

# INEC GUIDELINES ON ELECTIONS

## BACKGROUND

Nigeria's electoral management body, the Independent National Electoral Commission (INEC) in compliance with the 1999 Constitution of the Federal Republic of Nigeria (as amended) and the Electoral Act 2010 (as amended), has issued Regulations and Guidelines for the conduct of Elections in Nigeria. The Regulations and Guidelines which comprise 52 Sections were released to the public on 12<sup>th</sup> January 2019 and will apply to any type of election undertaken in Nigeria i.e. General Elections, Bye-elections, Re-run Elections and Supplementary Elections.

S/N	SECTION	CLAUSES	SUMMARY	ANALYSIS
1	<b>Section 1</b>	Elections to which these Regulations & Guidelines apply	The elections covered by the Guidelines include the Presidential, Governorship, National Assembly (senate and House of Representatives), State Houses of Assembly and elections of the Chairmen and Councilors of the Federal Capital Territory (FCT) Area Councils.	They override previously employed Regulations and Guidelines on the conduct of elections issued by INEC.
2	<b>Section 1 (a)</b>	Date of General Elections	The Presidential and National Assembly elections will hold on the 3rd Saturday in February of every General Election year, while the Governorship and State Houses of Assembly elections will take place two weeks after.	This will be the formula used to decide the dates for future elections in Nigeria, in order to create a level of stability and consistency in the electoral process.
3	<b>Section 2</b>	Eligibility to vote	A person deemed eligible to vote must be a Nigerian of at least 18 years of age, who is a registered voter and whose name appears on the Register of Voters.	The right of qualified Nigerians to vote should not be infringed upon by any reason or circumstance, as listed in Section 42 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

4	<b>Section 3</b>	Voting Locations	Voting will take place at Polling Units (PUs) and Voting Points (VPs); and in the case of the FCT, special designated areas called Voting Point Settlements (VPS).	Voting locations are spread across the country, to serve all registered voters for efficiency and enhancing the time-frame of the voting process.
5	<b>Section 4</b>	Polling Staff and Qualifications	Each PU has a Presiding Officer (PO) and three Assistant Presiding Officers (APO I, II, III); while each VP has an APO with three APOs to assist, as appointed by INEC, under the supervision of the Presiding Officer.	The magnitude of the elections has been taken into consideration, with the recruitment of large scale staffing to manage the voting process. POs and APOs must have a minimum qualification of an OND.
6	<b>Section 6</b>	Appointment of Polling Agents	Persons appointed must not be in public service in any tier of Government. Their names, addresses and passport photographs must have been submitted to INEC, prior to the elections.	This ensures that persons who do not meet the criteria will not be allowed access to the electoral process.
7	<b>Sections 8, 10, 11, 12</b>	Accreditation and Voting Procedure	The accreditation procedure involves the reading of a voter's PVC and the authentication of their fingerprint using the <b>Smart Card Reader</b> . A seven-step guide is provided on the method of voting, to enlighten the electorate on how to proceed with voting at the polling units. Accreditation and voting shall occur simultaneously. This is followed by checking the Register of Voters for each voter's details and inking their cuticle before he or she proceeds to be issued with a ballot paper.	The procedure eliminates opportunities for malfeasance.

8	<b>Sections 10, 11, 13</b>	Smart Card Reader	<p>i. The use of the Smart Card Reader (SCR) is mandated by law and a polling staff who fails to abide by this is liable to prosecution.</p> <p>ii. In the event that a card reader reads a PVC but fails to authenticate a voter's fingerprint, the voter will be requested to thumbprint next to his/her name in the Voter's Register and also provide his/her phone number.</p> <p>iii. In the event that a PVC is read, but the card reader displays the details of another voter, the election official will proceed with accreditation of the voter upon satisfaction that the holder of the card is on the Voters' Register.</p> <p>iv. It provides for replacement of a card reader in the event of a sustained malfunction.</p>	<p>The SCR underscores the importance of the authentication &amp; voting process. By this reform, Incident Forms have been abolished. The use of card readers aim to ensure that the electoral process is free, fair and credible, and the number of votes cast, does not exceed the number of accredited voters.</p>
9	<b>Section 19</b>	Tendered Ballot	<p>If a person who claims to be entitled to vote applies for a ballot paper when another person has voted in the same name provided by the claimant, the election official shall provide him/her with a tendered ballot paper upon receiving satisfactory answers to questions put to him/her. The claimant may proceed to vote on the ballot paper, after which it will be deposited in a Tendered Ballot envelope, in accordance with the provision of Section 60 of the Electoral Act 2010 (as amended).</p>	<p>The intention of this provision is to tie up any unforeseen loose ends in the Accreditation and Voting Procedure. The votes do not count and INEC has to look deeper into resolving this issue.</p> <p>If a person has no possibility of having his/her vote count, then creating an illusion of voting is not good enough.</p>

10	<b>Sections 10(v), 14, 15, 16</b>	Person(s) With Disabilities (PWDs)	INEC has a published a Framework on Access and Participation of Persons with Disabilities in the Electoral Process. It includes the use of Assistive tools for PWD voting. Priority Access will also be given to PWDs, pregnant women and senior citizens.  At the point of accreditation, a PWD is provided with EC40H for data collection to facilitate for future planning for elections.	The display of inclusiveness and participation as upheld in INEC's Framework and Section 42 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).
11	<b>Sections 20 and 28</b>	Use of telephones and other Electronic/ Photographic Devices	Voters are prohibited from using telephones and other electronic/ photographic devices at the point of voting. Collation Officers (COs) are not allowed to make or receive phone calls during collation.	This eliminates opportunities for malfeasance at the point of voting and collation.
12	<b>Sections 22 and 24</b>	Sorting, Counting and Re-Counting of Votes	At the close of voting, the Presiding Officer shall cancel all unused ballot papers, sort out ballot papers according to political parties and count aloud the votes obtained by each party. If a polling agent is not satisfied, re-counting of votes is allowed just once. Thereafter, the Officer will cross-check the scores and enter them in figures and words in the appropriate Forms from the EC 8 series, which polling agents are expected to counter-sign. In addition, the Officer will fill out Form EC60E with the results recorded and paste it conspicuously at the PU.	The compulsory pasting of Form EC60E at the PUs is to ensure that the critical component of vote counting is conducted in an open and transparent manner.
13	<b>Section 23</b>	Over-voting	Whenever the votes cast exceed the number of registered or accredited voters at a PU, the result is declared null and void.	This clarifies one of the grey areas of Nigeria's electoral process.

14	<b>Section 22</b>	Transmission of Results	The Presiding Officer is required to transmit the results of the election obtained at the PU and thereafter, take the card readers and the original copies of each of the forms filled, to the RA/Ward Collation Officer. The manual and electronic procedures are described in the provisions.	The e-transmission platform is not accessible to voters. This raises the concern that INEC may continue to use the electronic transmission method it has been test running for more than three years. This method is not transparent and may be controversial.
15	<b>Sections 27, 28, 29, 30, 31 and 32</b>	Collation of Election Results	Collation takes place at the Registration Area (RA)/ Ward and at the Local Government Area/Area Council levels for all elections. The Ward Collation Officer will take delivery of the original copies of Forms in EC 8 series and card readers from Presiding Officers of all PUs and compare the votes recorded with the number of voters verified by the card readers, and afterwards gather the votes as contained in the EC 8 series Forms. The Forms are then signed and counter-signed, stamped and dated accurately by all concerned, after which copies are distributed to the polling agents and the Police.	The process is detailed and meticulous to ensure efficiency and credibility.
16	<b>Section 33</b>	Margin of Lead Principle	This refers to a comparison of the difference in the number of votes between the two leading candidates and the total number of voters registered in PUs where elections are not held or voided in line with Sections 26 and 52 of the Electoral Act 2010 (as amended).	The Principle is more well-defined and provides voters with better understanding of events that may lead up to the declaration of an election as inconclusive.

17	<b>Sections 34, 37, 39, 41 and 43,</b>	Declaration of Election Results	Depending on the type of election, after collation of votes scored by each political party at Ward, Local Government and other relevant level(s), the Returning Officer (RO) for the election will complete the appropriate forms and return as elected, the candidate who has scored the majority of valid votes cast at the election, in addition to having not less than one-quarter of the votes cast in each of at least two-thirds of all States or LGAs for the Presidential and Governorship elections, respectively.	The criteria for announcing election results are open and precise.
18	<b>Sections 48, 49, 50 and 51</b>	Access to Voting Locations and Collation Centres	Polling units are accessible to registered voters, political party candidates or their polling agents, election officials, security personnel and accredited observers. Collation Centres are accessible to INEC officials on election day duty, security agents, political party candidates or their accredited polling agents, accredited journalists and accredited domestic and foreign observers.	The levels of access to Voting Locations and Collation Centres are clearly defined for polling agents, election observers and security agents. Each group of personnel has their role distinctly outlined to ensure that they stay within the confines of their duties and responsibilities. This ensures that there are no overlaps of duplication of roles.
19	<b>Section 52</b>	Audit of Leftover Materials	Election Officers are mandated to return all leftover election materials in their possession for an audit.	This is a display of accountability on the part of the Electoral body, to ensure that leftover election materials are fully accounted for.

## **LIST OF ACRONYMS**

APOs Assistant Presiding Officers

COs Collation Officers

LGAs Local Government Areas

POs Presiding Officers

PUs Polling Units

PWDs Persons With Disabilities

RAs Registration Areas

Ros Returning Officers

SCR Smart Card Reader

VPs Voting Points

VPS Voting Point Settlements

## **REFERENCES**

- Constitution of the Federal Republic of Nigeria 1999 (as amended)
- Electoral Act 2010 (as amended)
- Independent National Electoral Commission (INEC) Regulations and Guidelines for the Conduct of Elections, 12th January, 2019.

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PLAC hosts the secretariat of the Nigeria Civil Society Situation Room and is a member of its steering committee. The Situation Room provides a co-ordinating platform for civil society engagement on governance issues. It is also a platform for information sharing among civil society groups working on elections and topical national issues. It intervenes in the electoral process by promoting collaboration, proactive advocacy and rapid response to crisis in the electoral process. The Situation Room provides a forum of advance planning, scenario building, evidence based analysis, constructive engagement with various stakeholders in the electoral process and observation of elections.

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