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Regulating the Pre-Campaign Finance Gap: Nomination Fees, Party Primaries, and Electoral Transparency in Nigeria

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Abstract

Nigeria's 2026 Electoral Act introduced important reforms to campaign finance regulation, including revised spending ceilings, disclosure duties, and penalties for non-compliance. However, the Act leaves largely untouched the financing of party primaries, nomination fees, and consensus arrangements, even though these processes determine who ultimately appears on the ballot. This article examines that disclosure gap in the context of Nigeria's 2026/2027 primary cycle and assesses its implications for political participation, electoral transparency, and anti-corruption accountability. It argues that nomination-form revenue constitutes a significant and opaque source of party finance and that consensus adoption, while lawful, may further weaken transparency where the financial conditions surrounding aspirant withdrawal or endorsement remain undisclosed. The article reviews the statutory framework, evaluates possible constitutional, regional, and administrative-law pathways for reform, and situates the issue within broader concerns about civic space and whistleblower protection. It concludes that closing the disclosure gap requires both regulatory interpretation by the Independent National Electoral Commission and sustained civil society advocacy grounded in careful legal strategy.

Keywords: Campaign finance; Political parties; Nomination fees; Party primaries; Electoral transparency; Nigeria; Electoral Act 2026; Civil society advocacy.

Introduction

Between April and May 2026, Nigeria's major political parties conducted primaries for the January and February 2027 general elections under the first electoral timetable to operate wholly under the Electoral Act 2026, signed into law on 18 February 2026. The Act made substantial, and in places overdue, changes to the country's campaign finance rules: it raised candidate spending ceilings across every elective office, tightened the penalty framework, and imposed a publication duty on parties in respect of the contributions they receive. Those reforms

govern the campaign that follows a primary. They say nothing about the primary itself, or about the fee a party may charge to let a person contest one.

The central research question addressed in this article is: To what extent does Nigeria's Electoral Act 2026 regulate primary-stage political finance, and what legal or institutional mechanisms can close the disclosure gap surrounding nomination fees and consensus candidacies?

That silence is not a drafting oversight that a future amendment will eventually correct. It is, on the evidence set out below, a gap that the parties who control the legislative process have a direct financial interest in preserving, since nomination form revenue currently accrues to those same parties without any statutory obligation to say what was collected or where it went. This analysis sets out what happened during the 2026 primary cycle, what the Electoral Act 2026 does and does not cover, what legal avenues exist to close the gap, and what CeFTPI can concretely do in the months before the 2027 campaign season opens.

The 2026 Primary Cycle and the Scale of Unregulated Party Finance

The primaries conducted under the Commission's 2026/2027 timetable were expensive at every level, and the expense fell entirely outside any disclosure regime. The ruling All Progressives Congress (APC) fixed its combined expression-of-interest and nomination fee for presidential aspirants at ₦100 million, its governorship fee at ₦50 million, its Senate fee at ₦20 million, and its House of Representatives fee at ₦10 million. The African Democratic Congress (ADC) initially announced an identical ₦100 million presidential fee before revising it downward to ₦90 million after internal consultation, which suggests the figure was a policy choice rather than a cost-recovery calculation. These sums are collected directly from aspirants as party revenue. No statute requires a party to report how much it received in total, from whom, or how the proceeds were applied.

A second, and possibly more consequential, pattern also emerged during the cycle. The 2026 Act abolished the indirect, delegate-based primary that many parties had used to select candidates, leaving direct primary and consensus as the only lawful routes. In principle, this closes off one avenue for elite control of nominations. In practice, several parties used the consensus option extensively. The PDP's Ogun State chapter adopted Oladipupo Adebutu as its governorship candidate by voice affirmation of party members drawn from the state's twenty local government areas.The party's Kwara State chapter adopted Kale Kawu on the same basis.. A related pattern, disqualification of rival aspirants followed by the affirmation of a single consensus candidate, had already appeared in the APC's Osun State governorship process the previous December, when seven aspirants were screened out before the remaining candidate was affirmed by consensus.That episode predates the cycle under review here and is cited only as an earlier instance of the same structural pattern, not as an event of the May 2026 primaries.

Former Attorney-General of the Federation Mohammed Adoke, addressing the Nigerian Bar Association in Abuja shortly after the 2026 primaries concluded, warned that consensus arrangements risk becoming a coronation of preselected candidates rather than a genuine democratic contest. The concern he raised was institutional, not evidentiary: he did not allege that any specific payment had changed hands, and this analysis does not either. What can be said with more confidence is narrower and more useful for a legal argument: whatever financial arrangements, if any, accompany a decision by several aspirants to step aside in favour of one, those arrangements sit entirely outside Nigeria's campaign finance disclosure regime, because they are neither an election expense under section 92 nor a contribution under section 93.

The Legal Framework and the Limits of Statutory Disclosure

The Electoral Act 2026 makes genuine progress on campaign finance. Sections 89, 91, 92, 93, and 94 together govern the ban on parties holding funds outside Nigeria; INEC's power to cap and require disclosure of individual contributions; candidate spending ceilings; the party expenditure return; and disclosure of contributions received. Section 93 in particular requires a party to publish its return, including donor names, addresses and amounts, in at least two national newspapers and on its own website within six months of the election. On paper, that is a meaningful transparency mechanism.

Two structural problems limit what section 93 can achieve, and the Policy and Legal Advocacy Centre has flagged both in its own technical review of the Act. The first is a straightforward risk of scale: the Act simultaneously raised the individual donation ceiling tenfold, from ₦50 million to ₦500 million, which PLAC warns could accelerate the monetisation of elections precisely because the enforcement of the accompanying disclosure duty has historically been weak.. The second, and the one this analysis is chiefly concerned with, is a definitional gap rather than an enforcement one. Section 93's obligation attaches to election expenses, and the Act defines an election expense by reference to the period after the Commission gives notice of an election. A party primary and the fee charged to contest it occur before that period begins. Nomination form revenue is, in the plain words of the statute, not an election expense and not a disclosable contribution. It is untouched by the Act's most developed transparency provision by definition, not by oversight.

The nomination-form problem is not new, and its absurdity is clearest in a smaller example that predates the 2026 Act. Ahead of Ebonyi State's January 2026 local government elections, still governed by the outgoing 2022 Act, the ruling party set its chairmanship nomination form at ₦30 million, which is the exact statutory ceiling the same 2022 Act imposed on total lawful campaign spending for that office. An aspirant who paid the entry fee had already exhausted the entire legal budget for the contest before campaigning began. The 2026 Act raised the ceilings that apply to campaigns; it did nothing to prevent a party from pricing entry to a contest at or above whatever ceiling currently applies, because the entry fee is not, and under the Act's current definitions cannot become, part of the regulated spending it measures.

INEC's own leadership has acknowledged the underlying concern, if not yet this specific mechanism. Chairman Joash Amupitan told party leaders in March 2026 that the Commission's revised regulations were intended to end opaque candidate-selection processes that impose unpopular candidates and generate unnecessary post-election litigation. That stated objective is a useful point of entry for engagement and is discussed further in Part VI. Still, it is an aspiration expressed in general terms about primary conduct, not a claim that the Commission currently has, or intends to assert, authority over nomination form pricing or consensus financing specifically.

Public Interest Litigation and the Risks of Enforcement

Any recommendation to pursue litigation on this issue must be read against the backdrop of a materially changed risk environment in mid-2026. On 5 May of that year, the Federal Capital Territory High Court awarded ₦100 million in damages against SERAP over social media criticism of two DSS officials, together with a public apology, litigation costs, and post-judgment interest. SERAP has appealed and sought a stay of execution, and the organisation has described the judgment as a serious blow to civic space. This analysis does not take a position on the merits of that appeal. What matters for present purposes is narrower: the judgment illustrates that public-interest civil society advocacy in Nigeria currently carries a demonstrated financial and reputational risk, and any litigation strategy CeFTPI adopts should be designed with careful attention to plaintiff selection, forum, and the precision of any

public statement made in the course of the campaign, rather than assuming the pathways below can be pursued without that risk.

With that caveat, three legal grounds are available and, so far as this analysis has been able to establish, none has yet been used to challenge nomination form pricing or consensus financing specifically.

First, the constitutional guarantee of freedom of association for political purposes and the accompanying non-discrimination principle support an argument that a nomination fee set at a level few citizens could plausibly afford operates as a barrier to political participation that is not obviously connected to any legitimate party interest. This argument is strongest where it can be tied to a concrete, identifiable aspirant who was priced out, rather than argued in the abstract, and it has not, to this analysis's knowledge, been fully tested in a Nigerian court.

Second, Nigeria's ratification of the ECOWAS Protocol on Democracy and Good Governancewhich commits member states to electoral processes that reflect the free expression of popular will and are not restricted by financial barriers inconsistent with democratic principles, provides a treaty-based ground before the ECOWAS Community Court of Justice, whose jurisdiction over individual and NGO applications alleging rights violations does not require exhaustion of domestic remedies. A direct challenge to the nomination form regime, framed in these terms, has not yet been brought.

Third, section 91 of the Electoral Act 2026 already gives INEC the power to cap contributions and demand information on the source of funds. That power has not, on the available evidence, been interpreted or asserted as extending to primary-stage financing. A mandamus application, or a formal request that the Commission itself adopt an interpretive regulation, would test whether the courts, or the Commission acting on its own initiative, read that existing power broadly enough to cover the gap identified in Part III, without requiring any new legislation at all.

Whistleblower Protection and Electoral Finance Transparency

This analysis treats whistleblower protection as an integral part of the public-interest argument rather than as a separate legislative campaign, and the campaign-finance context makes the connection concrete rather than merely thematic. Whatever financial transactions do accompany nomination form sales or consensus withdrawals, a party official, treasurer, or aspirant's aide who knew the true figures and wished to report them would face the same legal vacuum that confronted Yisa Usman, a dismissed civil servant who reported procurement fraud through an official government channel and received no statutory protection in return. The absence of primary-stage financial disclosure and the absence of statutory whistleblower protection are, in that sense, two expressions of the same governance failure: the first withholds the information that would make irregularity visible, and the second removes the protection that would allow anyone with that information to say so safely.

Reform Pathways and Policy Implications

The analysis identifies four reform pathways that could enhance the transparency of Nigeria's primary-stage electoral finance regime. These pathways are institutional, comparative, international, and administrative. Together, they offer a practical route for converting the disclosure problem identified in this article into a sustained legal and policy agenda.

Clarifying INEC's Existing Disclosure Authority

A first reform pathway is the development of a legal interpretation that treats section 91's source-of-funds power as capable of reaching nomination-form revenue and any financial consideration disclosed in connection with consensus adoption. Such an interpretation would not require immediate legislative

amendment. Rather, it would invite INEC to clarify, through regulation or guidance, that primary-stage party finance is sufficiently connected to candidacy and electoral competition to justify disclosure.

Comparative Lessons from Other African Jurisdictions

A second pathway is comparative analysis. Ghana's Political Parties Act 2000, South Africa's Political Party Funding Act 6 of 2018, and Kenya's Political Parties Act 2011 provide useful reference points for examining how internal party financing, disclosure obligations, and regulatory oversight can be structured. The comparative value of these frameworks lies not in treating them as ready-made models for Nigeria, but in identifying where Nigeria's current regime is more permissive and where targeted amendments or regulatory guidance may be feasible.

International Anti-Corruption Obligations

A third pathway is to frame the disclosure gap as part of Nigeria's international anti-corruption obligations. Article 7(3) of the United Nations Convention against Corruption encourages States Parties to enhance transparency in the funding of candidatures for elected public office. Primary-stage nomination finance falls squarely within the democratic function of candidacy formation. A supplementary civil society submission to the UNCAC Implementation Review Group could therefore highlight Nigeria's failure to regulate the pre-campaign stage.

Administrative Engagement with INEC

A fourth pathway is direct administrative engagement with INEC. Such engagement should focus on the Commission's interpretation of its statutory powers and on whether its regulatory review for the 2027 electoral cycle can incorporate disclosure requirements for nomination-form revenue, primary-stage financing, and financial arrangements connected to consensus adoption. Framing the issue as an extension of INEC's stated objective of reducing opaque candidate-selection processes may make reform more institutionally plausible.

Conclusion

The 2026 primary cycle showed a campaign finance framework that regulates the contest for office with real and improved precision, and says nothing at all about the far larger sums exchanged to be allowed into that contest in the first place. That gap is not accidental, and it will not close on its own before the 2027 general election. Three legal routes exist to test it, none free of cost or risk in the present climate, and four concrete steps are available to CeFTPI in the shorter term that do not require waiting for any of the three to succeed. The question this paper opened with, whether Nigeria's campaign finance law reaches the point at which a candidacy is actually decided, remains open. What has changed is that the argument for closing it can now be made with a named legal power to point to, a comparative record to draw on, and a set of dates against which CeFTPI's own follow-through can be checked.

References

BusinessDay. (2026, March 4). *2027: INEC aligns party regulations with Electoral Act 2026*.

Economic Community of West African States. (2001). *Protocol on democracy and good governance*. ECOWAS.

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

Federal Republic of Nigeria. (2022). *Electoral Act 2022*.

Federal Republic of Nigeria. (2026). *Electoral Act 2026*.

Ghana. (2000). *Political Parties Act, 2000* (Act 574).

Kenya. (2011). *Political Parties Act, 2011*.

Policy and Legal Advocacy Centre. (2026, February). *Campaign finance and spending limits under the Electoral Act 2026*. PLAC.

Punch. (2026, May 12). *Defamation: SERAP appeals ₦100m judgment in favour of DSS officials*.

Sahara Reporters. (2026, May 12). *₦100 million DSS defamation judgment: SERAP files appeals, seeks stay of execution*.

South Africa. (2018). *Political Party Funding Act 6 of 2018*.

TheNigeriaLawyer. (2026, March 24). *Credible elections begin before polls—INEC unveils 2026 guidelines, seeks parties' input ahead of 2027 elections*.

United Nations. (2003). *United Nations Convention against Corruption*. United Nations.

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