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The following are published as Supplement to this *Gazette* :

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**STATE GOVERNMENT (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS) (AMENDMENT)
DECREE 1999**



Decree No. 4

[See Section 4] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The State Government (Basic Constitutional and Transitional Provisions) Decree 1999 (in this Decree referred to as "the principal Decree") is amended as set out in this Decree.

Amendment of
1999 No. 3.

2. The commencement of the principal Decree is amended by substituting for the commencement date "2nd November 1998", the words "see section 149".

Amendment of
commencement
date.

3. There shall be substituted for section 149, the following new section -

Amendment of
section 149.

"Citation
and
commence-
ment, etc.

149.-(1) This Decree may be cited as the State Government (Basic Constitutional and Transitional Provisions) Decree 1999 and shall -

(a) in the case of -

(i) sections 2(2), 12, 22, 32,
33(3) and (4), 42 to 93, and

(ii) Schedules 1 and 3,

come into force on the date the
Governors are sworn in and the
Houses of Assembly of States are
inaugurated; and

(b) in the case of any other section and Schedule not specified in paragraph (a) of this subsection, be deemed to have come into force on 2nd November 1998.

(2) For the avoidance of doubt, until the sections and Schedules specified in subsection (1)(a) of this section come into force, the provisions of the Constitution of the Federal Republic of Nigeria 1979, as amended, and of any other Decree, shall apply with respect to the matters contained in those sections and Schedules."

Cap. 62
LFN.
1993 No.
107.

Citation and
commencement.

4. This Decree may be cited as the State Government (Basic Constitutional and Transitional Provisions)(Amendment) Decree 1999 and shall be deemed to have come into force on 2nd November 1998.

MADE at Abuja this 17th day of February 1999.

GENERAL ABDULSALAM ALHAJI ABUBAKAR,
*Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.*

EXPLANATORY NOTE

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

The Decree amends the State Government (Basic Constitutional and Transitional Provisions) Decree 1999 to, among other things, defer the commencement of some sections of the Decree which are not of immediate application.

**NATIONAL ASSEMBLY (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS) DECREE 1999**



ARRANGEMENT OF SECTIONS

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4. Declaration of assets and liabilities and Oaths of members.
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Decree No. 5

[See section 93] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:-

PART I

NATIONAL ASSEMBLY: GENERAL

A. Composition and Staff of National Assembly

1.-(1) There shall be a National Assembly for the Federation which shall consist of a Senate and a House of Representatives.

Establishment and composition of the National Assembly.

(2) The Senate shall consist of 3 Senators from each State and one from the Federal Capital Territory, Abuja.

(3) Subject to the provisions of this Decree, the House of Representatives shall consist of 360 members representing constituencies of as far as possible nearly equal population, provided that no constituency shall be within more than one State.

2.-(1) There shall be -

President of Senate and Speaker of House of Representatives.

(a) a President and a Deputy President of the Senate who shall be elected by the members of that House from among themselves;

(b) a Speaker and a Deputy Speaker of the House of Representatives who shall be elected by the members of that House from among themselves.

(2) The President or Deputy President of the Senate or the Speaker or Deputy Speaker of the House of Representatives, as the case may be, shall vacate his office -

(a) if he ceases to be a member of the Senate or of the House of Representatives, as the case may be, otherwise than by reason of the dissolution of the Senate or House of Representatives; or

(b) when the House of which he was a member first sits after any dissolution of that House; or

(c) if he is removed from office by a resolution of the Senate or of the House of Representatives, as the case may be, by the votes of not less than two-thirds majority of the members of that House.

Staff of
National
Assembly.

3. There shall be a Clerk to the National Assembly and such other staff as may be prescribed by an Act of the National Assembly, and the method of appointment of the Clerk and any other staff of the National Assembly shall be as prescribed by that Act.

B. Procedure for Summoning and Dissolution of National Assembly

Declaration of
assets and
liabilities and
Oaths of members.
1989 No.1
Schedule 2.

4.-(1) Every person elected to the Senate or House of Representatives shall, before taking his seat, declare his assets and liabilities in accordance with the provisions of the Code of Conduct Bureau and Tribunal Decree 1989 and subsequently take and subscribe the Oath of Allegiance and the Oath of Membership prescribed in Schedule 2 to this Decree before the President of the Senate or, as the case may be, the Speaker of the House of Representatives, but a member may, before taking the Oaths, take part in the election of a President and a Deputy President of the Senate or, as the case may be, of a Speaker and a Deputy Speaker of the House of Representatives.

(2) The President and the Deputy President of the Senate and the Speaker and the Deputy Speaker of the House of Representatives shall declare their assets and liabilities and subsequently take and subscribe the Oath of Allegiance and the Oath of Membership in accordance with subsection (1) of this section before the Clerk of the National Assembly.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the Oath of Allegiance and Oath of Membership of the National Assembly shall not be taken or subscribed until the President has taken and subscribed the Oath of Allegiance and Oath of Office on 29th day of May 1999.

5.-(1) At any sitting of the National Assembly -

Presiding at
sittings of the
National Assembly
and at joint
sittings.

(a) in the case of the Senate, the President of the Senate shall preside, and in his absence the Deputy President shall preside; and

(b) in the case of the House of Representatives, the Speaker of that House shall preside, and in his absence the Deputy Speaker shall preside.

(2) At any joint sitting of the Senate and the House of Representatives -

(a) the President of the Senate shall preside, and in his absence the Speaker of the House of Representatives shall preside; and

(b) in the absence of the persons mentioned in paragraph (a) of this subsection, the Deputy President of the Senate and in his absence the Deputy Speaker of the House of Representatives shall preside.

(3) In the absence of the persons mentioned in subsections (1) and (2) of this section, such member of the Senate or the House of Representatives or of the joint sitting, as the Senate or the House of Representatives or the joint sitting, as the case may be, may elect for that purpose shall preside.

6.-(1) The quorum of the Senate or the House of Representatives shall be one-third of all the members of the Legislative House concerned.

Quorum.

(2) The quorum of a joint sitting of the Senate and the House of Representatives shall be one-third of all the members of both Houses.

7. The business of the National Assembly shall be conducted in English and also in Hausa, Igbo and Yoruba when adequate arrangements have been made therefor.

Languages
of the House.

Voting.

8.-(1) Except as otherwise provided by this Decree, any question proposed for decision in the Senate or the House of Representatives shall be determined by the required majority of the members present and voting, and the person presiding shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case.

(2) Except as otherwise provided by this Decree, the required majority for the purpose of determining any question shall be a simple majority.

(3) The Senate or the House of Representatives shall by its rules provide -

(a) that a member of the House shall declare any direct pecuniary interest he may have in any matter coming before the House for deliberation;

(b) that the House may by resolution decide whether or not such member may vote or participate in its deliberation on such matter;

(c) the penalty, if any, which the House may impose for failure to declare any direct pecuniary interest such member may have; and

(d) for such other matters pertaining to the foregoing as the House may think necessary,

but nothing in the foregoing provisions shall enable any rules to be made to require any member, who signifies his intention not to vote or participate in such matter, and who does not so vote or participate to declare any such interest.

Unqualified
persons sitting or
voting: penalty.

9. Any person who sits or votes in the Senate or in the House of Representatives knowing or having reasonable grounds for knowing that he is not entitled to do so commits an offence and is liable on conviction to such punishment as shall be prescribed by an Act of the National Assembly.

C. Powers of National Assembly

10.-(1) The legislative powers of the Federal Republic of Nigeria shall be vested in the National Assembly. Legislative powers of the National Assembly.

(2) The National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter in the Exclusive Legislative List set out in Part I of Schedule 1 to this Decree. Schedule 1.

(3) The power of the National Assembly to make laws for the peace, order and good government of the Federation with respect to any matter included in the Legislative List shall, save as otherwise provided in this Decree, be to the exclusion of the House of Assembly of a State.

(4) In addition and without prejudice to the powers conferred by subsection (2) of this section, the National Assembly shall have power to make laws with respect to the following matters, that is to say -

(a) any matter in the Concurrent Legislative List set out in Part II of Schedule 1 to this Decree, to the extent prescribed therein; and Schedule 1.

(b) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Decree.

(5) If any law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other law shall, to the extent of the inconsistency, be void.

11.-(1) The power of the National Assembly to make laws shall be exercised by bills passed by both the Senate and the House of Representatives and, except as otherwise provided by subsection (5) of this section, assented to by the President. Mode of exercising Federal legislative power: general.

(2) A bill may originate in either the Senate or the House of Representatives and shall not become law unless it has been passed and, except as otherwise provided by this section and section 12 of this Decree, assented to in accordance with the provisions of this section.

(3) Where a bill has been passed by the House in which it originated, it shall be presented to the President for assent when it has been passed by the other House and agreement has been reached between the two Houses on any amendment made on it.

(4) Where a bill is presented to the President for assent, he shall within 30 days thereof signify that he assents or that he withholds assent.

(5) Where the President withholds his assent and the bill is again passed by each House by two-thirds majority, the bill shall become law and the assent of the President shall not be required.

Mode of
exercising Federal
legislative powers:
money bills.

12.-(1) The provisions of this section shall apply to -

(a) an appropriation bill or a supplementary appropriation bill, including any other bill for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of the Federation of any money charged thereon or any alteration in the amount of such payment, issue or withdrawal; and

(b) a bill for the imposition of or increase in any tax, duty or fee or any reduction, withdrawal or cancellation thereof.

(2) Where a bill to which this section applies is passed by one of the Houses of the National Assembly but is not passed by the other House within a period of 2 months from the commencement of a financial year, the President of the Senate shall within 14 days thereafter arrange for and convene a meeting of the joint finance committee to examine the bill with a view to resolving the differences between the two Houses.

(3) Where the joint finance committee fails to resolve such differences, the bill shall be presented to the National Assembly sitting at a joint meeting, and if the bill is passed at such joint meeting, it shall be presented to the President for assent.

(4) Where the President within 30 days after the presentation of the bill to him fails to signify his assent or where he withholds assent, the bill shall again be presented to the National Assembly sitting at a joint meeting, and if passed by two-thirds majority of members of both Houses at such joint meeting, the bill shall become law and the assent of the President shall not be required.

(5) In this section, "joint finance committee" refers to the joint committee of the National Assembly on finance established pursuant to subsection (3) of section 15 of this Decree.

13. Subject to the provisions of this Decree, the Senate or the House of Representatives shall have power to regulate its own procedure, including the procedure for summoning and recess of the House.

Regulation of procedure.

14. The Senate or the House of Representatives may act notwithstanding any vacancy in its membership, and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate such proceedings.

Vacancy not to invalidate proceedings.

15.-(1) The Senate or the House of Representatives may appoint a committee of its members for such special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such committee.

Committees.

(2) The number of members of a committee appointed under this section, their terms of office and quorum shall be fixed by the House appointing it.

(3) The Senate or the House of Representatives shall appoint a joint committee on finance consisting of an equal number of persons appointed by each House and may appoint any other joint committee under the provisions of this section.

(4) Nothing in this section shall be construed as authorising such House to delegate to a committee the power to decide whether a bill shall be passed into law or to determine any matter which it is empowered to determine by resolution under the provisions of this Decree, but the committee may be authorised to make recommendations to the House on any such matter.

Sittings.

16. The Senate and the House of Representatives shall each sit for a period of not less than 181 days in a year.

Dissolution and
issue of proclamation
by President, etc.

17.-(1) The Senate and the House of Representatives shall each stand dissolved at the expiration of a period of 4 years commencing from the date of the first sitting of the House.

(2) If the Federation is at war in which the territory of Nigeria is physically involved and the President considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of 4 years mentioned in subsection (1) of this section, from time to time, but not beyond a period of 6 months at any one time.

(3) Subject to the provisions of this Decree, the person elected as the President shall have power to issue a proclamation for the holding of the first session of the National Assembly immediately after his being sworn in or for its dissolution as provided in this section.

D. Qualifications for Membership of National Assembly and Right of Attendance

Qualifications
for election.

18.-(1) Subject to the provisions of section 19 of this Decree a person shall be qualified for election as a member -

(a) of the the Senate if he is a citizen of Nigeria and he has attained the age of 35 years;

(b) of the House of Representatives if he is a citizen of Nigeria and he has attained the age of 30 years.

(2) A person shall be qualified for election under subsection (1) of this section if -

(a) he has been educated up to at least the School Certificate level or its equivalent;

(b) he is a member of a political party and is being sponsored by that party.

19.-(1) No person shall be qualified for election to the Senate or House of Representatives if - Disqualifications.

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

(b) he is under a sentence of death imposed on him by any court of law in Nigeria or a sentence of imprisonment or fine for an offence involving dishonesty or fraud (by whatever name called) or for any other offence (other than a misdemeanor or simple offence) imposed on him by such a court or substituted by a competent authority for any other sentence imposed on him by such a court; or

(c) he has been found guilty of a contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989; or 1989 No. 1.

(d) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt, under any law in force in any part of Nigeria or any other country; or

(e) being a person employed in the public or civil service of the Federation or of any State or of any Local Government or Area Council, he has not resigned, withdrawn or retired from the employment at least 30 days to the date of the election; or

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(f) he is a member of any secret society; or

(g) he has been indicted for embezzlement of public funds or for bribery or fraud by a Judicial Commission of Inquiry, an Administrative Panel of Inquiry or a Tribunal under the Tribunals of Inquiry Act or any other law set up by the Federal, State or Local Government which indictment has been accepted by the Federal, State or Local Government or Area Council; or

(h) he has presented a forged certificate to the Commission.

(2) Where in respect of any person who has been -

(a) adjudged to be a lunatic; or

(b) declared to be of unsound mind; or

(c) sentenced to death or imprisonment or adjudged or declared bankrupt,

an appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier, and for the purposes of this subsection, an "appeal" includes any application for an order of certiorari, mandamus, prohibition or *habeas corpus*, or any appeal from any such application.

Attendance of
President and
Ministers.

20. (1) The President shall address annually a joint meeting of the National Assembly on the state of affairs of the nation.

(2) The President may attend any joint meeting of the National Assembly or any meeting of either House of the National Assembly, either to deliver an address on national affairs including, fiscal measures or to make such statement on the policy of government as he considers to be of national importance.

(3) A Minister of the Government of the Federation shall attend either House of the National Assembly if invited to explain to the House the conduct of his Ministry, and in particular, when the affairs of that Ministry are under discussion.

(4) Nothing in this section shall enable any person who is not a member of the Senate or of the House of Representatives to vote in that House or in any of its committees.

21.-(1) A member of the Senate or of the House of Representatives shall vacate his seat in the House of which he is a member if -

Tenure of seat
of members.

(a) he becomes a member of another legislative house; or

(b) any other circumstances arise that, if he were not a member of the Senate or of the House of Representatives, would cause him to be disqualified for election as a member; or

(c) he ceases to be a citizen of Nigeria; or

(d) he becomes President, Vice-President, Governor, Deputy Governor or a Minister of the Government of the Federation or a Commissioner of the Government of a State or a Chairman, Vice-Chairman or Councillor of a Local Government Council or Area Council; or

(e) save as otherwise prescribed by this Decree, he becomes a member of a Commission or other body established under the Constitution of the Federal Republic of Nigeria or by any other law; or

(f) without just cause, he is absent from meetings of the House of which he is a member for a period amounting in the aggregate to more than one-sixth of the total number of days during which the House meets in any one year; or

(g) being a person whose election to the House was sponsored by one political party, he resigns from that political party or becomes a member of any other political party before the expiration of the period for which the House was elected, provided that his membership of the latter political party is not as a result of a division in the political party of which he was previously a member or a merger of two or more political parties or factions by one of which he was previously sponsored; or

(h) he becomes a member of any secret society; or

(i) the President of the Senate or, as the case may be, the Speaker of the House of Representatives receives a certificate under the hand of the Chairman of the Independent National Electoral Commission (in this Decree referred to as "the Commission") stating that the provisions of section 23 of this Decree have been complied with in respect of the recall of that member.

(2) The President of the Senate or the Speaker of the House of Representatives, as the case may be, shall give effect to subsection (1) of this section, so however that the President of the Senate or the Speaker of the House of Representatives or a member shall first present evidence satisfactory to the House concerned that any of the provisions of that subsection has become applicable in respect of that member.

(3) A member of the Senate or of the House of Representatives shall be deemed to be absent without just cause from a meeting of the House of which he is a member, unless the person presiding certifies in writing that he is satisfied that the absence of the member from the meeting was for a just cause.

Remuneration.

22. A member of the Senate or of the House of Representatives shall receive salary and such other allowances as the Revenue Mobilisation Allocation and Fiscal Commission may determine.

23. A member of the Senate or of the House of Representatives may be recalled as such a member if - Recall.

(a) there is presented to the Chairman of the Commission a petition in that behalf signed by more than one-half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member; and

(b) the petition presented in paragraph (a) of this section is thereafter in a referendum conducted by the Commission within 90 days of the date of the receipt of the petition, approved by a simple majority of the votes of the persons registered to vote in that member's constituency.

E. Elections to National Assembly

24. Subject to the provisions of section 25 of this Decree, the Commission shall -

Senatorial
Districts and
Federal
constituencies.

(a) divide every State in the Federation into 3 Senatorial Districts and allot one Senatorial District to the Federal Capital Territory, Abuja, for the purpose of elections to the Senate; and

(b) divide the Federation, including the Federal Capital Territory, Abuja, into 360 Federal constituencies for the purpose of elections to the House of Representatives.

25. No Senatorial District or Federal constituency shall fall within more than one State and the boundaries of each District or constituency shall be as contiguous as possible and be such that number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable.

Size of Senatorial
Districts and
Federal
constituencies.

26.-(1) The Commission shall review the division of States and of the Federation into Senatorial Districts or Federal constituencies at intervals of not less than 10 years, and may alter the Districts or constituencies in accordance with the provisions of this section to such extent as it may consider desirable in the light of the review.

Periodical review
of Senatorial
Districts and
Federal
constituencies.

(2) Notwithstanding subsection (1) of this section, the Commission may at any time carry out such a review and alter the Senatorial Districts or Federal constituencies in accordance with the provisions of this section to such extent as it considers necessary, in consequence of any adjustment to the boundaries of States of the Federation, Local Government Areas and Area Councils and the Federal Capital Territory, Abuja, or by reason of the holding of a census of the population or pursuant to an Act of the National Assembly or a Decree.

Time when alteration of Senatorial Districts or Federal constituencies takes effect.

27. When the boundaries of any Senatorial District or Federal constituency established under section 24 of this Decree are altered in accordance with the provisions of section 26 of this Decree, that alteration shall come into effect after it has been approved by each House of the National Assembly and after the current life of the Senate (in the case of an alteration to the boundaries of a Senatorial District) or the House of Representatives (in the case of an alteration to the boundaries of a Federal constituency).

Ascertainment of population.

28. For the purpose of section 25 of this Decree, the number of inhabitants of Nigeria or any part thereof shall be ascertained by reference to the 1991 census of the population of Nigeria or the latest census held in pursuance of an Act of the National Assembly after the coming into force of the provisions of this Decree.

Time of elections to National Assembly.

29. Elections to each House of the National Assembly shall be held on a date to be appointed by the Commission.

Direct election and franchise.

30.-(1) Subject to the provisions of this Decree, every Senatorial District or Federal constituency established in accordance with the provisions of this Part of this Decree shall return one member who shall be directly elected to the Senate or the House of Representatives in accordance with the provisions of this Decree.

(2) Subject to the provisions of this Decree, every citizen of Nigeria who has attained the age of 18 years at the time of the

registration of voters for purposes of election to a Legislative House, shall be entitled to be registered as a voter for that election.

31. The registration of voters and the conduct of elections shall be subject to the direction and supervision of the Commission.

Supervision of elections.

F. Powers and Control over Public Funds

32.-(1) All revenues or other moneys raised or received by the Federation (not being revenues or other moneys payable under this Decree or any law into any other public fund of the Federation established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the Federation.

Establishment of Consolidated Revenue Fund.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the Federation except to meet expenditure that is charged upon the Fund by this Decree or where the issue of those moneys has been authorised by the Appropriation Act, Supplementary Appropriation Act or an Act passed in pursuance of section 33 of this Decree.

(3) No moneys shall be withdrawn from any public fund of the Federation other than the Consolidated Revenue Fund of the Federation unless the issue of those moneys has been authorised by an Act of the National Assembly.

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund or any other fund of the Federation, except in the manner prescribed by the National Assembly or a Decree.

(5) Any amount standing to the credit of the judiciary in the Consolidated Revenue Fund shall be paid and disbursed directly to the National Judicial Council.

33.-(1) The President shall cause to be prepared and laid before each House of the National Assembly not later than 60 days before the expiration of each financial year estimates of the revenues and expenditure of the Federation for the following financial year.

Authorisation of expenditure from Consolidated Revenue Fund.

(2) The heads of expenditure contained in the estimates, other than expenditure charged upon the Consolidated Revenue Fund of the Federation by this Decree or any other law, shall be included in a bill to be known as an Appropriation Bill providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found -

(a) that the amount appropriated by the Appropriation Act for any purposes is insufficient; or

(b) that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act,

a supplementary estimate showing the sums required, shall be laid before each House of the National Assembly, and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.

Authorisation of expenditure in default of appropriation.

34.-(1) If the Appropriation Bill in respect of any financial year has not been passed into law by the beginning of the financial year, the President may authorise the withdrawal of moneys from the Consolidated Revenue Fund of the Federation for the purpose of meeting expenditure necessary to carry on the services of the Government of the Federation for a period not exceeding 3 months or until the coming into operation of the Appropriation Act, whichever is the earlier.

(2) The withdrawal authorised in subsection (1) of this section in respect of any such period shall not exceed the amount authorised to be withdrawn from the Consolidated Revenue Fund of the Federation by the National Assembly for the corresponding period in the immediately preceding financial year, being an amount proportionate to the total amount so authorised for the immediate preceding financial year.

Contingencies Fund.

35.-(1) The National Assembly may by law make provision for the establishment of a Contingencies Fund for the Federation

and for authorising the President, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.

(2) Where any advance is made in accordance with the provisions of this section, a Supplementary Estimate shall be presented and a Supplementary Appropriation Bill shall be introduced within 30 days for the purpose of replacing the amount so advanced.

36.-(1) There shall be paid to the holders of the offices mentioned in this section such salaries and allowances as may be prescribed by the National Assembly, but not exceeding the amount as shall have been determined by the Revenue Mobilisation Allocation and Fiscal Commission.

Remuneration of
President and
certain other
officers.

(2) The salaries and allowances payable to the holders of the offices mentioned in subsection (4) of this section shall be charged upon the Consolidated Revenue Fund of the Federation.

(3) The salaries payable to the holders of the offices mentioned in subsection (4) of this section and their conditions of service, other than allowances, shall not be altered to their disadvantage after their appointment.

(4) The offices to which this section applies are the offices of President, Vice-President, Chief Justice of Nigeria, Justice of Supreme Court, President of the Court of Appeal, Justice of the Court of Appeal, Chief Judge of the Federal High Court, Judge of the Federal High Court, Chief Judge and Judge of the High Court of the Federal Capital Territory, Abuja, Grand Kadi and Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, President and Judge of the Customary Court of Appeal of the Federal Capital Territory, Abuja, the Auditor-General of the Federation and the Chairmen and members of the following executive bodies, namely, the Code of Conduct Bureau, the Federal Civil Service Commission, the Independent National Electoral Commission, the National Judicial Council, the Federal Judicial Service Commission, Federal Character Commission, the

Code of Conduct Tribunal, the National Population Commission, the Revenue Mobilization Allocation and Fiscal Commission, the Nigeria Police Council and the Public Complaints Commission.

(5) Any person who has held office as President or Vice-President shall be entitled to pension for life at a rate equivalent to the annual salary of the incumbent President or Vice-President:

PROVIDED that such a person has not been removed from office by the process of impeachment or for breach of any provisions of this Decree, and any pension granted by virtue of this subsection shall be a charge upon the Consolidated Revenue Fund of the Federation.

(6) In the event of the death of the President or Vice-President, the salaries payable shall be paid to their immediate families for the next 5 years.

(7) The recurrent expenditure of judicial officers of the Federation (in addition to salaries and allowances of the judicial officers mentioned in subsection (4) of this section) shall be a charge upon the Consolidated Revenue Fund of the Federation.

Audit of public
accounts, etc.

37.-(1) There shall be an Auditor-General for the Federation who shall be appointed in accordance with the provisions of section 38 of this Decree.

(2) The public accounts of the Federation and of all offices and courts of the Federation shall be audited by the Auditor-General who shall submit his reports to the National Assembly, and for that purpose, the Auditor-General or any person authorised by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(3) Nothing in subsection (2) of this section shall be construed as authorising the Auditor-General to audit the accounts of or appoint auditors for Government statutory corporations, Commissions, authorities, agencies, including all persons and bodies established by an Act of the National Assembly, but the

Auditor-General may provide such bodies with a list of auditors qualified to be appointed by them as external auditors and from which the bodies shall appoint their external auditors.

(4) The Auditor-General shall have power to conduct periodic checks of all Government, statutory corporations, Commissions, authorities, agencies, including all persons and bodies established by an Act of the National Assembly.

(5) The Auditor-General shall comment on the accounts of the bodies mentioned in subsection (3) of this section and make reports thereon.

(6) The Auditor-General shall within 90 days of receipt of the Accountant-General's Financial Statement submit his reports to each House of the National Assembly which shall then cause the reports to be considered by a committee of that House responsible for public accounts.

(7) The National Assembly may make laws to establish a body for the recovery of public funds as may be highlighted in the Auditor-General's report.

(8) In the exercise of his functions under this Decree, the Auditor-General shall not be subject to the direction or control of any other authority or person.

38.-(1) The Auditor-General of the Federation shall be appointed by the President on the recommendation of the Federal Civil Service Commission, subject to confirmation by the Senate.

Appointment of Auditor-General of the Federation.

(2) Power to appoint persons to act in the office of the Auditor-General of the Federation shall vest in the President.

(3) Unless confirmed by a resolution of the Senate, no person shall act in the office of the Auditor-General of the Federation for a period exceeding 6 months.

Tenure of office of Auditor-General of the Federation.

39.-(1) A person holding the office of the Auditor-General of the Federation shall be removed from office by the President acting on an address supported by two-thirds majority of the Senate praying that he be so removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

(2) The Auditor-General of the Federation shall not be removed from office before such retiring age as may be prescribed by law, save in accordance with the provisions of this section.

Power to conduct investigations.

40.-(1) Subject to the provisions of this Decree, each House of the National Assembly shall have power by resolution published in its journal and in the *Gazette* of the Government of the Federation to direct or cause to be directed an investigation into -

(a) any matter or thing with respect to which it has power to make laws; and

(b) the conduct of affairs of any person, authority, Ministry or Government department charged, or intended to be charged with the duty of or responsibility for -

(i) executing or administering laws enacted by the the National Assembly, and

(ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly.

(2) The powers conferred on the National Assembly under the provisions of this section are exercisable only for the purpose of enabling it -

(a) to make laws with respect to any matter within its legislative competence and to correct any defects in existing laws; and

(b) to prevent and expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

41.-(1) For the purposes of any investigation under section 40 of this Decree and subject to the provisions thereof, the Senate or the House of Representatives or a committee appointed in accordance with section 15 of this Decree shall have powers to -

Powers as to matters of evidence.

(a) procure all such evidence written or oral, direct or circumstantial, as it may think necessary or desirable and to examine all persons as witnesses whose evidence may be material or relevant to the subject matter;

(b) require any evidence procured under paragraph (a) of this subsection to be given on oath;

(c) summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, subject to all just exceptions; and

(d) issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the committee in question, and order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons, and also to impose such fine as may be prescribed for any such failure, refusal or neglect, and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.

(2) A summons or warrant issued under this section may be served or executed by any member of the Nigeria Police Force or by any person authorised in that behalf by the President of the Senate or the Speaker of the House of Representatives, as the case may require.

PART II - ELECTIONS

A - Conduct of Elections, Etc.

Conduct of elections by the Commission.

42.-(1) The conduct of elections into the National Assembly shall be under the direction, organisation and supervision of the Commission and in accordance with the provisions of this Decree and any other enactment or law, regulations, guidelines, rules or manuals issued by the Commission.

(2) The Commission may designate such public buildings to be used as polling stations or units as it may deem necessary in addition to polling booths which may be erected by the Commission.

(3) Notwithstanding the provisions of subsection (2) of this section, the residences and palaces of traditional rulers and places of worship shall not be designated as public buildings, polling stations or units.

Persons eligible to vote.

43.-(1) A person shall be eligible to vote in any election to the National Assembly if -

- (a)** he is a citizen of Nigeria;
- (b)** he has attained the age of 18 years;
- (c)** he is ordinarily resident in the Senatorial District or Federal constituency, where he intends to vote, or is an indigene of the District or constituency; and
- (d)** he is registered as a voter in the ward or constituency where he intends to vote and has obtained a voter's card to be presented at the polling station or unit on the day of the election.

(2) Where a person claims that his name is on the register of voters for the polling station or unit, but that his voter's card is missing or has been destroyed, the Presiding Officer shall if -

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

(b) he satisfies himself that the person has not voted earlier in that particular election,

allow the person to vote.

44.-(1) A person shall not be qualified as a candidate to contest the National Assembly election unless -

Qualification for contesting National Assembly election.

(a) he is ordinarily resident in the Senatorial District or Federal constituency in which he is contesting the election or is an indigene of that District or constituency;

(b) he produces evidence of tax payment as and when due for a period of 3 years immediately preceding the year of the election or he is exempted from the tax payment;

(c) in the case of the House of Representatives election, he has been nominated in writing by 20 persons from at least two-thirds of the Wards in the Local Government Areas or Area Councils making up the Federal constituency, and whose names appear on the register of voters for the Federal constituency in respect of which he intends to contest the election;

(d) in the case of the Senatorial election, he has been nominated in writing by 30 persons from all the Local Government Areas or Area Councils comprising the Senatorial District, and whose names appear on the register of voters for the Senatorial District in respect of which he intends to contest the election;

(e) in the case of the Senatorial election, he has made to the Commission a non-refundable deposit of ₦20,000;

(f) in the case of the House of Representatives election, he has made to the Commission a non-refundable deposit of ₦15,000;

(g) he has not been dismissed from the public or civil service of the Federation or of a State or Local Government or Area Council;

(h) he has not been found guilty of an offence involving narcotic drugs or any other psychotropic substance by any court of law or tribunal under any law in force in Nigeria or any other country;

(i) he has not been adjudged guilty of treason or treasonable felony by any court of law or tribunal in Nigeria; and

(j) he is registered as a voter in the constituency in which he intends to contest the election or is an indigene registered anywhere in Nigeria.

(2) Where a person seeking to contest as a candidate is involved in a case that may lead to his being disqualified from contesting the election under paragraphs (b), (g), (h) or (i) of subsection (1) of this section and the case is pending before a court of law or tribunal, he may stand as a candidate in the election pending the determination of the case, but if he is found guilty or liable by the court or tribunal, as the case be, he shall withdraw from the election and if already elected, he shall cease to be a member of the National Assembly.

Campaign for
election.

1998 No. 35.

45.-(1) A candidate campaigning for an election and his party shall campaign for the elections in conformity with the Political Parties (Registration and Activities) Decree 1998 and in accordance with such rules and guidelines as may be determined from time to time, by the Commission.

(2) A candidate or agent who contravenes the provisions of subsection (1) of this section commits an offence under this Decree and is liable on conviction to a fine of ₦5,000 or imprisonment for a term of 6 months or to both such fine and imprisonment.

(3) A candidate who contravenes the provisions of subsection (1) of this section shall, in addition to the penalty specified in subsection (2) of this section, be disqualified from contesting as a candidate for the election.

(4) An offence committed under this section shall be triable in a Magistrate Court.

46.-(1) Election to the National Assembly shall be held on the same day throughout the Federation on such date as is stipulated by the Commission.

Date of elections.

(2) Voting shall be by open-secret ballot.

System of voting.

47.-(1) No interim, interlocutory or any other order, decision or judgment made by any court or tribunal before or after the commencement of this Decree, in respect of any intra-party or inter-party dispute or any other proceedings or matter pertaining to an election under this Decree, shall affect the conduct or timing of an election under this Decree.

Court or tribunal orders not to affect conduct of elections, etc.

(2) No person or authority shall be liable to prosecution, contempt charge, sanction or penalty by reason only that he conducted an election on the date or time fixed by the Commission for the election.

48.-(1) For the purposes of this Decree, a person shall be deemed to be ordinarily resident in that place where he normally lives, sleeps and has his usual abode, whether or not he is an indigene of that place.

Ordinary residence.

(2) A person who is ordinarily resident in a place outside his indigenous Ward, Local Government Area or State shall be eligible to vote in that place if he has been ordinarily resident in that place for not less than 12 months prior to the date of the election.

49. The registration of voters for an election under this Decree shall be in accordance with Guidelines issued by the Commission.

Registration of voters.

Appointment and supervision of officers.
Schedule 3.

50. The appointment and supervision of officers in respect of the National Assembly elections shall be in accordance with the provisions set out in Schedule 3 to this Decree.

Procedure at elections.
Schedule 4.

51. The rules of procedure to be followed in conducting the National Assembly elections shall be in accordance with the provisions set out in Schedule 4 to this Decree.

Forms for use at the elections.
Schedule 6.

52. The forms to be used in the conduct of the National Assembly elections and for election petitions arising therefrom are set out in Schedule 6 to this Decree or as may be directed by the Commission.

B - Electoral Offences

Breach of official duty.

53.-(1) If a person -

(a) to whom this section applies; or

(b) who is for the time being under a duty to discharge any of the functions of that person,

without reasonable cause, commits an act or omission in breach of his official duty, he commits an offence and is liable on summary conviction to a fine not exceeding ₦5,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

(2) The persons to whom this section applies are -

(a) an Electoral Officer and an Assistant Electoral Officer

(b) a Presiding Officer and an Assistant Presiding Officer

(c) a Returning Officer and an Assistant Returning Officer;

(d) a Poll Clerk and an Assistant Poll Clerk;

(e) an Orderly; and

(f) any other officer appointed under paragraph 4 of Schedule 3 to this Decree.

Schedule 3.

54.-(1) A person to whom this section applies, who is for the time being under a duty to discharge a function relating to an election, if he, without reasonable cause, before or during an election or at any time thereafter -

Offences by law enforcement agents, etc.

- (a) fails to perform or discharge that duty; or
- (b) performs that duty fraudulently, negligently or recklessly; or
- (c) does or omits to do any act or omission in breach of that duty,

he commits an offence and is liable on conviction to a fine of ₦20,000 or imprisonment for a term of 3 years or to both such fine and imprisonment.

(2) The persons to whom this section applies are -

- (a) police officers;
- (b) members of the State Security Service;
- (c) officials and members of staff of the Commission;
- (d) Party Agents; and
- (e) any other officer or officers by whatsoever name called appointed to discharge a function relating to the election.

55.-(1) Every Electoral Officer, Assistant Electoral Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, Poll Clerk, Assistant Poll Clerk, Poll Orderly or any other officer appointed under paragraph 4 of Schedule 3 to this Decree concerned in the conduct of an election and every Party Agent or candidate in attendance at a Polling Station or Unit, at the counting of votes, shall maintain and aid in maintaining the secrecy of the voting.

Requirement of secrecy.

Schedule 3.

(2) No officer, Agent or candidate referred to in subsection (1) of this section shall, except for some purpose authorised by law, communicate to a person before the poll is closed, any information as to the name or number on the register of voters of a voter who has or has not voted at the place of voting.

(3) No person shall -

(a) interfere with a voter when recording his vote unless invited by the voter for assistance; or

(b) otherwise obtain or attempt to obtain, in the place of voting, information as to the candidate for whom a voter in that place is about to vote or has voted unless while assisting the voter to record his vote; or

(c) communicate to a person information obtained while assisting a voter as to the candidate for whom the voter has voted or is about to vote; or

(d) communicate at any time to any person any information obtained in the place of voting through whatever means as to the candidate for whom a voter in that place is about to vote or has voted.

(4) A person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine not exceeding ₦20,000 or imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

Corrupt practices.

56.-(1) A candidate is guilty of corrupt practice if he commits any of the offences defined as a corrupt practice under subsection (3) of this section or if any of those offences is committed with -

(a) his knowledge or consent; or

(b) the knowledge or consent of a person who is acting under the general or special authority of the candidate with reference to the election.

(2) If a corrupt practice as defined in subsection (3) of this section is committed by any candidate elected at an election held under this Decree, the election of that candidate shall be invalid.

(3) The expression "corrupt practice" as used in this Decree, means any of the following offences, that is -

- (a) personation; or
- (b) treating; or
- (c) undue influence; or
- (d) bribery; or
- (e) aiding, abetting, counselling or procuring the commission of any of the offences specified in paragraphs (a) to (d) of this subsection.

57.-(1) A person who at an election -

- (a) applies for a ballot paper in the name of some other person, whether that name is the name of a person living or dead, or of a fictitious person; or
- (b) having voted once at the election, applies at the same election for a ballot paper in his own name or in the name of any other person, living or dead, or of a fictitious person,

commits the offence of personation.

(2) A person who at an election -

- (a) votes in the name of some other person, whether that name is the name of a person living or dead, or of a fictitious person; or

Personation and
punishment for
personation.

(b) having voted once at an election, votes a second time in his own name, or in the name of any other person living or dead or of a fictitious person,

commits the offence of personation.

(3) A person who is guilty of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation, is liable on conviction to a fine not exceeding ₦5,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

(4) A person charged with the offence of personation shall not be convicted except on the evidence of not less than two witnesses.

Treating.

58.-(1) A person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part, the expense of giving or providing any food, drink, entertainment or provisions to or for any person -

(a) for the purpose of influencing that person, or any other person to vote or refrain from voting; or

(b) on account of that person or any other person, having voted or refrained from voting,
at the election, commits the offence of treating.

(2) A voter who corruptly accepts or takes any food, drink, entertainment or provisions to which subsection (1) of this section relates at an election, commits the offence of treating.

Undue influence.

59. A person who -

(a) directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint;

(b) inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss, on or against a person in order to induce or compel that person to vote or refrain from voting, or on account of such person having voted or refrained from voting; or

(c) by abduction, duress, or a fraudulent device or contrivance, impedes or prevents the free use of the vote by a voter or thereby compels, induces, or prevails on a voter to give or refrain from giving his vote,

at an election, commits the offence of undue influence.

60.-(1) A person who -

Bribery.

(a) directly or indirectly by himself or by any other person on his behalf -

(i) gives, lends or agrees to give or lend, or offers or promises to procure or to endeavour to procure money or valuable consideration to or for any voter, or to or for any person, in order to induce the voter to vote or refrain from voting, or

(ii) corruptly does an act referred to in sub-paragraph (i) of this paragraph on account of that voter having voted or refrained from voting; or

(b) directly or indirectly, by himself or by any other person on his behalf, corruptly -

(i) gives or procures, or promises to procure or to endeavour to procure, any office, place, employment to or for a voter or to or for a person, in order to induce the voter to vote or refrain from voting, or

(ii) does an act referred to in sub-paragraph (i) of this paragraph on account of a voter having voted or refrained from voting; or

(c) directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement to or for any person or community in order to induce a person or community to procure, or to endeavour to procure the return of a person as a member of the National Assembly or to an elective office as the case may be; or

(d) on or in consequence of any gift, loan, offer, promise, procurement or agreement, procures or engages or promises or endeavours to procure, the return of any person as a member of the National Assembly or to an elective office as the case may be; or

(e) advances or pays, or causes to be advanced or paid any money to or for the use of a person, with the intent that the money, or any part thereof, shall be expended in bribery; or

(f) knowingly pays or causes to be paid, any money to a person, in discharge or repayment of any money wholly or in part expended in bribery;

(g) after an election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting,

at an election, commits the offence of bribery.

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

(3) The provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or

on account of any legal expenses *bona fide* incurred at or concerning an election.

61.-(1) A person who commits the offence of treating, undue influence or bribery, or of aiding, abetting, counselling or procuring the commission of any of those offences, is liable on conviction to a fine not exceeding N5,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Punishment for treating, undue influence and bribery, etc.

(2) A person who is guilty of the offence of personation, treating, undue influence or bribery or of aiding, abetting, counselling or procuring the commission of any of these offences shall, in addition to any of the punishment, not be eligible, during a period of 5 years from the date of his conviction to be -

- (a) registered as a voter or to vote at any election; or
- (b) elected under this Decree or if elected before his conviction, to retain his seat.

62.-(1) A person who -

Offences in respect of nomination forms, ballot papers, etc., and ballot boxes.

- (a) forges or fraudulently defaces or fraudulently destroys a nomination form, or delivers to the officer charged with the conduct of an election, a nomination form, knowing the nomination form to be forged; or
- (b) forges or counterfeits or fraudulently destroys a ballot paper or the official mark on a ballot paper or a statement of result; or
- (c) without due authority, supplies a ballot paper to a person; or
- (d) fraudulently puts into a ballot box a paper which he is not authorised by law to put in; or
- (e) fraudulently takes out of the polling station or unit a ballot paper; or

(f) without due authority, destroys, takes or otherwise interferes with a ballot box or ballot papers then in use for the purpose of an election,

commits an offence.

(2) A person who commits an offence under this section is liable on conviction to a fine of ₦10,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

(3) An attempt to commit an offence specified in this section shall be punishable in the same manner in which the offence itself is punishable.

(4) In a prosecution for an offence in relation to nomination paper, ballot box, ballot paper or the marking instruments at an election held under this Decree, the property of the paper, box or instrument shall be stated to be that of the officer charged with the conduct of the election.

(5) Any candidate who forges, utters or falsifies any document or gives any false information to the Commission for the purpose of nomination for an elective office or post under this Decree shall be disqualified as a candidate for that election or any election under this Decree and any subsequent elections during the transition to civil rule period.

Punishment of persons guilty of certain illegal practices.

63. A person who -

(a) votes or induces or procures any person to vote at an election knowing that he or that person is prohibited by this Decree or by any other law, from voting at the election; or

(b) before or during the election, knowingly or recklessly publishes a false statement of the withdrawal of a candidate, at the election for the purpose of promoting or procuring the election of another candidate,

commits an offence and is liable on conviction to a fine of ₦5,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

64. A person who wilfully votes at an election in a ward or constituency in respect of which his name does not appear on the register of voters commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Voting when not registered.

65.-(1) A person who, having been issued with a ballot paper in a polling station or unit, takes or attempts to take that ballot paper out of the polling station or unit commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

Fraudulent use of ballot paper.

(2) A person who, at an election, brings into a polling station or unit a ballot paper relating to the election which ballot paper was issued to another person commits an offence and is liable to conviction to a fine of ₦2,000 or imprisonment for a term of one year or to both such imprisonment and fine.

(3) For the purposes of sections 57, 58 and 59 of this Decree, the expression "refrain from voting" includes taking a ballot paper out of a polling station or unit contrary to subsection (1) of this section.

(4) If the Presiding Officer in a polling station or unit has reason to suspect that a person who has been issued with a ballot paper and is about to leave a polling station or unit has the ballot paper in his possession, the Presiding Officer or a person acting under his directions may search that person.

66. A person who, being a Presiding Officer at an election-

Offences relating to statement of result.

(a) gives a certificate or statement of result which, to his knowledge, is false in a material particular; or

(b) perversely and without lawful excuse, refuses to render a statement of result relating to the election to the officer to whom it is required to be delivered; or

(c) does anything which impedes or obstructs the proper counting or obtaining of the correct result of the election,

commits an offence and is liable on conviction to a fine of ₦10,000 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

Disqualification
of person convicted
of certain offences.

67. A person who is convicted of an offence under section 57, 61, 62, 63, 64 or 65 of this Decree shall, in addition to any other punishment, not be eligible, during a period of three years from the date of his conviction to -

(a) vote at any election; or

(b) be elected under this Decree or if elected before his conviction, to retain his seat.

Disorderly
conduct
at election.

68. A person who, at any polling station or unit or place being used for the counting of votes, acts or incites others to act in a disorderly manner commits an offence and is liable on conviction to a fine not exceeding ₦2,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Polling day
offences.

69.-(1) No person shall, on the date or dates on which a poll is taken in an election under this Decree -

(a) convene, hold or attend a public meeting in the State ;
or

(b) operate any megaphone, amplifier or any other public address apparatus in the State for the purpose of making an announcement concerning the election except where the apparatus is operated by an officer, appointed under this Decree, for the purpose of making official announcements relating to the election.

(2) No person shall, on the date or dates on which a poll is taken at a polling station or unit under this Decree -

(a) canvass for votes; or

(b) solicit the vote of a voter; or

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

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

(e) shout, exhibit or tender a notice, sign, symbol, slogan, badge, photograph or party card referring to the election; or

(f) shout slogans concerning the election,

within the polling station or unit or in a public or private place within a distance of two hundred metres of the polling station or unit.

(3) No candidate or any other person, with the connivance of the candidate, shall, whether on payment or otherwise, use, hire or procure any vessel or vehicle for the conveyance of a voter, other than the candidate himself or his agent, to or from a polling station or unit.

(4) No person shall bring alcoholic liquor into or consume alcoholic liquor in a polling station or unit or in a place being used for the counting of votes.

(5) A person who contravenes the provisions of subsection (1), (2), (3) or (4) of this section commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

70. A candidate or an agent who records the serial number of a rejected ballot paper or of a ballot paper in contravention of the provisions of paragraph 35(3) of Schedule 5 to this Decree commits an offence and is liable on conviction to a fine not exceeding ₦2,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Offences in relation to counting of votes. Schedule 5.

71. A person who at a lawful public meeting to which this Decree applies -

Disturbance at public meetings.

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

(b) has in his possession an offensive weapon or missile,

commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

Conviction of disqualifying offence to be reported, etc.

72. Where a person is convicted of an offence under this Part of this Decree which disqualifies him from being elected as a member of the Senate or House of Representatives or to an elective office, the court by which he was convicted shall send to the Commission the judgment of the conviction and where the person convicted has appealed, the court which heard the appeal shall within 3 months send the judgment of the appeal to the Commission.

Punishment for attempts, etc. to commit offences.

73. An attempt or a conspiracy to commit an offence specified in this Decree shall be punishable in the same manner as the offence.

Trial of offences.

74.-(1) An offence committed under this Part of this Decree shall be triable in a Magistrate Court of the State in which the offence is committed.

(2) A prosecution under this Part of this Decree shall be undertaken by the Attorney-General of the Federation if the offence is committed in the Federal Capital Territory, Abuja or by a legal officer in the Federal Ministry of Justice or by the Attorney-General of the State in which the offence is committed or by a legal officer in the Ministry of Justice of that State or by an officer of the Nigeria Police Force.

*C - Determination of Election Petitions
Arising from Elections under this Decree*

Proceedings to question on election.

75. No election and no return at an election under this Decree shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Decree referred to as an "election petition") presented to the National Assembly Election Tribunal in accordance with the provisions of this Decree, and in which the person elected or returned is joined as a party.

76.-(1) There shall be established in each State of the Federation one or more Election Tribunals to be known as the National Assembly Election Tribunals (in this Decree referred to as the "Election Tribunal") which shall, to the exclusion of any other court or tribunal, have original jurisdiction to hear and determine any question as to whether -

Establishment and composition of National Assembly Election Tribunals.

- (a) any person has been validly elected as a member of the National Assembly;
- (b) the term of office of any person under this Decree has ceased;
- (c) the seat of a member of the Senate or a member of the House of Representatives has become vacant; and
- (d) a question or petition brought before the Election Tribunal has been properly or improperly brought.

(2) An Election Tribunal shall consist of a Chairman and four other members.

(3) The Chairman shall be a Judge of a High Court and the other members shall be appointed from among Judges of a High Court, Kadis of a Sharia Court of Appeal, Judges of a Customary Court of Appeal or other members of the Judiciary not below the rank of a Chief Magistrate.

(4) The Chairman and other members of the Election Tribunal shall be appointed by the President of the Court of Appeal in consultation with the Chief Judge of the State, Grand Kadi of the Sharia Court of Appeal of the State or the President of the Customary Court of Appeal of the State, as the case may be.

(5) The quorum of an Election Tribunal shall be the Chairman and two other members.

77. An election petition under this Decree shall be presented within 30 days from the date on which the result of the election is declared.

Time for presenting election petition.

Presentation
of petition.

78.-(1) An election petition may be presented by one or more of the following persons -

(a) a person claiming to have had a right to contest or be returned at an election; or

(b) a candidate at the election.

(2) The person whose election is complained of is in this Decree referred to as the respondent, but if the petition complains of the conduct of an Electoral Officer, a Presiding Officer, a Returning Officer or any other person who took part in the conduct of the election, the Electoral Officer, Presiding Officer or Returning Officer or other person shall for the purpose of this Decree be deemed to be a respondent and shall be joined in the election petition as a necessary party.

Grounds for
petition.

79.-(1) An election may be questioned on the following grounds -

(a) that the person whose election is questioned was at the time of the election not qualified or was disqualified from being elected to the Senate or House of Representatives; or

(b) that the election was voided by corrupt practices or offences or non-compliance with the provisions of this Decree; or

(c) that the respondent was not duly elected by a majority of valid votes cast at the election; or

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

(2) The Commission shall not be liable for any civil action in respect of the exclusion of a person from contesting an election under this Decree, and shall not be damnified in damages or any other penalty thereof.

(3) An act or omission which may be contrary to an instruction or direction of the Commission or of an officer appointed for the purpose of the election, but which is not contrary to the provisions of this Decree shall not of itself be a ground for questioning the election.

(4) Where a political party has presented more than one candidate for a particular Senatorial District or Federal constituency, the decision of the Commission allowing one of such candidates to contest the election shall be final, and shall not be reviewed by an Election Tribunal or any court of law.

80.-(1) An election shall not be invalidated by reason of non-compliance with the provisions of this Decree if it appears to the Election Tribunal that the election was conducted substantially in accordance with the principles of this Decree and that the non-compliance did not affect substantially the result of the election.

Non-compliance with certain provisions not to invalidate election.

(2) An election shall not be questioned by reason of a defect in the title, or want of title of the person conducting the election or acting in the office given the right to conduct the election.

81.-(1) Notwithstanding the provisions of the Constitutional Court Decree 1998, an appeal arising in respect of an election petition under this Decree shall lie to the Court of Appeal.

Appeals over election petitions. 1998 No. 3.

(2) Notwithstanding anything to the contrary in any other enactment, notice of appeal to the Court of Appeal, on an election petition shall be given within 7 days from the date of the decision appealed against.

(3) The decision of the Court of Appeal, on an appeal brought under subsection (1) of this section shall be final.

82.-(1) Subject to subsection (2) of this section, if the Election Tribunal determines that a candidate who was returned as elected was not validly elected on any ground, the Election Tribunal shall nullify the election.

Nullification of election by Election Tribunal.

(2) If the Election Tribunal determines that a candidate who was returned as elected was not validly elected on the ground that he did not score the majority of valid votes cast at the election, the Election Tribunal shall declare as elected the candidate who scored the majority of valid votes cast at the election.

(3) On the motion of a respondent in an election petition, the Election Tribunal may strike out an election petition on the ground that it is not in accordance with the provisions of this Part of this Decree or the provisions of Schedule 5 to this Decree.

Schedule 5.

Person elected to remain in office pending appeal.

83.-(1) If the Election Tribunal determines that a candidate returned as elected was not validly elected, then if notice of appeal against that decision is given the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal, remain in office pending the determination of the appeal.

(2) If the Election Tribunal determines that a candidate returned as elected was not validly elected, the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal, remain in office pending the expiration of the period of 7 days within which an appeal may be brought.

Procedure for election petition. Schedule 5.

84. The rules of procedure to be adopted for election petitions and appeals arising therefrom shall be those set out in Schedule 5 to this Decree.

D - Miscellaneous

Voter not required to disclose his vote.

85. Subject to the provisions of this Decree, no person who has voted at an election held under this Decree shall, in any legal proceedings arising out of the election, be required to state whom he voted for.

Election may be postponed for threatened

86.-(1) Where a date has been appointed for the holding of an election and there is reason to apprehend that a serious breach of the peace is likely to occur if the election is proceeded with on the appointed date, the holding of the election may be postponed by the Commission until some other convenient date to be appointed by the Commission.

(2) Where an election has started on the appointed date but is, before conclusion, substantially disturbed by any intervening cause, the election may be cancelled, and the Commission shall appoint a new date for a fresh election.

(3) Where an election is postponed before the last day for the delivery of nomination forms, the Electoral Officer shall, on a new date being appointed for the election, proceed in all respects as if that date were the date referred to in paragraph 1 of Schedule 4 to this Decree as the date for the holding of the election.

Schedule 4.

(4) Where an election is postponed under this Decree on or after the last day for the delivery of nomination forms, and a poll is to be taken between the candidates then nominated, the Electoral Officer shall, on a new date being appointed for the election, proceed as if the date appointed were the date for taking the poll between the candidates.

(5) Where an election is cancelled under this Decree as a result of substantial disturbance intervening in the course of the election, the Electoral Officer shall, on a new date appointed for the election, proceed as if the date appointed were the date for taking of the poll between the candidates nominated for the election.

(6) An election postponed under this section may in like manner be further postponed.

87. (1) The Chief Electoral Officer of the Federation (or any other officer of the Commission authorized by him) shall retain for six months all documents relating to an election forwarded to him in accordance with the provisions of this Decree and shall then, unless -

Custody and inspection of documents.

(a) otherwise ordered by the Court of Appeal or the Election Tribunal, as the case may be; or

(b) he is aware that legal proceedings are pending in respect of the election,

use them to be destroyed or discarded.

(2) An order for an inspection of a polling document or an inspection of a document or any other packet in the custody of the Chief Electoral Officer of the Federation or any other officer of the Commission may be made by the Court of Appeal or the Election Tribunal, if it is satisfied that the order required is for the purpose of instituting or maintaining an election petition.

(3) An order under this section may be made subject to such conditions as the Court of Appeal or the Election Tribunal may think fit, just or expedient.

(4) A document, other than a document referred to in subsection (2) of this section, relating to an election and which is retained by the Chief Electoral Officer of the Federation or any other officer of the Commission in accordance with subsection (1) of this section, shall be open to inspection on an order made by the Court of Appeal or the Election Tribunal in exercise of its powers to compel the production of documents in legal proceedings, but shall not otherwise be open to inspection.

(5) A document referred to in this section which is in the custody of the Chief Electoral Officer of the Federation or any other officer of the Commission shall be deemed to be in proper custody for the purposes of the hearing and determination of an election petition.

Election
expenses.

88.-(1) The Commission may prescribe -

(a) a scale of remuneration for officers appointed under this Decree for the conduct of elections;

(b) a scale of maximum charges in respect of other expenses incurred by an Electoral Officer, a Presiding Officer or a Returning Officer in connection with an election,

and may revise the scales as it thinks fit or expedient.

(2) An Electoral Officer, Presiding Officer or Returning Officer shall, in addition to any remuneration prescribed under

paragraph (a) of subsection (1) of this section, be entitled to such sums in respect of expenses not exceeding the prescribed scale, in connection with the conduct of an election as are reasonable.

(3) The Commission may pay such honoraria as it may determine to all other persons and officers who may be involved in one way or the other in conducting an election under this Decree, or in carrying out any task in connection with an election or election petitions arising therefrom.

(4) Notwithstanding any defect or error in any notice, form or document made or given or other thing whatsoever done in pursuance of the provisions of this Decree, rules, regulations, guidelines, manuals or circulars made or issued thereunder, such notice, form or document, is hereby validated for all purposes with effect from the date on which it was made, given or done respectively.

89. The Election Tribunals shall be funded by the Federal Government. Funding of Election Tribunals.

90.-(1) A person who by reason of his holding or acting in an office under this Decree has a responsibility for, or in connection with the conduct of elections under this Decree shall be disqualified from nomination as a candidate thereof, while he holds or acts in that office. Electoral officials not eligible for election.

(2) No official or staff of the Commission shall contest an election under this Decree, notwithstanding that he resigns from or vacates his office before the date of the election.

91. Notwithstanding any defect or error in any notice, form or document made or given or other thing whatsoever done in pursuance of the provisions of this Decree or rules made thereunder, such notice, form or document is hereby validated for all purposes with effect from the date on which it was made, given or done respectively. Validation of forms, notices, etc.

PART III - INTERPRETATION AND CITATION

Interpretation.

92.-(1) In this Decree, unless the context otherwise requires-

"Act" or "Act of the National Assembly" means any law made by the National Assembly and includes any law which takes effect under the provisions of this Decree as an Act of the National Assembly;

"appointment" or its cognate expression includes promotion, appointment on promotion or transfer or confirmation of appointment;

"authority" includes government;

"Area Council" means each of the 6 administrative areas within the Federal Capital Territory, Abuja;

"Chief Electoral Officer of the Federation" means the Chairman of the Independent National Electoral Commission;

"Civil Service of the Federation" means service of the Federation in a civil capacity as staff of the office of the President, the Vice-President or a Ministry or Department of the Government of the Federation assigned with the responsibility of any business of the Government of the Federation;

"Civil Service of the State" means service of the government of the State in a civil capacity such as service rendered by the staff of the office of the Governor, the Deputy Governor or a Ministry or Department of the Government of the State assigned with the responsibility of any business of the Government of the State;

"Commission" means the Independent National Electoral Commission;

"decision" means, in relation to a court or tribunal, any determination of that court or tribunal and includes a judgment, decree, conviction, sentence or recommendation;

"Election Tribunal" means the National Assembly Election Tribunal;

"enactment" means provisions of any law or subsidiary legislation;

"Federation" means the Federal Republic of Nigeria;

"financial year" means any period of 12 calendar months beginning on the first day of January in any year or such other date as the National Assembly may prescribe;

"function" includes power and duty;

"Government" includes the Government of the Federation, of a State or a Local Government and Area Council or any person who exercises power or authority on its behalf;

"House" or "Legislative House" means the Senate or House of Representatives;

"Local Government Area" includes an Area Council;

"Minister" means a Minister of the Government of the Federation;

"National Assembly" means the Senate and the House of Representatives;

"Oath" includes affirmation;

"Oath of Allegiance" means the Oath of Allegiance prescribed in Schedule 2 to this Decree;

Schedule 2.

"Oath of Office" means the Oath of Office prescribed in Schedule 2 to this Decree;

Schedule 2.

"office" when used with reference to the validity of an election, means any office the appointment to which is by election under this Decree;

"polling station" includes a polling unit and a polling shade;

"population quota" -

(a) when used with reference to a Senatorial District, means the number obtained by dividing the number of the inhabitants of the State by the number of Senatorial Districts into which that State is divided under section 24 of this Decree;

(b) when used with reference to a Federal Constituency, means the number obtained by dividing the number of the inhabitants of Nigeria by the number of Federal Constituency into which Nigeria is divided under section 24 of this Decree;

"power" includes function and duty;

"prescribed" means prescribed by or under this Decree or any other law;

"President" means the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria;

"School Certificate or its equivalent" means the following, that is -

(a) a Secondary School Certificate or its equivalent, or Grade II Teacher's Certificate, the City and Guilds Certificate; or

(b) education up to Secondary School Certificate level; or

(c) Primary Six Certificate or its equivalent and -

(i) service in the public or private sector of the Federation in any capacity acceptable to the Commission for a minimum of 10 years, and

(ii) attendance at courses and training in such institutions as may be acceptable to the Commission for periods totalling up to a minimum of 1 year, and

(iii) the ability to read, write, understand and communicate in the English language to the satisfaction of the Commission; and

(d) any other qualification acceptable by the Commission;

"secret society" includes any association, group or body of persons (whether registered or not) -

(a) that uses secret signs, oaths, rites or symbols and which is formed to promote a cause, the purpose or part of the purposes of which is to foster the interest of its members and to aid one another under any circumstances without due regard to merit, fairplay or justice, to the detriment of the legitimate interest of those who are not members;

(b) the membership of which is incompatible with the function or dignity of any public office under this Decree or any other enactment and whose members are sworn to observe oaths of secrecy; and

(c) the activities of which are not known to the public at large, the names of whose members are kept secret and whose meetings and other activities are held in secret;

"State" when used otherwise than in relation to one of the component parts of the Federation of Nigeria, includes government.

(2) Whenever it is provided that any authority or person has power to make, recommend or approve an appointment to an office, the power shall be construed as including the power to make, recommend or approve a person for the appointment, whether on promotion or otherwise, or to act in the office.

(3) In this Decree, references to a person holding an office shall include references to a person acting in that office.

(4) The Interpretation Act shall apply for the purpose of interpreting the provisions of this Decree.

Citation and commencement.

93. This Decree may be cited as the National Assembly (Basic Constitutional and Transitional Provisions) Decree 1999 and shall -

- (a) in the case of -
 - (i) sections 10, 11, 12, 17, 20, 21, 22, 23, 32 to 41, and
 - (ii) Schedule 1,
 shall come into force on the date the National Assembly is inaugurated by the President; and
- (b) in the case of any other section and Schedules not specified in paragraph (a) of this subsection, be deemed to have come to force on 20th January 1999.

Cap. 62. LFN. 1993 No. 107.

(2) For the avoidance of doubt, until the sections and Schedules specified in subsection (1)(a) of this section come into force, the provisions of the Constitution of the Federal Republic of Nigeria 1979, as amended, and of any other Decree, shall apply with respect to those sections and Schedules.

SCHEDULES

SCHEDULE 1

Section 10

PART I

EXCLUSIVE LEGISLATIVE LIST

Item

1. Accounts of the Government of the Federation and of offices, courts and authorities thereof, including audit of those accounts.
2. Arms, ammunition and explosives.
3. Aviation, including airports, safety of aircraft and carriage of passengers and goods by air.
4. Awards of national titles of honour, decorations and other dignities.
5. Bankruptcy and insolvency.
6. Banks, banking, bills of exchange and promissory notes.
7. Borrowing of moneys within or outside Nigeria for the purposes of the Federation or of any State.
8. Census, including the establishment and maintenance of machinery for continuous and universal registration of births and deaths throughout Nigeria.
9. Citizenship, naturalisation and aliens.
10. Commercial and industrial monopolies, combines and trusts.
11. Construction, alteration and maintenance of such roads as may be declared by the National Assembly to be Federal Trunk Roads.

12. Control of capital issues.
13. Copyright.
14. Currency, coinage and legal tender.
15. Customs and excise duties.
16. Defence.
17. Deportation of persons who are not citizens of Nigeria.
18. Designation of securities in which trust funds may be invested.
19. Diplomatic, consular and trade representation.
20. Drugs and poisons.
21. Election to the offices of President and Vice-President, the National Assembly, Governor and Deputy Governor, the Houses of Assembly of States and the Local Government Councils.
22. Evidence.
23. Exchange control.
24. Export duties.
25. External affairs.
26. Extradition.
27. Fingerprints, identification and criminal records.
28. Fishing and fisheries, other than fishing and fisheries in rivers, lakes, waterways, ponds and other inland waters within Nigeria.
29. Immigration into and emigration from Nigeria.

30. Implementation of treaties relating to matters on this List.
31. Incorporation, regulation and winding-up of bodies corporate, other than co-operative societies, Local Government Councils and bodies corporate established directly by any Law enacted by a House of Assembly of a State.
32. Insurance.
33. Labour, including trade unions, industrial relations; conditions, safety and welfare of labour; industrial disputes; prescribing a national minimum wage for the Federation or any part thereof and industrial arbitration.
34. Legal proceedings between Governments of States or between the Government of the Federation and Government of any State or any other authority or person.
35. Maritime shipping and navigation, including-
 - (a) shipping and navigation on tidal waters;
 - (b) shipping and navigation on the River Niger and its affluents and on any such other inland waterways as may be designated by the National Assembly to be an international waterway or to be an inter-State waterway;
 - (c) lighthouses, lightships, beacons and other provisions for the safety of shipping and navigation;
 - (d) such ports as may be declared by the National Assembly to be Federal ports (including the constitution and powers of port authorities for Federal ports).
36. Meteorology.
37. Mines and minerals, including oil fields, oil mining, geological surveys and natural gas.

38. National Parks being such areas in a State as may, with the consent of the Government of that State, be designated by the National Assembly as National Parks.
39. Naval, Military and Air Forces, including any other branch of the armed forces of the Federation.
40. Nuclear energy.
41. Passports and visas.
42. Patents, trade marks, trade or business names, industrial designs and merchandise marks.
43. Pensions, gratuities and other like benefits payable out of the Consolidated Revenue Fund or any other public funds of the Federation.
44. Police and other security services established by law.
45. Posts, telegraphs and telephones.
46. Powers of the National Assembly, and the privileges and immunities of its members.
47. Prisons.
48. Professional occupations as may be designated by the National Assembly.
49. Public debt of the Federation.
50. Public holidays.
51. Public relations of the Federation.
52. Public service of the Federation, including the settlement of disputes between the Federation and officers of such service.

53. Quarantine.
54. Railways.
55. Regulation of political parties.
56. Service and execution in a State of the civil and criminal processes, judgments, decrees, orders and other decisions of any court of law outside Nigeria or any court of law in Nigeria, other than a court of law established by the House of Assembly of that State.
57. Stamp duties.
58. Taxation of incomes, profits and capital gains, except as otherwise prescribed by this Decree.
59. The establishment and regulation of authorities for the Federation or any part thereof -
 - (a) to promote and enforce the observance of the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria;
 - (b) to identify, collect, preserve or generally look after ancient and historical monuments and records and archaeological sites and remains declared by the National Assembly to be of national significance or national importance;
 - (c) to administer museums and libraries, other than museums and libraries established by the Government of a State;
 - (d) to regulate tourist traffic; and
 - (e) to prescribe minimum standards of education at all levels.

60. The formation, annulment and dissolution of marriages, other than marriages under Islamic law and Customary law, including matrimonial causes relating thereto.
61. Trade and commerce, and in particular -
 - (a) trade and commerce between Nigeria and other countries, including import of commodities into and export of commodities from Nigeria and trade and commerce between the Federal Government and the States of the Federation;
 - (b) establishment of a purchasing authority with power to acquire for export or sale in world markets such agricultural produce as may be designated by the National Assembly;
 - (c) inspection of produce to be exported from Nigeria and the enforcement of grades and standards of quality in respect of produce so inspected;
 - (d) establishment of a body to prescribe and enforce standards of goods and commodities offered for sale;
 - (e) control of the prices of goods and commodities designated by the National Assembly as essential goods or commodities; and
 - (f) registration of business names.
62. Traffic on Federal trunks roads.
63. Water from such sources as may be declared by the National Assembly to be sources affecting more than one State.
64. Weights and measures.

65. Wireless, broadcasting and television, other than broadcasting and television provided by the Government of a State; allocation of wavelengths for wireless broadcasting and television transmission.
66. Any other matter with respect to which the National Assembly has power to make laws in accordance with the provisions of this Decree and the Constitution of the Federal Republic of Nigeria.
67. Any matter incidental or supplementary to any matter mentioned elsewhere in this List.

PART II

CONCURRENT LEGISLATIVE LIST

Item *Extent of Federal and State Legislative Powers*

1. Subject to the provisions of this Decree, the National Assembly may by an Act make provisions for -
 - A-Allocation of revenue.
 - (a) the divisions of public revenue -
 - (i) between the Federation and the States,
 - (ii) among the States of the Federation,
 - (iii) between the States and Local Government Councils,
 - (iv) among the Local Government Councils in the States; and
 - (b) grants or loans from and the imposition of charges upon the Consolidated Revenue Fund or any other public funds of the Federation or for the imposition of charges upon the revenue and assets

of the Federation for any purpose notwithstanding that it relates to a matter with respect to which the National Assembly is not empowered to make laws.

2. Subject to the provisions of this Decree, any House of Assembly may make provisions for grants or loans from and the imposition of charges upon any of the public funds of that State or the imposition of charges upon the revenue and assets of that State for any purpose notwithstanding that it relates to a matter with respect to which the National Assembly is empowered to make laws.

B-Antiquities
and monuments.

3. The National Assembly may make laws for the Federation or any part thereof with respect to such antiquities and monuments as may, with the consent of the State in which such antiquities and monuments are located, be designated by the National Assembly as National Antiquities or National Monuments, but nothing in this paragraph shall preclude a House of Assembly from making laws for the State or any part thereof with respect to antiquities and monuments not so designated in accordance with the foregoing provisions.

C-Archives.

4. The National Assembly may make laws for the Federation or any part thereof with respect to the archives and public records of the Federation.
5. A House of Assembly may, subject to paragraph 4 of this List, make Laws for the State or any part thereof with respect to archives and public records of the Government of the State.
6. Nothing in paragraphs 4 and 5 of this List shall be construed as enabling any laws to be made which do not preserve the archives and records which are in existence at the date of commencement of this Decree and the Constitution of the Federal Republic of Nigeria, and which are kept by authorities empowered to do so in any part of the Federation.

7. In the exercise of its powers to impose any tax or duty on -

D-Collection
of taxes.

(a) capital gains, incomes or profits of persons,
other than companies;

(b) documents or transactions by way of stamp
duties,

the National Assembly may, subject to such conditions as it may prescribe, provide that the collection of any such tax or duty or the administration of the law imposing it shall be carried out by the Government of a State or other authority of a State.

Where an Act of the National Assembly provides for the collection of tax or duty on capital gains, incomes or profits or the administration of any law by an authority of a State in accordance with paragraph 7 of this List, it shall regulate the liability of persons to such tax or duty in such manner as to ensure that such tax or duty is not levied on the same person by more than one State.

A House Assembly may, subject to such conditions as it may prescribe, make provisions for the collection of any tax, fee or rate or for the administration of the Law providing for such collection by a Local Government Council.

Where a Law of a House of Assembly provides for the collection of tax, fee or rate or for the administration of such Law by a Local Government Council in accordance with the provisions of this List, it shall regulate the liability of persons to the tax, fee or rate in such manner as to ensure that such tax, fee or rate is not levied on the same person in respect of the same liability by more than one Local Government Council.

The National Assembly may make laws for the Federation with respect to the registration of voters and the procedure regulating elections to a Local Government Council.

E-Electoral law.

12. Nothing in paragraph 11 of this List shall preclude a House of Assembly from making Laws with respect to elections to a Local Government Council in addition to but not inconsistent with any law made by the National Assembly.
- F-Electric power. 13. The National Assembly may make laws for the Federation or any part thereof with respect to -
- (a) electricity and the establishment of electrical power stations;
 - (b) the generation and transmission of electricity in or to any part of the Federation and from one State to another;
 - (c) the regulation of the right of any person or authority to dam up or otherwise interfere with the flow of water from sources in any part of the Federation;
 - (d) the participation of the Federation in any arrangement with another country for the generation, transmission and distribution of electricity for any area partly within and partly outside the Federation;
 - (e) the promotion and the establishment of a national grid system; and
 - (f) the regulation of the right of any person or authority to use, work or operate any plant, apparatus, equipment or work designed for the supply or use of electrical energy.
14. A House of Assembly may make Laws for the State with respect to -
- (a) electricity and the establishment in that State of electric power stations;

(b) the generation, transmission and distribution of electricity to areas not covered by a national grid system within that State; and

(c) the establishment within that State of any authority for the promotion and management of electric power stations established by the State.

15. In the foregoing provisions of this item, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them -

"distribution" means the supply of electricity from a sub-station to the ultimate consumer;

"management" includes maintenance, repairs and replacement;

"power station" means an assembly of plant or equipment for the creation or generation of electrical energy; and

"transmission" means the supply of electricity from a power station to a sub-station or from one sub-station to another sub-station, and the reference to a "sub-station" in this List is a reference to an assembly of plant, machinery or equipment for distribution of electricity.

16. The National Assembly may make laws for the establishment of an authority with power to carry out censorship of cinematograph films and to prohibit or restrict the exhibition of such films; and nothing in this List shall -

G-Exhibitions of cinematograph films.

(a) preclude a House of Assembly from making provisions for a similar authority for that State; or

(b) authorise the exhibition of a cinematograph film in a State without the sanction of the authority established by the Law of that State for the censorship of such films.

H-Industrial
commercial, and
agricultural
development.

17. The National Assembly may make laws for the Federation or any part thereof with respect to -

(a) the health, safety and welfare of persons employed to work in factories, offices or other premises or in inter-State transportation and commerce, including the training, supervision and qualification of such persons;

(b) the regulation of ownership and control of business enterprises throughout the Federation for the purpose of promoting, encouraging or facilitating such ownership and control by citizens of Nigeria;

(c) the establishment of research centres for agricultural studies; and

(d) the establishment of institutions and bodies for the promotion or financing of industrial, commercial or agricultural projects,

and for the purposes of the foregoing paragraphs of this item, the word "agricultural" includes fishery.

18. Subject to the provisions of this Decree, a House of Assembly may make Laws for the State with respect to industrial, commercial or agricultural development of that State.

19. Nothing in the foregoing paragraphs of this item shall be construed as precluding a House of Assembly from making Laws with respect to any of the matters referred to in the foregoing paragraphs.

20. For the purposes of the foregoing paragraphs of this item, the word "agricultural" includes fishery.

21. The National Assembly may make laws to regulate or co-ordinate scientific and technological research throughout the Federation and to establish, maintain and run institutions of scientific and technological research and development throughout the Federation. I-Scientific and technological research.
22. Nothing in this List shall preclude a House of Assembly from establishing or making provisions for an institution or other arrangement for the purpose of scientific and technological research.
23. The National Assembly may make laws for the Federation or any part thereof with respect to statistics so far as the subject matter relates to - J-Statistics.
- (a) any matter on which the National Assembly has power to make laws; and
- (b) the organisation of a co-ordinated scheme of statistics for the Federation or any part thereof on any matter whether or not it has power to make laws with respect thereto.
24. A House of Assembly may make Laws for the State with respect to statistics and on any matter other than that referred to in sub-paragraph (a) of paragraph 23 of this List.
25. The National Assembly may make laws for the Federation or any part thereof with respect to trigonometrical, cadastral and topographical surveys. K-Trigonometrical, cadastral and topographical surveys.
26. The National Assembly may, subject to paragraph 25 of this List, make Laws for the State or any part thereof with respect to trigonometrical, cadastral and topographical surveys.
27. The National Assembly may make laws for the Federation or any part thereof with respect to university education, technological education or such professional education as may, from time to time, be designated by the National Assembly. L-University, technological and post-primary education.

- 28. The power conferred on the National Assembly under paragraph 25 of this item shall include power to establish an institution for the purposes of university, post-primary technological or professional education.
- 29. Subject as herein provided a House of Assembly shall have power to make Laws for the State with respect to the establishment of an institution for purposes of university professional or technological education.
- 30. Nothing in the foregoing paragraphs of this item shall be construed so as to limit the powers of a House of Assembly to make Laws for the State with respect to technical, vocational, post-primary, primary or other forms of education, including the establishment of institutions for the pursuit of such education.

SCHEDULE 2

Section 4

OATHS

OATH OF ALLEGIANCE

I, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria

So Help me God.

OATH OF A MEMBER OF NATIONAL ASSEMBLY

I, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as a member of Senate/House of Representatives, I will perform my functions honestly to the best of my ability, faithfully in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and the National Assembly (Basic Constitution and Transitional Provisions) Decree 1999 and the laws, and the rules of the Senate/House of Representatives; and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Republic of Nigeria; and that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria; and that I will abide by the Code of Conduct contained in the Code of Conduct Bureau and Tribunal Decree 1989.

So Help me God.

SCHEDULE 3 Sections 50, 53 and 55

APPOINTMENT AND SUPERVISIONS OF OFFICERS

1.-(1) For each Local Government Area there shall be an Electoral Officer who shall be appointed by the Commission. Appointment of
Electoral Officer.

(2) An Electoral Officer may be appointed by name or by reference to an office, and shall hold office until his appointment is revoked.

(3) The Commission may, in any case it considers it expedient, appoint more than one Electoral Officer for a Local Government Area and shall specify the part of the Local Government Area for which each Electoral Officer is responsible and, in relation to that part of the Local Government Area the Electoral Officer shall have and exercise the functions of an Electoral Officer of more than one Local Government Area.

(4) For the avoidance of doubt, it is hereby declared that a person may be appointed Electoral Officer of more than one Local Government Area.

Appointment of other officers for the conduct of elections.

2.-(1) The Commission may appoint a person to be an Assistant Electoral Officer for the conduct of an election and a person so appointed shall in respect of that election have such of the functions imposed or conferred by this Decree on the Electoral Officer as the Commission may determine.

(2) The Commission shall for the purpose of an election appoint such Returning Officers, Assistant Returning Officers, Presiding Officers, Assistant Presiding Officers, Poll Clerks, Assistant Poll Clerks and such other officers as are required to be appointed under this Decree.

(3) A person appointed as an Assistant Returning Officer under the provisions of this paragraph shall have the functions imposed or conferred by this Decree on a Returning Officer.

(4) For the avoidance of doubt, it is hereby declared that a person may be appointed as a Returning Officer of one or more State constituencies.

(5) For the elections, the Electoral Officer or Resident Electoral Commissioner may be appointed to act as a Returning Officer.

Supervision of other officers by Electoral Officer.

3. An Electoral Officer shall exercise supervision over acts of officers as are appointed under paragraph 4 of this Schedule in his Local Government Area and may, subject to this Decree or any instructions issued by the Commission, give directions to those officers with regard to the performance of their functions.

Appointment of officer to exercise supervisory functions over conduct of elections

4. The Commission may appoint, in respect of a State, an officer (by whatever name called) to exercise supervisory functions over the conduct of an election or of elections generally, and that officer shall have such powers and duties as shall be assigned to him by the Commission.

5.-(1) Subject to the provisions of this Decree, the general supervision of the conduct of an election under this Decree shall be vested in the Resident Electoral Commissioner.

Functions of
Resident Electoral
Commissioner.

(2) The Resident Electoral Commissioner may -

(a) require information from an officer appointed under this Schedule with respect to a matter relating to the functions of that officer under this Decree;

(b) subject to the provisions of this Decree, issue instructions to any of those officers with respect to the performance of their functions under this Decree.

(3) An officer appointed under this Schedule shall comply with the requirements and instructions of the Resident Electoral Commissioner under this paragraph.

SCHEDULE 4

Section 51

PROCEDURE AT ELECTIONS

1.-(1) Not less than 21 days before the date specified for holding of an election under this Decree the Commission shall, through the Resident Electoral Commissioner, publish in each State of the Federation, a notice -

Notice of
elections.

(a) stating the date of the election; and

(b) appointing the place at which nomination papers are to be delivered.

(2) The notice shall be further published in each constituency in respect of which an election is to be held.

2.-(1) Every political party shall, on such day as may be specified by the Commission before the date appointed for an election, deliver to the Commission -

List, screening,
clearance, etc. of
candidates.

Form C.F. 001
Schedule 6.

(a) in Form C.F. 001 set out in Schedule 6 to this Decree, the personal particulars of their candidates for the election as supplied by the candidates; and

Form C.F. 002
Schedule 6.

(b) in Form C.F. 002 set out in Schedule 6 to this Decree, a list of candidates the political party proposes to sponsor at the election.

(2) The Commission shall, within a reasonable time after receipt of the Forms referred to in sub-paragraph (1) of this paragraph, deliver to the political party -

Form C.F.003
Schedule 6.

(a) in Form C.F. 003 set out in Schedule 6 to this Decree, a list of the candidates who are adjudged qualified to contest the election; and

Form C.F. 004.
Schedule 6.

(b) where applicable, in Form C.F. 004 set out in Schedule 6 to this Decree, a separate list of the candidates rejected by the Commission.

(3) Where a candidate is rejected, the Commission shall afford the political party concerned an opportunity to substitute the candidate rejected with a fresh candidate, provided that the substitution is made within a reasonable time or as may be directed by the Commission.

Screening and
clearance of
candidates.

3.-(1) Screening and clearance of candidates for election under this Decree shall be in accordance with the provisions of this Decree.

(2) Screening and clearance of candidates for elections under this Decree shall be done by the State Screening Committee.

(3) The membership of the State Screening Committee shall be as approved by the Commission, from time to time.

Form CF. 005.

(4) Any person not satisfied with the decision of the State Screening Committee on any matter may appeal to the Commission for review in Form CF. 005 set out in the Schedule 6 to this Decree.

4.-(1) A candidate for an election under this Decree shall be nominated in writing by such number of persons prescribed by subsection (1)(c) or (d) of section 44 of this Decree.

Nomination of candidates.

(2) The nomination may be as in Form EC. 4CA or EC. 4D set out in Schedule 6 to this Decree and shall be subscribed by the candidate and by the persons nominating him -

Forms EC 4CA
EC. 4D.
Schedule 6.

(3) The Resident Electoral Commissioner or the Electoral Officer, as the case may be, shall -

(a) supply each candidate for an election with nomination forms on payment of such fee as may be prescribed by the Commission; and

(c) at the request of any candidate, his nominators being present, complete the nomination forms on behalf of the candidate.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination form subscribed as in sub-paragraph (2) of this paragraph at the place appointed by the Resident Electoral Commissioner or the Electoral Officer under paragraph 1 of this Schedule not later than four o'clock in the afternoon of the fifth day before the day of the election.

(5) No person shall subscribe as a nominator to more than one nomination form at the same election and, if he does, his signature shall be inoperative on any second or subsequent form which he subscribes as a nominator, so however, that no account shall be taken of the nomination of a candidate who has died or withdrawn or whose nomination has not been accepted as valid before the delivery of the second nomination form.

(6) No person who has subscribed as a nominator shall, so long as the candidate stands nominated, withdraw his nomination.

(7) A candidate for an election shall deliver along with the nomination form such number of posters containing his photograph and the symbol of his political party as may be required by the Commission.

Deposits.

5.-(1) Every candidate for election under this Decree shall, before his nomination form is delivered to the Resident Electoral Commissioner or the Electoral Officer, deposit or cause to be deposited the amount prescribed in subsection 1(e) or (f) of section 44 of this Decree by the Commission for the election and shall, at the time of the delivery of his nomination paper, produce to the Resident Electoral Commissioner or the Electoral Officer the official receipt for the amount.

(2) No nomination shall be valid unless the prescribed amount is deposited and the receipt for the amount produced in the manner required by sub-paragraph (1) of this paragraph.

Validity of nomination

6.-(1) When a nomination form is delivered and a deposit is paid in accordance with the provisions of this Decree, the candidate shall be deemed to stand nominated unless and until -

(a) the Resident Electoral Commissioner or the Electoral Officer decides that the nomination paper is invalid; or

(b) proof is given to the satisfaction of the Resident Electoral Commissioner or the Electoral Officer of the candidate's death; or

(c) the candidate withdraws his candidature as specified in paragraph 8 of this Schedule.

(2) The Resident Electoral Commissioner or the Electoral Officer shall be entitled to declare the nomination form invalid only on one or more of the following grounds -

(a) that the candidate has not produced evidence of tax payments as and when due for a period of three years immediately preceding the year of election or a valid evidence of exemption from the payment of all or any of the tax; or

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

- (c) that the nomination form is not signed as required by law; or
- (d) that the candidate has been nominated in more than one constituency; or
- (e) that the nominators of the candidate or any one of them is not a person whose name appears on the appropriate register of voters in respect of the constituency; or
- (f) that the candidate does not possess any of the qualifications required under this Decree; or
- (g) that the candidate is not a registered voter in Nigeria; or
- (h) that the candidate is not a member of a political party; or
- (i) that the candidate is disqualified under this Decree.

(3) Notwithstanding any other provision of this Decree or any other law, the decision of the Resident Electoral Commissioner or the Electoral Officer, that a candidate has been validly nominated under sub-paragraph (2) of this paragraph shall not be the ground of an election petition under this Decree.

(4) Whenever the Resident Electoral Commissioner or the Electoral Officer decides that a candidate has not been validly nominated, he shall endorse and sign on the nomination form the fact and reasons for his decision.

(5) The Resident Electoral Commissioner or the Electoral Officer shall, within forty-eight hours of the receipt of a nomination form, communicate in writing in Form EC. 5 or Form EC. 5(1) set out in Schedule 6 to this Decree to the candidate or to one of the persons nominating the candidate or political party sponsoring the candidate his decision as to the validity or otherwise of the nomination.

Form EC. 5.
Form EC. 5(1)
Schedule 6.

(6) A candidate whose first nomination form is or may be invalid may be permitted to submit a second nomination form within the time allowed, but a candidate who forges or falsifies a document or gives a false information for the purpose of nomination under this Decree may be disqualified and prevented from contesting the election.

Publication of statement of persons nominated.

7.-(1) The Resident Electoral Commissioner or the Electoral Officer shall, not later than twenty-four hours before the day of election, publish by displaying it or causing it to be displayed at the place or places appointed for the delivery of nomination forms and in such other places as he may think fit, a statement of the full names of all candidates standing nominated and of the persons nominating them with their respective addresses and occupations.

(2) No candidate who has been screened and cleared to contest an election shall be prevented from contesting the election for any reason whatsoever, or substituted, except the candidate dies or voluntarily withdraws his candidature.

Withdrawal of candidates.

8. A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself, or by one of the persons nominating him to the Resident Electoral Commissioner or the Electoral Officer not later than one o'clock in the afternoon of the second day before the election.

Death of candidate.

9. If after the latest time for the delivery of nomination forms and before the commencement of the poll, a nominated candidate dies, the Resident Electoral Commissioner or the Electoral Officer shall, on being satisfied of the fact of the death, countermand the poll, and the Commission shall appoint some other convenient date for the election.

Invalidity of double nomination.

10. If a nomination form, signed by a candidate and by the persons nominating him, is lodged in more than one constituency, his candidature shall be void in each constituency.

Contested and uncontested election.

11.-(1) Subject to the provisions of this Decree, if after the latest time for the delivery of nomination forms and for withdrawal of candidates for an election under this Decree more than one

person remains validly nominated, a poll shall be taken and the candidate with a simple majority of votes cast at the election shall be returned as elected.

(2) Subject to the provisions of this Decree, if after the latest time for the delivery of nomination forms and the withdrawal of candidates for an election under this Decree, only one candidate remains duly nominated, that candidate shall be deemed returned unopposed.

(3) Where a person is declared elected under the provisions of sub-paragraph (2) of this paragraph, a declaration of result Form EC.8E or Form EC. 8E(1) set out in Schedule 6 to this Decree shall be completed and a copy thereof issued to the person by the Returning Officer while the original of the form shall be returned to the Electoral Officer as in the case of a contested election.

Form EC.8E
Form EC. 8E(1)
Schedule 6

12. Where no candidate remains nominated in any constituency on the date appointed for the election, the Resident Electoral Commissioner shall inform the Commission which shall fix a date for another election.

Where no
nominated
candidate.

13. The result of the poll shall be ascertained by carefully counting the votes cast for each candidate at the election and the collation of the figures returned from the various parts of the constituency.

Ascertainment of
result of poll.

14.-(1) When a poll has to be taken, the Commission shall appoint from among Poll Clerks, Presiding Officers and Poll Orderlies appointed under Schedule 3 to this Decree, persons to conduct the election in each polling station or unit.

Arrangements for
contested election.
Schedule 3.

(2) The Presiding Officer shall be in charge of a Polling Station or Unit.

(3) For purposes of a contested election, the Commission shall -

- (a) appoint a sufficient number of polling stations or units in each ward or constituency in which a poll is taking place, and allot voters to the various polling stations or units as may be considered convenient;
- (b) assign to each polling station or unit a Poll Clerk and Orderly to assist the Presiding Officer;
- (c) provide each polling station or unit with instruments for making official mark on the voter's card and for applying indelible ink to the thumb of any person who has voted at the polling station or unit;
- (d) provide each polling station or unit with copies of the register of voters for the area, or such part thereof as contains the names of the voters allotted to vote at the polling station or unit; and
- (e) do such other acts and things as may be necessary for conducting the election in the manner prescribed by this Decree.

(4) The Commission shall appoint at least one polling station or unit in respect of each ward in which the election is to be held.

Party Agents.

15.-(1) Each candidate may appoint a Party Agent to attend at each polling station or unit in respect of the election for the purpose of ensuring that the interests of the candidate are protected.

(2) Notice in writing shall be given to the Commission by every candidate not later than twenty-four hours before the day of the election, conveying the names and addresses of his Party Agents and the respective polling stations or units to which they are being posted by the candidate.

(3) A candidate shall be entitled to change his Party Agent and appoint a substitute before the election, and shall forthwith furnish the Commission in writing with the name, address and any other particulars of the agent so substituted.

16.-(1) The Resident Electoral Commissioner or the Electoral Officer shall on or before the second day to the day of the election, cause to be published in every constituency in which election is to be held, in such manner as he may think appropriate, a notice specifying -

Notice of poll.

- (a) the day and the hours fixed for the poll;
- (b) the full names, arranged in alphabetical order, of the surname, place of residence and occupation of each candidate remaining nominated; and
- (c) the location of the polling stations and units in the constituency and an indication of the persons entitled to vote in the respective polling stations and units.

(2) The hours fixed for the taking of polls shall be a continuous period as may be determined by the Commission.

17. Without prejudice to sub-paragraph (3)(c) of paragraph 14 of this Schedule, the Commission shall -

Provision of materials at polling stations.

- (a) furnish each Presiding Officer with such ballot boxes and ballot papers as may be required for the poll; and
- (b) provide each Presiding Officer with pens, ink pad, ink and other items of stationery necessary for the conduct of poll in accordance with the provisions of this Decree.

18. Every ballot paper shall -

Form of ballot paper.

- (a) be a printed paper on which the symbol adopted by the political party and duly registered as prescribed by law shall be clearly set out and have a blank space at the right side of the symbol on which a thumb impression can conveniently be made;
- (b) have a serial number printed or stamped on its back or some other part; and

(c) be attached to a counterfoil bearing the same serial number as is printed or stamped on the ballot paper.

Form of
ballot box.

19. The ballot box shall be transparent and be constructed that the ballot papers can be put in them easily by the voter but cannot be withdrawn by him without the accreditation of the Presiding Officer opening the ballot box.

Accreditation
procedure.

20.-(1) The accreditation of voters shall commence on the day and time stipulated pursuant to paragraph 16 to this Schedule

(2) The Presiding Officer shall -

(a) cross-check voter's card of a person applying for accreditation against the register of voters and may ask the voter if required by a candidate or the Party Agent, the following questions or any of the questions, that is -

(i) "Are you the person whose name is on the register of voters as follows (reading the copy of the entry in the register?";

(ii) "Are you a person above 18 years of age?";

(b) not accredit any voter who answers the questions in sub-paragraph (2)(a) of this paragraph in the negative;

(c) mark the name of the voter in the register of voters with biro;

(d) stamp and sign each voter's card at the back with the appropriate stamp and state the date and type of election in code; and

(e) enter in Form EC 8A or EC. 8A(1), set out in Schedule 6 to this Decree, the number of persons registered to vote at the Polling Station or Unit, the number of registered voters accredited, the serial numbers of the ballot paper issued to the Polling Station or Unit, the serial numbers of ballot papers issued to the voters, the serial numbers of the

EC. 8A.
EC. 8A(1).
Schedule 6.

balance of unused ballot papers and the number of accredited voters standing in the queue at the commencement of voting.

(3) The Presiding Officer and the Party Agents shall sign Forms EC. 8A and EC. 8A(1) to authenticate the numbers entered therein.

21.-(1) Any person who, having been accredited, leaves the polling zone or any other place appointed for the accreditation of persons or mixes up with unaccredited persons is guilty of an offence of disorderliness under this Decree and liable on conviction to the punishment as provided in this Decree.

Disorderliness during accreditation.

(2) Any person who, not being an accredited person, is found in any polling zone is guilty of an offence of disorderliness under this Decree, and liable on conviction to the punishment as provided in this Decree.

22. At the close of accreditation, the Presiding Officer shall-

Post-accreditation procedure.

(a) explain the voting procedure to be followed;

(b) introduce the candidates, their symbols, the Poll Clerk and the Party Agents;

(c) explain all activities which constitute election offences within the polling zone, including penalties for committing each offence;

(d) call the roll of accredited voters.

23. After compliance with the provisions of paragraph 22 of this Schedule, the Presiding Officer shall -

Conduct of Poll.

(a) announce the commencement of voting;

(b) request the accredited voters to line up in a single line;

(c) separate the queue between men and women if, in that area of the country, the culture is such that it does not permit the mingling of men and women in the same queue;

(d) request security agents or Poll Orderlies to stand at the end of the queue behind the last accredited voter and request the voters in the queue to show their voter's cards duly stamped by the Presiding Officer;

(e) issue accredited voters with ballot papers;

(f) direct voters to the voting table where, after thumb-marking the ballot paper secretly, they shall vote in the full view of all present;

(g) count the votes at the close of poll in the presence of the voters; and

(h) announce the number of votes counted for each of the candidates.

Offence of crossing or breaking into another queue.

24. Any person who breaks into the queue while voting has commenced is guilty of an offence of disorderliness under this Decree and liable on conviction to the punishment provided in this Decree.

Allocation of polling station and admission thereto.

25.-(1) No person shall be permitted to vote at any polling station or unit other than the one to which he is allotted.

(2) The Presiding Officer shall regulate the admission of voters to the polling station or unit and shall exclude all other persons except the candidates, Party Agents and any other person who in his opinion has lawful reason to be admitted.

Personation by applicant for ballot paper.

26.-(1) If at the time a person applies for accreditation, after he has so applied and before he has left the polling station unit, a Party Agent or security agent declares to the Presiding Officer that he has reasonable cause to believe that the person under the age of 18 years or has committed the offence personation and undertakes to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest

person, and the Presiding Officer's order shall be sufficient authority for the police officer so to do.

(2) A person in respect of whom a Party Agent or security agent makes a declaration in accordance with the provisions of sub-paragraph (1) of this paragraph shall not, by reason of the declaration, be prevented from voting, but the Presiding Officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of voters or part of the register of voters.

(3) Where a person in respect of whom a declaration is made under sub-paragraph (2) of this paragraph admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already voted, and if he has already voted, the Presiding Officer shall cancel his vote.

(4) A person arrested under the provisions of this paragraph shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without warrant.

27.-(1) The Presiding Officer shall ensure compliance with the provisions of this Decree at the polling station or unit in respect of the election.

Conduct at
Polling Stations.

(2) If a person misconducts himself in a polling station or unit, or fails to obey a lawful order of the Presiding Officer, the Presiding Officer may order the person to be removed from the polling station or unit by any police officer, or by any other person authorised in writing by the Presiding Officer in that behalf.

(3) A person removed from a polling station or unit under this paragraph shall not, without the permission of the Presiding Officer, again enter the polling station or unit during the day of the election and if charged with the commission of an offence in that polling station or unit, the person shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without warrant.

(4) The provisions of sub-paragraph (3) of this paragraph shall not be enforced so as to prevent a voter who is otherwise entitled to vote at a polling station or unit from having an opportunity of so voting.

Adjournment of
poll in case
of riot, etc.

28.-(1) Subject to the provisions of section 86(2) of this Decree, when the proceedings at a polling station or unit are interrupted or obstructed by riot or violence or any other reason as may be determined by the Commission, the Presiding Officer may adjourn the proceedings till following day, and shall forthwith give notice of the adjournment to the Electoral Officer.

(2) When the poll is adjourned at any polling station or unit-

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day of the poll; and

(b) references in this Schedule to the close of the poll shall be construed accordingly.

Closing of
accreditation.

29. When the prescribed hour for the closing of accreditation has been reached, the Presiding Officer shall declare accreditation closed and no more persons shall be admitted to the polling station or unit, but those persons already inside the polling station or unit shall be accredited and be allowed to vote.

Counting of
votes.
Form EC. 8A.
Form EC. 8A(1)
Schedule 6.

30.-(1) The Presiding Officer shall, after counting the votes at the polling station or unit, enter the votes scored by each candidate in Form EC. 8A or Form EC. 8A(1), as the case may be, set out in Schedule 6 to this Decree.

(2) Form EC.8A and Form EC. 8A(1) shall be signed and stamped by the Presiding Officer and countersigned by the candidates or their Party Agents where available at the polling station or unit.

(3) A Party Agent shall be required to sign Form EC. 8. and Form EC. 8A(1) especially where he has requested for recount, but failure by a Party Agent to sign Form EC. 8A at Form EC. 8A(1) shall not invalidate the result of the poll.

(4) The Presiding Officer shall give to the Party Agents and the police officer present a copy each of completed Form EC. 8A and Form EC. 8A(1) after it has been signed by both the Presiding Officer and the Party Agents.

31. After the recording of the result of the election, the Presiding Officer shall take the election result and materials to the Ward Collation Centre under security escort if available.

Post-election procedure and collation of election result.

32. Subject to the provisions of the Decree, the Commission shall make and publish in the *Gazette*, Guidelines for the National Assembly elections and the Guidelines shall make provisions, among other things, for the step by step recording of the poll in the electoral Forms EC. 8A, EC. 8A(1), EC. 8B, EC. 8B(1), EC. 8C, EC. 8C1, EC. 8D, EC. 8D1, EC. 8E and EC. 8E(1) set out in Schedule 6 to this Decree, beginning from the polling station or unit to the last collation centre for the ward or constituency where the result of the election shall be declared.

Step by step recording of poll.

Forms EC. 8A, EC. 8A(1), EC. 8B, EC. 8B(1), EC. 8C, EC. 8C1, EC. 8D, EC. 8D1, EC. 8E, EC. 8E(1) Schedule 6.

33. Every result Form completed at the Ward, Local Government and State levels in accordance with the provisions of this Decree or any Guidelines issued by the Commission shall be stamped, signed and countersigned by the relevant officers and Party Agents at those levels and copies given to the police officers and the Party Agents, if available.

Result forms to be signed and countersigned.

34.-(1) Subject to sub-paragraph (2) of this paragraph, a ballot paper which does not bear the official mark shall not be counted.

Rejection of ballot paper without official mark.

(2) If the Returning Officer is satisfied that a ballot paper which does not bear the official mark was from a book of ballot papers which was furnished to the Presiding Officer of the polling station or unit in which the vote was cast for use at the election in question, he shall, notwithstanding the absence of the official mark, count that ballot paper.

35.-(1) The Presiding Officer shall endorse the word "rejected" on the ballot papers rejected under the provision of sub-paragraph (1) of paragraph 34 of this Schedule or for any other

Endorsement on rejected ballot papers.

reason, and the ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.

(2) If an objection to the decision of a Presiding Officer to reject a ballot paper is raised by a candidate or a Party Agent at the time the decision is made, the Presiding Officer shall add to the word "rejected", the phrase "but objected to".

(3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection, and shall on request allow a candidate or a Party Agent to copy the statement, but shall not be allowed to record the serial number of the rejected ballot papers.

Decision of
Returning Officer
final.

36. The decision of the Returning Officer on any question arising from or relating to -

(a) unmarked ballot papers;

(b) rejected ballot papers; and

(c) declaration of scores of candidates and the return of a candidate,

shall be final and subject to review only by an Election Tribunal in an election petition proceedings under this Decree.

Recount.

37. A candidate or a Party Agent may, if present at the Polling Station or Unit when the counting of votes is completed by the Presiding Officer, demand to have the votes recounted, but the Presiding Officer may refuse to do so if, in his opinion, the demand is unreasonable.

Equality
of votes.

38. If two or more candidates poll equal number of votes, the Returning Officer shall not return any of the candidates and a fresh election shall be held for the candidates on a later date to be appointed by the Commission.

39. The Resident Electoral Commissioner or the Electoral Officer, as the case may be, shall cause to be posted at the State or Local Government Area Office of the Commission, as the case may be, a notice showing -

Publication of result of election.

(a) the candidates at the election and their scores; and

(b) the person declared as elected or returned at the election.

40. The Resident Electoral Commissioner or the Electoral Officer shall keep official custody of all the documents, including statement of results and ballot papers relating to the election, which are returned to either of them by the Returning Officers.

Custody of documents.

41. The Poll Clerk shall enjoy and exercise all the powers of the Presiding Officer in respect of a Polling Station or Unit except that he shall not order the arrest of a person or the exclusion or removal of a person from the Polling Station or Unit without the authority of the Presiding Officer.

Poll Clerk to enjoy powers of Presiding Officer.

42. Where in this Decree, an act or a thing is required or authorized to be done by or in the presence of Party Agents, the non-attendance of a Party Agent at the time and place appointed for the act or thing or refusal by a Party Agent to do the act shall not, if the act or thing is otherwise done properly, invalidate the act or thing.

Non-attendance of Party Agent not to invalidate election.

43. A sealed Certificate of Return at an election in the Form set out in Schedule 6 to this Decree shall be issued to every candidate who has won an election under this Decree.

Certificate of Return at election. Schedule 6.

44. Reference to a Form in this Schedule is reference to the Form as set out in Schedule 6 to this Decree or as may otherwise be determined by the Commission in Guidelines issued from time to time.

Reference to Forms. Schedule 6.

SCHEDULE 5 Sections 82 and 84**PROCEDURE FOR ELECTION PETITIONS**

Interpretation.

1. In this Schedule -

"Attorney-General" means the Attorney-General of the State concerned and includes the Attorney-General of the Federation, where the context admits;

"Civil Procedure Rules" means the Civil Procedure Rules of the Federal High Court for the time being in force;

"election" means any election to which an election petition relates;

"Registry" means a Registry set up for an Election Tribunal established under this Decree or the Registry of the Court of Appeal;

"Secretary" means the Secretary of an Election Tribunal established under this Decree and includes the Registrar of the Court of Appeal;

"Tribunal" or "Election Tribunal" means the National Assembly Election Tribunal established under this Decree;

"Tribunal notice board" means a notice board at the Registry or a notice board at the place of hearing where notice of presentation of petition or any other notice may be given or posted.

Hearing and
determination of
election petitions.

2.-(1) An election petition relating to the membership of the Senate or House of Representatives shall be heard and determined within 60 days from the date on which the petition is filed.

(2) Notwithstanding the provisions of any other enactment, an appeal arising from the decision of the Election Tribunal on an election petition shall be heard and determined within 30 days from the date of filing the appeal in the case of an election to the Senate or House of Representatives.

3.-(1) At the time of presenting an election petition, the petitioner shall give security for all costs which may become payable by him to a witness summoned on his behalf or to a respondent..

Security
for costs.

(2) The security shall be of such amount not less than ₦3,000 as the Election Tribunal may order and shall be given by depositing the amount with the Election Tribunal.

(3) Where two or more persons join in an election petition, a deposit as may be ordered under sub-paragraph (2) of this paragraph of this Schedule shall be sufficient.

(4) If no security is given as required by this paragraph, there shall be no further proceedings on the election petition though the time prescribed under sub-paragraphs (1) and (3) of paragraph 2 of this Schedule shall continue to run.

4.-(1) The presentation of an election petition under this Decree shall be made by the petitioner [or petitioners if more than one] leaving it in person, or by his Solicitor, if any, named at the foot of the election petition with the Secretary, and the Secretary shall give a receipt which may be in Form TF. 001 set out in Schedule 6 to this Decree.

Presentation
of election
petition.

Form TF. 001
Schedule 6.

(2) At the time of presenting the election petition, there shall also be left a copy of the election petition for each respondent and seven other copies to be preserved by the Secretary.

(3) The Secretary shall compare the copies of the election petition left in accordance with sub-paragraph (2) of this paragraph with the original petition and shall certify them as true copies of the election petition on being satisfied by the comparison that they are true copies of the election petition.

(4) The petitioner or his Solicitor, as the case may be, shall, at the time of presenting the election petition, pay the fees for the service and the publication of the election petition, and for certifying the copies and, in default of the payment, the election petition shall be deemed not to have been received, unless the Election Tribunal otherwise orders.

Contents of
election petition.

5.-(1) An election petition under this Decree shall -

(a) specify the parties interested in the election petition;

(b) specify the right of the petitioner to present the election petition;

(c) state the holding of the election, the scores of the candidates and the person returned as the winner of the election; and

(d) state clearly the facts of the election petition and the ground or grounds on which the election petition is based and the relief sought by the petitioner.

(2) The election petition shall be divided into paragraphs each of which shall be confined to a distinct issue or major facts of the election petition, and every paragraph shall be numbered consecutively.

(3) The election petition shall further -

(a) conclude with a prayer or prayers, as for instance, that the petitioner or one of the petitioners be declared validly elected or returned, having polled the majority of lawful votes cast at the election or that the election may be declared nullified, as the case may be; and

(b) be signed by the petitioner or all the petitioners or by the Solicitor, if any, named at the foot of the election petition.

(4) At the foot of the election petition there shall also be stated an address of the petitioner for service within five kilometres of a post office in the Judicial Division, and the name of its occupier, at which address documents intended for the petitioner may be left.

(5) If an address for service and its occupier are not stated as specified in sub-paragraph (4) of this paragraph, the petition

shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

(6) An election petition which does not conform with subparagraph (1) of this paragraph or any provision of that subparagraph is defective and may be struck out by the Election Tribunal.

(7) The Form TF. 002 set out in Schedule 6 to this Decree or one substantially like it, shall be sufficient for the purposes of this paragraph.

Form TF 002.
Schedule 6.

6. Evidence need not be stated in the election petition, but the Election Tribunal may order such further particulars as may be necessary -

Further
particulars.

(a) to prevent surprise and unnecessary expense;

(b) to ensure a fair and proper hearing in the same way as in a civil action in the Federal High Court; and

(c) on such terms as to costs or otherwise as may be ordered by the Election Tribunal.

7. For the purpose of service of an election petition on the respondents, the petitioner shall furnish the Secretary with the address of the respondents' abode or the addresses of places where personal service can be effected on the respondents.

Address for
service.

8.-(1) On the presentation of an election petition and payment of the requisite fees, the Secretary shall forthwith -

Action by
Secretary.

(a) cause notice, in Form TF. 003 set out in Schedule 6 to this Decree, of the presentation of the election petition and a certified copy of the election petition, to be served on each of the respondents;

Form TF. 003.
Schedule 6.

(b) post on the Election Tribunal notice board a certified copy of the election petition; and

(c) set aside a certified copy for onward transmission to the person or persons required by law to adjudicate and determine the election petition.

(2) In the notice of presentation of the election petition, the Secretary shall state a time, not being less than three days but not more than six days after the date of service of the notice, within which each of the respondents shall enter an appearance in respect of the election petition.

(3) In fixing the time within which the respondents are to enter appearance, the Secretary shall have regard to -

(a) the necessity for securing a speedy hearing of the election petition; and

(b) the distance from the Registry or the place of hearing to the address furnished under sub-paragraph (4) of paragraph 5 of this Schedule.

Personal service
on respondents.

9.-(1) Subject to sub-paragraphs (2) and (3) of this paragraph, service on the respondents -

(a) of the documents mentioned in sub-paragraph (1) (a) of paragraph 8 of this Schedule; and

(b) of any other documents required to be served on them before entering appearance,

shall be personal.

(2) Where the petitioner has furnished, under paragraph 7 of this Schedule, the addresses of the places where personal service can be effected on the respondents and the respondents or anyone of them cannot be found at the place or places, the Election Tribunal, on being satisfied, on an application supported by an affidavit showing that all reasonable efforts have been made to effect personal service, may order that service of any document mentioned in sub-paragraph (1) of this paragraph be effected in any of the ways mentioned in the relevant provisions of the Civil

Procedure Rules for effecting substituted service in civil cases and that service shall be deemed to be equivalent to personal service.

(3) The proceedings under the election petition shall not be vitiated notwithstanding that -

(a) the respondents or anyone of them may not have been served personally; or

(b) a document of which substituted service has been effected pursuant to an order made under sub-paragraph (2) of this paragraph did not reach the respondents,

and in either case, the proceedings may be heard and continued or determined as if the respondents or anyone of them had been served personally with the document and shall be valid and effective for all purposes.

10.-(1) Where the respondent intends to oppose the election petition, he shall within such time after being served or deemed to be served with the election petition enter an appearance by filing in the Registry a memorandum of appearance stating that he intends to oppose the election petition and giving the name and address of the Solicitor, if any, representing him or stating that he acts for himself, as the case may be, and, in either case, giving an address for service within five kilometres of a post office in the Judicial Division and the name of its occupier, at which documents intended for him may be left or served.

Entry of appearance.

(2) If an address for service and its occupiers are not stated, the memorandum of appearance shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

(3) The memorandum of appearance which may be as in Form TF. 004 set out in Schedule 6 to this Decree shall be signed by the respondent or his Solicitor, if any.

Form TF. 004.
Schedules 6.

(4) At the time of filing the memorandum of appearance, the respondent or his Solicitor, as the case may be, shall -

(a) leave a duplicate of the memorandum of appearance for each of the other parties to the election petition and three other copies of the memorandum of appearance to be preserved by the Secretary; and

(b) pay the fees for service as may be prescribed or directed by the Secretary,

and in default of the copies being left and the fees being paid at the time of filing the memorandum of appearance, the memorandum of appearance shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

(5) A respondent who has a preliminary objection against the hearing of the election petition on grounds of law may file a conditional memorandum of appearance.

Non-filing of
memorandum of
appearance.

11.-(1) If the respondent does not file a memorandum of appearance as required under paragraph 10 of this Schedule, a document intended for service on him may be posted on the Tribunal notice board and that shall be sufficient notice of service of the document on the respondent.

(2) The non-filing of a memorandum of appearance shall not bar the respondent from defending the election petition if the respondent files his reply to the election petition in the Registry within a reasonable time, but, in any case, not later than fourteen days from the receipt of the election petition.

Notice of
appearance.

12. The Secretary shall cause copies of the memorandum of appearance to be served on, or its notice to be given to, the other parties to the election petition.

Filing of
reply.

13.-(1) The respondent shall, within six days of entering an appearance, file in the Registry his reply, specifying in it which of the facts alleged in the election petition he admits and which he denies, and setting out the facts on which he relies in opposition to the election petition.

(2) Where the respondent in an election petition complaining of an undue return and claiming the seat or office for a petitioner, intends to prove that the claim is incorrect or false, the respondent, in his reply shall set out the facts and figures clearly and distinctly, disproving the claim of the petitioner.

(3) The reply may be signed by the respondent or the Solicitor representing him, if any.

(4) At the time of filing the reply, the respondent or his Solicitor, if any, shall leave copies of the reply for service on the other parties to the election petition with seven extra copies of the reply to be preserved by the Secretary, and pay the fees for service as may be prescribed or directed by the Secretary, and in default of leaving the required copies of the reply or paying the fees for service, the reply shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

14. The Secretary shall cause a copy of the reply to be served on each of the other parties to the election petition.

Service
of reply.

15.-(1) Subject to sub-paragraph (2) of this paragraph, the provisions of the Civil Procedure Rules relating to amendment of pleadings shall apply in relation to an election petition or a reply to the election petition as if for the words "any proceedings" in those provisions there were substituted the words "the election petition or reply".

Amendment of
election petition
and reply.

(2) After the expiry of the time limited by -

(a) section 77 of this Decree for presenting the election petition, no amendment shall be made -

(i) introducing any of the requirements of sub-paragraph (1) of paragraph 5 of this Schedule not contained in the original election petition filed, or

(ii) effecting a substantial alteration of the ground for, or the prayer in, the election petition, or

(iii) except anything which may be done under the provisions of sub-paragraph (3) of this paragraph, effecting a substantial alteration of or addition to, the statement of facts relied on to support the ground for, or sustain the prayer in the election petition; and

(b) paragraph 13 of this Schedule for filing the reply, no amendment shall be made -

(i) alleging that the claim of the seat or office by the petitioner is incorrect or false, or

(ii) except anything which may be done under the provisions of sub-paragraph (3) of this paragraph, effecting any substantial alteration in or addition to the admissions or the denials contained in the original reply filed, or to the facts set out in the reply.

(3) The Election Tribunal shall not, in the hearing and determination of an election petition, be obliged to confine its inquiry or findings to the issues raised by the parties in the election petition or the reply, if any, and may, without ordering or allowing -

(a) the amendment of a statement of facts and grounds relied on in support of the election petition or the amendment of any admission or denial contained in the reply; or

(b) the facts or grounds set out in the reply, but subject always and having due regard to the time limited by section 77 of this Decree for presentation of an election petition,

inquire into any other issue otherwise raised or apparent, as the Election Tribunal may deem necessary for the purpose of the full and proper inquiry into, and determination of the election petition.

16. When a petitioner claims the seat alleging that he had the majority of valid votes cast at the election, the party defending the election or return at the election shall set out clearly in his reply particulars of the votes, if any, which he objects to and the reasons for his objection against such votes, showing how he intends to prove at the hearing that the petitioner is not entitled to succeed.

Particulars of votes objected to by respondent.

17.-(1) If a person in his reply to the election petition raises new issues of fact in defence of his case which the petition has not dealt with, the petitioner shall be entitled to file in the Registry, within three days from the receipt of the respondent's reply, a petitioner's reply in answer to the new issues of fact, so however that -

Petitioner's reply.

(a) the petitioner shall not at this stage be entitled to bring in new facts, grounds or prayers tending to amend or add to the contents of the petition filed by him; and

(b) the petitioner's reply does not run counter to the provisions of sub-paragraph (1) of paragraph 15 of this Schedule.

(2) The time limited by sub-paragraph (1) of this paragraph shall not be extended.

18.-(1) If a party in the election petition wishes to have further particulars or other directions of the Election Tribunal, he may, at any time after entry of appearance, but not later than ten days after the filing of the reply, apply to the Election Tribunal specifying in his notice of motion the direction for which he prays, and the motion shall, unless the Election Tribunal otherwise orders, be set down for hearing on the first available day.

Further particulars or direction.

(2) If a party does not apply as provided in sub-paragraph (1) of this paragraph, he shall be taken to require no further particulars or other directions and the party shall be barred from so applying after the period laid down in sub-paragraph (1) of this paragraph has lapsed.

(3) Supply of further particulars under this paragraph shall not entitle the party to go beyond the ambit of supplying such further particulars as have been demanded by the other party, and embark on undue amendment of, or additions to, his petition or reply, contrary to paragraph 15 of this Schedule.

Hearing of petition to be in open tribunal.

19. Every election petition shall be heard and determined in an open tribunal.

Time and place of hearing petition.

Form TF. 005.
Schedule 6.

20.-(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the time and place of the hearing of an election petition shall be fixed by the Election Tribunal, and notice of the time and place of the hearing, which may be as in Form TF. 005 set out in Schedule 6 to this Decree, shall be given by the Secretary at least 5 days before the day fixed for the hearing by-

- (a) posting the notice on the Tribunal notice board; and
- (b) sending a copy of the notice by registered post or through a messenger to -

- (i) the petitioner's address for service,

- (ii) the respondents' addresses for service, if any, and

- (iii) the Resident Electoral Commissioner or the Electoral Officer.

(2) In fixing the place of hearing, the Election Tribunal shall have due regard to the proximity to and accessibility from the place where the election was held.

Notice of hearing.

21. The Resident Electoral Commissioner or Electoral Officer shall publish the notice of hearing by causing a copy of the notice to be displayed in the place which was appointed for the delivery of nomination forms prior to the election or in some conspicuous place or places within the constituency, but failure to do so or any miscarriage of the copy of notice of hearing shall not affect the proceedings if it does not occasion injustice against any of the parties to the election petition.

22. The posting of the notice of hearing on the Tribunal notice board shall be deemed and taken to be good notice, and the notice shall not be vitiated by any miscarriage of, the copy or copies of the notice sent pursuant to paragraph 20 of this Schedule.

Posting of notice on Tribunal notice board deemed to be good notice.

23.-(1) The Election Tribunal may, from time to time, by order made on the application of a party to the election petition or at the instance of the Election Tribunal, postpone the beginning of the hearing to such day as the Election Tribunal may consider appropriate, having regard at all times to the need for speedy conclusion of the hearing of the election petition.

Postponement of hearing.

(2) A copy of the order shall be sent by the Secretary by registered post or messenger to the Electoral Officer or the Resident Electoral Commissioner, who shall publish the order in the manner provided in paragraph 21 of this Schedule for publishing the notice of hearing, but failure on the part of the Electoral Officer or Resident Electoral Commissioner to publish the copy of the order of postponement shall not affect the proceedings in any manner whatsoever.

(3) The Secretary shall post or cause to be posted on the Tribunal notice board a copy of the order.

(4) Where the Election Tribunal gives an order of postponement at its own instance, a copy of the order shall be sent by the Secretary by registered post or messenger to the address for service given by the petitioner and to the address for service, if any, given by the respondents or any of them.

(5) The provisions of paragraph 22 of this Schedule shall apply to an order or a notice of postponement as they do to the notice of hearing.

24. If the Chairman of the Election Tribunal has not arrived at the appointed time for the hearing or at the time to which the hearing has been postponed, the hearing shall by reason of that fact stand adjourned to the following day and so from day to day.

Non-arrival of Chairman of Election Tribunal.

Hearing to continue from day to day.

25.-(1) No formal adjournment of the Election Tribunal for the hearing of an election petition shall be necessary, but the hearing shall be deemed adjourned and may be continued from day to day until the hearing is concluded unless the Election Tribunal otherwise directs as the circumstances may dictate.

(2) If the Chairman who begins the hearing of an election petition is disabled by illness or otherwise, the hearing may be recommenced and concluded by another Chairman appointed by the appropriate authority.

Adjournment of hearing.

26.-(1) After the hearing of an election petition has begun, if the inquiry cannot be continued on the ensuing day or, if that day is a Sunday or a public holiday, on the day following the same, the hearing shall not be adjourned *sine die* but to a definite day to be announced before the rising of the Election Tribunal, and notice of the day to which the hearing is adjourned shall forthwith be posted by the Secretary on the Tribunal notice board.

(2) The hearing may be continued on a Saturday or on a public holiday if circumstances dictate.

Power of the Chairman to dispose of interlocutory matters.

27.-(1) All interlocutory questions and matters shall be heard and disposed of by the Chairman who shall have control over the proceedings as a Judge in the Federal High Court.

(2) After the hearing of the election petition is concluded, if the Election Tribunal before which it was heard has prepared its judgment but the Chairman is unable to deliver it due to illness or any other cause, the judgment may be delivered by one of the members, and the judgment as delivered shall be the judgment of the Election Tribunal, and the member shall certify the decision of the Electoral Tribunal to the Electoral Officer, the Resident Electoral Commissioner or the Commission.

Effect of determination of election petition.

28.-(1) At the conclusion of the hearing, the Election Tribunal shall determine whether a person whose election or return is complained of or any other person, and what person, was

validly returned or elected, or whether the election was void, and shall certify the determination to the Electoral Officer, Resident Electoral Commissioner or the Commission.

(2) If the Election Tribunal has determined that the election is invalid, then, subject to section 83 of this Decree where there is an appeal and the appeal fails, a new election shall be held by the Commission.

(3) Where a new election is to be held under the provisions of this paragraph, the Commission shall appoint a date for the election which shall not be later than 3 months from the date of the determination.

29.-(1) An election petition shall not be withdrawn without leave of the Election Tribunal.

Withdrawal or
abatement of
petition.

(2) Where the petitioners are more than one, no application for leave to withdraw the election petition shall be made except with the consent of all the petitioners.

(3) The application for leave to withdraw an election petition shall be made by motion in Form TF. 006 set out in Schedule 6 to this Decree after notice of the application has been given to the respondents.

Form TF. 006.
Schedule 6.

(4) The notice of motion shall state the grounds on which the motion to withdraw is based, supported with affidavit verifying the facts and reasons for withdrawal, signed by the petitioner or petitioners in the presence of the Secretary.

(5) At the time of filing the notice of motion, the petitioner or petitioners shall leave copies for service on the respondents.

(6) The petitioner or petitioners shall also file the affidavits required under paragraph 30 of this Schedule together with copies for each respondent and pay the fees prescribed or directed by the Secretary for service.

Affidavit against
illegal terms of
withdrawal.

30. Before leave for withdrawal of an election petition is granted, each of the parties to the petition shall produce an affidavit, stating that -

(a) to the best of the deponent's knowledge and belief no agreement or term of any kind whatsoever has been made; and

(b) no undertaking has been entered into,

in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set out that agreement and shall make the foregoing statement subject to what appears from the affidavit.

Time for hearing
motion for leave
to withdraw
petition.

31.-(1) The time for hearing the motion for leave to withdraw the election petition shall be fixed by the Election Tribunal.

(2) The Secretary may give notice of the day fixed for the hearing of the motion to the respondents and post or cause to be posted on the Tribunal notice board a copy of the notice.

Payment of cost
to respondents.

32. If the election petition is withdrawn, the petitioner shall be liable to pay appropriate costs to the respondents or anyone of them unless the Election Tribunal otherwise orders.

Abatement of
proceedings in
election petition.

33.-(1) If a sole petitioner or the survivor of several petitioners dies then, subject to sub-paragraphs (2) and (3) of this paragraph, there shall be no further proceedings on the election petition and the Election Tribunal may strike it off its cause list.

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred in the course of proceedings in respect of the election petition prior to its abatement.

(3) Where notice, with copies for each party to the election petition supported by the affidavit of two witnesses testifying to the death of a sole petitioner or of the survivor of several petitioners,

is given to the Secretary, he shall submit the notice to the Election Tribunal, and if the Election Tribunal so directs, the Secretary shall -

- (a) serve notice thereof on the other parties to the election petition;
- (b) post or cause to be posted a notice thereof on the Tribunal notice board; and
- (c) cause notice thereof to be published in the *Gazette* and in conspicuous places in the constituency, in such form as the Election Tribunal may direct.

34.-(1) If before the hearing of an election petition, a respondent, other than the Electoral Officer, the Returning Officer or Presiding Officer, gives to the Election Tribunal notice in writing signed by him or his Solicitor before the Secretary that he does not intend to oppose the election petition, the Secretary shall -

Notice of
no opposition
to petition.

- (a) serve notice thereof on the other parties to the election petition; and
- (b) post or cause to be posted a notice thereof on the Tribunal notice board.

(2) The respondent shall file the notice with a copy for each other party to the election petition not less than six days before the day appointed for hearing the election petition.

(3) A respondent who has given notice of his intention not to oppose the election petition shall not appear or act as a party against the election petition in any proceeding on it, but the giving of the notice shall not of itself cause him to cease to be a respondent.

35.-(1) Where a notice of -

- (a) the petitioner's intention to apply for leave to withdraw an election petition; or

Countermand
of notice of
hearing.

(b) the death of the sole petitioner or the survivor of several petitioners; or

(c) the respondent's intention not to oppose an election petition,

is received after notice of hearing of the election petition has been given, and before the hearing has begun, the Secretary shall forthwith countermand the notice of hearing.

(2) The countermand shall be given in the same manner and, as near as may be, as the notice of hearing.

Discretion of
Election
Tribunal if
no reply.

36. Where the respondent has not entered an appearance, or has not filed his reply within the prescribed time or within such time as the Election Tribunal may have allowed, or has given notice that he does not intend to oppose the petition, then if -

(a) there remains no more than one other candidate in the election who was not returned; or

(b) the election petition contains no prayer for a determination that the election was void; or

(c) there are no facts or grounds stated in the election petition or in the reply, if any, or stated in any further particulars filed in the proceedings or otherwise appearing on proof of which it ought to be determined that the election was void; or

(d) the election petition is one complaining of an undue return and claiming the seat or office for the candidate who was not returned and the respondent has not raised any formal or written objections to any of the votes relied on by the petitioner,

the Election Tribunal may, if it thinks fit, determine the proceedings on the election petition without hearing evidence or further evidence, and in any case, the proceedings shall be continued and determined on such evidence or otherwise as the Election Tribunal may deem necessary for the full and proper determination of the election petition.

37.-(1) The fee payable on the presentation of an election petition shall not be less than ₦600.

Fees.

(2) A hearing fee shall be payable for the hearing at the rate of ₦40 per day of the hearing but not exceeding ₦200 in all, but the Election Tribunal may direct a lower fee to be charged for any day of the hearing.

(3) For the purpose of sub-paragraph (2) of this paragraph, the petitioner shall make a deposit of not less than ₦200 at the time of presenting his petition.

(4) Subject to the provisions of this paragraph, the fees payable in connection with an election petition shall be at the rate prescribed for civil proceedings in the Federal High Court.

(5) No fees shall be payable by the Attorney-General of the State concerned (acting in person or through any other Legal Officer) or the Attorney-General of the Federation (acting in person or through any other Legal Officer) or by a respondent who was the Electoral Officer, Returning Officer or Presiding Officer at the election.

(6) No fees shall be payable for the summoning of witnesses summoned by the Election Tribunal at its own instance.

(7) A charge payable for the service of *subpoena* on a witness may be paid by the Secretary in the same way as a State witness' expenses.

38.-(1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the election petition in such manner and in such proportions as the Election Tribunal may determine, regard being had to -

Allocation
of costs.

(a) the disallowance of any costs, charges or expenses which may in the opinion of the Election Tribunal have been caused by vexatious conduct, unfounded allegation or unfounded objection on the part of the petitioner or of the respondent, as the case may be; and

(b) the discouragement of any needless expenses by throwing the burden of defraying the expenses on the party by whom it has been caused, whether that party is or is not on the whole successful.

(2) Where the Election Tribunal declares an election to be void, it may, if satisfied that the invalidity of the election was due either wholly or in part to the culpable default of an officer responsible for the conduct of the election in the performance of his duties imposed by this Decree, order that the whole or part of the cost awarded to the successful petitioner be paid by that officer.

Return of
security.

39. Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it is deposited or to the person entitled to receive it by order of the Election Tribunal, which may be made on motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Election Tribunal may require.

Payment of
costs out
of security.

40.-(1) The Election Tribunal may, on application made by a person to whom any costs, charges or expenses is payable, order it to be paid out of a deposit made to secure it, after notice to the party by or on whose behalf the deposit was made, requiring him to file a statement within a specified time whether he opposes the application and the ground of his opposition.

(2) Where a dispute arises on an application under subparagraph (1) of this paragraph, the Election Tribunal shall afford every person affected by the dispute an opportunity of being heard and shall make such order thereon as it may deem fit.

(3) A person shall be deemed to have been afforded the opportunity of being heard if notice of the time appointed for the inquiry into the dispute was given to him, though the person may not have been present at the making of the inquiry.

(4) A notice to be given to a person under this paragraph may be given by the Secretary handing him the notice or sending it to him by registered letter -

(a) in the case of a party, at the address for service ;

(b) in the case of an application for payment, at the address given in his application,

so however, that the provisions of this sub-paragraph shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorised by the Election Tribunal.

(5) Execution may be levied under an order for payment made by the Election Tribunal under this paragraph in the same manner and to the same extent as execution may be levied under a judgment for the payment of money.

41.-(1) On the hearing of an election petition, the Election Tribunal may summon a person as a witness who appears to the Election Tribunal to have been concerned in the election.

Calling of witnesses.

(2) The Election Tribunal may examine a witness so summoned or any other person in the Election Tribunal although the witness or person is not called and examined by a party to the election petition, and thereafter he may be cross-examined by or on behalf of the petitioner and the respondent.

(3) The expenses of a witness called by the Election Tribunal at its own instance shall, unless the Election Tribunal otherwise orders, be deemed to be costs of the election petition and may, if the Election Tribunal so directs, be paid in the first instance by the Secretary in the same way as State witness' expenses and recovered in such manner as the Election Tribunal may direct.

(4) Where the Election Tribunal summons a person as a witness under this paragraph, the provisions of the relevant Civil Procedure Rules relating to the expenses of persons ordered to attend a hearing shall apply as if they were part of this paragraph.

(5) The Election Tribunal shall -

(a) in making and carrying into effect an order for the production and inspection of documents used in the election and relating to the way in which the votes of particular persons were given; and

(b) in the examination of any witness who produces or will produce a document,

ensure that the way in which the vote of a particular person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the Election Tribunal to be invalid.

Privileges of
a witness.

42.-(1) A person called as a witness in a proceeding in the Election Tribunal shall not be excused from answering a question relating to an offence at or connected with an election on the grounds that the answer thereto may incriminate or tend to incriminate him, or on the ground of privilege.

(2) A witness who answers truly all questions which he is required by the Election Tribunal to answer shall be entitled to receive a certificate of indemnity under the hand of the Chairman of the Election Tribunal stating that the witness has so answered.

(3) An answer by a person to a question before the Election Tribunal shall not, except in the case of a criminal proceeding for perjury in respect of the answer, be admissible in any proceeding, civil or criminal, in evidence against him.

(4) When a person has received a certificate of indemnity in relation to an election and legal proceedings are at any time brought against him for an offence against the provisions of this Decree, committed by him prior to the date of the certificate at or in relation to that election, the Election Tribunal having cognizance of the case shall, on proof of the certificate, stay the proceeding, and may, at its discretion, award to that person such costs as he may have been put to in the proceeding.

43. At the hearing of an election petition complaining of an undue return and claiming the seat on office for a petitioner, the respondent may, subject to the provisions of sub-paragraph (2) of paragraph 13 of this Schedule, give evidence to prove that the election of the petitioner was undue in the same manner as if he had the person presenting the election petition complaining of the election.

Evidence by respondent.

44.-(1) The Election Tribunal shall have power, subject to the provisions of section 77 of this Decree and paragraph 15 of this Schedule, to enlarge time for doing any act or taking any proceeding on such terms (if any) as the justice of the case may require except otherwise provided by any other provision of this Schedule.

Enlargement and abridgement of time.

(2) An enlargement of time may be ordered although the application for the enlargement is not made until after the expiration of the time appointed or allowed.

(3) When the time for delivering a pleading or document or filing any affidavit, answer or document, or doing any thing or act is or has been fixed or limited by any of the sections, paragraphs or rules under or in pursuance of this Decree or by a direction or an order of the Election Tribunal, the costs of an application to extend the time, where allowed or of an order made thereon shall be borne by the party making the application, unless the Election Tribunal otherwise orders.

(4) Every application for enlargement or abridgement of time shall be supported by affidavit.

(5) An application for abridgement of time may be made *ex parte*, but the Election Tribunal may require notice of the application to be given to the other parties to the election petition.

(6) An application for enlargement of time shall be made by motion after notice to the other party to the election petition but the Election Tribunal may, for good cause shown by affidavit or otherwise, dispense with the notice.

(7) A copy of an order made for enlargement or abridgement of time shall be filed or delivered together with any document filed or delivered by virtue of the order.

Service of
notice.

45.-(1) Where a summons, notice or document, other than a notice or document mentioned in sub-paragraph (1) of paragraph 8 of this Schedule, is required to be served on a person for a purpose connected with an election petition, it may be served by delivering it to the person or by leaving it at his last known place of abode in the constituency with any person there found who is a resident of the abode and appears to be 18 years of age or more.

(2) After a party has given an address for service it shall be sufficient if, in lieu of serving him personally with a document intended for him, the document is served -

(a) on the person appearing on the paper last filed on his behalf as his Solicitor wherever the person may be found or, if the person is not found at his office, on the clerk there apparently in charge; or

(b) on the person named as occupier in his address for service wherever the person may be found or, if the person is not found at the address, on -

(i) the person there found apparently in charge, if such address is a place of business, or

(ii) a person, other than a domestic servant, there found who is a resident of the address and appears to be 18 years of age or more.

(3) A party may change his address for service by giving notice of his new address for service and its occupier to the Secretary and to each party to the election petition, but until a notice is received by the Secretary, his old address for service shall continue to be his address for service.

(4) Where service by one of the modes specified in this paragraph has proved impracticable, the Election Tribunal may, on

being satisfied, on an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect service -

(a) order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules relating to substituted service which service shall be sufficient; or

(b) dispense with service or notice as the Election Tribunal may think fit.

46. Two or more candidates may be made respondents to the same petition and their case may, for the sake of convenience be heard at the same time, but for all purposes (including the taking of security) the election petition shall be deemed to be a separate petition against each of the respondents.

Two or more candidates as respondents.

47. Where two or more petitions are presented in relation to the same election or return, all the petitions shall be consolidated, considered and be dealt with as one petition unless the Election Tribunal shall otherwise direct in order to do justice or an objection *in limine* against one or more of the petitions has been upheld by the Election Tribunal.

Consolidation for petitions.

48.-(1) Where an election petition complains of the conduct of an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission, he shall for all purposes be deemed to be a respondent and joined in the election petition as a necessary party, but an Electoral Officer, a Presiding Officer or Returning Officer shall not be at liberty to decline from opposing the petition except with the written consent of the Attorney-General of the State concerned or Attorney-General of the Federation, as the case may be.

Electoral Officer, etc as respondent.

(2) If consent is withheld by the Attorney-General under sub-paragraph (1) of this paragraph, the State Government or the Federal Government shall indemnify the Electoral Officer, Presiding Officer or Returning Officer against any costs which may be awarded against him by the Election Tribunal in respect of the election petition.

(3) Where an Electoral Officer, a Presiding Officer or Returning Officer or any other official of the Commission has been joined as a respondent in an election petition, a legal officer of the Commission or a legal practitioner engaged by the Commission or the Attorney-General of the State concerned (acting in person or through any of his legal officers) or Attorney-General of the Federation (acting in person or through any of his legal officers) shall represent the Electoral Officer, Presiding Officer, Returning Officer or other official at the Election Tribunal.

(4) A private legal practitioner engaged by the Commission under sub-paragraph (3) of this paragraph shall be entitled to be paid his professional fees, and a legal officer so engaged shall be paid such honorarium as may be approved by the Commission.

Duplicate of documents.

49. In the absence of express provision in this Schedule, a party filing any document or process paper in connection with any step being taken in the proceedings of an election petition shall, unless the Secretary otherwise directs, leave with the Secretary copies of the document or process paper for service on each of the parties to the election petition in addition to three copies which the Secretary may preserve.

Non-compliance with rules, etc.

50.-(1) Non-compliance with any of the provisions of this Schedule, or with a rule of practice for the time being operative, except otherwise stated or implied, shall not render any proceeding void, unless the Election Tribunal so directs, but the proceeding may be set aside wholly or in part as irregular, or amended, or otherwise dealt with in such manner and on such terms as the Election Tribunal may think fit and just.

(2) An application to set aside an election petition or a proceeding resulting therefrom for irregularity or for being a nullity, shall not be allowed unless made within a reasonable time and when the party making the application has not taken any fresh step in the proceedings after knowledge of the defect.

(3) An application to set aside an election petition or a proceeding pertaining thereto shall show clearly the legal grounds on which the application is based.

(4) An election petition shall not be defeated by an objection as to form if it is possible at the time the objection is raised to remedy the defect either by way of amendment or as may be directed by the Election Tribunal.

(5) An objection challenging the irregularity or competence of an election petition shall be heard and determined before any further steps in the proceedings if the objection is brought immediately the defect on the face of the election petition is noticed.

51. Subject to the express provisions of this Decree, the practice and procedure of the Election Tribunal in relation to an election petition shall be as nearly as possible, similar to the practice and procedure of the Federal High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules shall apply with such modifications as may be necessary to render them applicable having regard to the provisions of this Decree, as if the petitioner and the respondent were respectively the plaintiff and the defendant in ordinary civil action.

Application of Rules of Court.

52. Subject to the provisions of this Decree, an appeal to the Court of Appeal shall be determined in accordance with the practice and procedure relating to appeals in the Court of Appeal regard being had to the need for urgency on electoral matters.

Practice and procedure of Court of Appeal.

SCHEDULE 6

Section 52

FORM C.F. 001

Confidential:

INDEPENDENT NATIONAL ELECTORAL COMMISSION

Code of Constituency

Name of Constituency

Personal particulars of persons seeking election to the Membership of the National Assembly.

PART 1

Office being contested for:.....

A. PERSONAL PARTICULARS

- 1. Surname (in block letters)
- 2. Other Names (in block letters)
- 3. Former name(s) by which known:
- 4. Residential Address
- 5. Marital Status
- 6. Postal Address:
- 7. Nationality
- 8. Did you change nationality in the past? If so what was your former nationality?.....
- 9. Place of Birth:
- 10. Date of Birth:
- 11. Local Government Area/ Area council.....
- 12. Ward:
- 13. State
- 14. Are you an indigene of 12 above:.....
- 15. How long have you been domiciled in 12 above.....
- 16. Occupation?.....

F. GENERAL

1. Have you ever been tried in a Court or Tribunal for any criminal offence? If yes, give details:
2. Have you ever been tried by the Code of Conduct Tribunal? If yes, state details of the charges and the findings of the Tribunal, including punishment, if any
3. Have you ever been involved in any trial relating to narcotic drugs or any psychotropic substance? If so, state place of trial, date and the outcome of the trial:
4. Have you ever been involved in any investigation or inquiry regarding lunacy? If yes, give details:
5. State with full details the names and addresses of Clubs, Societies, Associations or Unions you belong to or have belonged to in the past (use additional sheets if necessary):

6. Have you ever been involved in any bankruptcy proceedings. If so, state where proceedings took place and the findings of the inquiry:

.....
.....
.....

7. The name of your Political Party and your position in it:

.....
.....

8. Where have you paid your taxes in the last three years ? State the amount paid and the receipt numbers or tax clearance certificate:

.....
.....

9. Are you a registered voter ? If so, state place of registration, registration number and the registration area code number:

.....
.....
.....

10. Give any other information about your person:

.....
.....

G. DECLARATION BEFORE A COMMISSIONER OF OATHS, IN THE MAGISTRATE OR HIGH COURT OF THE PLACE YOU LIVE.

1. I solemnly and sincerely declare that the particulars given above are true and correct to the best of my knowledge.
2. Before making the declaration, I verified the facts and cross-checked them as to their veracity.

.....
DEPONENT

Sworn to at the Magistrate/
High Court Registry
this day 1999

BEFORE ME:

.....
COMMISSIONER FOR OATHS

PART II

H. FOR OFFICIAL USE OF THE COMMISSION

(Here record any independent information obtained or available about the subject).

FORM C.F. 002

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
NATIONAL ASSEMBLY ELECTIONS**

SUBMISSION OF LIST OF CANDIDATES BY A POLITICAL PARTY

DATE:.....

NAME OF POLITICAL PARTY: _____

STATE: _____

LOCAL GOVERNMENT/AREA COUNCIL _____

S/N	NAME OF CANDIDATES	AGE	SEX	HOME ADDRESS	WARD OR CONSTITUENCY	POST BEING CONTESTED	EDUCATIONAL QUALIFICATION	PARTICULAR OF 3-YEAR TAX PAYMENT	REMARK

NB: Please attach Folders of each candidate with evidence of particulars supplied in this Form together with other information considered important.

INDEPENDENT NATIONAL ELECTORAL COMMISSION
NATIONAL ASSEMBLY ELECTIONS

APPEAL AGAINST DISQUALIFICATION BY STATE CLEARANCE COMMITTEE

DATE _____

1. NAME OF CANDIDATE _____
2. HOME ADDRESS _____
3. WARD OR CONSTITUENCY _____
4. LOCAL GOVERNMENT AREA/AREA COUNCIL _____
5. STATE _____
6. POLITICAL PARTY SPONSORING CANDIDATE _____
7. POST SOUGHT TO CONTEST _____

8. REASON FOR DISQUALIFICATION BY STATE CLEARANCE COMMITTEE, IF KNOWN _____

9. GROUNDS OF APPEAL _____

10. FURTHER PERSONAL PARTICULARS OR INFORMATION LIKELY TO EXPLAIN AWAY CAUSE OF DISQUALIFICATION (ATTACH DOCUMENTS IF NECESSARY)

11. REMARK BY PARTY OFFICIAL (CHAIRMAN OR SECRETARY OF THE PARTY)

Sign _____
CHAIRMAN/SECRETARY
(AFFIX OFFICIAL RUBBER STAMP)

12. I _____ HEREBY
AFFIRM THAT THE ADDITIONAL INFORMATION GIVEN ABOVE TOWARDS
MY CLEARANCE TO CONTEST THE ELECTION IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE

SIGNATURE OF APPLICANT

13. DECISION OF CLEARANCE APPEAL COMMITTEE:

FORM EC. 4CA

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
FORMS FOR NOMINATION OF MEMBER OF SENATE**

TO:

The Chairman,
Independent National Electoral Commission,
Abuja.

..... SENATORIAL DISTRICT

.....
DATE

I
of (Address)
.....
(Occupation)

hereby state that:

1. I am the candidate to whom this nomination paper relates and I am willing to stand for election to the Senate as a member for the above Senatorial District.
2. I am a Nigerian citizen of not less than 35 years of age.
3. I have paid my income tax as and when due for three years immediately preceding the years of the election.
4. My name appears on the official list of voters for the ward in which I reside namely: ward.
5. My educational qualifications are:
.....
.....
.....
6. In the event of a contested election, my Political affiliation and Party is.
.....
.....
.....

Signed:
Candidate for the Senate

7. We, the undersigned are the nominators of the above candidate and we are registered as voters for the Senatorial District for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of First Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Second Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Third Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fourth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fifth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Sixth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Seventh Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Eighth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Ninth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Tenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Eleventh Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twelfth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Thirteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fourteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fifteenth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Sixteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Seventeenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Eighteenth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Nineteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twentieth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twenty one Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twenty Second Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twenty Third Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twenty Fourth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twenty Fifth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twenty Sixth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twenty Seventh Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twenty Eighth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twenty Ninth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:

Address:

Party Affiliation (if any):

Occupation:

Voter's Registration Particulars:

Number:

Local Government:

Ward:

Registration Unit:

Date:

.....
Signature of Thirtieth Nominator

FORM EC. 4D

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
FORMS FOR NOMINATION OF MEMBER OF HOUSE OF
REPRESENTATIVES ELECTIONS**

TO:

**The Chairman,
Independent National Electoral Commission,
Abuja.**

..... FEDERAL CONSTITUENCY

.....
DATE

.....
..... (Address)

.....
..... (Occupation)

by state that:

I am the candidate to whom this nomination paper relates and I am willing to stand for election to the House of Representatives for above Constituency.

I am a Nigerian citizen of not less than 30 years of age.

I have paid my income tax as and when due for three years immediately preceding the years of the election.

My name appears on the official list of voters for the ward in which I reside namely:
..... ward.

My educational qualifications are:

.....
.....
.....

In the event of a contested election, my political affiliation and party is:

.....
.....
.....

Signed:

Candidate for the House of Representatives

7. We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of First Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Second Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Third Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fourth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fifth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Sixth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Seventh Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Eighth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Ninth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Tenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Eleventh Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twelfth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Thirteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fourteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fifteenth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Sixteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Seventeenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Eighteenth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Nineteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twentieth Nominator

FORM EC. 5

(I.N.E.C. LOGO)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
RESIDENT ELECTORAL COMMISSION'S RULING AS TO VALIDITY
OF NOMINATION OF MEMBER OF THE SENATE**

.....
.....
.....

Take notice that a nomination paper received by me onin your favour has been
accepted/rejected by me upon the following grounds:

.....
.....
.....

Dated:..... day of 19.....

.....
Chairman

INDEPENDENT NATIONAL ELECTORAL COMMISSION

* Strike out words not applicable.

.....

(I.N.E.C. LOGO)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
RESIDENT ELECTORAL COMMISSION'S RULING AS TO VALIDITY
OF NOMINATION OF MEMBER OF THE HOUSE OF REPRESENTATIVES**

.....
.....
.....

Take notice that a nomination paper received by me onin your favour has been accepted/rejected by me upon the following grounds:

.....
.....
.....

Dated:..... day of: 19.....

.....
Chairman

INDEPENDENT NATIONAL ELECTORAL COMMISSION

* Strike out words not applicable.

FORM EC. 8A

(I.N.E.C. LOGO)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
STATEMENT OF RESULT OF POLL
(ELECTION AS MEMBER OF SENATE)**

POLLING STATION: CODE NO.
 WARD: CODE NO.
 LOCAL GOVERNMENT AREA: CODE NO.
 STATE: CODE NO.

NO OF VOTERS ON THE REGISTER IN FIGURES: []
 NO OF VOTERS ON THE REGISTER IN WORDS:
 NO OF ACCREDITED VOTERS IN FIGURES: []
 NO OF ACCREDITED VOTERS IN WORDS:
 NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN FIGURES: []
 NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN WORDS:
 SERIAL NUMBERS OF BALLOT PAPERS ISSUED TO THE POLLING STATION... TO
 SERIAL NUMBERS OF BALLOT PAPERS ISSUED TO VOTERS TO
 SERIAL NUMBERS OF THE BALANCE OF UNUSED BALLOT PAPERS TO

I, hereby certify:

1. That I was the Presiding Officer for the election held on day of 1999 at the above Poling Station.
2. That the election was **CONTESTED/UNCONTESTED**.
3. That the candidates received the following votes:

AD	Votes scored in figures: [] votes scored in words:
APP	Votes scored in figures: [] votes scored in words:
PDP	Votes scored in figures: [] votes scored in words:

No. of Valid Votes []

No. of Invalid Votes []

Votes scored by all candidates in figures []

Votes scored by all candidates in words

Dated this day of 1999

Name of Presiding Officer Sign/Stamp

Name/Sign of AD Agent

Name/Sign of APP Agent

Name/Sign PDP Agent

(I.N.E.C. LOGO)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
STATEMENT OF RESULT OF POLL
(HOUSE OF REPRESENTATIVES ELECTION)**

POLLING STATION: CODE NO.
 WARD: CODE NO:
 LOCAL GOVERNMENT AREA: CODE NO:
 STATE: CODE NO:

NO OF VOTERS ON THE REGISTER IN FIGURES; []
 NO OF VOTERS ON THE REGISTER IN WORDS:
 NO OF ACCREDITED VOTERS IN FIGURES: []
 NO OF ACCREDITED VOTERS IN WORDS:
 NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN FIGURES: []
 NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN WORDS:
 SERIAL NUMBERS OF BALLOT PAPERS ISSUED TO THE POLLING STATION.... TO
 SERIAL NUMBERS OF BALLOT PAPERS ISSUED TO VOTERS TO
 SERIAL NUMBERS OF THE BALANCE OF UNUSED BALLOT PAPERS..... TO

I, hereby certify:

1. That I was the Presiding Officer for the election held on day of 1999 at the above Polling Station.
2. That the election was **CONTESTED/UNCONTESTED**.
3. That the candidates received the following votes:

AD	Votes scored in figures: [] votes scored in words:
APP	Votes scored in figures: [] votes scored in words:
PDP	Votes scored in figures: [] votes scored in words:

No. of Valid Votes []
 No. of Invalid Votes []
 Votes scored by all candidates in figures []
 Votes scored by all candidates in words
 Dated this day of 1999
 Name of Presiding Officer Sign/Stamp

 Name/Sign of AD Agent Name/Sign of APP Agent Name/Sign PDP Agent

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULTS FROM POLLING STATIONS FOR
THE SENATE ELECTION**

STATE: CODE: LOCAL GOVERNMENT AREA: CODE: LEVEL OF COLLECTION: WARD:
 NAME OF WARD: CODE:

POLLING STATIONS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		TOTAL
S/N	CODE	NAME	A D		A P P		F D P		VOTES CAST
			Name of Candidate		Name of Candidate		Name of Candidate		
			In Eq	In word	In Eq	In word	In Eq	In word	
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									

National Assembly (Basic Constitutional and Transitional Provisions) 1999 No. 5 A 355

14.									
15.									
16.									
17.									
18.									
19.									
20.									
21.									
22.									
23.									
24.									
25.									
TOTAL NO OF VOTES									

NAME OF WARD COLLATION OFFICER: **SIGNATURE:** **STAMP**

NAME AND SIGNATURE OF PARTY AGENT: **AD** **APP** **FDP**

.....

.....

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULTS FROM POLLING STATIONS FOR
THE HOUSE OF REPRESENTATIVES ELECTION**

STATE: CODE: LOCAL GOVERNMENT AREA: CODE: LEVEL OF COLLECTION: WARD:
 NAME OF WARD: CODE:

POLLING STATIONS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		TOTAL
S/N	CODE	NAME	A D		A P P		P D P		VOTES
			Name of Candidate		Name of Candidate		Name of Candidate		CAST
			in fig	in words	in fig	in words	in fig	in words	
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULTS FROM WARDS ELECTION
TO THE SENATE**

STATE: CODE: LOCAL GOVERNMENT AREA: CODE: LEVEL OF COLLECTION: L.G.A:

WARDS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		TOTAL
S/NO	CODE	NAME	A D		A P P		P D P		VOTES CAST
			Name of Candidate		Name of Candidate		Name of Candidate		
			in fig	in words	in fig	in words	in fig	in words	
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

18.									
19.									
20.									
21.									
22.									
23.									
24.									
25.									
TOTAL	NO	OF	VOTES						

NAME OF WARD COLLATION OFFICER: SIGNATURE: STAMP

NAME AND SIGNATURE OF PARTY AGENT: AD APP FDP

.....

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULTS FROM WARDS ELECTION
TO THE HOUSE OF REPRESENTATIVES**

STATE: CODE: LOCAL GOVERNMENT AREA: CODE: LEVEL OF COLLECTION: CONSTITUENCY:

WARDS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		TOTAL
SNO	CODE	NAME	A D		A P P		P D P		VOTES
			Name of Candidate		Name of Candidate		Name of Candidate		CAST
			In fig	In words	In fig	In words	In fig	In words	
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

National Assembly (Basic Constitutional and Transitional Provisions) 1999 No. 5 A 361

18.									
19.									
20.									
21.									
22.									
23.									
24.									
25.									
TOTAL	NO	OF	VOTES						

NAME OF WARD COLLATION OFFICER: SIGNATURE: STAMP

NAME AND SIGNATURE OF PARTY AGENT:
AD
APP
PDP

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULTS FROM LOCAL GOVERNMENT AREA
ELECTION TO THE SENATE**

STATE: CODE: LOCAL GOVERNMENT AREA: CODE: LEVEL OF COLLECTION: CONSTITUENCY:

LOCAL GOVERNMENT AREAS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		TOTAL
SNO.	CODE	NAME	A D		A P P		P D P		VOTES
			Name of Candidate		Name of Candidate		Name of Candidate		CAST
			in fig	in words	in fig	in words	in fig	in words	
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

National Assembly (Basic Constitutional and Transitional Provisions) 1999 No. 5 A 363

18.									
19.									
20.									
21.									
22.									
23.									
24.									
25.									
TOTAL	NO	OF	VOTES						

NAME OF WARD COLLATION OFFICER: SIGNATURE: STAMP

NAME AND SIGNATURE OF PARTY AGENT: AD APP FDP

[Faint grid area for signatures and stamps]

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULTS FROM LOCAL GOVERNMENT AREA
ELECTION TO THE SENATE**

STATE: CODE: LOCAL GOVERNMENT AREA: CODE: LEVEL OF COLLECTION: CONSTITUENCY:

LOCAL GOVERNMENT AREAS			VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		VOTES RECEIVED BY THE CANDIDATES/PARTIES		TOTAL
S/N	C/D	NAME	A D		A P P		F D P		VOTES
			Name of Candidate		Name of Candidate		Name of Candidate		CAST
			in fig	in words	in fig	in words	in fig	in words	
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									

18.									
19.									
20.									
21.									
22.									
23.									
24.									
25.									
TOTAL	NO	OF	VOTES						

NAME OF WARD COLLATION OFFICER: SIGNATURE: STAMP

NAME AND SIGNATURE OF PARTY AGENT:
AD APP PDP

FORM EC. 8E

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
DECLARATION OF RESULTS OF ELECTION
(ELECTION TO THE SENATE)**

PART I

(To be completed by the Returning Officer)

.....hereby certify:-

That I was the Returning Officer for the Senate Election held on the day of
..... 1999..... forState.....

That the election was **CONTESTED/UNCONTESTED**.

That the candidate received the following votes:

NAME OF CANDIDATE	PARTY	TOTAL VOTES RECEIVED BY CANDIDATE/PARTY	
		IN FIGURES	IN WORDS
	AD		
	APP		
	PDP		

PART II

(TO BE COMPLETED BY THE RESIDENT ELECTORAL
COMMISSIONER OR ANY OTHER PERSON DESIGNATED BY
THE CHIEF ELECTORAL OFFICER OF THE FEDERATION)

Thatof.....having complied with
the requirements of the law and scored the majority of votes, is hereby
returned elected:

Signature of Returning Officer:.....

Dated this.....day of1999.

FORM EC.8E(1)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
DECLARATION OF RESULTS OF ELECTION
(HOUSE OF REPRESENTATIVES)**

PART I

(To be completed by the Returning Officer)

I, hereby certify:-

1. That I was the Returning Officer for the election of House of Representatives Election held on the day of 1999..... for State
2. That the election was CONTESTED/UNCONTESTED.
3. That the Candidate received the following votes:

NAME OF CANDIDATE	PARTY	TOTAL VOTES RECEIVED BY CANDIDATE / PARTY	
		IN FIGURES	IN WORDS
	AD		
	APP		
	PDP		

PART II

(TO BE COMPLETED BY THE RESIDENT ELECTORAL COMMISSIONER OR ANY OTHER PERSON DESIGNATED BY THE CHIEF ELECTORAL OFFICER OF THE FEDERATION)

4. That of having complied with the requirements of the law and scored the majority of votes, is hereby returned elected.

Signature of Returning Officer:

Dated this day of 1999.

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
ELECTION TO THE SENATE**

**CERTIFICATE OF RETURN ELECTION UNDER THE
NATIONAL ASSEMBLY (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS) DECREE 1999**

I hereby certify that the member elected for.....

Senatorial District of State in the election held on the day of.....19....

is

(State the full names of the member)

of:

(State the full address of the member)

DATED this day of.....19.....

INDEPENDENT NATIONAL ELECTORAL COMMISSION

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
ELECTION TO HOUSE OF REPRESENTATIVES**

**CERTIFICATE OF RETURN OF ELECTION UNDER THE NATIONAL
ASSEMBLY (BASIC CONSTITUTIONAL AND TRANSITIONAL
PROVISIONS) DECREE 1999**

I hereby certify that the Governor elected for the Federal Constituency
of State in the election held on the day of..... 19.....

is
(State the full names of the Governor)

of:
(State the full address of the Governor)

DATED this day of..... 19.....

INDEPENDENT NATIONAL ELECTORAL COMMISSION

FORM TF.001

NATIONAL ASSEMBLY (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1999 IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL

RECEIPT OF PETITION

BETWEEN:

..... } Petitioners
..... }

AND

..... } Respondents
..... }

Received on the day of 19.... at the Registry of National Assembly Election Tribunal, a petition touching the election of, of a member of the * Senate/House of Representatives for the Federal Constituency purporting to be signed by (insert name of petitioner).

Dated at this day of 19.....

.....

Secretary

For Service on:

Petitioner:

.....
.....
.....
.....

*Delete where not applicable.

FORM TF.002

NATIONAL ASSEMBLY (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1999 IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL

PETITION

The election to the National Assembly for the * Senator District/Federal Constituency held on the day of 19 ..

Between

.....)Petitioner(s)
.....)

And

.....)Respondent(s)
.....)

The petition of A. B. of(or of A. B. of and C. D. or as the case may be) whose names are subscribed.

- 1. Your petitioner is a person who voted (or had a right to vote, as case may be) at the above election (or claims to have had a right to returned or elected at the above election) or was a candidate at the ab election, and your petitioner, (here state in like manner the right each petitioner)
2. And your petitioner(s) state(s) that the election was held on theday of 19 when petitioner(s) was (were) candidate(s).
3. And your petitioner(s) state(s) that (here state facts and grounds on which petitioner(s) rely).
.....
.....

Wherefore your petitioner(s) pray(s) that it may be determined that the said and Respondent(s) was (were) not duly elected (or returned) and that the (or his) election was void or that the said and petitioner(s) was (were) elected and ought to have been returned, or as the case may be.

Address for services (within 5 kilometres)
of a post office within the Judicial
Division.....
.....

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

.....)Petitioner(s)
.....)

Signed before me this day of 19

.....
Secretary

* Delete where not applicable.

NATIONAL ASSEMBLY (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1999

IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL

NOTICE OF PRESENTATION OF PETITION

HOLDEN AT

PETITION NO.

Between

.....)Petitioner(s)
.....)

And

.....)Respondent(s)
.....)

The petition of of... and (of..... or as the case may be) whose names are subscribed.

Take notice that a petition, a duplicate whereof is attached hereto, has this day been presented in the Registry of the Tribunal named above and that you are to enter an appearance in respect of the petition to the said Registry within days of the date when this notice was left at your address set out below, or as the Tribunal may direct by order under paragraph 9(2) of Schedule 5 to this Decree, otherwise proceedings on the petition may be continued and determined in default of your appearance, and any document intended for you may be posted up on the Tribunal notice board, which shall be sufficient notice thereof.

Dated this day of, 19

.....
Secretary

To
.....
.....

FORM T.F 004

NATIONAL ASSEMBLY (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1999 IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL

MEMORANDUM OF APPEARANCE

Between

.....)Petitioner(s)
.....)

And

.....)Respondent(s)
.....)

To: The Secretary,

.....National Assembly Election Tribunal

Please enter appearance forwho
is
in the above election petition.

The name and address of his Solicitor are as follows -

.....
.....
.....

Dated this day of 19

.....

Signed:

For Service on:
Petitioner:

.....
.....

FORM T.F 005

NATIONAL ASSEMBLY (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1999

IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL

NOTICE OF HEARING

Between

.....) Petitioner(s)
.....)

And

.....) Respondent(s)
.....)

The petition of (Petitioner) of (or of of and (Petitioners) as the case may be) whose name are subscribed.

TAKE NOTICE that the above election petition will be heard at on the day of 19..... and on such other days as the Tribunal may determine.

Dated this day of 19 ...

.....
Secretary

Address For Service:

Petitioner:

.....
.....
.....

Respondent:

.....
.....
.....

FORM TF.006

**NATIONAL ASSEMBLY (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS) DECREE 1999**

IN THE NATIONAL ASSEMBLY ELECTION TRIBUNAL

NOTICE OF MOTION TO WITHDRAW PETITION

HOLDEN AT

PETITION NO

Between

.....)Petitioner(s)
.....)

And

.....)Respondent(s)
.....)

TAKE NOTICE that this Honourable Tribunal will be moved on the
.....day of 19.... at the hour of 9 o'clock in the forenoon or as soon
thereafter as the Petitioner or Counsel on his behalf can be heard praying the
Tribunal for an order enabling the Petitioner to withdraw the above petition on
the following grounds:

.....
.....

Dated at thisday of

.....
Petitioner(s) or Solicitor

.....
For Service on.

MADE at Abuja this 17th day of February 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.*

EXPLANATORY NOTE

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

The Decree provides, among other things -

- (a) for the conduct of elections to the National Assembly;
and
- (b) for offences and penalties and the determination of
questions relating to the elections.