

ELECTORAL OFFENCES AND PENALTIES

Laws regulate all aspects of our lives. The electoral process is no exception. The Constitution of the Federal Republic of Nigeria, 1999 as amended, the Electoral Act 2010, as amended and the Independent National Electoral Commission (INEC) Rules and Regulations constitute the legal framework which regulates our electoral process. Provisions of these deal with the right to associate, vote, form Political Parties etc. Others include registration of voters, Election Day procedures, dispute resolution, etc.

Breaches or violations of some of these provisions often attract penalties, which on conviction may be a fine, a term of imprisonment, or both. Any conduct – action or inaction which is prohibited by the Constitution or the Electoral Act and a breach of which attracts punishment, is called an electoral offence. Electoral offences may be committed by INEC or Security Officials, Political Parties and their officials, Candidates, Observers, Journalists/Media Houses or the general public.

Listed in this leaflet are some of the electoral offences prescribed by Nigerian Law as at 31st January, 2017. Anyone in breach of any of these provisions is liable to being arrested and charged to court and prosecuted by INEC after investigation by the relevant Security Agencies.

1. Voter Registration

Offences	Penalty	References
<ul style="list-style-type: none">• Registering more than once.• Unlawful possession of a voter's card, selling or buying of voters card	A fine not exceeding N100,000 or imprisonment for one year or both.	Section 117 E.A 2010
<ul style="list-style-type: none">• Giving false information in any application for registration as a voter	A fine not exceeding N500,000 or 12 months imprisonment or both.	
<ul style="list-style-type: none">• hinders another person from registering as a voter	A fine not exceeding N500,000 or 5 years imprisonment or both.	
<ul style="list-style-type: none">• Impersonating a registration official, carrying out registration of persons illegally or forging a registration card	A maximum fine of N1,000,000 or 12 months imprisonment or to both.	

2. Offences in Respect of Nomination

Offences	Penalty	References
(a) forging a nomination paper or result form; (b) Wilfully defacing or destroying a nomination paper or result form; (c) Delivering to an electoral officer a forged nomination paper or result (d) Signs a nomination paper or result form as a candidate in more than one constituency at the same election;	Person who commits an offence under subsection (1) of this section is liable on conviction to a maximum term of imprisonment for 2 years.	Section 118 E.A 2010

3. Offences in Relation to Ballot Papers and Ballot Boxes

<p>a. Unlawful possession of a ballot paper b. Illegal printing of ballot papers c. Illegal production or importation of ballot boxes.</p>	<p>A maximum fine of N50,000,000 or for a term of imprisonment of not less than 10 years or both.</p>	<p>Section 118 (3) E.A 2010</p>
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4. Disorderly Behaviour at Political Meetings

Offences	Penalty	References
<p>To act in a disorderly manner or be in possession of offensive weapon of a political meeting.</p>	<p>A maximum fine of N500,00 or imprisonment for 12 months or both.</p>	<p>Section 119 E.A 2010</p>

5. Improper Use of Voter Card

Offences	Penalty	References
<p>Unlawful giving of a voters card to some other person for use at an election other than, an officer appointed to do so. Being in possession of more than one voters cards.</p>	<p>A maximum fine of N1,000,000 or imprisonment for 12 months or both.</p>	<p>Section 120 E.A 2010</p>

6. Improper Use of Vehicles

Offences	Penalty	References
<p>Conveying any person to a registration office or to a polling unit by government vehicle or boat, except in respect of a person who is entitled to use such vehicle or boat</p>	<p>A maximum fine of N 500,000.00 or imprisonment for six months or both.</p>	<p>Section 121 E.A 2010</p>

7. Impersonation and Voting when not Qualified

Offences	Penalty	References
<p>A person voting or attempting to vote at an election when he/she is not qualified, or inducing a person to vote at an election knowing that such person is not qualified.</p>	<p>A maximum fine of N500,000 or 12 months imprisonment or both.</p>	<p>Section 122 E.A 2010</p>

8. Dereliction of Duty/ False result

Offences	Penalty	References
<p>A Polling Officer failing to report on time or to discharge his duties on an election day without lawful excuse</p>	<p>On conviction to a maximum fine of N500,000 or 12 months imprisonment or both.</p>	<p>Section 123 E.A 2010</p>
<p>Announces or publishing a false election result</p>	<p>36 months imprisonment.</p>	

9. Announces or publishing a false election result

Offences	Penalty	References
Returning Officer or Collation Officer or person delivering a false certificate of return.	3 years imprisonment without an option of fine.	

10. Bribery and Conspiracy

Offences	Penalty	References
a. Paying money to any other person for bribery at any election.	On conviction to a maximum fine of N500,000 or 12 months imprisonment or both.	Section 124 E.A 2010
b. Receiving any money or gift, for voting or to refrain from voting at any election.	A maximum fine of N500,000 or imprisonment for 12 months or both	

11. Requirement of Secrecy in Voting

Offences	Penalty	References
a. Not maintaining the secrecy of voting at a polling unit. b. Interfering with a voter casting his vote	A maximum fine of N100,000 or to imprisonment for a term of 6 months or both.	Section 125 E.A 2010

12. Wrongful Voting and False Statements

Offences	Penalty	References
a. Illegal voting at an election b. Publishing any statement of the withdrawal of a candidate or about his personal character.	A maximum fine of N100,000 or imprisonment for a term of 6 months or both.	Section 126 E.A 2010

13. Voting by Unregistered Persons

Offences	Penalty	References
To bring into a polling unit during an election a voter's card issued to another person	A fine of N100,000 or to imprisonment for a term of 6 months or both.	Section 127 E.A 2010

14. Disorderly Conducts at Elections

Offences	Penalty	References
Inciting others to act in a disorderly manner	A maximum fine of N500,000 or imprisonment for a term of 12 months or both.	Section 128 E.A 2010
Within a distance of 300 meters of a polling unit- a. Canvassing for votes, persuading any voter not to vote for any particular candidate or being in possession of any offensive weapon, wear or display any notice, symbol, photograph or party card b. Using any vehicle bearing the	A fine of N 100,000 or imprisonment for a term of 6 months.	

colour or symbol of a political, loitering around a polling unit blaring siren.		
Snatching or destruction of any election material	24 months imprisonment.	

15. Undue Influence

Offences	Penalty	References
Accepting money or any other inducement during an election.	A fine of N 100,000 or imprisonment for a term of 12 months or both.	Section 130 E.A 2010

16. Threatening

Offences	Penalty	References
<p>a. Threatening a person with violence or injury to compel that person to vote or refrain from voting</p> <p>b. Preventing any political aspirant from free use of the media vehicles, mobilization of political support and campaign at an election;</p>	A fine of N1,000,000 or imprisonment for a term of 3 years.	Section 131 E.A 2010

17. Campaign and Campaign Finance

Offences	Penalty	References
Unlawful possession of a weapon at a political rally or voting centre	A maximum fine of N2,000,000 or imprisonment for a term of 2 years or both.	Section 94 (2) E.A 2010
Threatening any person with violence during any political campaign	In the case of an individual, to a maximum fine of N1,000,000 or imprisonment for a term of 12 months. In case of a political party, a fine of N2,000,000 in the first instance, and N500,000 for any subsequent offence.	Section 96 (1,2) E.A 2010
<ul style="list-style-type: none"> • Campaigning in public earlier than 90 days before polling day or ending it less than 24 hours to the election. • A political party, advertising in a newspaper, radio or TV less than 24 hours before polling day 	A maximum fine of N500,000	Section 99 (1,2) E.A 2010
<ul style="list-style-type: none"> • Employing State apparatus including the media to the advantage or disadvantage of any political party or candidate at any election. • Unequal allocation of Media time among political parties or 	A maximum fine of N500,000 in the first instance and to a maximum fine of N1,000,000.00 for subsequent conviction.	Section 100 (1-6) E.A 2010

candidates		
Broadcasting or publishing any material for the purpose of promoting or opposing a particular political party or a candidate during 24 hours immediately preceding or on polling day.	a maximum fine of N500,000 or to imprisonment for a term of 12 months and in case of a body corporate shall pay a maximum fine of N1,000,000	Section 101 (1-3) E.A 2010

18. Offences relating to finances of a political party

Offences	Penalty	References
<ul style="list-style-type: none"> A Political Party possessing any fund outside or retaining funds or other asset remitted to it from outside Nigeria 	Forfeiture of the funds or assets to the Commission and in addition may be liable to a fine of not less than N500,000.	Section 88 (a-b) E.A 2010

19. Limitations on Election Expenses and Contribution to a Political Party

Offences	Penalty	References
<ul style="list-style-type: none"> A Presidential Candidate incurring more than N1,000,000,000 as election expenses. A Governorship candidate incurring more than N200,000,000 A Senatorial and House of Representatives candidates exceeding N40,000,000 and N20,000,000 respectively. A candidate for State Assembly election spending more than N10,000,000. A candidate for Chairmanship of an Area Council incurring more than ten million naira N10,000,000 In the case of Councillorship 	<ul style="list-style-type: none"> -Presidential election, to a maximum fine of N1,000,000 or imprisonment for a term of 12 months or both -Governorship election to a fine of N800,000 or imprisonment for a term of 9 months or both; -Senatorial election to a fine of N600,000 or imprisonment for a term of 6 months or both House of Representatives election to a fine of N500,000 or imprisonment for a term of 5 months or both; -State House of Assembly election to a fine of N300,000 or imprisonment for a term of 3 months or both; In the case of Chairmanship election, to a fine of N300,000 or imprisonment for a term of 3 months or both; Councillorship election, to a fine of 	Section 90 (1-10) E.A 2010

election to an Area Council, exceeding more than the maximum of election expenses of one million naira N1,000,000	N100,000 or imprisonment for a term of one month or both.	
++An individual or other entity donating more than N1,000,000 to any candidate.	A maximum fine of N500,000 or imprisonment for a term of 9 months or both.	Section 91 (9) E.A 2010
Aiding a candidate to forge or falsify a document relating to his expenditure at an election	Imprisonment for a term of 10 years	Section 91 (12) E.A 2010
Refusal by a political party to submit its election expenses to INEC in a separate audited return within 6 months after an election	A maximum fine of N1,000,000 and in the case of failure to submit an accurate audited return within the stipulated period, the court may impose a maximum penalty of N200,000 per day on any party for the period after the return was due until it is submitted to the Commission.	Section 92 (3,4,7) E.A 2010
A political party shall not incur election expenses beyond the limit stipulated in this Act. A political party which contravenes this subsection commits an offence and is liable on conviction	A maximum fine of N1,000,000 and forfeiture to the Commission of the amount by which the expenses exceed the limit set by the Commission.	

NOTE: It is to be noted that some of these provisions (and penalties) may change with the proposed further amendment to the Electoral Act 2010 (as amended).

For more information and enquiries, contact the INEC Citizens Contact Centre (ICCC), which can be assessed through these channels:

Facebook – www.facebook.com/inecnigeria

Twitter – www.twitter.com/inecnigeria

Instagram @inecnigeria

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