



Centre for Democracy & Development

Centre pour la Démocratie et le Développement

# ELECTIONS IN NIGERIA

## 2019 General Elections

### Frequently Asked Questions



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## CAVEAT:

The issues articulated in this publication are based on the provisions of the electoral law and the Constitution as at the time of publication. These are subject to review if the electoral law and/or the Constitution is amended.

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## ABBREVIATION

- APC - All Progressives Congress
- ARO - Assistant Registration Officer
- CVR - Continuous Voter Registration
- DDC - Direct Data Capturing
- FCT - Federal Capital Territory
- FRSC - Federal Road Safety Corp
- IDPs - Internally Displaced Persons
- INEC - Independent National Electoral Commission
- LGA - Local Government Area
- NPF - Nigeria Police Force
- NPS - Nigeria Prison Service
- NSA - National Security Adviser
- NSCDC - Nigerian Security and Civil Defence Corp
- PU - Polling Unit
- PVC - Permanent Voter Card
- SCR - Smart Card Reader
- SIECs - State Independent Electoral Commissions
- TVC - Temporary Voter Card



## What constitutes the 2019 general elections?

The 2019 general elections comprise five set of elections. These are the Presidential, the National Assembly (The Senate and the House of Representative), the Governorship and the State Houses of Assembly elections. Governorship elections will be held in 29 States.

## When is elections day in Nigeria?

The Independent National Electoral Commission (INEC) has fixed dates for each of the election. The Presidential and National Assembly Elections are scheduled to hold on Saturday 16th February 2019 while the Governorship and State Houses of Assembly are scheduled for 2nd March 2019.

## How often does INEC conduct elections in Nigeria?

The country runs a four-year election cycle. This means that for INEC, Presidential, National Assembly, Governorship and State Houses of Assembly elections are to be held every four years as the case is in 1999, 2003, 2007, 2011 and 2015 general elections. However, judgements by election tribunals and courts, starting in 2007 with Osun and Ekiti Governorship elections, and other factors such as the death of someone occupying elective positions, have necessitated the conduct of off-cycle governorship elections.

## What is the term limit of elected representatives?

Elected officers are sworn-in for a four-year term except the local government elected chairpersons and councillors, whose tenures are determined by their respective State Houses of Assembly. In Section 135(2) of the 1999 Constitution of Nigeria as amended, "the President shall vacate his office at the expiration of a period of four years..." Section 180(2) also provides that "the Governor shall vacate his office at the expiration of a period

## Why are the 2019 general elections so important?

The 2019 general elections will represent the sixth consecutive electoral cycle since the restoration of multi-party democracy in 1999. Primarily, it will facilitate a peaceful transition of power from one civilian government to another. The election is important for several reasons: 1) It will be the first general elections to be conducted by Prof Mahmood Yakubu, INEC Chairman; 2) It will be the first elections to be held under the All Progressive Congress (APC) led federal government; and 3) It will be the first elections where those born immediately after the return to democracy in 1999 will for the first time vote having acquired the mandatory age.

## What is election management body? What are their powers?

The Independent National Electoral Commission (INEC), is the election management body that responsible for general elections while the State Independent Electoral Commissions (SIECs) are responsible for elections at the local government level. INEC was established in 1999 by section 153(f) of the Constitution (as amended) of the Federal Republic of Nigeria. One of the powers of the Commission as stipulated in Part I of the Third Schedule of the 1999 Constitution (as amended) is to “organize, undertake and supervise all elections to the offices of the President and Vice-president, the Governor and Deputy Governor of a state, and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation”. It is also the body responsible for registering all eligible voters, constituency delineation, and making regulations for the smooth running of the electoral process.

## What are the procedures for voter registration?

A person wishing to register as a voter must appear in person at the registration centre approved by INEC and nearest to his/her place of residence and where he/she intends to vote on election day. At the registration centre, prospective registrants approach the Assistant Registration Officer (ARO) to enrol their details into the Direct Data Capturing (DDC) device. The officer then ascertains the eligibility of the registrant. When in doubt, the registrant is requested to produce a document that could prove his or her identity

age, gender, residential address and occupation are entered into the system. The registrant's photograph is taken, and fingerprint/thumbprint recorded. After this, the registrant has issued, a Temporary Voters Card (TVC), which will be replaced by a Permanent Voters Card (PVC) at a later date to be announced by INEC.

## **The Permanent Voters Card (PVC)**

The Permanent Voters Card (PVC) is necessary because it is what any intending voter would use at the polling unit where registered to get accredited and vote on election day.

## **Who are citizens voting for during the 2019 general elections?**

Registered voters will cast their votes for candidates of political parties vying for the following political offices: 1) the President; 2) the Senate; 3) House of Representatives; 4) Governors; and 5) State Houses of Assembly. However, governorship elections will be held in Abia, Adamawa, Akwa Ibom, Bauchi, Benue, Borno, Cross River, Delta, Ebonyi, Enugu, Gombe, Imo, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kwara, Lagos, Nassarawa, Niger, Ogun, Oyo, Plateau, Rivers, Sokoto, Taraba, Yobe and Zamfara States. More so, in 2019, INEC will conduct elections for the Senate, Houses of Representatives and Federal Capital Territory (FCT) Area Council. Also, for the FCT Area Council, there will be elections into 6 Chairmanship and 62 Councillorship offices. Governorship elections will be held in Bayelsa and Kogi States at a date to be fixed by INEC in 2019 but after the 2019 general elections.

## **Who can vote in Nigeria's 2019 General Election?**

Eligible voters must be Nigerian citizens who have attained the age of 18 years and above and have obtained PVC in the ward or LGA where he/she registered to vote. The person must not be subject to any legal incapacity to vote under any law, rules and regulations in force in Nigeria. Section 12 (1) of the Electoral Act 2010 (as amended) implicitly provides for the right to vote for all eligible Nigerians. It stipulates that:

“A person shall be qualified to be registered as a voter if such a person

(a) is a citizen of Nigeria;

- (b) Has attained the age of eighteen years;
- (c) Is ordinarily resident, works in, originates from the Local Government/Area Council or Ward covered by the registration centre;
- (d) Presents himself to the registration officers of the Commission for registration as a voter;
- (e) Is not subject to any legal incapacity to vote under any law, rule or regulations in force in Nigeria.”

## **What is Nigeria’s electoral system and how do winners emerge in elections?**

The first-past-the-post electoral system is used in Nigeria for all elected offices. According to the Section 134(2) of the 1999 Constitution (as amended), “a candidate for an election to the office of President shall be deemed to have been duly elected where, there are more than two candidates for the election; (a) [s]he has the highest number of votes cast at the election; and (b) [s]he has not less than one-quarter of the votes cast at the election each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja.” This means that for any presidential candidate to win the election, he/she must have obtained an absolute majority and at least 25% of the entire votes in at least 24 States of the Federation. Nevertheless, in a Presidential or Governorship election where no one emerges the winner in the first election, a two-round method is used.

Similarly, section 179(2) of the Constitution (as amended) stipulates that “a candidate for an election to the office of Governor of a State shall be deemed to have been duly elected where, there being two or more candidates; (a) [s]he has the highest number of votes cast at the election; and (b) [s]he has not less than one-quarter of all the votes cast in each of at least two-thirds of all the local government areas in the State.” However, where no candidate gets the required spread, the commission shall within seven days of the result of the election, organise another election between two candidate who scored the highest number of votes and one among the remaining candidates who secured a majority of votes in the highest number of local government areas in the State.<sup>1</sup>

<sup>1</sup> Section 179(3), 1999 Constitution



## What system of voting exists?

Subject to amendment, Section 52(1a) of Electoral Act 2010 (as amended) states that “voting at an election...shall be by open secret ballot”. According to INEC guideline, accreditation and voting start at 8:00 am and closes at 2:00 pm on each of the Election Day provided that any voters already in the queue shall be granted access to accreditation and voting. On arrival at the Polling Unit (PU), the intending voter joins the line, and the polling official will request for the PVC of the voter to check the photograph, name and other details on voter' register.

The voter's fingerprint will also be authenticated using the smart card reader (SCR). After this, the fingers of the intending voter would be checked to ensure that he has not voted before and if satisfied, the poll official would return the card to the owner, tick his name on the voters register and also mark his finger with indelible ink to show that he has voted. The voter would then be issued a stamped and signed ballot paper and proceed to the booth to cast his/her vote. The guideline for conducting Election Day activities may change if circumstances demand.

## How many registered voters are there?

According to the INEC, the number of registered voters in Nigeria stood at 74 million in January 2018. INEC further announced that, as at March 27, 2018, newly registered voters stood at 6,906,411. The number of registered voters is expected to be between 80 and 85 million by 2019 because of the on-going nationwide Continuous Voter Registration (CVR).<sup>2</sup>

## Who is in charge of security on Election Day?

The Nigeria Police Force (NPF) is the agency saddled with the responsibility of maintaining law and order within the country and it is the lead agency in election security. However, there exists an Inter-Agency Consultative Committee on Election Security (ICCES). This committee includes INEC, National Security Adviser (NSA), Army, Navy, Airforce, Nigeria Police Force (NPF) Nigerian Security and Civil Defence Corp (NSCDC), Federal Road Safety Corp (FRSC), Nigeria Prison Service (NPS), and other security agencies.

The primary responsibility of the Committee is to ensure that elections are conducted in a peaceful and orderly manner.

## **Where will voters cast their ballots on Election Day?**

There will be a total of 119,973 polling units across the 36 states of the federation and the FCT. On Election Day, registered voters will return to the same polling centre where they register to cast their votes.

## **How will Persons with Disability Cast their votes?**

The section 56 of Electoral Act 2010 (As Amended) stipulates that “a voter who is blind or is otherwise unable to distinguish symbols or who suffers from any other physical disability may be accompanied into the polling unit by a person chosen by him and that person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting compartment and assist the voter in marking his ballot in accordance with the procedure prescribed by the Commission”.

## **Will there be provision for Internally Displaced Persons?**

The INEC has taken a critical step to ensure that Internally Displaced Persons (IDPs) who have reached the age of 18 and those whose cards were destroyed as a result of over eight years of Boko Haram insurgency vote in the 2019 general elections. One of such move by the electoral umpire was the conversion of 11 IDP Camps to Voter Registration Centres in Borno State. Similar intervention to ensure registration of IDPs in Bakassi LGA of Cross River State has also been widely reported. However, while the Commission continues to reiterate its commitment to ensuring that IDPs vote, the adequate inclusion of the group in the electoral process remains a challenge.

## **What about Diaspora voting?**

Presently, there is no provision for diaspora voting because the law does not permit it. Hopefully, the law may be amended to accommodate it.

## **Can anyone be denied the right to vote?**

The right of all Nigerians to vote is guaranteed by Section 12 of Electoral Act 2010 (As Amended). All citizens that have reached the age of 18 years and above and are duly registered and have obtained their PVC can exercise their right to vote. Only non-citizens and those citizens that have not reached the voting age of 18 years or have not registered and collected their PVC are exempted from voting. More so, an eligible voter who has obtained his/her PVC and presented it at appropriate PU will be able to vote on Election Day.

## **Who can observe during the Election Day? How can they get accreditation?**

Domestic and international organisations can apply to the Independent National Electoral Commission (INEC) for accreditation to observe the elections. However, the organisation applying for accreditation must meet criteria set out by the electoral umpire before they are accredited to observe during the polls.

## **When and where will the official result be announced?**

As contained in Section 63(4) of Electoral Act 2010 (As Amended), “the Presiding Officer shall count and announce the result at the Polling unit”. The Returning Officer at the local, state and national levels shall collate and count election results and announce the winner at their various levels. Completed Publication of Result Poster, Form EC 60(E), should be posted at PUs after the announcement of election result at that level.

## **Where will election dispute be adjudicated?**

Electoral disputes will be adjudicated through the election tribunal that will be set up during the electoral process. As stipulated in Section 134 of the 2010 Electoral Act (as amended), “the election petition shall be filed within 21 days after the date of declaration of the result of the election, and election tribunal shall deliver its judgment in writing within 180 days. An appeal from the decision of tribunal shall be heard and disposed of within 90 days from the date of the delivery of judgment of the tribunal”. When necessary the court of appeal and supreme court must hear and dispose of within 60 days from the date of receipt of the appeal. However, it is worthy to note that the process of appeal varies for each elective position.