

WHAT CITIZENS NEED TO KNOW ABOUT THE ELECTORAL ACT, 2026

Volume 1



POLITICAL PARTIES:

Registration and Membership

INTRODUCTION

The Electoral Act 2026 (signed into law in February 2026) introduces several updates to the framework originally set out in the 2022 Act.

Section 75 of the Electoral Act, 2026 empowers the Independent National Electoral Commission (INEC) to register political parties in Nigeria. It establishes the key eligibility criteria, application procedures, and conditions that political associations must satisfy to participate formally in Nigeria's political sphere.

While the core structure for party registration remains largely intact, drawing from constitutional provisions (Sections 222–224 of the 1999 Constitution) and INEC guidelines, the 2026 amendments impose stricter regulatory requirements. Notably, these include significantly higher financial thresholds and enhanced oversight mechanisms, while eliminating some previously existing procedural safeguards.

COMPARATIVE OVERVIEW

POWER TO PRESCRIBE CONDITIONS AND REQUIRED DOCUMENTS FOR PARTY REGISTRATION

ELECTORAL ACT 2022:

Section 75 only implied INEC's powers to prescribe conditions and documents required for registration, but it was not expressly stated in the law.

ELECTORAL ACT 2026:

Section 75(2) expressly provides that INEC shall prescribe the conditions and documents required for registration.

KEY DIFFERENCES AND IMPACT:

INEC's regulatory authority is now codified. This clarifies and strengthens the Commission's discretion to design procedural and documentary requirements for party formation. Furthermore, this reduces ambiguity about what associations must submit, improving transparency and consistency in the registration process.

COMPARATIVE OVERVIEW

VERIFICATION / NON-REGISTRATION NOTICE

ELECTORAL ACT 2022:

The power to verify authority was implied but not clearly stated in Section 75.

ELECTORAL ACT 2026:

INEC must now expressly verify the information supplied by applicant associations.

KEY DIFFERENCES AND IMPACT:

Verification is now a mandatory legal step. This strengthens INEC's investigative oversight before registration is approved.

COMPARATIVE OVERVIEW

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“DEEMED REGISTERED AFTER 60 DAYS” PROVISION

ELECTORAL ACT 2022:

Under Section 75(4), Associations were deemed automatically registered if INEC did not respond to the application within 60 days.

ELECTORAL ACT 2026:

The new Act completely removes the provision.

KEY DIFFERENCES AND IMPACT:

Automatic registration is removed. INEC must now give direct approval, strengthening its control over the registration process.

COMPARATIVE OVERVIEW

ADMINISTRATIVE FEE FOR PARTY REGISTRATION

ELECTORAL ACT 2022:

Under Section 75(6), the amount was left to INEC's discretion.

ELECTORAL ACT 2026:

Registration fee is now fixed at ₦50,000,000 (non-refundable).

KEY DIFFERENCES AND IMPACT:

The fee is now set by law at a very high amount. This creates a major financial barrier for new parties and removes INEC's discretion.

COMPARATIVE OVERVIEW

MEMBERSHIP REGISTER REQUIREMENTS

ELECTORAL ACT 2022:

Section 77(2) provides for simple hard and soft copy register.

ELECTORAL ACT 2026:

Under Section 77(2) of the 2026 Act, there must be a digital register with name, sex, date of birth, address, state, LGA, ward, polling unit, NIN and photograph of members. This includes the issuance of a membership card.

KEY DIFFERENCES AND IMPACT:

Digital format with biometric details (NIN + photo) is now compulsory. This greatly improves accuracy and should significantly reduce the use of fake or inflated membership lists.

COMPARATIVE OVERVIEW

TIMELINE FOR SUBMITTING MEMBERSHIP REGISTER TO INEC

ELECTORAL ACT 2022:

Under section 77(3), it must be submitted not later than 30 days before the date fixed for the party primaries, congresses or convention.

ELECTORAL ACT 2026:

Section 77(4) provides for submission not later than 21 days before the date fixed for the party primaries, congresses or conventions.

KEY DIFFERENCES AND IMPACT:

The timeline for submission in the 2026 Act is now 9 days less, in comparison to the 2022 Act. This forces earlier preparation and stricter compliance.

COMPARATIVE OVERVIEW

WHO CAN VOTE OR BE VOTED FOR IN PRIMARIES

ELECTORAL ACT 2022:

No express provision.

ELECTORAL ACT 2026:

Section 77(5) & (6) – Only members listed in the register submitted to INEC can vote or be voted for. No other register is allowed.

KEY DIFFERENCES AND IMPACT:

Only verified members count. This directly prevents manipulation through unidentified members.

COMPARATIVE OVERVIEW

TYPES OF PRIMARIES ALLOWED

ELECTORAL ACT 2022:

Under section 84(2) direct, indirect or consensus were all permitted.

ELECTORAL ACT 2026:

Section 84(2) provides for only direct primaries or consensus. Indirect primaries were removed.

KEY DIFFERENCES AND IMPACT:

Indirect primaries has been removed, restricting the types of primaries to direct primaries or consensus.

COMPARATIVE OVERVIEW

COURT JURISDICTION OVER INTERNAL PARTY AFFAIRS

ELECTORAL ACT 2022:

The old Act did not provide any restrictions.

ELECTORAL ACT 2026:

Section 83(5) & (6) of the 2026 Act provides that courts are barred from hearing internal party matters. No interim orders are allowed.

KEY DIFFERENCES AND IMPACT:

This aims to reduce pre-election court cases involving parties, and aims to prevent judicial interference in party processes.

CONCLUSION

The core framework for the registration of political parties under the Electoral Act remains largely unchanged. Applications must still be submitted 12 months before a general election, INEC must still notify applicants within 90 days if registration is refused, criminal penalties for giving false or misleading information remain the same, and all constitutional requirements under Section 222 of the 1999 Constitution continue to apply.

The Electoral Act 2026 however, introduces additional requirements and procedures that increase the level of regulatory oversight in the processes of party registration and internal party operations.