



POLICY BRIEF

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Regulating Party Finance to Restore Public Trust in Nigeria's Democracy: Protecting the Bench and the Ballot

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Executive Summary

The growing influence of money in Nigeria's politics, manifested in vote-buying "buying the ballot" and undue influence over the judiciary "buying the bench." This poses a serious threat to democratic integrity in the country. Although Nigeria has legal provisions regulating political finance, weak enforcement, loopholes, and institutional constraints have allowed illicit funding practices to persist. Strengthening party finance regulation is essential to restoring public trust, ensuring electoral fairness, and safeguarding judicial independence. While the Electoral Act 2022 establishes limits on campaign spending and requires political parties to disclose their finances, enforcement remains weak.¹ Furthermore, allegations of financial inducements in judicial processes during election petitions have raised concerns about attempts to sway court decisions. Such practices contribute to the perception that electoral outcomes and legal rulings can be influenced by financial power.

Thus, the dual challenge of astronomical campaign costs and the perceived influence of financial interests on the judiciary has eroded public confidence in both the ballot box and the bench. This brief argues for a robust overhaul of the **Electoral Act 2022** and the strengthening of oversight mechanisms to limit private financing, enhance transparency, and insulate democratic institutions from plutocratic capture. This policy brief recommends targeted legislative interventions, including:

1. Legislative Reform of Campaign Finance

- **Mandatory Disclosure:** Amend the Electoral Act to require real-time, digital disclosure of all individual and corporate donations above a specific threshold (e.g., ₦1,000,000) on a public INEC portal.
- **Stricter Spending Caps:** Review and downwardly adjust spending limits to reflect economic realities and encourage a more level playing field.
- **Ban on Opaque Contributions:** Prohibit "third-party" or "support group" spending that is not channeled through official party accounts.

2. Institutional Strengthening of INEC

- **Establishment of an Election Offences Commission:** Decouple the prosecution of financial electoral crimes from INEC's administrative duties to ensure dedicated focus on tracking illicit campaign funds.
- **Forensic Auditing Units:** Provide specialized training and technology for INEC's Political Party Monitoring (PPM) department to track digital transfers and "dark money" during election cycles.

3. Judicial Insulation and Reform

- **Automated Case Assignment:** Implement digital systems for assigning election petition judges to minimize targeted lobbying of specific justices.
- **Financial Autonomy:** Ensure full implementation of judicial financial autonomy to reduce the dependence of the bench on executive or political largesse for infrastructure and welfare.

4. Incentivizing Low-Cost Participation

- **Statutory Limits on Party Forms:** Legislate a maximum ceiling for the cost of party nomination forms to prevent parties from using them as a revenue-generating or exclusionary tool.
- **Public Financing Models:** Explore a "matching funds" model where the state provides limited subsidies to parties that demonstrate a broad, small-donor base and gender-inclusive tickets.

¹ Adeyemi, M. (2024). 2023 election expenses: A year after, INEC, APC, PDP, 14 others mum on financial disclosure. <https://guardian.ng/news/2023-election-expenses-a-year-after-inec-apc-pdp-14-others-mum-on-financial-disclosure/>



Background

In Nigeria, election cycles have increasingly become capital-intensive. Reports from election observers and civil society organizations indicate that campaign expenditures by candidates and political parties often exceed statutory limits prescribed under the Electoral Act. Wealthy political actors and private financiers frequently dominate campaign funding, creating patronage relationships that undermine democratic accountability. Money has become a decisive factor in Nigerian elections. Campaign spending by candidates and political parties has increased dramatically across federal and state elections, creating barriers for credible candidates without access to vast financial resources. This situation undermines political equality and encourages the capture of political institutions by powerful interests.

Although the Electoral Act 2022 establishes limits on campaign expenditure and requires political parties to disclose financial information, enforcement remains limited.² Institutions responsible for oversight, primarily the Independent National Electoral Commission, face capacity constraints, and coordination with anti-corruption agencies, such as the Economic and Financial Crimes Commission (EFCC), is insufficient. As a result, unregulated funding flows, vote-buying, and illicit financial influence continue to distort the electoral process. Many political parties fail to fully disclose their sources of funding, while campaign spending frequently exceeds the limits prescribed in law. Monitoring mechanisms remain limited, and sanctions for

violations are rarely applied. As a result, political financing often occurs through informal networks, wealthy patrons, and undisclosed donors.

Section 88 of the Electoral Act establishes limits on campaign spending and donations.³ For instance, the Electoral Act sets maximum election expenses for candidates—up to ₦5 billion for presidential elections, ₦1 billion for governorship elections, and smaller ceilings for legislative contests.⁴ Section 87 of the same Act had set a limitation on Donations to Political Parties and candidates. This section gives the Independent National Electoral Commission the power to place limits on how much money individuals can donate to political parties or candidates and to demand disclosure of the sources of such funds.

Buying the Bench

“Buying the bench” refers to the alleged influence of money or political power over the judiciary, particularly in election-related disputes. This can occur through bribery or inducement of judges in election petitions, political pressure on courts deciding electoral disputes, and strategic litigation funded by wealthy political actors. For instance, after the 2003 governorship election in Akwa Ibom State, allegations emerged that members of the election tribunal received bribes to influence their judgment.⁵ Investigations reportedly found that millions of naira were paid to tribunal judges in connection with the election dispute between Governor Victor Attah and challenger Ime Samson Umana. The National

² Olugbile, D. (2023). An assessment of the impact of efcc in curbing vote buying in nigeria. African Journal of Law, Political Research and Administration. Volume 6, Issue. https://abjournals.org/ajlpra/wp-content/uploads/sites/6/journal/published_paper/volume-6/issue-2/AJLPRA_9879KX3S.pdf

³ PLAC (2022). Electoral Act 2022. Power to limit contribution to a political party. <https://electoralact2022.placbillstrack.org/part/ZnhEMi9TMEZjNmljcmlaeG4zRG1KQT09/section/WVkyUGMreEZ3OGtLVStrcUJRjA5Zz09>

⁴ PLAC (2022). Electoral Act 2022. Limitation on election expenses. <https://electoralact2022.placbillstrack.org/part/ZnhEMi9TMEZjNmljcmlaeG4zRG1KQT09/section/UTFKNEpiVFRSN3ZTVIRzY0FrR3ZEQT09>

⁵ Onapajo, H and Uzodike, U. O. (2014). Rigging through the courts: The Judiciary and Electoral Fraud in Nigeria. <https://www.eisa.org/storage/2023/05/2014-journal-of-african-elections-v13n2-rigging-through-courts-judiciary-electoral-fraud-nigeria-eisa.pdf?x29006>



Judicial Council (NJC) suspended some judges involved in the controversy. This case is widely discussed in studies of judicial corruption in electoral disputes in Nigeria.

Secondly, during the 2023 election petitions, judges themselves raised concerns about attempts to bribe tribunal panels. A tribunal judge in Kano disclosed in open court that lawyers attempted to bribe members of the panel. There were allegations that ₦10 million was offered to influence the tribunal's judgment. Election tribunals are particularly vulnerable because court rulings often determine who holds political office.

Buying the Ballot

"Buying the ballot" refers to vote buying and financial inducement during elections, where candidates or parties give money, gifts, or other benefits to voters in exchange for electoral support. Vote buying occurs when a political actor offers money or material incentives to influence how people vote, turning elections into financial transactions rather than democratic choices.

In Nigeria, this practice often occurs at polling units through methods such as, cash payments before or after voting, "See and buy", verification systems where voters show their ballot before receiving payment, Distribution of gifts, loans, or government benefits before elections. Although prohibited by law, including provisions of the Electoral Act, vote buying persists and erodes the credibility of elections.

Issues: Plutocracy vs. Participation

The challenges of "buying the ballot" and "buying the bench" are not only governance concerns but also legislative gaps that fall squarely within the constitutional and oversight responsibilities of the National Assembly of Nigeria. The persistence of electoral monetization and judicial compromise reflects weaknesses in existing laws, inadequate legislative oversight, and limited enforcement mechanisms.

The growing role of money in Nigeria's electoral politics has created serious challenges for democratic accountability, electoral integrity, and public trust in governance. Campaigns and party activities increasingly depend on large financial resources, enabling wealthy individuals and special interests to exert disproportionate influence over political outcomes. This trend has contributed to the perception that electoral success and in some cases political influence can be effectively purchased. For instance, the rising cost of seeking elective office has created a high barrier to entry, effectively disenfranchising competent but less-capitalized candidates, particularly women and youth. Some of these issues are discussed below:

- **Monetized Nominations:** The exorbitant cost of "Expression of Interest" and "Nomination Forms" within major political parties serves as a primary gatekeeping mechanism.
- **Vote Trading:** Widespread "stomach infrastructure" and direct cash-for-votes during primaries and general elections have shifted the focus from policy-based campaigning to financial muscle.
- **Judicial Vulnerability:** High-stakes election litigation often follows contested results. The perception that legal outcomes can be influenced by the financial depth of litigants undermines the judiciary's role as the "last hope of the common man."

If left unaddressed, these challenges risk deepening political inequality, weakening electoral legitimacy, and eroding public confidence in Nigeria's democratic system. The National Assembly of Nigeria therefore faces an urgent need to strengthen the legal and institutional framework governing political party finance to promote transparency, accountability, and fairness in Nigeria's electoral process.



Key Challenges to Effective Regulation

1. **Weak Enforcement of Spending Limits:** While the **Electoral Act 2022** sets spending ceilings for various offices, the Independent National Electoral Commission (INEC) lacks the forensic auditing capacity to track illicit flows and off-the-books spending.
2. **Opaque Donation Sources:** Large-scale contributions from "anonymous donors" and corporate interests often bypass statutory reporting requirements, leading to post-election patronage.
3. **Lack of Internal Party Democracy:** The dominance of "godfathers" or wealthy financiers dictates party tickets, bypassing the preferences of the general membership.

Rationale for National Assembly Intervention

The National Assembly has a critical role to play because the issues of “buying the ballot” and “buying the bench” are systemic challenges that threaten Nigeria’s democratic institutions, electoral integrity, and rule of law. Strong legislative action is necessary to establish enforceable frameworks, close loopholes, and restore public confidence. Sections 222–229 of the 1999 Constitution (as amended) empower the National Assembly to regulate political parties and elections. By intervening, the legislature ensures that democratic elections reflect the will of the people, not financial influence, and strengthens the separation of powers by protecting judicial independence.

Allegations of bribery in election tribunals and high-profile cases threaten the judiciary’s credibility. Through legislative oversight, the National Assembly can strengthen the powers of the National Judicial Council (NJC) to investigate and sanction misconduct, mandate transparent procedures for tribunal appointments and case management, and establish legal protections for

judges against undue influence. This ensures that courts can adjudicate election disputes fairly.

Areas for Legislative Intervention

To address the growing influence of money in Nigeria’s electoral politics and restore public trust in democratic institutions, the National Assembly of Nigeria may consider the following legislative and policy reforms:

Legislative Reform of Campaign Finance

- *Mandatory Disclosure:* Amend the Electoral Act to require real-time, digital disclosure of all individual and corporate donations above a specific threshold (e.g., ₦1,000,000) on a public INEC portal.
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Conclusion

The problem of “buying the bench and the ballot” represents one of the most serious threats to Nigeria’s democratic consolidation. Without stronger regulations and effective enforcement of party finance rules, elections will continue to favor wealthy political actors and undermine citizens’ confidence in democratic governance. Legislative reforms that promote transparency, accountability, and fairness in political financing are therefore essential to restoring public trust and strengthening Nigeria’s democracy.

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