

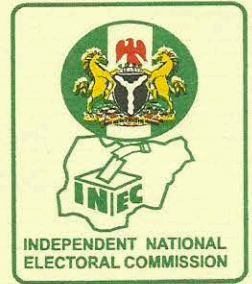


INDEPENDENT NATIONAL ELECTORAL COMMISSION

INEC - HEADQUARTERS

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OFFICE OF THE SECRETARY



INEC/EPM/PPP/123/V.111/163

26th September, 2014

To: All National Chairmen
Registered Political Parties
Corporate Entities,
Associations and the General Public

CAUTION ON ILLEGAL PUBLIC POLITICAL BROADCAST AND CAMPAIGN

The attention of the Independent National Electoral Commission has been drawn to the insistent illegal campaigns carried out by Associations, Corporate entities, Individuals, Public and Private Media, and other Communication Agencies in the Country in contravention of the provisions of the 1999 Constitution (As Amended) and the Electoral Act 2010 (As Amended) on Limitation of Political Broadcast.

2.0 Section 221 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended) clearly provides as follows:

“ No association , other than a political party, shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election”.

2.1 Canvassing for vote includes acts geared towards promoting a candidate or Political Party by means of public advertisement in print and electronic media.

3.0 Section 99 of the Electoral Act 2010 (as amended) further prohibits broadcast and political campaign earlier than ninety (90) days before polling day. The Section 99 provides as follows:

“Section 99 (1) For the purpose of this Act, the period of campaigning in public by every political party shall commence 90 days before polling day and end 24 hours prior to that day”

4.0 In exercise of its mandate as Regulatory body and pursuant to the powers conferred on it by the 1999 Constitution (as amended) and the Electoral Act 2010 (as amended), the Independent National Electoral Commission (INEC) shall henceforth take necessary action against such Associations, Corporate Bodies, Individuals, Political Parties, media or other communication Agencies, Social Media, Candidates/Aspirants if and when any of the provisions of the 1999 Constitution (As amended) and or Electoral Act 2010 (as amended) on public campaign/rally and procession are contravened.

5.0 Extracts of the Electoral Act 2010 (as amended) have been re-produced and circulated by the Commission at public places, to media outfits, Ministry of Information, National Orientation Agency, National Communications Commission (NCC), Headquarters of IPAC, Headquarters of State, FCT, Local Government Area offices of INEC, FCT and the Federal Ministry of Environment.

6.0 This is for information and proper guidance.

Mrs. Augusta C. Ogakwu,
Secretary to the Commission

Copy to: All Resident Electoral Commissioners,
Independent National Electoral Commission,
All States and FCT, Abuja.

Above is for your information and further circulation to all State and Local Government Area Offices of the agencies and bodies listed at paragraph 5.0 above, and as appropriate.

Mrs. Augusta C. Ogakwu,
Secretary to the Commission

ELECTORAL ACT EXTRACT

EXTRACT OF 1999 CONSTITUTION

Section 221. " No association , other than a political party, shall canvass for votes for any candidate at nay election or contribute to the funds of any political party or to the election expenses of any candidate at an election".

LIMITATION ON POLITICAL BROADCAST AND CAMPAIGN BY POLITICAL PARTIES

Section 99 – (1) For the purpose of this Act, the period of campaigning in public by every political party shall commence 90 days before polling day and end 24 hours prior to that day.

(2) A registered political party which through any person acting on its behalf during the 24 hours before polling day –

- (a) advertises on the facilities of any broadcasting undertaking; or
- (b) procures for publication or acquiesces in the publication of an advertisement in a Newspaper, for the purpose of promoting or opposing a particular candidate, commits an offence under this Act and upon conviction is liable to a maximum fine of N500,000.00

CAMPAIGN FOR ELECTION

Section 100 – (1) A candidate and his party shall campaign for the elections in accordance with such rules and regulations as may be determined by the Commission.

(2) State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.

(3) Media time shall be allocated equally among the political parties or candidates at similar hours of the day.

(4) At any public electronic media, equal airtime shall be allotted to all political parties or candidates during prime times at similar hours each day, subject to the payment of appropriate fees.

(5) At any public print media, equal coverage and conspicuity shall be allotted to all political parties.

(6) A public media that contravenes subsections (3) and (4) of this section commits an offence and is liable on conviction to a maximum fine of ₦500,000.00 in the first instance and to a maximum fine of ₦1,000,000.00 for subsequent conviction.

PROHIBITION OF BROADCAST ETC, 24 HOURS PRECEDING OR ON POLLING DAY

Section 101 – (1) A person, print or electronic medium that broadcasts, publishes advertises or circulates any materials for the purpose of promoting or opposing a particular Political Party or the election of a particular candidate over the radio, television, newspaper, magazine, handbill, or any print or electronic media whatsoever called during 24 hours immediately preceding or on polling day commits an offence under this Act.

(2) Where an offence under subsection (1) of this section is committed by a body corporate, every principal officer of that body is equally guilty of an offence under this Act.

(3) Where any person is convicted of an offence under this section he shall be liable:

- a. in the case of a body corporate to a maximum fine of ₦1,000,000.00; and
- b. In the case of an individual to a maximum fine of ₦500, 000.00 or to imprisonment for a term of 12 months.

CAMPAIGN BASED ON RELIGION, TRIBE, ETC

SECTION 102: A candidate, person or association who engages in campaigning or broadcasting based on religious, tribal or sectional reason for the purpose of promoting or opposing a particular political party or the election of a particular candidate, commits an offence under this Act and is liable on conviction to a maximum fine of ₦1, 000,000.00 or imprisonment for a term of 12 months or to both.