

EXAMINATION OF THE ROLE OF A LEGAL ADVISER TO A POLITICAL PARTY IN ENSURING CANDIDATE ELIGIBILITY UNDER THE NIGERIAN ELECTORAL LAWS*

Abstract

The legal adviser to a political party plays some critical and important roles in the running of the affairs of the party. One of such role is the responsibility of ensuring that the candidates selected by the party are eligible under the Constitution and the Electoral Act. The legal adviser must interpret the law regarding age limits, residency requirements, and the absence of disqualifications to avoid invalidation of candidacies. Political parties in Nigeria are essential vehicles for political representation, bound by law to function democratically and adhere to regulatory frameworks. Failure to comply with these requirements often leads to legal disputes and sanctions. A legal adviser to a political party plays a significant role and serves as the custodian of the party's legal framework, ensuring that its activities comply with the law to prevent disputes and electoral sanctions. In this article, we examined the basic concepts of the research work, the historical backgrounds and theoretical frameworks. We equally examined in details the role of a legal adviser as it pertains to ensuring candidates eligibility to contest election under the Nigerian electoral laws. Doctrinal research methodology was employed in the course of this work. This research work will open up further discussions on the topic and it will help in strengthening our democracy.

Key words:

Role, legal adviser, political party, candidate eligibility, Nigerian electoral laws

1. Introduction

The legal adviser to a political party plays a critical role in guiding the political party to navigate the complex legal landscape of Nigerian democracy. By ensuring compliance with the Constitution, Electoral Act, and other relevant laws, and by providing sound legal interpretations, the legal adviser helps the party avoid legal pitfalls and achieve its political objectives in an orderly, lawful manner. The legal adviser helps to ensure that the party's actions are in line with constitutional provisions, especially in matters relating to ensuring candidate's eligibility. Section 84¹ outlines the process of the nomination of candidates and the conduct of primaries. The legal adviser plays a crucial role in guiding the party to comply with this section to avoid disqualification of candidates. The writer examined in details the roles of a legal adviser as it pertains to ensuring candidate's eligibility to contest election. The understanding of the role of legal adviser in ensuring candidate's eligibility to contest election will go a long way in strengthening the Nigeria's democracy.

1.1 Legal Adviser to a Political Party in Nigeria Defined

A legal adviser to a political party in Nigeria is a key official who provides legal counsel and support to ensure that the party operates within the bounds of the law. Their primary responsibility is to advise the party on legal matters, including compliance with the Nigerian Constitution, the Electoral Act, party Constitutions, and other relevant laws. This role extends to ensuring candidate's eligibility to contest election. The legal adviser is often part of the party's National Working Committee (NWC) and plays a crucial role in maintaining the legal

***Ubanyionwu, C.J.**, PhD, Professor of Law, Department of International Law and Jurisprudence, Faculty of Law, Chukwuemeka Odumegwu Ojukwu University, Igbariam Campus, Anambra State, Chairman, Nigerian Bar Association, Aguata Branch, (2018 – 2020) Phone – 08036660646, E-mail- barcjuba @ yahoo.com.

¹ Electoral Act 2022.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

framework for the party's activities, ensuring that the political party adheres to regulations imposed by the Independent National Electoral Commission (INEC). The Constitution² provides the framework for political parties, including the need to adhere to democratic principles. The legal adviser helps to ensure that the party's actions are in line with constitutional provisions, especially in matters that have to do with ensuring candidate's eligibility to contest election. The Electoral Act³ outlines several steps to be taken by political parties in the electoral processes. The legal adviser plays a crucial role in guiding the party to comply with the sections of the Electoral Act to avoid disqualification of candidates. In *PDP v INEC*,⁴ the Peoples Democratic Party (PDP) had internal disputes over the nomination process for its candidates. INEC refused to recognize candidates nominated through a process that it deemed non-compliant with the Electoral Act. The court held that INEC's decision was lawful as the party had failed to comply with the relevant provisions of the Electoral Act. The legal adviser's role includes ensuring the party's internal processes comply with legal standards to prevent such disputes. In *Onuoha v Okafor & Anor*,⁵ which involved the internal party democracy of the Nigerian Peoples Party (NPP) during the Nigeria's Second Republic, where a candidate challenged the party's nomination process. The Supreme Court stressed that political parties must operate within the bounds of their own constitution and the law. Any deviation could lead to legal challenges. Also in *Ugwu v Ararume*,⁶ the PDP replaced its candidate after the primary elections, leading to a lawsuit. The candidate challenged the legality of the substitution under the party's guidelines and the Electoral Act. The court ruled in favour of the candidate, emphasizing the role of legal compliance in party processes. The legal adviser should provide legal guidance during candidate substitution to ensure it complies with the party's Constitution and the Electoral Act. Also in *Labour Party v INEC & Anor*,⁷ the Labour Party faced issues when its legal adviser failed to ensure proper documentation during the party's primaries. INEC disqualified their candidates based on improper documentation. The court affirmed INEC's decision, highlighting the importance of proper legal guidance in candidate nomination. This case demonstrates the significant role of the legal adviser in overseeing party documentation and legal compliance.

1.2 Political Party in Nigeria Defined

A political party in Nigeria is an organized group of individuals with shared political ideologies, seeking to influence government policy by nominating candidates for public office, winning elections, and controlling government power. Under the Nigerian law, political parties are regulated entities, recognized by the Independent National Electoral Commission (INEC), and are expected to function democratically and in compliance with the Constitution, the Electoral Act, and other legal frameworks. Political parties in Nigeria play a critical role in democracy by aggregating the interests of citizens, providing a platform for political participation, formulating policies, and fielding candidates for elections. Their activities, internal governance, and financial dealings are regulated by INEC to ensure fairness and transparency. Section 221⁸ provides that only a political party can sponsor candidates for elections. This section underscores

² Constitution of the Federal Republic of Nigeria 1999 (as amended).

³ Electoral Act 2022.

⁴ (2014) 17 NWLR (Pt 1437) 525.

⁵ (1983) 2 SCNLR 244.

⁶ (2007) 12 NWLR (Pt 1048) 367.

⁷ (2022) LPELR-56945(SC).

⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended).

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

the exclusive role of political parties in the electoral process. Section 222⁹ outlines the requirements for the registration of political parties, such as having a constitution, registered office, and being accessible to the public. Section 84¹⁰ governs the conduct of primary elections and nomination of candidates by political parties. It mandates democratic procedures and compliance with the law to ensure transparency in the selection process while section 225¹¹ provides for the regulation of political parties by INEC, including financial transparency and submission of reports on their activities.¹² Also in *PDP v INEC*,¹³ the Peoples Democratic Party (PDP) challenged INEC's decision to recognize candidates nominated through a faction of the party, arguing that the recognized faction was not the legitimate party leadership. The court upheld INEC's decision, emphasizing that political parties must follow their own internal constitutions and procedures in conducting party activities. This case highlights the importance of internal party democracy and legal compliance principles that political parties must adhere to in Nigeria. In *INEC v Musa*,¹⁴ several political associations challenged INEC's refusal to register them as political parties, arguing that INEC's criteria for registration were unconstitutional. The Supreme Court held that INEC's powers were limited to ensuring that parties met the constitutional requirements and could not impose additional conditions. The court emphasized the role of political parties as fundamental to democracy. This case demonstrates the foundational principle that political parties must be allowed to function freely, provided they comply with the constitutional framework. See *APC v Marafa*.¹⁵

1.3 Meaning and Concept of a Candidate to an Election

A candidate in the context of an election refers to an individual who has been nominated or has offered himself or herself for election to a public office. This concept is governed by specific laws and regulations within the electoral process. In Nigeria, a candidate is typically someone who has been officially recognized by a political party and is presented to contest in an election. Under Section 152¹⁶ a "candidate" is defined as a person who has been validly nominated by a political party to contest an election for any elective office. A candidate may also be an independent candidate where such provisions exist in the legal framework, although Nigeria currently operates under a system where only political parties may present candidates. Section 29¹⁷ provides that political parties must submit the names of their candidates to the Independent National Electoral Commission (INEC) within a specific timeline after party primaries. Section 131¹⁸ outlines the basic qualifications required to contest for the office of the President, including the requirement to be sponsored by a political party. In *Audu v INEC (No.2)*,¹⁹ Prince Abubakar Audu was the gubernatorial candidate for the All Nigeria Peoples Party (ANPP) in Kogi State. INEC disqualified him after the primaries on the ground that he had been indicted by a Judicial Commission of Inquiry. Audu challenged his disqualification, claiming he had already been nominated as a candidate by his party. The Supreme Court held that Audu's nomination as a candidate by his political party was valid and that INEC did not have the powers

⁹ *Ibid.*

¹⁰ Electoral Act 2022.

¹¹ Constitution of the Federal Republic of Nigeria 1999 (as amended).

¹² *Onuoha v Okafor & Anor supra.*

¹³ (2014) 17 NWLR (Pt 1437) 525.

¹⁴ (2003) 3 NWLR (Pt 806) 72.

¹⁵ (2020) LPELR-49677(SC).

¹⁶ Electoral Act 2022.

¹⁷ *Ibid.*

¹⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended).

¹⁹ (2007) 12 NWLR (Pt 1048) 220.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

to disqualify a candidate nominated by a political party. The court stressed the importance of political parties in the nomination process, affirming that once a candidate has been properly nominated, the candidate must be allowed to contest. This case underscores the significance of the nomination process by a political party, which is central to recognizing an individual as a candidate under Nigerian law. In *Atiku Abubakar v INEC & Ors*,²⁰ in the lead-up to the 2007 presidential election, Atiku Abubakar, then Vice President, was disqualified by INEC on grounds of an indictment. He argued that having been nominated by his political party, the Action Congress (AC), he should not be disqualified. The Supreme Court ruled that only a court of law could disqualify a candidate from an election. INEC had no power to disqualify a candidate who had been nominated by a political party and met the constitutional requirements. The court reaffirmed that once a candidate is duly nominated; the candidate can only be disqualified based on constitutional grounds. Also in *PDP v Sylva*,²¹ Timipre Sylva, who had earlier won the People's Democratic Party (PDP) primary for the Bayelsa State gubernatorial election, was substituted by the party with a different candidate. Sylva challenged this substitution, arguing that once a candidate has been nominated, they cannot be replaced except through lawful means. The court held that a political party has the prerogative to decide on who its candidate for an election is, provided that due process is followed. The Supreme Court emphasized that political parties must adhere to their guidelines when nominating and replacing candidates. In this case it can be deduced that the nomination of a candidate is a function of the political party and that INEC does not have the power to disqualify a candidate without judicial authority. Also, political parties are central to the electoral process as they determine who stands for election and that once nominated, a candidate enjoys certain legal protections and can only be disqualified based on constitutional and legal provisions.

1.4 Meaning and Concept of Candidate Eligibility to Contest Election in Nigeria

Candidate eligibility to contest an election in Nigeria refers to the legal and constitutional requirements that an individual must meet to qualify as a candidate for any elective office. These criteria are outlined primarily in the Constitution²² and the Electoral Act.²³ The eligibility criteria differ depending on the office being contested.²⁴ The common qualifications include: citizenship. The candidate must be a Nigerian citizen by birth.²⁵ In terms of age, different age limits are specified for various offices,²⁶ In terms of educational qualification, a minimum of a school certificate (or its equivalent). A candidate must be a member of a political party and must be sponsored by that party. Certain grounds disqualify a candidate, such as being under a declaration of allegiance to another country, insanity, bankruptcy, or conviction of certain criminal offences within a specified period before the election. In *Kawu v Yar'Adua*,²⁷

²⁰ (2007) 12 NWLR (Pt 1049) 122.

²¹ (2012) 13 NWLR (Pt 1316) 85.

²² Constitution of the Federal Republic of Nigeria 1999 (as amended).

²³ (2007) 12 NWLR (Pt 1048) 220.

²⁴ Electoral Act 2022.

²⁵ Example: presidency, governorship, or legislative positions. Section 131 provides qualifications for the office of president. Section 177 provides for qualifications for the office of governor. Section 65 provides for qualifications for membership of the National Assembly. Section 106 provides for qualifications for membership of a State House of Assembly. Section 84 of the Electoral Act 2022 provides that a person shall not be qualified to contest in an election unless they fulfil all the qualifications prescribed by the Constitution and other relevant laws.

²⁶ Example, for presidential and governorship elections.

²⁷ For president: 35 years; for governor: 30 years; for senate: 35 years; for house of representatives: 25 years; for state house of assembly: 25 years.

²⁸ (2008) 19 NWLR (Pt 1120) 1.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

Muhammadu Yar'Adua was declared the winner of the 2007 presidential election. Kawu and other petitioners challenged his eligibility, arguing that Yar'Adua's nomination process did not follow due process and that certain constitutional requirements were not met. The Supreme Court upheld Yar'Adua's eligibility, emphasizing that the constitutional and statutory requirements were satisfied, and the nomination by his political party was valid. The court affirmed that once a candidate meets the constitutional requirements, challenges to eligibility must be based on solid legal grounds rather than procedural irregularities. This case reaffirmed that eligibility to contest an election is primarily governed by the Constitution and Electoral Act. Compliance with constitutional provisions is the paramount factor in determining eligibility. See also *Action Congress v INEC*,²⁸ and *Atiku Abubakar v INEC*.²⁹ In *Ojukwu v Obasanjo*,³⁰ Chukwuemeka Odumegwu Ojukwu challenged the eligibility of President Olusegun Obasanjo to contest the 2003 presidential election, arguing that Obasanjo was not validly nominated by his party and had not met some constitutional qualifications. The Supreme Court held that Obasanjo met all constitutional qualifications, including being a Nigerian citizen, age, and educational requirements. The court reiterated that once the constitutional requirements are satisfied, a candidate is eligible, and further challenges must be grounded in law. The court reaffirmed that the Constitution is the ultimate authority in determining candidate eligibility, and courts cannot disqualify candidates based on procedural matters unless they contravene constitutional provisions.

1.5 Concept and Meaning of Nigerian Electoral Laws

Nigerian Electoral Laws refer to the body of laws that regulate the conduct of elections in Nigeria. These laws are designed to ensure that elections are free, fair, and transparent, protecting the integrity of the electoral process while safeguarding the democratic rights of citizens. The primary aim of these laws is to provide a legal framework for the administration of elections, including the qualifications for candidacy. Nigerian Electoral Laws are codified in several statutes, including the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Electoral Act 2022, and various court judgments that interpret these laws. These laws are enforced by the Independent National Electoral Commission (INEC) and the judiciary, which plays a crucial role in addressing electoral malpractices and disputes. We shall examine these laws.

2.1 The Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Constitution³¹ is the supreme law of Nigeria, and it provides the foundation for all electoral processes in the country. It defines the fundamental rights of citizens, including the right to vote and be voted for, and sets out the framework for the conduct of elections, the qualifications and disqualifications of candidates, and the role of the electoral body.³² See *Atiku Abubakar v INEC*.³³

2.2 The Electoral Act 2022

²⁸ (2007) 12 NWLR (Pt 1048) 220.

²⁹ *Supra*.

³⁰ (2004) 12 NWLR (Pt 886) 169

³¹ Constitution of the Federal Republic of Nigeria 1999 (as amended).

³² See *Ibid*, Section 14(2) (c) which establishes the participation of people in their government as the cornerstone of Nigeria's democracy. Sections 65, 106, 131, and 177 thereof lay down the qualifications required for candidates contesting for elective offices while Sections 66, 107, 137, and 182 thereof provide the disqualification grounds for candidates.

³³ (2007) 12 NWLR (Pt 1049) 122

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

The Electoral Act 2022 is the principal statute governing the administration of elections in Nigeria. It provides the legal framework for the registration of voters, the conduct of political parties, the regulation of campaign finance, the role of INEC, and the resolution of electoral disputes. The Act also provides penalties for electoral offences such as rigging, violence, and vote-buying. In *Action Congress v INEC*,³⁴ the Action Congress challenged the decision of INEC to disqualify certain candidates on the grounds of non-compliance with the party's internal nomination procedures. The court held that INEC must adhere to the guidelines established under the Electoral Act regarding candidate nominations, reaffirming that INEC cannot impose additional conditions beyond those provided by law. This case underscores the importance of strict compliance with the provisions of the Electoral Act in the nomination of candidates by political parties.

2.3 INEC Guidelines and Regulations

INEC, as the electoral umpire, is vested with the authority to make rules and regulations for the conduct of elections. These guidelines are not statutes but serve to supplement the Electoral Act. The guidelines detail the administrative processes for voter registration, conduct during campaigns, voting procedures, and the collation of results. INEC issues election guidelines that outline how elections are to be conducted, including procedures for electronic accreditation and voting, ballot counting, and collation of results. In *Hope Uzodinma v Emeka Ihedioha*,³⁵ Hope Uzodinma challenged the declaration of Emeka Ihedioha as the winner of the Imo State Governorship election, arguing that results from several polling units were unlawfully excluded from the final tally. The Supreme Court declared Uzodinma as the duly elected governor of Imo State after recognizing that the INEC guidelines were not adhered to in the collation of results. This case demonstrates that INEC guidelines, although not legislation, play a crucial role in determining the outcome of elections. Courts will intervene when these guidelines are violated, provided it affects the outcome of the election. INEC guidelines and regulations provide additional procedures to ensure transparent elections in line with the Electoral Act.

2.4 Judicial Interpretation and Electoral Jurisprudence

The judiciary plays an essential role in interpreting electoral laws and resolving disputes that arise from elections. Judicial precedents shape the evolving nature of electoral law in Nigeria, as courts frequently adjudicate cases of electoral fraud, candidate disqualification, and improper conduct of elections. In *Buhari v INEC*,³⁶ Muhammadu Buhari challenged the results of the 2007 presidential election, alleging widespread electoral malpractice, including vote rigging and non-compliance with the Electoral Act. The court dismissed the petition, ruling that Buhari's legal team failed to provide sufficient evidence of substantial non-compliance with the law to annul the election. This case solidified the judicial requirement of proving substantial non-compliance to invalidate an election. The courts are reluctant to nullify elections unless the petitioner can show that the irregularities affected the overall outcome.

3. Historical Background of the Role of a Legal Adviser to a Political Party in Nigeria

The role of a legal adviser to a political party in Nigeria has evolved in tandem with the country's legal and political development. Political parties in Nigeria, which predate the nation's independence, have always operated under various legal frameworks that require adherence to constitutional provisions and statutory regulations. As Nigeria transitioned from colonial rule to independence, and through several military and civilian regimes, political parties became more

³⁴(2007) 12 NWLR (Pt 1048) 220

³⁵ (2020) 5 NWLR (Pt 1728) 28

³⁶ (2008) 19 NWLR (Pt 1120) 246

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

structured, necessitating the formalization of legal advisory roles to ensure compliance with laws governing elections, political participation, and internal party governance. We shall now examine the historical background of legal adviser in Nigeria democratic process.

3.1 Pre-Independence Period and Emergence of Political Parties

In the pre-independence period, political parties were nascent entities formed to represent various regional and ethnic interests in the struggle for self-governance. Legal advisory roles were largely informal, as these early parties had no formalized internal structures. The emergence of the Nigerian National Democratic Party (NNDP) in 1923, led by Herbert Macaulay, was among the first attempts to form a political party with a structured legal framework. However, legal advice during this period was more related to the colonial laws rather than formal party constitutions or electoral laws. In *Olafisoye v FRN*,³⁷ although post-independence case, reflects how colonial-era political organizations had to navigate legal frameworks that were often oppressive and controlled by colonial authorities. This case highlights the fact that early political parties operated under legal challenges imposed by colonial laws, with limited formal legal advisory roles.

3.2 Post-Independence Era (1960-1966)

After independence in 1960, political parties in Nigeria began to formalize their operations. The role of the legal adviser became crucial as political parties were now governed by Nigeria's constitution and emerging electoral laws. The First Republic saw major political parties like the National Council of Nigeria and the Cameroons (NCNC), the Action Group (AG), and the Northern People's Congress (NPC). These parties appoint legal advisers to interpret constitutional provisions, electoral laws, and assist in resolving internal disputes. In *Adegbenro v Akintola*,³⁸ the case involved a dispute within the Action Group (AG). Action Group (AG) was one of the major political parties during the First Republic. The party's legal adviser played a significant role in interpreting party rules and constitutional provisions during the leadership crisis. The Privy Council upheld the removal of the Premier, which reflected the importance of sound legal advice in navigating political party crises. This case demonstrates the early role of legal advisers in resolving internal party disputes and interpreting party Constitutions. Also in *Lakanmi v Attorney-General (Western Nigeria)*,³⁹ the case arose from the 1966 military coup, but it reflects the transitional legal challenges faced by political parties as Nigeria moved from civilian to military rule. The court held that the government's seizure of assets was unconstitutional, which underscores the role of legal advisers in defending party interests. This case highlights the role of legal advisers in constitutional disputes affecting political parties.

3.3 Military Rule and the Decline of Political Parties (1966-1999)

The role of political parties was suspended during military rule⁴⁰ which severely limited the formal functions of legal advisers. Political parties were banned, and military Decrees governed the country. However, the role of legal advisers re-emerged during periods of transition from military to civilian rule, particularly during the drafting of new Constitutions in 1979 and 1999. In *Awolowo v Shagari*,⁴¹ which arose after the 1979 presidential election, where Obafemi Awolowo challenged the election of Shehu Shagari. The legal advisers of the Unity Party of Nigeria (UPN) played a crucial role in framing the legal argument regarding the interpretation

³⁷ (2004) 4 NWLR (Pt 864) 580.

³⁸ (1963) AC 614.

³⁹(1970) NSCC 143.

⁴⁰ 1966-1979 and 1983-1999.

⁴¹ (1979) 6-9 SC 51.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

of electoral laws. The Supreme Court ruled in favour of Shagari, holding that the election was conducted in substantial compliance with the law. This case reflects the re-emergence of legal advisers in political party operations during the transition to civilian rule. Also in *Anyaoku v Adeleke*,⁴² the case involved the legality of certain actions taken by political parties during the 1983 elections. Legal advisers were active in ensuring compliance with electoral guidelines of the Second Republic. This case illustrates the expanding role of legal advisers in ensuring that political parties adhered to electoral laws during Nigeria's transition back to democracy.

3.4 Fourth Republic and Modern Role of Legal Advisers (1999-Present)

With the return to democratic rule in 1999, political parties in Nigeria became more structured, and the role of legal advisers became more formalized. The Constitution⁴³ and the Electoral Act⁴⁴ provided the legal framework for political party operations. Legal advisers now play a central role in ensuring compliance with INEC regulations, party Constitutions, and Electoral Laws. They are also involved in litigation, representing parties in pre-election and post-election disputes. The Constitution of the Federal Republic of Nigeria 1999 (as amended)⁴⁵ regulates the formation of political parties, placing the responsibility on legal advisers to ensure compliance with registration and operational requirements. The Electoral Act 2022⁴⁶ regulates the conduct of party primaries, placing a duty on legal advisers to ensure compliance with nomination processes. In *PDP v INEC*,⁴⁷ the PDP's internal party primary was disputed, and the legal adviser's role was pivotal in guiding the party's compliance with internal rules and the Electoral Act. The court emphasized the need for strict adherence to party Constitutions and Electoral Laws. This case highlights the modern role of legal advisers in ensuring internal compliance and defending party interests in court. See also *APC v Marafa & Ors.*⁴⁸

4. Historical Background of Political Parties in Nigeria

Political parties in Nigeria have a rich and complex history, deeply intertwined with the country's struggle for self-governance, independence, and democratization. The development of political parties has evolved across four main periods. They are as follows:

4.1 Pre-Independence Era (1923-1960)

The emergence of political parties in Nigeria dates back to the colonial era, specifically in 1923, with the formation of the Nigerian National Democratic Party (NNDP), led by Herbert Macaulay. The NNDP was Nigeria's first political party and was primarily formed to represent the interests of Lagosians in the colonial Legislative Council elections. The party's primary focus was on self-governance and resisting colonial policies that were deemed detrimental to the Nigerian people. The formation of political parties during this period was governed by colonial laws, including the Clifford Constitution of 1922, which introduced limited electoral participation for Africans in the Legislative Council.

4.2 First Republic (1960-1966)

Following Nigeria's independence in 1960, political parties became central to the country's nascent democracy. Three major parties dominated the political landscape during the First Republic: the National Council of Nigeria and the Cameroons (NCNC), the Action Group (AG),

⁴² (1983) 13 NSCC 142.

⁴³ Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁴⁴ Electoral Act 2022.

⁴⁵ Section 222 thereof.

⁴⁶ Section 82 thereof.

⁴⁷ (2014) 17 NWLR (Pt 1437) 525.

⁴⁸ (2020) LPELR-51806(SC).

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

and the Northern People's Congress (NPC). These parties were regional in orientation and focused on ethnic and regional interests, which eventually contributed to political instability. The Constitution⁴⁹ and the Electoral Act⁵⁰ governed the operations of political parties and elections during this period. Section 41 of the 1960 Constitution provided for political participation, allowing political parties to contest elections and form the government. In *Adegbenro v Akintola*,⁵¹ which arose from a political crisis within the Action Group (AG) in the Western Region, where a faction of the party sought to remove the Premier, Samuel Akintola. The Governor of the Western Region acted based on the advice of the NPC-led federal government. The Privy Council upheld the Governor's decision to remove Akintola, emphasizing the power of the Governor to remove a Premier if the Premier no longer commanded the confidence of the legislature. This case highlights the deep political rivalries and constitutional challenges that characterized the First Republic and the role of political parties in these conflicts.

4.3 Military Rule and Suspension of Political Parties (1966-1999)

Military coups in 1966 ended the First Republic, leading to the suspension of political parties. The military regimes that followed⁵² banned political parties, governing through military Decrees. During these periods, political activity was suppressed, and the legal frameworks for political parties were either suspended or strictly regulated. Military Decree⁵³ and subsequent Military Decrees suspended the operation of political parties, effectively ending political pluralism until the return to civilian rule. The 1979 Constitution reintroduced political party participation in the run-up to the Second Republic. In *Lakanmi v Attorney-General (Western Nigeria)*,⁵⁴ the military government's seizure of property following the 1966 coup was challenged. Although not directly about political parties, it highlights the legal constraints placed on political activities during military rule. The Supreme Court held that the military government's actions were unconstitutional, marking a rare judicial challenge to military authority. This case demonstrates the broader legal and political climate under military rule, which impacted political party activity. Also in *Uwaifo v Attorney-General (Bendel State)*,⁵⁵ the legality of actions taken by the military government that affected political activities was examined in this case. The case highlights the challenges political parties faced under military rule, even in the lead-up to the Second Republic.

4.4 The Second and Third Republics (1979-1993)

Political parties were reintroduced during the Second Republic, with the National Party of Nigeria (NPN), the Unity Party of Nigeria (UPN), and other parties dominating the political landscape. However, the Second Republic was short-lived due to another military coup in 1983. The Third Republic saw the establishment of two government-created political parties, the Social Democratic Party (SDP) and the National Republican Convention (NRC).⁵⁶ However, the annulment of the 1993 presidential election led to the collapse of the Third Republic. The Constitution of the Federal Republic of Nigeria 1979 governed the political party system during

⁴⁹ The Constitution of the Federal Republic of Nigeria 1960.

⁵⁰ The Electoral Act, 1962.

⁵¹ (1963) AC 614.

⁵² 1966-1979 and 1983-1999.

⁵³ No. 9 of 1966.

⁵⁴ (1970) NSCC 143.

⁵⁵ (1983) 4 NCLR 1.

⁵⁶ Transition to Civil Rule (Political Parties Registration and Activities) Decree No. 15 of 1989 established the two-party system during the Third Republic.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

the Second Republic. In *Awolowo v Shagari*,⁵⁷ Obafemi Awolowo of the UPN challenged the election of Shehu Shagari of the NPN, arguing that Shagari did not meet the constitutional requirement of securing at least one-quarter of the votes in two-thirds of the States of the federation. The Supreme Court ruled in favour of Shagari, holding that the election was conducted in substantial compliance with the law. This case is a landmark case in Nigerian electoral jurisprudence, illustrating the key role of political parties in electoral disputes. Also, in *Abiola v FRN*,⁵⁸ that arose from the annulled 1993 presidential election, which was widely believed to have been won by Chief MKO Abiola of the SDP. The election's annulment by the military regime led to widespread protests and legal challenges. This case demonstrates the fragility of political party participation under military rule and the importance of free and fair elections in sustaining political parties.

4.5 Fourth Republic (1999-Present)

The return to democratic rule in 1999 ushered in the Fourth Republic, which saw the proliferation of political parties. The Constitution of the Federal Republic of Nigeria 1999 (as amended) and the Electoral Act 2022 provide the legal framework for the formation, registration, and operation of political parties. Since 1999, political parties have played a central role in Nigeria's democratic process, with the People's Democratic Party (PDP), the All Progressives Congress (APC), and other parties dominating the political space. Section 222⁵⁹ provides the legal requirements for the formation and registration of political parties. Section 82⁶⁰ regulates party primaries, placing an obligation on political parties to conduct transparent and democratic processes in nominating candidates. In *PDP v INEC*,⁶¹ the PDP's internal party primary was disputed, and INEC refused to recognize the outcome of the primary. The Supreme Court emphasized the need for political parties to adhere to their internal rules and the Electoral Act in conducting party primaries. This case highlights the critical role of political parties in the electoral process and the legal challenges they face in adhering to party constitution.

5. Theories of a Political Party in Nigeria

Political parties in Nigeria are foundational elements of the country's democratic process. Theories surrounding political parties in Nigeria focus on their role in the political system, internal governance, and their relationship with the law and the electorates. These theories guide how political parties are formed, operate, and influence governance. The key theories relating to political parties include:

5.1 Democratic Theory

This theory asserts that political parties are central to a functioning democracy. Political parties serve as intermediaries between the government and the people, offering voters the ability to choose between competing ideologies and policy preferences. Section 40⁶² guarantees the right to freedom of association, which includes the formation and membership of political parties. The Electoral Act 2022 lays the legal framework for the registration, functioning, and regulation of political parties, ensuring that they operate democratically. In *INEC v Musa*,⁶³ several associations challenged INEC's refusal to register them as political parties, contending that the

⁵⁷(1979) 6-9 SC 51.

⁵⁸ (1993) 6 NWLR (Pt 299) 255; (1993) LPELR –SC.59/1993.

⁵⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁶⁰ Electoral Act 2022.

⁶¹ (2014) 17 NWLR (Pt 1437) 525.

⁶² Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁶³ (2003) 3 NWLR (Pt 806) 72.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

registration criteria violated their right to freedom of association. The Supreme Court upheld the right to form political parties under Section 40 of the Constitution, emphasizing that political parties are essential to the democratic process. This case illustrates the democratic theory of political parties as enshrined in the Nigerian Constitution. Again, in *PDP v INEC*,⁶⁴ the PDP challenged INEC's recognition of a faction's candidates in violation of internal party democracy. The court held that political parties must adhere to democratic norms in their internal affairs. This case reinforces the democratic theory that political parties must operate within democratic principles.

5.2 Representation Theory

Political parties represent the interests, ideologies, and policies of specific groups or the broader electorates. Under this theory, parties aggregate and articulate public interests, giving a voice to various social and political groups in the society. Section 221⁶⁵ provides that only political parties can sponsor candidates in elections, emphasizing their role in representing public interests. In *Labour Party v INEC & Anor*,⁶⁶ the Labour Party's candidates were disqualified due to failure to follow proper party procedures. The Supreme Court upheld INEC's decision, emphasizing that political parties must follow legal procedures to represent their candidates. This case shows the importance of political parties in representing the interests of their members and candidates. Also in *APC v Marafa*,⁶⁷ the APC was barred from fielding candidates in Zamfara State due to a flawed nomination process. The court held that the party's non-compliance with the law deprived its members of representation. This case illustrates that political parties must adhere to legal standards to fulfil their representative role.

5.3 Institutional Theory

This theory views political parties as institutions that organize political activity and ensure the stability of governance. Parties are seen as long-term organizations that structure political competition, manage elections, and govern between elections. Section 84⁶⁸ regulates the nomination process, ensuring that political parties, as institutions, follow democratic procedures. See *Onuoha v Okafor & Anor*.⁶⁹ See also *Ugwu v Ararume*,⁷⁰ where the PDP substituted a candidate after the primaries, leading to a legal challenge. The court held that the party's substitution violated its own guidelines, emphasizing the institutional nature of political parties. This case underscores the institutional theory that parties must maintain consistent procedures for governance and election processes.

5.4 Competition Theory

Political parties are vehicles for competition in the electoral arena. This theory holds that political parties compete for political power by offering voters different policy options, leadership, and governance approaches. Section 222⁷¹ requires political parties to have a constitution, indicating the need for organized competition within the legal framework. In *INEC v Action Congress*,⁷² the Action Congress (AC) challenged INEC's refusal to recognize its candidates for the 2007 general elections. The court held in favour of the AC, stating that

⁶⁴(2014) 17 NWLR (Pt. 1437) 525.

⁶⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended):

⁶⁶ (2022) LPELR-56945(SC).

⁶⁷ (2020) LPELR-49677(SC).

⁶⁸ Electoral Act 2022.

⁶⁹ (1983) 2 SCNLR 244.

⁷⁰ (2007) 12 NWLR (Pt 1048) 367.

⁷¹ Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁷² (2007) 12 NWLR (Pt 1047) 220.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

political parties must be allowed to compete freely, provided they meet legal requirements. This case highlights the competitive nature of political parties in the electoral process. In *INEC v PDP*,⁷³ PDP contested INEC's decision to cancel the results of certain polling units during an election. The court ruled that INEC's actions must not undermine the competitive nature of elections by selectively cancelling results. This case reinforces the competition theory that parties must be allowed a fair playing field in elections.

6. Theories of a Legal Adviser to a Political Party in Nigeria

A legal adviser to a political party plays a critical role in ensuring that the party's operations comply with the legal framework, providing guidance on internal governance, electoral compliance, and dispute resolution. Several theories underpin the role and responsibilities of a legal adviser in the political system, especially in Nigeria, where political party activities are strictly regulated. The theories are as follows:

6.1 Advisory Theory

This theory posits that the legal adviser serves primarily as a source of guidance and legal expertise to the party. The legal adviser's role involves interpreting and applying the laws that affect the party's operations, advising on electoral laws, internal party rules, and constitutional provisions. The legal adviser ensures that the party operates within the boundaries and ambits of the laws, protecting the party from legal liabilities. Section 40⁷⁴ guarantees freedom of association, which includes political parties, and by extension, the need for legal guidance to ensure proper conduct. The Electoral Act 2022 provides the legal framework for the conduct of elections and political party operations, making it essential for legal advisers to ensure strict compliance. In *PDP v INEC*,⁷⁵ the PDP was involved in a dispute over its internal primary election procedures and turned to its legal adviser for guidance on complying with the law. The court ruled that internal party disputes, such as primary election processes, must adhere to democratic principles, highlighting the role of legal advisers in ensuring compliance with party rules. This case underscores the advisory role of legal advisers in political party operations. Also in *APC v INEC*,⁷⁶ the APC's failure to comply with INEC's guidelines for nominating candidates led to disqualification of the candidates, raising questions about the role of the party's legal adviser. The court upheld INEC's decision, emphasizing that the party's legal advisers should have ensured full compliance with the Electoral Act. This case highlights the critical advisory role of legal advisers in guiding political parties to comply with legal procedures.

6.2 Compliance Theory

This theory focuses on the legal adviser's responsibility to ensure that the political party complies with all applicable laws, including constitutional provisions, the Electoral Act, and INEC guidelines. The legal adviser is tasked with interpreting these laws and ensuring that the party operates within the legal limits in all its activities, including candidates' selection, campaign financing and internal party governance. Sections 82 and 84⁷⁷ lay out the guidelines for candidates' selection and party primaries, which must be adhered to by political parties. INEC guidelines stipulate the rules for party registration, election monitoring, and compliance with campaign finance regulations. In *INEC v Action Congress*,⁷⁸ the Action Congress was

⁷³ (2020) LPELR-49685(CA).

⁷⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁷⁵ (2014) 17 NWLR (Pt 1437) 525.

⁷⁶ (2020) LPELR-49685(SC).

⁷⁷ Electoral Act 2022.

⁷⁸ (2007) 12 NWLR (Pt 1047) 220.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

disqualified due to non-compliance with the electoral regulations. The party's legal adviser was criticized for failing to ensure compliance. The court upheld the disqualification, emphasizing that legal adviser must ensure full compliance with INEC's guidelines. This case demonstrates the importance of the legal adviser's role in ensuring compliance with electoral laws. See also *Labour Party v INEC & Anor.*⁷⁹

6.3 Dispute Resolution Theory

Under this theory, the legal adviser plays a crucial role in resolving internal disputes within the political party, such as disagreements over candidate selection, breaches of party rules, and conflicts arising from party congresses. The legal adviser ensures that disputes are handled in accordance with the law and party constitutions, preventing unnecessary litigation and promoting internal cohesion. Section 85⁸⁰ outlines the legal framework for resolving disputes within political parties, emphasizing the role of legal advisers in mediation. Most political parties have Constitutions that provide dispute resolution mechanisms. In *Sheriff v PDP*,⁸¹ a factional dispute arose within the PDP over the leadership of the party. The party's legal advisers were involved in attempts to mediate the conflict. The Supreme Court ruled in favour of the Makarfi-led faction, emphasizing the need for political parties to resolve disputes through legal and constitutional means. The role of legal advisers in resolving internal party disputes is crucial to maintaining party unity and legality. In *APGA v Umeh*,⁸² a dispute arose within APGA regarding leadership and primary election procedures. The court emphasized the need for political parties to follow their own constitutions and legal frameworks in resolving internal disputes and reinforces the legal adviser's role in ensuring that disputes are resolved in accordance with the party's Constitution and applicable laws.

6.4 Strategic Theory

Legal advisers also play a strategic role in shaping the legal and political strategy of the political party. This theory asserts that legal advisers are involved in advising on electoral strategy, candidate eligibility, and other legal matters that could affect the party's success in elections. This includes advising on litigation, challenges to electoral outcomes, and the legal aspects of political campaigns. Section 221⁸³ restricts sponsorship of candidates to political parties, meaning that legal advisers must ensure that the party's candidates meet eligibility criteria. Electoral Act 2022 equally provides a legal framework for electoral litigation and dispute resolution, which legal advisers use to guide their party's strategy. In *Faleke v INEC*,⁸⁴ following the death of the APC gubernatorial candidate in Kogi State, legal advisers played a key role in determining the strategy for substituting the candidate. The Supreme Court ruled on the succession plan, emphasizing that legal advisers must carefully navigate constitutional and electoral laws in strategizing for elections. This case illustrates the legal adviser's role in shaping party strategy during electoral contests. See also *Buhari v INEC*.⁸⁵

7. Theories of Candidate Eligibility to Contest Elections in Nigeria

The eligibility of a candidate to contest an election in Nigeria is governed by both constitutional and statutory provisions. Several legal theories underlie the concept of candidate eligibility,

⁷⁹ (2022) LPELR-56945(SC).

⁸⁰ Electoral Act 2022.

⁸¹ (2017) LPELR-41805(SC).

⁸²(2008) 34 NSCQR 351.

⁸³ Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁸⁴ (2016) 18 NWLR (Pt 1543) 61.

⁸⁵ (2008) 19 NWLR (Pt 1120) 246.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

ensuring that only qualified individuals are allowed to run for public office. These theories include:

7.1 Constitutional Theory

The Constitutional Theory holds that the primary legal framework for determining candidate eligibility is the Constitution of the Federal Republic of Nigeria 1999 (as amended). This theory stresses the supremacy of the Constitution in setting the minimum qualifications for candidates and disqualification grounds. Sections 131, 177, 65 and 106⁸⁶ set out the qualifications for President, Governor, National Assembly members, and State House of Assembly members, respectively. Sections 66, 107, 137, and 182⁸⁷ specify disqualifications for candidates in various elections. In *Atiku Abubakar v INEC*,⁸⁸ Atiku Abubakar was disqualified from contesting the 2007 presidential election based on an indictment, not a conviction. He challenged his disqualification. The court held that only a conviction by a court of law can disqualify a candidate, emphasizing that the Constitution, not mere administrative actions, governs eligibility. This case reinforced the Constitutional Theory, underlining the need for compliance with constitutional provisions regarding disqualification. In *Kawu v Yar'Adua*,⁸⁹ the eligibility of Umaru Musa Yar'Adua was challenged on the grounds of non-compliance with the nomination process by his party. The court held that since Yar'Adua fulfilled the constitutional requirements for the presidency, he was eligible. This case further emphasized the Constitutional Theory, highlighting the centrality of constitutional provisions in determining eligibility.

7.2 Public Trust Theory

The Public Trust Theory argues that candidates for public office must meet certain moral, ethical, and legal standards to maintain the trust of the public. Those who are disqualified due to criminal convictions, bankruptcy, or allegiance to a foreign State cannot be trusted to serve the public. Sections 66, 107, 137, 182 of the Constitution⁹⁰ stipulate disqualification grounds related to public trust, including criminal convictions, allegiance to a foreign State, and bankruptcy. In *Peter Obi v INEC*,⁹¹ Peter Obi challenged the disqualification of candidates on the grounds of prior convictions. He argued that only candidates who had been convicted for serious offences should be disqualified. The court upheld that criminal conviction is a legitimate ground for disqualification, as it relates to the candidate's ability to hold public trust. This case supports the Public Trust Theory by affirming that candidates with certain criminal records cannot be trusted with public office.

7.3 Democratic Theory

The Democratic Theory emphasizes the importance of fair and equitable participation in the democratic process. The theory suggests that the qualifications for candidacy should be inclusive, ensuring that the electoral process remains open to a wide pool of citizens while still maintaining certain minimum standards. Section 84⁹² requires that candidates be members of political parties and be sponsored by their parties to participate in elections. In *Action Congress v INEC*,⁹³ the Action Congress challenged the eligibility of several candidates on the grounds that they were not properly sponsored by their political parties. The court ruled that only

⁸⁶Constitution of the Federal Republic of Nigeria, 1999 (as amended).

⁸⁷ *Ibid.*

⁸⁸ (2007) 12 NWLR (Pt 1049) 122.

⁸⁹ (2008) 19 NWLR (Pt 1120) 1.

⁹⁰ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

⁹¹(2007) 11 NWLR (Pt 1046) 565.

⁹²Electoral Act 2022.

⁹³ (2007) 12 NWLR (Pt 1048) 220.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

candidates properly nominated and sponsored by their parties in line with the democratic process could participate in the election. This case emphasizes the Democratic Theory, highlighting the importance of political party membership and nomination as essential democratic practices.

7.4 Meritocratic Theory

The Meritocratic Theory suggests that candidates must possess certain qualifications that reflect merit and capability to govern effectively. These include educational qualifications, experience, and personal attributes that demonstrate a candidate's competence to hold public office. Sections 131(d), 177(d), 65(2) (a), and 106(c) of the Constitution⁹⁴ require candidates for elective offices to have at least a school certificate or its equivalent. In *Dangana v Usman*,⁹⁵ the eligibility of Usman to contest the governorship election was challenged based on his educational qualifications. The petitioner argued that Usman did not possess the necessary school certificate. The court held that Usman met the minimum educational qualifications, reaffirming that the merit-based criteria were satisfied. This case supports the Meritocratic Theory by emphasizing the need for candidates to meet educational standards that demonstrate their capability to hold office.

7.5 Fair Process Theory

The Fair Process Theory emphasizes that all candidates must be subject to the same fair and transparent processes in their selection and eligibility. It also encompasses the right of candidates to a fair hearing if their eligibility is challenged. Section 84(2)⁹⁶ ensures that the process of nomination by political parties must be democratic and open to all eligible members. In *Ugwu v Ararume*,⁹⁷ Ararume's name was substituted as the gubernatorial candidate of his party after he had already been nominated. He challenged this substitution, arguing that it violated his right to a fair process. The court ruled in favor of Ararume, stating that the substitution of his name was unlawful and violated the democratic process of party nomination. This case upholds the Fair Process Theory, asserting that candidates must be treated fairly and in accordance with the rules of the electoral process.

8. The Role of a Legal Adviser to a Political Party in advising on the legal eligibility of Candidates in Nigeria

A Legal Adviser to a political party performs so many roles including advising on the legal eligibility of Candidates. Section 131⁹⁸ outlines the qualifications for the office of President, including citizenship, age, education, and other criteria. The Electoral Act, 2022 provides for the disqualification of candidates based on factors such as criminal conviction or failure to meet other legal qualifications. In *Atiku v INEC*,⁹⁹ the court examined the eligibility of Atiku Abubakar to contest in the 2007 presidential election. The Supreme Court held that a candidate could not be disqualified unless the criteria explicitly stated in the Constitution and Electoral Act was met. In *Buhari v Obasanjo*,¹⁰⁰ Muhammadu Buhari challenged the eligibility of Olusegun Obasanjo to run for a second term, alleging violations of constitutional provisions. The Supreme Court ruled in favour of Obasanjo, affirming the importance of following the constitutional criteria for eligibility. The legal adviser plays a crucial role in advising political

⁹⁴ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

⁹⁵ (2012) 4 NWLR (Pt 1291) 1.

⁹⁶ Electoral Act 2022.

⁹⁷ (2007) 12 NWLR (Pt 1048) 367.

⁹⁸ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

⁹⁹ (2007) 12 NWLR (Pt 1049) 1.

¹⁰⁰ (2005) 13 NWLR (Pt 941) 1.

Ubanyionwu, CJ/Examination of the Role of a Legal Adviser to a Political Party in Ensuring Candidate Eligibility under the Nigerian Electoral Laws

parties on the legal eligibility of candidates for elections in Nigeria. This is to prevent disqualification due to non-compliance with constitutional and statutory requirements. Nigerian electoral laws are explicit on the qualifications and disqualifications for various political offices, and any deviation from these requirements can result in the nullification of a candidate's nomination or election. Ensuring that a candidate is legally eligible is a fundamental duty of the legal adviser. The Nigerian Constitution and the Electoral Act contain provisions regarding the qualifications required to run for office, including citizenship, age, education, and the absence of certain disqualifications like criminal records or bankruptcy. See *Atiku v INEC*.¹⁰¹

9. Conclusion

The Legal Adviser plays a vital role in advising on the legal eligibility of Candidates to an election. This duty is pivotal in maintaining the integrity of the party's participation in elections. Adherence to the provisions of the Constitution, the Electoral Act, and INEC guidelines is non-negotiable for avoiding disqualification and ensuring that candidates can legally contest elections. The relevant case laws further illustrate the legal consequences of non-compliance. The role of a legal adviser is critical in our democratic journey when it comes to advising on the legal eligibility of candidates to an election. Effective discharge of this duty is essential in strengthening the democratic process in Nigeria.

¹⁰¹(2007) 12 NWLR (Pt 1049) 1.

