



# TOP 10 PROVISIONS IN THE ELECTORAL BILL, 2021

1

## EARLY RELEASE OF ELECTION FUNDS TO INEC

**Strengthens** the **financial independence** of the Independent National Electoral Commission (INEC) by ensuring that all funding required for a general election is released not later than one year before the general elections. **Clause 3(3)**

2

## ELECTRONIC TRANSMISSION OF RESULTS

**Allows** INEC to determine if election results are transmitted electronically or manually. **Clause 50**

3

## POWER TO REVIEW ELECTION RESULTS DECLARED UNDER DURESS

Gives INEC the power to **review declarations and returns made under questionable circumstances** to keep Returning Officers in check.

The provision will fundamentally transform the results management process and deter politicians from compelling election officials to declare fabricated election results that can only be challenged in court. **Clause 65**

4

## POLITICAL NEUTRALITY OF INEC PERSONNEL

A person who, being a member of a political party, **misrepresents himself by not disclosing his membership, affiliation, or connection to any political party** in order to secure an appointment with INEC in any capacity, commits an offence and is liable on conviction, to a fine of ₦5,000,000 or imprisonment for a term not exceeding two years or both. **Clause 8 (5)**

5

## LEGALISING ELECTRONIC ACCREDITATION OF VOTERS

Makes **provision for electronic accreditation** of voters using the Smart Card Readers or any technological device as may be determined by INEC. **Clause 47**

6

## INCLUSION OF PERSONS WITH DISABILITY

**Mandates** INEC to ensure that persons with disabilities, special needs and vulnerable persons are assisted at the polling place by the provision of suitable means of communication, such as Braille, large embossed print, electronic devices, sign language interpretation, or off-site voting in appropriate cases. **Clause 54 (2)**

7

## REDEFINED OVERVOTING

Overvoting occurs when the number of votes cast at an election in any polling unit exceeds the total number of accredited voters in that polling unit. Therefore, **‘total number of accredited voters’**, will become a determining factor in the validity of votes in an election. **Clause 51**

8

## EARLY CONDUCT OF PARTY PRIMARIES AND SUBMISSION OF LIST OF CANDIDATES

Every political party shall, not later than 180 days (~6 months) prior to election day, submit the list of its candidates, who must have emerged from valid primaries conducted by the political party, to INEC. **Clause 29(1)**

9

## EARLY COMMENCEMENT OF CAMPAIGNS

Public campaigns by political parties have been extended from 90 days to 150 days before polling day and end 24 hours prior to that day. **Clause 94**

10

## SUBSTITUTION OF CANDIDATE IN THE EVENT OF DEATH IN AN ELECTION

Affords political parties the opportunity to conduct primary elections to replace a candidate who dies after the commencement of polls and before the announcement of final results and declaration of a winner. A timeline of 21 days is provided for INEC to conclude an election and declare a winner.

In the case of legislative elections, the election will start afresh, and a political party affected by the bereavement can conduct a new primary within 14 days to nominate a new candidate. However, in the case of presidential and governorship elections, the running mate of the deceased candidate will continue with the election and nominate a running mate. **Clause 34**

According to Section 28 (1) of the Electoral Bill 2021, INEC is required to issue a notice of election **not later than 360 days before** the day appointed for an election. According to INEC, the scheduled date for the 2023 Presidential and National Assembly election is **February 18, 2023**.

If the President gives assent to the bill on or before **February 22<sup>nd</sup>**, INEC will be legally bound to issue Notice of Election, and the dates for the 2023 elections will be maintained. However, if the President acts on the bill after **February 22<sup>nd</sup>**, the dates for the 2023 election and other subsequent electoral activities will be affected.

Granting presidential assent to the Electoral Bill, 2021, on or before **February 22, 2022**, is in the best interest of our electoral democracy.

**#SignElectoralBill #FixElectionsNG #RSVP**

Source: Research by Yiaga Africa



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