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# A Legal Appraisal of the Electoral Act 2026



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# **A LEGAL APPRAISAL OF THE ELECTORAL ACT 2026**

## **Introduction**

On the 18th of February 2026 President Bola Ahmed Tinubu signed into law the **Electoral (Amendment) Act 2026**, thereby replacing the prior statutory framework, **Electoral Act 2022** and setting the legal architecture that will govern the 2027 general elections affecting how elections are administered, results are transmitted, and electoral disputes are navigated. Its passage followed intense debate in the National Assembly and widespread public scrutiny, reflecting both political compromises and technical considerations.

This publication provides a clear and practical legal analysis of the Electoral Act 2026, highlighting its key reforms, operational implications, and potential areas of dispute. It examines how the new framework may shape election administration and electoral litigation ahead of the 2027 general elections.

## **Background of the Act**

The Electoral Act 2026 emerged from sustained political debate and public scrutiny following the implementation of the Electoral Act 2022 during the 2023 general elections. Disputes surrounding result transmission, evidentiary standards, and operational timelines exposed perceived gaps in the earlier framework and prompted calls for legislative clarification.

In response, the National Assembly initiated amendment proceedings to refine provisions on electronic transmission, streamline electoral timelines, and strengthen administrative certainty.

After passage by both chambers of the National Assembly, the Bill was assented to by President Bola Ahmed Tinubu on 18th February 2026, thereby formally bringing the new legal regime into force ahead of the 2027 general elections.

## **Some Key Changes in the New Act**

### **1. Electronic Transmission of Results - Section 60(3)**

One of the most consequential changes in the Act relates to the statutory treatment of electronic transmission of results at polling units. Under the new law, presiding officers are explicitly required to electronically transmit results from each polling unit to the

Independent National Electoral Commission's Result Viewing Portal (IReV) after the result has been counted, and Form EC8A has been signed and stamped by the presiding officer (and countersigned by polling agents where present). This is a significant revision from the 2022 Act, which merely empowered INEC to prescribe the mode of transmission without mandating it.

The statute also includes a contingency caveat which denotes that if electronic transmission fails due to communication or network issues, then the results recorded on the physically signed Form EC8A become the primary source for collation and declaration.<sup>1</sup>

## **2. Reduction of Election Notice Period - Section 28**

The 2026 Act reduces the mandatory election notice period. Reports indicate that the previous statutory requirement for a 360-day notice of general elections was shortened to 300 days, chiefly to enable INEC to fix election dates that avoid conflicts with Ramadan and other calendar constraints. This adjustment affects the timeline for party primaries, nomination deadlines, and INEC's administrative preparations.<sup>2</sup>

## **3. Mode of Party Primaries – Section 84(2)**

Whereas the **Electoral Act 2022** allowed political parties to nominate candidates through direct primaries, indirect primaries (using elected delegates), or by consensus, the 2026 Act limits the options to direct primaries or consensus alone. In practical terms, under the previous law the indirect primary system enabled parties to choose their candidates through a smaller electorate of delegates chosen from within the party structure. The 2026 amendment's emphasis on direct primaries means that all registered members of a party vote directly to select flag-bearers in a ward or national context, unless a consensus candidate is agreed.

The effect of this change is to eliminate the delegate-based system that relied on a select group of party delegates for candidate selection, arguably broadening participation by insisting on either full member participation (direct primary) or a consensual decision.

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<sup>1</sup> Sola Shittu Samuel Ogidan, "Senate Finally Okays Mandatory E-Transmission of Election Results" (Independent February 11 2026) <https://independent.ng/senate-finally-okays-mandatory-e-transmission-of-election-results> <accessed 21<sup>st</sup> February 2026>

<sup>2</sup> Tope Omogbolagun, "N'Assembly passes Electoral Act Amendment for third reading" (Business Day, February 18 2026) <https://businessday.ng/politics/article/nassembly-passes-electoral-act-amendment-for-third-reading> <accessed 21<sup>st</sup> February 2026>

## Legal Implications of these Changes

Unsurprisingly, **Section 60** which governs how results move from polling units to collation centres, captured public attention. Civil society had been pushing for mandatory real-time transmission from every polling unit to strengthen transparency. However, what ultimately made it into law instead allows electronic transmission with a provision for manual forms to be primary if there are “communication failures.” This duality leaves room for interpretation and dispute because the law does not clearly define what constitutes a failure or how deliberate sabotage would be distinguished from genuine network issues.

This ambiguity carries concrete legal risk as election results declared under one method versus another could be challenged on statutory grounds, opening the door to litigation over compliance with the Act’s protocols. Disputes about result transmission procedures are likely to feature in post election petitions.

The timing and process of enactment have themselves become part of the legal conversation. The law being passed this close to the 2027 election cycle, raises concerns about legislative transparency and has brought thorough scrutiny of last-minute amendments. While courts generally uphold duly enacted laws, the perceived procedural weaknesses in how the Act was adopted add to the broader debate about its legitimacy and may influence how the judiciary might interpret contested provisions.<sup>3</sup>

## Conclusion

Viewed from the bar, the Electoral Act 2026 represents a pivotal statute in Nigeria’s democratic evolution. It recalibrates the country’s electoral framework, modernises core processes, and yet leaves critical issues for regulatory and judicial resolution. Its true legacy will be determined not merely by the words of the statute but by how INEC implements it, how disputes are resolved, and how Nigerians engage with a legal framework designed for the complexities of 21st-century elections.

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<sup>3</sup> Akindeji Aromaye, “Nigeria’s Electoral Act 2026: What Really Changed, and What Didn’t” (Premium Times, February 19 2026) <https://www.premiumtimesng.com/news/top-news/857968-nigerias-electoral-act-2026-what-really-changed-and-what-didnt.html> <accessed February 21 2026>