



Constitutional Provisions for the Formation of Political Parties in Nigeria

Constitution of the Federal Republic of Nigeria (1999)

Part III

Supplemental D

Political Parties

221. Prohibition of political activities by certain associations

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221. 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.
222. No association by whatever name called shall function as a party, unless –
- a) the names and addresses of its national officers are registered with the Independent National Electoral Commission;
 - b) the membership of the association is open to every citizen of Nigeria irrespective of his place of origin, circumstance of birth, sex, religion or ethnic grouping;
 - c) a copy of its constitution is registered in the principal office of the Independent National Electoral Commission in such form as may be prescribed by the Independent National Electoral Commission;
 - d) any alteration in its registered constitution is also registered in the principal office of the Independent National Electoral Commission within thirty days of the making of such alteration
 - e) the name of the association, its symbol or logo does not contain any ethnic or religious connotation or give the appearance that the activities of the association are confined to a part only of the geographical area of Nigeria; and
 - f) the headquarters of the association is situated in the Federal Capital Territory, Abuja.
223. (1) The constitution and rules of a political party shall:
- a) provide for the periodical election on a democratic basis of the principal officers and members of the executive committee or other governing body of the political party; and
 - b) ensure that the members of the executive committee or other governing body of the political party reflect the federal character of Nigeria.
- (2) For the purposes of this section –
- a) the election of the officers or members of the executive committee of a political party shall be deemed to be periodical only if it is made at regular intervals not exceeding four years; and
 - b) the members of the executive committee or other governing body of the political character of Nigeria only if the members thereof belong to different states not being less in number than two-thirds of all the states of the Federation and the Federal Capital Territory, Abuja.
224. The programme as well as the aims and objects of a political party shall conform with the provisions of Chapter II of this Constitution.



225. (1) Every political party shall, at such times and in such manner as the Independent National Electoral Commission and publish a statement of its assets and liabilities.
- (2) Every political party shall submit to the Independent National Electoral Commission a detailed annual statement and analysis of its sources of funds and other assets together with a similar statement of its expenditure in such form as the Commission may require.
- (3) No political party shall -
- hold or possess any funds or other assets outside Nigeria; or
 - be entitled to retain any funds or assets remitted or sent to it from outside Nigeria.
- (4) Any funds or other assets remitted or sent to a political party from outside Nigeria shall be paid over or transferred to the Commission within twenty-one days of its receipt with such information as the Commission may require.
- (5) The Commission shall have power to give directions to political parties regarding the books or records of financial transactions which they shall keep and, to examine all such books and records.
- (6) The powers conferred on the Commission under subsection (4) of this section may be exercised by it through any member of its staff or any person who is an auditor by profession, and who is not a member of a political party.
226. (1) The Independent National Electoral commission, shall in every year prepare and submit to the National Assembly a report on the accounts and balance sheet of every political party.
- (2) It shall be the duty of the commission, in preparing its report under this section, to carry out such investigations as will enable it to form an opinion as to whether proper books of accounts and proper records have been kept by any political party, and if the Commission is of the opinion that proper books of accounts have not been kept by a political party, the Commission shall so report.
- (3) Every member of the Commission or its duly authorised agent shall -
- have a right of access at all times to the books and accounts and vouchers of all political parties; and
 - be entitled to require from the officers of the political party such information and explanation which to the best of his knowledge and belief are necessary for the purposes of the investigation, the Commission shall state that fact in its report.
227. No association shall retain, organise, train or equip any person or group of persons for the purpose of enabling them to be employed for the use or display of physical force or coercion in promoting any political objective or interest or in such manner as to arouse reasonable apprehension that they are organised and trained or equipped for that purpose.
228. The National Assembly may by law provide -
- for the punishment of any person involved in the management or control of any political party found after due inquiry to have contravened any of the provisions of sections 221, 225(3) and 227 of this Constitution;
 - for the disqualification of any persons from holding public office on the ground that he knowingly aids or abets a political party in contravening section 225(3) of this Constitution;
 - for an annual grant to the Independent National Electoral Commission for disbursement to political parties on a fair and equitable basis to assist them in the discharge of their functions; and
 - for the conferment on the Commission of other powers as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the Commission more effectively to ensure that political parties observe the provisions of this part of this chapter.
229. In this Part of this chapter, unless the context otherwise requires - "association" means any body of persons corporate or unincorporate who agree to act together for any commission purpose, and includes an association formed for any ethnic, social, cultural, occupational religious purpose; and "political party" includes any association whose activities include canvassing for votes in support of a candidate for election to the office of President, Vice-President, Governor, Deputy Governor or membership of a legislative house or of a local government council.