

Fact Sheet

Electoral Complaints

Allegations about electoral irregularities may arise throughout the electoral process, including the campaign period, polling and counting, and the publication of results. According to the Law on the Independent High Electoral Commission (IHEC), the Board of Commissioners has the exclusive authority to address such complaints. The process for handling complaints is set out in the IHEC complaints regulations and procedures. These also apply to out-of-country voting.

If a person believes that an electoral violation has taken place and wishes to complain, he or she must file a complaint within two days of the alleged incident. Only eligible voters and political entity agents may file a complaint. A complaint must also meet other requirements, such as providing the name and contact details of the complainant, and a detailed description of the incident.

On polling day, IHEC complaint forms will be available at all polling centers and stations, and at other IHEC offices throughout the country, including the IHEC National Office. Following polling day, complaint forms can also be obtained at the count centers.

All complaints will be transferred to the IHEC National Office. Trained complaints staff will determine whether a complaint meets all the formal requirements and, if so, whether it could have an impact on the vote count, for example in the event of fraud. Such cases will be handled on a priority basis.

Where necessary, the IHEC will undertake investigations, for example by contacting the complainant and witnesses for more details, or investigating ballot boxes. The IHEC may order the results from a polling station to be “quarantined” until the complaint has been resolved.

The names of complainants will be kept strictly confidential by the IHEC. If the alleged violation was committed by someone outside the IHEC (for example, a candidate), the IHEC must give the person an opportunity to comment. The identity of the complainant, however, will not be disclosed.

If the IHEC concludes that there is adequate evidence to support the allegation, it may impose a sanction or take corrective measures, such as excluding or correcting results for one or more polling stations. The IHEC may also refer serious cases to other authorities, for example for criminal prosecution. IHEC decisions on complaints will be published.

The IHEC will not finalize the election results until it has processed all complaints and decided on each case that could impact on the vote counts.

Appeals against IHEC decisions on complaints may be filed within three days of publication, and will be decided by the Electoral Judicial Panel, an independent judicial body. Once the Electoral Judicial Panel has ruled on all appeals, the IHEC will submit the final results to the Federal Supreme Court for certification.