



THE ELECTORAL FORUM

...promoting electoral knowledge, accountability and integrity

The Electoral Forum Statement on the Electoral Act 2022

The Electoral Forum commends President Muhammadu Buhari for assenting to the Electoral Bill 2022. The process of enacting this new law has been long. Since the beginning of the 2019-2023 electoral cycle, the ninth National Assembly has been drafting the Bill, consulting with stakeholders, and inviting comments from citizens during public hearings.

Having gone through the entire process, an earlier version of the consolidated Bill was transmitted to the President for assent in November 2021. However, the President declined assent primarily because of the provision that mandated political parties to conduct direct primaries. Accordingly, the National Assembly amended the Bill and transmitted it back to the President in January 2022. Under the amended Bill, parties were allowed to adopt direct primaries, indirect primaries, or consensus as the mode of selecting their candidates. Finally, on 25 February 2022, the President assented to the Bill, which has now become the Electoral Act 2022.

The Forum is pleased to have been a part of the process that led to the enactment of this new law. We held numerous technical sessions deliberating on key provisions of the Bill, making recommendations, and engaging with key law- and policymakers, including members of the National Assembly and the Independent National Electoral Commission (INEC). We are delighted that some of our recommendations on earlier versions of the Bill have now been reflected in the law. These include the following:

- The mode of voting and transmission of results is to be determined by INEC (section 50(2)).
- INEC has the power to review results declared under duress (section 65).
- Political parties have the power to choose the form of primaries to adopt (section 84).

Ultimately, we are convinced that the Electoral Act 2022 is a step in the right direction, as it provides an enabling framework for the conduct of credible elections come 2023. We further urge the National Assembly, in future amendment efforts, to consider other contentious areas that require electoral reform, including the mode of appointment of INEC members, timelines for by-elections, and campaign finance. We are confident that these

continuous efforts at improving the electoral legal framework will yield positive results in subsequent elections, with attendant positive effects for our democracy.

Signed

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About The Electoral Forum

The Electoral Forum is an initiative of The Electoral Hub that pools resource persons from electoral management bodies together with other electoral stakeholders to conceptualise solutions to the unique problems facing electoral governance in Nigeria. It is chaired by Professor Adebayo Olukoshi and supported by the MacArthur Foundation and the Open Society Initiative for West Africa (OSIWA).