of funds and other assets and a statement of its expenditure to INEC. The method in which this is done is to be determined by INEC. These statements are to cover the period of January 1 to December 31 of each year except the year the Act comes into force in which it shall cover the period from the registration of the party to December 31 of the following year.

Political parties are also mandated to give officials authorized by INEC in writing access to examine the records and audited accounts kept by the political party. The political party is also to give the officer all information requested in relation to all contributions received by or on behalf of the party. INEC is to publish the report of such examinations and audit in three National Newspapers.

Section 90: Power to limit contribution to a Political Party

Section 90 grants INEC the power to limit the amount of money or other assets an individual or group of persons may contribute to a political party.

Section 91: Limitation on election expenses

Section 91 limits election expenses for the different elections stating the maximum amount to be spent by candidates for Presidential, Governorship, Senatorial, State Assembly, Area Council Chairmanship or Councillorship elections.



It limits a Presidential Candidate's expenses to one billion naira (N1,000,000,000), Governorship candidate to two hundred million naira (N200,000,000), candidate for a Senatorial seat at the National Assembly to forty million naira (N40,000,000) while the limit for expenses to a seat for the House of Representatives is twenty million naira (N20,000,000)

It also limits expenses of a candidate for a seat at the State Assembly election to ten million naira (N10,000,000), an Area Council Chairman candidate to ten million naira (N10,000,000) and an Area Council Councillor candidate to one million naira (N1,000,000).

Any of these candidates who disobeys these provisions is liable upon conviction to pay a fine from one million to a hundred thousand naira, one year imprisonment to a month imprisonment or both depending on the level at which the candidate is contesting.

The section also notes expenses that are not to be counted in this regard including payments for nomination as a candidate, expenditure on services rendered or material supplied before the notification of a fixed election date and expenses by the political party relating to the candidate's standing for the election.

This section also prohibits a single individual or entity from donating more than a million naira (N1,000,000) to any candidate and makes it an offence if a candidate knowingly disobeys this provision. Disobeying this provision could amount to payment of a maximum fine of N500,000, 9 months' imprisonment or both.

Lastly, any accountant who assists a candidate to validate a provision of this section through the falsification of documents or receipts relating to expenditure or donation for an election is guilty of an offence punishable by 10 years imprisonment.

Section 92: Election expenses of political parties



Section 92 explains that election expenses refer to expenses by a political party from the date INEC issues notice of the conduct of the election until, and including, the Election Day. Expenses incurred by a political party for the management or the conduct of an election should be decided by INEC following consultation with the political parties.

Election expenses of a political party are to be submitted to INEC in a separate audited statement within six months following the election which should be signed by the political party's auditors and countersigned by the Chairman of the party as well as supported by a sworn affidavit by the signatories as to the accuracy of its contents. Any political party in violation of this section is guilty of an offence and punishable by a maximum fine of N1,000,000.

This statement is to show the amount of money spent by or on behalf of the party on election expenses, the items of expenditure and commercial value of goods and services received for election purposes. In the case of failure to submit an accurate audited return within the stipulated period, the court may impose a maximum penalty of N200,000 per day on any party for the period after the statement was due until it is submitted to INEC. The party is also to publish this report submitted to INEC in at least two National Newspapers.

If a political party incurs election expenses beyond the limit stipulated, it is guilty of an offence and liable on conviction to a maximum fine of N1,000,000 and forfeiture to INEC of the amount by which the expenses exceed the limit set by the Commission. INEC is expected to make the audit statements of the political parties which should include the names, addresses, occupation, and amount contributed by each contributor to a party available for public inspection during regular business hours at its Headquarters and state offices.

Section 93: Disclosure by political parties



Section 93 states that no political party is to accept or keep anonymous monetary or other contributions, gifts, properties, etc from any source whatsoever. Every political party is also expected to keep an account and asset book into which all monetary and other forms of contribution received by the party as well as the name and address of any person or entity that contributes any money or assets which exceeds N1,000,000 are to be recorded.

No political party is to accept any monetary or other contribution exceeding N100,000 unless it can identify its source to INEC. Every political party sponsoring the election of a candidate is also expected to file a report of the contributions made by individuals and entities within three months after the announcement of the results of the election to INEC.

Section 94: Conduct at political rallies, and processions, etc

The Commissioner of Police in each state of the Federation and the Federal Capital Territory, Abuja is to provide adequate security for processions at political rallies to ensure proper and peaceful conduct of political rallies and processions.

Any one at a political rally, procession or voting centre, with any weapon or missile is guilty of an offence and liable on conviction to a maximum fine of N2,000,000, imprisonment for a term of 2 years or both. The only exception to this is someone in possession of a weapon in carrying out a lawful duty i.e. if he is Acting in capacity as a police officer or as a member of a security agency authorized to carry arms and is specifically posted to be present at that political rally or procession.

Section 95: Prohibition of certain conduct, etc. at Political Campaigns

This section prohibits a political campaign or slogan from including abusive language likely to injure religious, ethnic, tribal or sectional



feelings. The section prevents the use of abusive, extreme, slanderous or improper language, insinuations or innuendoes designed or likely to provoke violent reaction or emotions in political campaigns. It also prevents the use of places designated for religious worship, police stations and public offices for political campaigns, rallies and processions or for promoting, propagating or attacking political parties, candidates, their programmes or ideologies. This section also prohibits the use of masquerades by any political party, candidate or person during political campaigns or for any other political purpose.

Political parties and their members are also prohibited by this section from being involved with the use of force to promote their political objectives and interests. It also prevents the use of private security arrangements by political parties and candidates during campaigns, rallies, processions or elections.

A political party or persons who violates any of these provisions is guilty of an offence punishable in the case of an individual by a maximum fine of N1,000,000 or imprisonment for 12 months and in the case of a political party by a fine of N2,000,000 in the first instance and N1,000,000 for any subsequent offence. Any person or group of persons who assists a political party in violating the provisions as regards the use of force is guilty of an offence and liable on conviction to a fine of N500,000, three (3) years imprisonment or both.

Section 96: Prohibition of use of force or violence during political campaign

This section prohibits anyone from preventing another's support of a political party or candidate through the use of force or violence during a political campaign. It states that violating this provision is an offence punishable by a maximum fine of N1,000,000 or imprisonment for a term of 12 months in the case of an individual or a fine of N2,000,000 in the first instance, and N500,000 for subsequent offences when a political

party is concerned.

Section 99: Limitation on political broadcast and campaign by political parties

This section limits political broadcasting and campaigning by political parties. It states that the period of public campaigning by political parties begins 90 days before Election Day and is to end 24 hours before then. It also goes on to state that any registered political party that runs an advertisement during the 24 hours before election day through any person on its behalf is guilty of an offence and liable upon conviction to a maximum fine of N500,000.

Section 100: Fair and Equitable Campaigning

This section directs candidates and their parties to campaign in accordance with rules and regulations determined by the Commission. It prohibits the use of state properties or means including the media to disadvantage any candidate or party. Media time is to be equally allocated among political parties and candidates at similar times. Subject to the payment of appropriate fees, public electronic media is expected to fix equal airtime for political parties and candidates during prime times at similar times.

The section mandates public print media to allot equal coverage and exposure to all political party. It states that any public media which does not show equality in its allocations would be guilty of an offence and liable upon conviction to a fine of N500, 000 at first instance and a maximum fine of N1,000,000 for subsequent convictions.

Section 101: Time frame for Campaigns

Subsection (1) states that a person, print or electronic medium that broadcasts, publishes, advertises or circulates any material for the



purpose of promoting or opposing a particular political party or the election of a particular candidate over the radio, television, newspaper, magazine, handbills, or any print or electronic media whatsoever called during twenty four hours immediately preceding or on polling day is guilty of an offence under this Act. This means that any form of Activity done through media channels to promote a political party twenty four hours before or on the day of elections constitutes an offence.

Subsection (2) states that for any corporate body that commits the offences in subsection (1), its principal officers will also be found guilty while subsections (3) states that any individual found guilty of this offence will be liable to pay a maximum fee of N500,000 or be imprisoned for 12 months. In the case of a corporate body, it will be a maximum fee of N1,000,000.

Section 102: Religious and Ethnic Grounds for Campaigns

This states that any candidate, person or association who engages in campaigning or broadcasting based on religious, tribal, or sectional reason for the purpose of promoting or opposing a particular political party or the election of a particular candidate, is guilty of an offence under this Act and on conviction shall be liable to a maximum fine of N1,000,000 or imprisonment for twelve months or to both.

Section 105: Division of Electoral Wards

Section 105 explains covers how the area councils shall be divided for elections. The Act explains that all local government areas are divided into at the very least, 10 electoral wards or at most 20 electoral wards. This is depending on the circumstances of the area. The inhabitants of the electoral ward shall almost be equal to the population quota of the electoral ward. The Electoral Commission has the duty of reviewing the divisions every 10 years.

Section 108: FCT Elections for Area Councils

The provisions of Section 108 cover dates for area council elections and method of voting. Elections for all the area councils of the Federal Capital Territory are to be held on the same day and must not be earlier than 150 days or later than 90 days after the expiration of office of the previous holder of that office. Bye-elections for vacancies in the area council are to be held within 30 days after the vacancy occurred. To fill a vacancy that occurred more than three months before the Area Council is to be dissolve, the bye-elections shall not hold later than 30 days after the vacancy occurred. The voting method to be used is open-secret ballot.

Section 117: Registration Offences

Section 117 provides for offences in relation to registration. Subsection 1a states that anyone that removes or damages any document required for registration without authority to do so; anyone who intentionally provides false information for registration; anyone who impersonates another or registers in more than one constituency, anyone who knowingly publishes false to prevent registered and qualified people from voting; anyone who in the course of registering voters records information which he knows is not true, anyone who stops or prevents a registration officer or revise officer from doing their duties, anyone who pretends to be or wears the identification of a registration officer or assistant registration officer; anyone that makes fake registration cards or anyone that does registration or revision of voters at a place that is not authorized by the electoral Commission is guilty of an offence under the Act and will be fined N1,000,000 or imprisoned for 12 months or both.

Section 118: Forgery/Destruction of Nomination Forms

Section 118 of the Act states that anyone that destroys or makes fake nomination papers or result forms; knowingly delivers fake nomination forms or result forms to electoral officer; signs a nomination paper or



result form in more than one constituency at the same election; deliberately destroys or forges ballot paper or any certificate of return or result form; gives ballot paper or forms to people without the authority to do so, deliberately removes a ballot paper or result form from a polling station; deliberately puts ballot paper or result form that is not authorized into the ballot box and anyone who doesn't meet the requirements of candidate and signs nomination papers will be sentenced to a maximum of two years imprisonment.

If anyone prints ballot papers and result forms without authorization; if an authorized person prints more ballot papers than he was asked to; if anyone keeps ballot papers or result forms with him when not in the process of voting; anyone who for the purpose of the elections, makes or supplies for the purpose of elections, ballots boxes that have compartments or any kind of mechanism that can alter, hide, manipulates ballot papers or results forms commits an offence under this Act.

The penalty for the offence in subsection (3) is a maximum fine of N50,000,000 or 10 years imprisonment or both.

An attempt to commit the offences in this section will attract the same penalties as the offences themselves.

Section 119: Disorderly behaviour

Section 119 states punishable offences as regards disorderly behaviour at political meetings held before the date for an election. Anyone who acts disorderly or causes another person to do so in order to prevent the fulfilment of the purpose for which the business was arranged; anyone that has offensive weapons at the political meeting will be convicted to a minimum fine of N500,000 or imprisoned for 12 months or both.

Section 120: Illegal Transfer of Voters Card



Anyone who transfers his rightfully gotten voters' card to another person other than an electoral officer or authorized Acting officer; anyone that receives someone else's voters' card for voting purposes and is not an electoral officer; or has more than one voters' card in his possession without a lawful excuse; anyone that sells, buys, procures voters card in a manner that is contrary to this Act commits an offence. Such person will be fined N1, 000,000 or be imprisoned for 12 months or both'

Section 121: Provision of Vehicles

Under this Act, it is an offence to provide someone at a registration office, government owned vehicle or vehicles belonging to public corporations; except for someone who is originally entitled to use such vehicles or in the case of emergencies. The penalty of this offence is N500, 000 or six months imprisonment or both.

Section 122: False Registration

Under this Act, it is an offence for someone to register using a name that is not his; or to register in another constituency after been properly registered in a constituency before, except he has been authorized to do so by the Electoral Act. Anyone that applies for a ballot paper using a name that is not his, anyone that applies for more than one ballot paper at t he same election; votes at an election knowing that he is unqualified, brings someone else to vote and knows that such person is unqualified to vote commits an offence under the Electoral Act and shall be made to pay a maximum fine of N500,000 or serve a jail term of 12 months or both after been convicted.

Though, an evidence of at least two witnesses is needed to charge someone with the offence of impersonation.

Section 123: Breach of Electoral Duty



For any officer who was appointed for the purposes of this Act and without any lawful excuse breaches the provisions of his official duty, he will be liable to pay a maximum fine of N500,000 or be imprisoned for 12 month or both after conviction. It is an offence, for a polling officer not to discharge his lawful duties at his polling booth or not to give timely report at his polling unit on the day of elections without lawful reason shall be convicted and shall be liable to pay a maximum fine of N500,000 and be imprisoned for 12 months or both. Any person that intentionally publishes or announces false election results shall be liable to 36 months imprisonment. Any Returning or Collation Officer that delivers by himself or through someone else false certificate of return shall be imprisoned for 3 years. It is an offence for anyone to knowingly deliver false certificate of return to any news media and the offender shall be liable to imprisonment for 3 years upon conviction.

Section 124: Bribery

Anyone who gives any form of bribe in monetary form or something else of value on behalf of himself or someone else to ensure the return of any person as a member of a legislative house or to an electoral officer or the vote of a voter commits an offence under this Act. Anyone who after the election, directly or indirectly by himself or someone else on his behalf receives money for voting or not voting or making someone to vote or not vote or make a candidate stop his campaign for votes for himself commits an offence under this Act and shall be fined a maximum of N5000, 000 or be imprisoned for 12 months or both. The offence of bribery is stated under this Act as one where someone or someone else on his behalf, directly or indirectly, before or during the elections takes, or agrees to take gifts or any other thing of valuable consideration, employment or agreement to vote or not voting or the agreement of not voting at an election, shall be convicted and fined N500,000 or 12 months imprisonment or both. This doesn't apply to lawful expenses incurred at



or concerning the elections. Anyone that helps or supports any other person to commit these offences will also be guilty too. A person deemed to be guilty of these offences must be someone have knowledge and must have consented to the offence.

Section 125: Secrecy in Voting

Everyone at the venue of voting including electoral officials must maintain and help maintain secrecy of the voting exercise. Only authorized persons under this Act can communicate information as regards the name or number of voters that have or have not voted. No one is allowed to interfere as a voter casts his votes or try to obtain information about the candidate the candidate is voting for. No one is allowed to give any other person information gotten in a polling unit as regards the candidate a voter is about to vote for. Anyone who goes against the stipulations of this section commits an offence, shall be convicted and shall be fined a maximum of N100, 000 or imprisoned for 6 months or both.

Section 126: Conduct of Voters

Anyone who votes at an election or procures anyone to vote at an election fully aware that such person that is banned from the voting premises; or providing false information of the withdrawal of a candidate at such election; anyone who before or during elections publishes false information about the personal conduct or character of candidate in order to promote the election of another candidate is guilty of an offence and shall be fined a maximum of N100, 000 or imprisoned for 6 months or both.

Section 127: Voting at a Wrong Constituency

Anyone who deliberately votes in a constituency where his name is not contained in the voters' register commits an offence and shall be made to pay a maximum fine of N100, 000 or imprisoned for 6 months. Anyone



who intentionally brings a voters card issued to someone else during the elections commits an offence and shall be made to pay a maximum fine of N100, 000 or imprisoned for 6 months or both.

Section 128: Disorderly Conduct

Anyone who Acts in a disorderly manner or causes others to do so, commits an offence and shall be fined a maximum fee of N500, 00 or shall be imprisoned for 12 months.

Section 129: Election Booth

Within 300 meters of the polling booths on election day, no one is allowed to: solicit for votes, persuade any voter not to vote or not to vote for any candidate, chant slogans concerning the elections, bring along offensive weapon or wear clothing's or facials that can possibly intimidate voters; show any symbols or photographs or photo cards identifying with any political party; use any vehicle that has the symbol of any political party on it; loiter voting premises without lawful excuse after voting or refusing to vote; snatch or destroy election materials, blare sirens.

Within the premises of the polling booths and collation centre the day of elections, no one is allowed to: organize, hold or attend a public meeting during the voting hours prescribed by the Commission, operate a megaphone or any public speaking instrument unless authorized by the Electoral Act to do so; wear any badge or banner or poster carrying the symbol of any political party.

Anyone who acts against the provisions of this section is guilty of an offence and shall be fined N100, 000 or imprisoned for 6 months. Anyone who snatches or destroys election materials shall be imprisoned for 24 months after conviction.

Section 130: Bribing Voters



Anyone who after the date of elections have been announced, directly or indirectly gives money to anybody in order to corruptly influence that person or someone else to vote or not vote commits an offence. It is an offence if any voter accepts money or any other valuable items during the period stated in Paragraph (a). The penalty for the offence is a fine of N100,000 or 12 months imprisonment or both.

Section 131: Threats/Attack on Voters

Anyone who directly or indirectly by himself or on behalf of another person threatens to use force, violence or constraint; anyone who inflicts or threatens to inflict himself or threatens to cause any sort of harm against a person in order to compel people to vote or not to vote or refrain from voting; anyone who prevents voters from voting by abducting or exerting duress on them; anyone who prevents any political aspirant from using the media, designated vehicles, mobilization of political support commits an offence under this Act. The penalty for the offence is a fine of N1, 000,000 or 3 years imprisonment.

Section 144: The Commissions Legal Representation

This section makes provisions for legal representation of the Commission. It states that only a legal officer of the Commission or a legal practitioner can represent the electoral Commission where the Commission or one of its officials have been joined as a respondent in an election petition. However, the attorney general of the federation or attorney of the state concerned may also represent the Commission and its officers mentioned in subsection 1 but with the consent of the electoral Commission. A legal officer who represents the Commission in accordance with subsection (1) and (2) is entitled to receive professional fees determined by the Commission.

Section 147: Guidelines for Election Expense



It states that the Commission can specify the scale of payment for electoral officers appointed in accordance with the Electoral Act for the purpose of conducting elections. An electoral officer or a presiding officer will revise the payment scale and other expenses incurred by the Commission. In addition to the specified payment mentioned in paragraph (a) of subsection (1), the electoral officer or presiding officer is also entitled to expenses which does not exceed the specified scale as regards the conduct of elections. The Commission can also pay other individuals or officials who may be involved in election or election petitions one way or another. It is from the fund established under section 3(1) of this Act that the fees and other payments endorsed in subsection (1) of this section shall be paid from, in whatever manner the Commission chooses.

3.2 The Constitution

The Constitution is the fundamental law which governs a country and should be read, understood and respected by all citizens.

Sections of the Constitution that contain provisions for electoral conduct must be adhered to. Journalists should be mindful of what these provisions are and diligently report on areas that are violated during electoral processes.

Section 65, 66 and 107: National and State House of Assembly Qualification for Candidates

Subject to the provisions contained in Section 66, the requirements for membership of Senate are Nigerian citizenship and attainment of the age of 35; while for the membership of House of Representatives, the person must be a citizen of Nigeria and must have attained the age of 30 years.

However, for a person to contest for election under subsection (1) he



must have been educated up to at least School Certificate level or its equivalent and he must be a member of a political party and be sponsored by it.

The grounds on which a person cannot contest for positions in the Senate and House of Representatives are if he, in accordance with the provisions of section 28:

- **Voluntarily acquired the citizenship of another country**
- **Held the position of Governor for two terms previously**
- **Deemed to be mentally unwell under the law of any part of Nigeria**
- **Convicted for engaging in dishonest practices**
- **Violated the code of conduct in less than ten years before the election date**
- **Declared bankrupt under any law of Nigeria**
- **Employed at an public or civil organization of Nigeria and has not resigned, withdrawn or retired from the employment at least 30 days before the date of the elections**
- **Belongs to any secret group**
- **Indicted for embezzlement or fraud by any law by the federal or state government**
- **Presented forged certificates to INEC.**



In the case of any person who has been: deemed to be mentally unwell, declared to be of unsound mind, imprisoned or sentenced to death or declared bankrupt; any appeal against the decision in any recognized law court of Nigeria, subsection (1) of this section shall not apply when the appeal is first filed and ending on the date the appeal is finally decided on.

Section 71 and 72: Senatorial Districts and Federal Constituencies Divisions

Subject to the provisions of section 72, for the purpose of conducting elections to the state, INEC is charged with the responsibility of dividing every state in the country into senatorial districts. For the elections to the House of Representatives, the whole federation will be divided into 160 federal constituencies (this is subject to section 49 of this constitution).

All senatorial districts or federal constituencies should fall within only one state and the boundaries of the district or constituency shall be bordering on one another so that the number of the inhabitants is almost equal to the population quota.

Section 73, 75 and 114: Periodic Review of Divisions

Section 73 charges INEC with the responsibility to review the senatorial districts and federal constituencies every 10 years and the Commission may make changes in the divisions in accordance with the constitution. As a consequence of any amendment to section 8 of the constitution or any other provisions replacing that section, the Commission may at any time carry out a review to alter district or constituencies whenever it deems necessary. This can also occur by reason of the holding of a census of the population or pursuant to the Act of the House of Assembly.

In order for INEC to divide states into senatorial districts and federal constituencies, the 1991 census of the population of Nigeria or the latest



census held according to the Act of the National Assembly has to confirm the population of the federation or any part of it.

Section 76 and 116: Date for National and State House of Assembly Elections

INEC is given the authority to schedule a date for whenever elections into the House of the National Assembly are to hold. The date for the elections must not be earlier than 60 days before and not later than the date on which the House of Assembly would be dissolved. In a case of vacant seats occurs three months before the dissolution of the House of Assembly, the election to fill the vacancies must hold not later than one month after the vacancy occurred.

Section 78 and 118: Voters Registration

INEC shall be responsible for supervising for the registration of voters and the conduct of elections for the National and State House of Assembly.

Section 112 and 113: Division of States for House of Assembly Elections

This explains that for the elections into the State House of Assembly to take place, INEC shall divide each state of the federation into a number of constituencies that is equal to three or four times the number of Federal constituencies within the state. This is subject to Sections 91 and 113 of the constitution.

It will be divided in such a way that the number of inhabitants in each state constituency shall be nearly equal to the population as is reasonably practicable.



Section 131 and 177: Presidential and Governorship Requirement

This states the requirement a person must meet to contest in the elections for the office of the President. He must be a citizen of Nigeria by birth, he must not be less than 40 years of age, he must be a member of a political party and be sponsored by that party; and he must have attained at least School Certificate level in education or its equivalent.

Section 132 and 178: Date for Presidential and Gubernatorial Election

This mandates INEC to schedule the date for elections for the office of the Presidency. The elections must be held not earlier than 60 days and not later than 30 days before the term of office of the last President expires. In the case where there is only one candidate after the close of nominations, INEC shall extend the time for nomination. For the Presidential elections, there shall be no divisions; the whole Federation shall be regarded as just one constituency. Anyone who has been registered to vote at the election of a member of a legislative house will be entitled to vote at the Presidential elections.

Section 134: Counting Votes for Presidential Election

If there are only two candidates for the Presidential elections, a candidate can be said to have won the election if: he has majority of the votes cast at the election, if he has one quarter or more of the votes cast at the elections at each of two thirds of the states of the federation and the Federal capital Territory.

If there are more than two candidates for the Presidential elections, a candidate can be said to have won the elections if: he has majority of the votes cast at the election, if he has one quarter or more of the votes cast at the elections at each of two thirds of the states of the federation and the Federal capital Territory. If a candidate is duly elected in accordance with



subsection (2), another election in accordance with subsection (4) will hold, the only candidate shall be the candidate that got the highest votes as stated by subsection (2), one candidate from the remaining candidates who has the highest votes in the highest number of states shall be the second candidate of the elections. If a candidate is duly elected in accordance with the previous subsections, INEC shall organize another election between the two candidates; the candidate to be declared as winner must have the majority of the votes cast at the elections and he must have one quarter or more of the votes cast at the elections at each of two thirds of the states of the federation and the Federal capital Territory.

Section 137 and 182: Presidential and Governorship Candidate Disqualification

The grounds on which a person cannot contest for the Presidential elections if he, in accordance with the provisions of section 28:

- Voluntarily acquired the citizen another country
- Held the position of President for two terms previously
- Deemed to be mentally unwell under the law of any part of Nigeria
- Convicted for engaging in dishonest practices or for violating the code of conduct in less than ten years before the election date
- If he has been declared bankrupt under any law of Nigeria
- Employed at an public or civil organization of Nigeria and has not resigned, withdrawn or retired from the employment at least 30 days before the date of the elections



- Belongs to any secret group
- Indicted for embezzlement or fraud by any law by the federal or state government
- Presented forged certificates to INEC.

In the case of any person who has been: deemed to be mentally unwell, declared to be of unsound mind, imprisoned or sentenced to death or declared bankrupt; any appeal against the decision in any recognized law court of Nigeria, subsection (1) of this section shall not apply when the appeal is first filed and ending on the date the appeal is finally decided on.

Section 221 and 222: Associations as Political Parties

Associations shall not function as political parties unless: if the names and addresses of its national officers have been registered with the Electoral Commission; if citizens of the country are free to join the associate irrespective of their gender, place of origin, circumstance of birth, religion or ethnic group, if the principal office of the Independent National Electoral Commission has registered the association's constitution in a form prescribed by it; if any alterations in its constitution is registered with INEC within 30 days of when the alteration was made; if the name, symbol or logo of the association does not signify anything ethnic or religious or give the appearance that the association's Activities are confined to a part of the geopolitical area of Nigeria and if the association has its headquarters situated in Abuja.

Section 223, 224 and 225: Political Parties Rules and Regulations

The constitution and rules of political issues shall include: stipulations for how principal officers and members of the executive committee or other governing body of the political party will be elected periodical on a democratic basis; shall ensure that the members of the executive



committee of a political party properly represent the federal character of Nigeria. For this purpose, the election of executive committee members shall be considered at periodical only if it is made at regular intervals not exceeding four years. The executive committee members or members of other governing bodies of the political character of Nigeria only if the members are of different states not being less in number than two-thirds of all the states of the Federation and the FCT, Abuja.

The programme, aims and objectives of every political must be in accordance with the provisions of chapter II of this constitution.

Every political party shall publish a statement of its assets and liabilities in a manner that the Independent National Electoral Commission prescribes. Each political party shall also submit a detailed annual statement and analysis of its sources of funds and also a similar statement of its expenditure in the form that the electoral Commission requires. All political parties are prohibited from: possessing foreign assets or funds, retaining funds or assets remitted or sent from outside Nigeria.

Section 226: Financial Reports for Political Parties

The INEC shall submit a report on the accounts and balance sheets of every political party to the National Assembly every year. INEC is charged with the responsibility of investigating to ensure that proper books of accounts and record have been kept by the political parties. The Commission shall report if it of the opinion that proper records have not been kept by a political party. Every authorized agent of the electoral Commission shall have a right of access at all times to the books and the accounts and vouchers of all political parties. The Commission shall through it staff or a professional auditor exercise the powers conferred on it subsections (4). Every authorized agent of the electoral Commission is entitled to require from the officers of the political party, information and explanation that are necessary for the purpose of investigation. The Commission is to state that facet in its reports.



Section 227: Use of Physical Force for Elections

No association is allowed to retain, train, organize or equip any person(s) in order to employ them for the use of display of physical force or violence in order to promote a political objective or interest.

Section 228: Penalties for Political Parties

The National Assembly is given authority to inquire and provide punishment by law for anyone involved in the management or control of any political party if the provisions of sections 221, 225(3) and 227 of this Constitution are violated; for disqualifying public office holders for intentionally aiding and abetting a political party in violating section 225(3); for an annual grant to INEC for a fair and equitable disbursement to enable them perform their duties properly and for powers that many appear to the National Assembly to be necessary to be conferred on the electoral Commission in order to ensure the effectiveness to ensure that political parties adhere to the provisions of this chapter.

Section 285: Election Tribunals

This section establishes one or more tribunals to be known as the National Assembly Election Tribunals which will have original jurisdiction for the purpose of hearing and determining petitions as regards:

- if a person has been validly elected as a member of the National Assembly
- if the term of office of any person under this institution has ceased
- If the seat of a member of the senate or a member of the House of Representatives is vacant.



- If a petition has been properly or improperly brought before the tribunal.

A Governorship and Legislative Houses Election Tribunal shall be established in each state of the federation and shall have the jurisdiction to hear and determine petitions as regards whether a person has been validly elected into the position of Governor or Deputy Governor or as legislative house member. An election tribunal established under this section shall have a chairman and two other members.

3.4 Code of Conduct Bureau

The Code of Conduct Bureau is established and shall have: a chairman and nine other members who have reached the age of 50. The Bureau shall establish offices in each state to ensure the effective performance of its duties. The Bureau has the authority to:

- Receive declarations by public officers made under paragraph 12 of Part I of the Fifth Schedule to this Constitution
- Examine the declarations in accordance with the requirements of the code of conduct or any other law
- Retain custody of the declaration and make them accessible for citizens to inspect on terms and conditions prescribed by the National Assembly
- Ensure that any law relating to the code of conduct is complied with
- Receive complaints of the provisions of the code of conduct when violated and can refer such matters to the code of conduct tribunal after investigations.



The bureau also has the power to Appoint, promote, dismiss and exercise disciplinary control over the staff of the bureau as provided by the Act of the National assembly; and also carry put any other function required of it by the National Assembly.

The following are the code of conduct for public officials.

1. A public officer must ensure that his personal interests never interfere with his official duties and responsibilities.
2. A public officer shall not receive payment of salaries for more than one public office at the same time.
3. All public officers including the president, Vice President, Deputy Governor, Ministers of the Government of the Federation and Commissioners of the Governments of the States, members of the National Assembly and of the Houses of Assembly of the States are prohibited from maintaining or operating a bank account in any country outside Nigeria.
4. After the retirement of a Public officer from public service, while receiving pension from public funds, he is prohibited as receiving more than one remuneration position as chairman, director or employee of: a company owned or controlled by the government or any public authority. A retired officer is prohibited from receiving any other payments apart from public funds apart from his pension payments.
5. A retired officer who have held offices of President, Vice-President, Chief justice of Nigeria, Governor and Deputy Governor of state cannot serve or be employed in foreign companies or foreign enterprises.
6. A public officer is prohibited from asking for or receiving any



benefits for himself or another person for the purpose or doing or omitting anything in the course of performing his duties. If any public officer receives gifts or any other benefits from commercial firms or enterprises or a person who has contract with the government, he has violated the laws in the sub-paragraph until proven otherwise. A public officer can receive gifts from relatives and friends on occasions recognized by custom. It is not unlawful for a public officer to receive gifts on any public or ceremonial occasion provided that the gift shall be treated as a gift to the appropriate institution.

7. Any public officer including those who holds the office of a permanent secretary or head of any public corporation, university, or other parastatals organizations are prohibited from accepting loans except from government or its agencies, a bank, building society, mortgage institution or other financial institution recognized by law; or any benefit of value from any company, contractor, or businessman, or the representative of such person.
8. No one is allowed to bribe a public officer with any property, gift or benefit of any kind in order to sway the officer to discharge his duties in his favor.
9. It is unlawful for a public officer to intentionally abuse the power his office confers on him by performing his duties with high-handedness or an Act prejudicial to the rights of any individual.
10. It is unlawful for a public officer to belong to or participate in the Activities of any group which is not compatible with the functions or dignity of his office.
11. Immediately after taking office or three months after coming into force of the code of conduct, every public officer shall: after every



four years and at the end of his term of office, submit a written declaration of his properties, assets, liabilities and those of his unmarried children younger than eighteen years, to the code of Conduct Bureau.

12. All allegations of a public officer's breach or non-compliance with the provisions of this code shall be made to the Code of Conduct Bureau.
13. Any Public Officer that violates the provisions of this code through another individual shall be deemed to have breached the code.
14. For the application of the code to public officers, legislative house members shall not be subject to paragraph 4 of the code. Any public officer might be exempt from the stipulations of paragraph 4 and 11 of the code only if their position in the public.
15. The Tribunal is established in this section and consists of a Chairman and two other members. The chairman must be an individual who has either previously held or is qualified to hold the position of a Judge of a law court in Nigeria and shall receive salaries according to the provisions of the law. The President shall be responsible for appointing the Chairman and the members of the Code of Conduct Tribunal in accordance as recommended by the National Judicial Council. Where necessary, the National Assembly may confer additional powers upon the Code of Conduct Tribunal to facilitate its effective functioning.

4

Conclusion

Recommendations to Combat Impunity in the Electoral System or Process

Certain steps can be taken to deal with impunity in the electoral process including:

- a) A stronger and more robust Electoral Act that:
 - Creates sanctions in light of failure to perform duties created by the Act
 - Includes stronger sanctions
 - Gives INEC the power to enforce administrative Action
 - Review the process of recourse to ensure speedy and efficient decision making
- b) Candidates and political parties exercising caution and being mindful of the law
- c) Monitoring of the electoral process by INEC according to the provisions of the law and data collection and documentation to provide empirical evidence to inform Action.
- d) Increased demand of public accountability



- e) Public awareness/sensitisation and education to debrief populace of tacit approval and high tolerance for impunity
- f) Public awareness/sensitisation and education around electoral legal framework to improve knowledge and usage of the law which will contribute to building faith in law and its institutions and other redress mechanisms (nationally and internationally), encouraging and supporting sustained use of law and other redress mechanisms through test cases.
- g) Prosecution of Electoral Offenses
- h) Civil Society must move in towards the radicalization of voters; seize the process and force a process of systematic change.
- i) Address the Conduct of Elections: Local and National: show how elected representatives are directly related to food on the table, medicines in hospitals, teachers and infrastructure in schools, and availability of security
- j) Address Political Parties: Dealing with Opacity that creates the basis for impunity within political parties; tasking parties to serve people not the other way round, address party primaries and how leaders emerge from the local up to the national level

5

Toolkit Partner

Media Rights Agenda

Media Rights Agenda (MRA) was established as an independent, non-partisan, not-for-profit, non-governmental organization for the purpose of promoting and protecting the right to freedom of expression and press freedom as well as providing assistance to journalists who are repressed in any way as a result of their work as journalists. It works towards ensuring a conducive atmosphere for easy access to, gathering, processing, and dissemination of information including internet freedom in Nigeria.

MRA was conceived as an organization which would complement, rather than duplicate, the efforts of other non-governmental organizations in the protection of press freedom and freedom of expression in Nigeria. It is registered with the Corporate Affairs Commission (CAC) under Part C (Incorporated Trustees) and has Observer Status with the African Commission on Human and Peoples' Rights in Banjul, The Gambia.

MRA's activities are varied and include, but not limited to, the following: Research and Publication, Litigation/Legal Services, Advocacy/Campaigns, Training/Capacity Building

Stop Impunity Nigeria Campaign

Stop Impunity Nigeria (S.I.N.) is a collaborative campaign by a multi-



stakeholder group of civil society organizations, religious bodies and a Federal Government agency, aimed at re-orienting Nigerians and promoting new ethical values to free the country from the debilitating effects of impunity a cancer that has stunted Nigeria's social, economic and political development as well as the progress of its people.

The campaign is borne out of a realization that Nigeria's development challenges are in a large measure the direct result of a culture of impunity which has gradually taken root in all sectors of the society over the last several decades. Impunity continues to fuel corruption by both government officials and ordinary citizens while diminishing the capacity of the government to govern. An endless string of examples demonstrate convincingly that those entrusted with power abuse such powers for private gain, without fear of punishment or any form of accountability.

Although impunity has become pervasive and entrenched in Nigeria, the campaign seeks to attack it in four critical thematic areas, namely Public Finance Management; Rule of law; Electoral Process; and Patriotism, Ethics and Civic Responsibility, by highlighting instances of impunity and its consequences in each of these areas.

The overarching objective of the campaign is to awaken public awareness to the corrosive effects of impunity on the prospects for development in Nigeria and galvanize public action in the form of a series of steps and activities which will eventually lead to the eradication of impunity in Nigeria. In particular, the campaign seeks to:

- Raise public awareness about the phenomenon of impunity in Nigeria and make it a national issue;
- Change the public's attitude and behaviour towards issues that contribute to impunity;
- Put the issue of impunity on the political and public agenda,



including by constantly highlighting specific cases and examples of impunity and demanding that appropriate action be taken;

- Influence decision-makers and opinion leaders on the need to tackle impunity as a way of stamping out corruption and other social vices; and

Shape policies and programmes as well as enhance the capacity of private and public sector agencies, including civil society groups, to fight corruption in Nigeria through the adoption of policies and programmes that will roll back impunity

IMPLEMENTING NGOS



Community Life Project



Centre for Social Justice

PARTNERS



Christian Association of Nigeria (CAN)



National Orientation Agency (NOA)



Nigeria Supreme Council for Islamic Affairs (NSCIA)