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YOUTH PARTY V INEC: CONSTITUTIONAL SUPREMACY, LEGISLATIVE DRAFTING ERRORS, AND THE PROSPECTIVE JURISPRUDENCE OF THE COURT OF APPEAL.

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Abstract

The decision of the Federal High Court in Youth Party v Independent National Electoral Commission (INEC) has emerged as one of the most significant judicial pronouncements on electoral administration in Nigeria's Fourth Republic. The judgment invalidated aspects of INEC's electoral timetable on the ground that the Commission lacked authority to abridge timelines prescribed under the Electoral Act 2026. While the decision reinforces the principles of legality and statutory compliance, it simultaneously raises profound constitutional questions concerning the relationship between legislative regulation and constitutional powers vested in an independent electoral management body. The controversy has generated renewed debate regarding constitutional supremacy, the limits of legislative control over constitutional institutions, and the role of judicial interpretation in electoral governance. This article critically examines the judgment through the combined lenses of legislative drafting theory, constitutional supremacy, and Hans Kelsen's Pure Theory of Law, particularly the concept of the Grundnorm and the hierarchy of norms. Employing a doctrinal research methodology, the study analyses relevant provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Electoral Act 2026, judicial authorities, and comparative constitutional jurisprudence from South Africa, India, Ghana, and Kenya. Particular attention is devoted to the drafting ambiguities inherent in the Electoral Act, especially the use of time-related expressions such as “not later than,” and the absence of provisions clearly defining the scope of INEC's administrative authority. The study finds that the dispute was substantially occasioned by legislative drafting deficiencies that failed to distinguish between statutory deadlines and operational electoral schedules. It further argues that although the Federal High Court correctly applied the doctrine of ultra vires and emphasised legislative authority, its predominantly literal interpretation insufficiently considered purposive constitutional interpretation, the constitutional status of INEC, and the practical realities of election administration. Drawing on Kelsen's hierarchy of norms, the article contends that ordinary

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legislation cannot be interpreted in a manner that substantially impairs powers expressly conferred by the Constitution. The article concludes that the Court of Appeal is likely to adopt a harmonisation approach that preserves statutory timelines while recognising INEC's constitutional discretion to issue reasonable administrative schedules necessary for effective electoral management. It recommends legislative reforms to clarify electoral timelines, strengthen constitutional compatibility in legislative drafting, and promote a coherent jurisprudence capable of balancing constitutional autonomy with democratic accountability.

Keywords: Youth Party v INEC, Constitutional Supremacy, Legislative Drafting, Electoral Act 2026, Independent National Electoral Commission (INEC), Electoral Governance, Court of Appeal, Grundnorm, Electoral Administration, Constitutional Interpretation.

1. INTRODUCTION

1.1 Background to the Study

Electoral administration occupies a central position in constitutional democracies because elections constitute the primary mechanism through which political authority is legitimised and governmental accountability is maintained. The credibility of any democratic system depends substantially on the existence of an effective electoral management framework capable of ensuring transparency, inclusiveness, fairness and certainty in the conduct of elections.[1] Electoral administration therefore extends beyond the mere conduct of elections and encompasses the legal, institutional and operational arrangements necessary for the organisation and supervision of electoral processes.[2]

The evolution of electoral administration in Nigeria reflects the country's broader constitutional and democratic development. Prior to the return to democratic governance in 1999, electoral management was largely characterised by institutional instability, executive interference and frequent constitutional disruptions occasioned by military rule.[3] Since the commencement of the Fourth Republic, however, significant efforts have been made to strengthen electoral institutions through constitutional reforms, judicial interventions and legislative enactments designed to promote electoral integrity and democratic consolidation.[4]

At the centre of Nigeria's electoral architecture is the Independent National Electoral Commission (INEC), established under section 153 of the Constitution of the Federal Republic of Nigeria 1999 (as amended). The constitutional functions of the Commission are further elaborated in Paragraph 15 of Part I of the Third Schedule to the Constitution, which empowers INEC to organise, undertake and supervise elections to federal and state elective offices.[5] As a constitutional body, INEC occupies a unique position within Nigeria's governance framework because its authority derives directly from the Constitution rather than from ordinary legislation.[6]

The enactment of the Electoral Act 2026 introduced a revised legal framework governing electoral administration and electoral timelines in Nigeria. The Act prescribes timelines relating to party primaries, submission of candidates, publication of candidates' particulars, candidate substitution and electioneering

[1] International IDEA, *Electoral Management Design* (2nd edn, IDEA 2014) 3.

[2] Alan Wall and others, *Electoral Management Design* (International IDEA 2006) 5.

[3] Ben Nwabueze, *Constitutional Democracy in Africa* (Spectrum Books 2003) 301.

[4] Attahiru Jega, 'Electoral Reforms and Democratic Consolidation in Nigeria' (2015) 9 *Electoral Institute Journal* 15.

[5] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 153 and Third Schedule Part I para 15.

[6] Epiphany Azinge and Bolaji Owasanoye (eds), *Justiciability and Constitutionalism in Nigeria* (NIALS Press 2010) 241.

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campaigns.[7] These timelines are intended to ensure certainty, transparency and orderly conduct of electoral activities. Nevertheless, questions have arisen regarding the extent to which statutory timelines may limit the constitutional discretion of INEC in the management of elections.

These questions came into sharp focus in Youth Party v Independent National Electoral Commission (INEC), where the Federal High Court invalidated portions of INEC's timetable for the 2027 General Elections on the ground that the Commission lacked authority to abridge timelines prescribed by the Electoral Act.[8] The decision has generated considerable scholarly and professional debate because it raises important constitutional questions regarding legislative supremacy, constitutional supremacy, administrative discretion and electoral governance.

The controversy extends beyond the immediate dispute concerning electoral timelines. It touches upon a deeper constitutional issue: whether an Act of the National Assembly may validly restrict powers expressly conferred upon a constitutional body by the Constitution. The answer to this question implicates fundamental principles of constitutionalism, including the doctrine of constitutional supremacy, separation of powers, the hierarchy of norms and the autonomy of constitutionally established institutions.[9]

From a legislative drafting perspective, the dispute also exposes possible deficiencies in the drafting of the Electoral Act 2026. The ambiguity surrounding the interpretation of statutory timelines suggests that the Act may have failed to clearly distinguish between mandatory deadlines and maximum permissible periods.[10] Consequently, Youth Party v INEC presents an important opportunity to examine the intersection between constitutional law, legislative drafting and electoral administration within Nigeria's evolving democratic framework.

1.2 Statement of the Problem

The principal problem underlying this study is the apparent tension between constitutional powers vested in INEC and statutory limitations imposed by the Electoral Act 2026. Although the Constitution confers broad authority upon INEC to organise, undertake and supervise elections, the Electoral Act prescribes specific timelines governing various aspects of the electoral process.[11] The Federal High Court interpreted these statutory provisions as imposing binding limitations on INEC's administrative discretion and consequently invalidated portions of the Commission's electoral timetable.[12]

This interpretation raises a number of constitutional difficulties. First, it remains uncertain whether ordinary legislation may validly restrict powers directly conferred upon a constitutional institution. Secondly, the judgment appears to create tension between constitutional autonomy and legislative regulation. Thirdly, the decision exposes ambiguities in the drafting of the Electoral Act concerning the legal character of electoral timelines. Fourthly, uncertainty persists regarding the extent of judicial intervention permissible in matters involving electoral administration and institutional discretion. The absence of clear judicial guidance on these issues has created uncertainty regarding the constitutional relationship between INEC and the National Assembly and raises concerns regarding the future administration of elections in Nigeria.

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[7] Electoral Act 2026, ss 29, 31, 32, 33, 82, 84 and 98.

[8] *Youth Party v INEC* Suit No FHC/ABJ/CS/517/2026 (Federal High Court, Abuja, 20 May 2026).

[9] Hans Kelsen, *Pure Theory of Law* (Max Knight tr, University of California Press 1967) 193–205.

[10] G C Thornton, *Legislative Drafting* (4th edn, Butterworths 1996) 151.

[11] Constitution of the Federal Republic of Nigeria 1999 (as amended), Third Schedule Part I para 15.

[12] *Youth Party v INEC* (n 8).

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1.3 Research Questions

This study seeks to answer the following questions:

1. Whether the Electoral Act 2026 may validly restrict powers constitutionally vested in INEC.
2. Whether the Federal High Court correctly interpreted the relevant provisions of the Electoral Act in Youth Party v INEC.
3. Whether legislative drafting defects contributed to the emergence of the dispute.
4. What constitutional and jurisprudential grounds exist for appellate intervention.
5. What jurisprudential direction the Court of Appeal is likely to adopt in resolving the dispute.

1.4 Objectives of the Study

The objectives of this study are:

1. To examine the constitutional and statutory framework governing electoral administration in Nigeria.
2. To analyse the Federal High Court decision in Youth Party v INEC.
3. To identify legislative drafting deficiencies within the Electoral Act 2026.
4. To evaluate the constitutional relationship between legislative authority and INEC's constitutional powers.
5. To examine possible grounds of appeal available to INEC.
6. To predict the likely jurisprudential approach of the Court of Appeal.
7. To contribute to scholarly discourse on constitutional supremacy and electoral governance in Nigeria.

1.5 Scope and Limitation

This study focuses primarily on the constitutional, statutory and jurisprudential issues arising from Youth Party v INEC. Particular attention is devoted to the interpretation of sections 29, 31, 32, 33, 82, 84 and 98 of the Electoral Act 2026, the constitutional powers of INEC under section 153 and Part I of the Third Schedule to the Constitution, and the broader implications of the judgment for electoral administration. The study does not undertake an empirical assessment of electoral behaviour or political party activities. Its focus remains doctrinal and analytical.

1.6 Research Methodology

This study adopts the doctrinal method of legal research. The doctrinal approach is appropriate because the issues under consideration involve the interpretation of constitutional provisions, statutes and judicial decisions.[13]

The study relies on:

(a) Statutory Analysis

Examination of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and the Electoral Act 2026.

(b) Case Law Analysis

Analysis of relevant judicial authorities, including:

- Youth Party v INEC;
- INEC v Musa;

[13] Ian McLeod, *Legal Method* (10th edn, Palgrave Macmillan 2020) 11.

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- National Democratic Party v INEC;
- PDP v Sylva;
- Attorney-General of Abia State v Attorney-General of the Federation.

(c) Comparative Constitutional Analysis

Comparative examination of electoral governance frameworks in South Africa, India, Ghana and Kenya.

(d) Theoretical Analysis

Application of Hans Kelsen's Pure Theory of Law and the doctrine of constitutional supremacy.

1.7 Significance of the Study

The significance of this study lies in its contribution to contemporary debates on constitutional supremacy, legislative drafting and electoral governance.

- First, it contributes to the growing body of scholarship concerning the constitutional status and autonomy of electoral management bodies.
- Secondly, it provides a detailed examination of the constitutional implications of legislative restrictions on constitutionally established institutions.
- Thirdly, it contributes to legislative drafting scholarship by identifying drafting deficiencies that may generate constitutional disputes.
- Fourthly, it offers practical guidance to courts, legislators and electoral administrators regarding the proper balance between statutory regulation and constitutional discretion.
- Finally, the study contributes to the development of electoral jurisprudence by proposing a harmonised approach capable of reconciling constitutional powers with legislative objectives.

1.8 Literature Review and Research Gap

Existing scholarship on electoral administration in Nigeria has largely focused on electoral reforms, electoral integrity, election dispute resolution and the operational challenges confronting INEC.[14] Scholars such as Ben Nwabueze, Epiphany Azinge and J O Asein have examined the constitutional framework of electoral governance and the role of electoral institutions in democratic consolidation.[15] Similarly, studies on electoral timelines have primarily concentrated on the practical implications of statutory deadlines and compliance requirements for political parties and candidates.[16] While these contributions provide valuable insights into electoral administration, they generally approach the subject from administrative and procedural perspectives.

Scholarship on legislative drafting has equally emphasised clarity, precision, coherence and legislative intent. Thornton, Bennion and Crabbe have extensively discussed the principles of effective legislative drafting and the consequences of ambiguity in statutory language. [17]However, little attention has been devoted to the relationship between legislative drafting failures and constitutional conflicts involving electoral institutions.

[14] J O Asein, *Introduction to Nigerian Legal System* (Ababa Press 2005) 187.

[15] Ben Nwabueze (n 3) 310; Epiphany Azinge (n 6) 243.

[16] Attahiru Jega (n 4) 18.

[17] Thornton (n 10); Francis Bennion, *Bennion on Statutory Interpretation* (7th edn, LexisNexis 2017); V C R A C Crabbe, *Legislative Drafting* (Cavendish Publishing 1993)

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Furthermore, existing constitutional law literature frequently examines the doctrine of constitutional supremacy and judicial review.[18] Nevertheless, limited scholarly attention has been given to the constitutional limits of legislative control over INEC and the extent to which ordinary legislation may regulate or restrict powers directly conferred by the Constitution.

Research Gap

This study identifies four major gaps in existing literature.

- First, existing scholarship has not sufficiently examined the role of legislative drafting failures in generating constitutional disputes concerning electoral administration.
- Secondly, there is limited engagement with Hans Kelsen's theory of the hierarchy of norms as a framework for analysing conflicts between constitutional powers and statutory restrictions.
- Thirdly, little scholarly attention has been devoted to the constitutional limits of legislative control over INEC as a constitutionally established institution.
- Fourthly, existing literature has not adequately explored the prospective jurisprudence of the Court of Appeal regarding the constitutional implications of Youth Party v INEC.

This study fills these gaps by integrating constitutional theory, legislative drafting scholarship, electoral governance analysis and appellate jurisprudence into a single analytical framework.

2. CONCEPTUAL CLARIFICATIONS

2.1 Electoral Administration

Electoral administration refers to the legal, institutional and operational mechanisms through which elections are organised, managed and supervised. It encompasses all activities necessary to ensure that electoral processes are conducted in a free, fair, credible and transparent manner. Electoral administration includes voter registration, constituency delimitation, candidate nomination, monitoring of political parties, conduct of elections, vote counting, declaration of results and management of electoral disputes.[19]

According to International IDEA, electoral administration consists of the structures and procedures established for the management of elections and referenda within a democratic system.[20] Electoral administration therefore serves as the bridge between electoral law and electoral practice. Without effective electoral administration, constitutional guarantees of democratic participation may become illusory.

In Nigeria, electoral administration is principally vested in the Independent National Electoral Commission (INEC), which derives its powers from section 153 of the Constitution and Paragraph 15 of Part I of the Third Schedule thereto.[21] Consequently, electoral administration in Nigeria possesses both constitutional and statutory dimensions.

2.2 Electoral Timelines

Electoral timelines refer to legally prescribed periods within which electoral activities must be undertaken. They establish a structured schedule for the conduct of electoral processes and ensure certainty, predictability and administrative efficiency.[22] Electoral timelines commonly regulate voter registration,

[18] K C Wheare, *Modern Constitutions* (Oxford University Press 1966) 91.

[19] Alan Wall and others, *Electoral Management Design* (International IDEA 2006) 5.

[20] International IDEA, *Electoral Management Design* (2nd edn, IDEA 2014) 3.

[21] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 153 and Third Schedule Part I para 15.

[22] International Foundation for Electoral Systems (IFES), *Election Calendar Guidelines* (2021) 11.

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party primaries, nomination of candidates, publication of candidates' particulars, electioneering campaigns and election dispute resolution.[23] The significance of electoral timelines lies in their ability to prevent arbitrariness and ensure equal treatment of electoral stakeholders. However, controversies often arise where statutory timelines conflict with administrative necessities. Such controversies frequently raise questions regarding the extent of discretion available to electoral management bodies.[24] The dispute in Youth Party v INEC illustrates the constitutional significance of electoral timelines and their impact on electoral governance.

2.3 Constitutional Supremacy

Constitutional supremacy refers to the principle that the Constitution constitutes the highest law of the state and that all governmental powers derive their authority from it.[25] The doctrine ensures that legislative, executive and judicial actions remain subject to constitutional control. It represents one of the most important characteristics of constitutional democracies because it guarantees the superiority of constitutional norms over ordinary legislation.[26] In Nigeria, constitutional supremacy is expressly entrenched under section 1(1) of the Constitution which provides that the Constitution is supreme and binding on all authorities and persons throughout the Federal Republic of Nigeria.[27] Section 1(3) further provides that any law inconsistent with the Constitution shall be void to the extent of such inconsistency.[28] The Supreme Court has repeatedly affirmed the supremacy of the Constitution in decisions such as INEC v Musa and Attorney-General of Abia State v Attorney-General of the Federation.[29]

2.4 Legislative Drafting

Legislative drafting is the process of translating governmental policy and legislative objectives into legally enforceable statutory language.[30] The quality of legislative drafting significantly influences statutory interpretation, legal certainty and judicial outcomes. Poor drafting frequently generates ambiguity, litigation and constitutional controversies.[31] Thornton describes legislative drafting as the art of expressing legislative policy in legally effective language, while Bennion regards it as the process of communicating legislative intention through clear and authoritative legal text.[32] The controversy in Youth Party v INEC demonstrates the importance of legislative drafting in electoral governance.

[23] Electoral Act 2026, ss 29, 31, 32, 82, 84 and 98.

[24] Daniel P Saredau, 'A Commentary on the Judgment of the Federal High Court in Youth Party v INEC (May 2026)' 2–3.

[25] K C Wheare, *Modern Constitutions* (Oxford University Press 1966) 9.

[26] Ben Nwabueze, *Constitutional Democracy in Africa* (Spectrum Books 2003) 47.

[27] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 1(1).

[28] Ibid 1(3)

[29] INEC v Musa (2003) 3 NWLR (Pt 806) 72; Attorney-General of Abia State v Attorney-General of the Federation (2002) 6 NWLR (Pt 763) 264.

[30] V C R A C Crabbe, *Legislative Drafting* (Cavendish Publishing 1993) 1.

[31] Reed Dickerson, *The Fundamentals of Legal Drafting* (Little Brown 1986) 12.

[32] G C Thornton, *Legislative Drafting* (4th edn, Butterworths 1996) 1; Francis Bennion, *Bennion on Statutory Interpretation* (7th edn, LexisNexis 2017) 45.

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Principles of Legislative Drafting

(a) Clarity

Clarity requires legislation to be expressed in simple, intelligible and comprehensible language. Legislative provisions should be capable of being understood by both legal professionals and ordinary citizens.[33] Clarity promotes legal certainty and reduces the likelihood of conflicting interpretations.

(b) Precision

Precision requires the use of language that accurately communicates legislative intention without vagueness or uncertainty.[34] Precise drafting is particularly important in electoral legislation because ambiguity may affect democratic rights and electoral outcomes.

(c) Consistency

Consistency requires harmony within legislation and between legislation and existing legal norms.[35] A statute should not contain provisions that contradict one another or conflict with constitutional requirements.

(d) Constitutional Compatibility

Legislation must conform to constitutional requirements and remain consistent with superior constitutional norms.[36] The doctrine of constitutional supremacy requires legislative drafters to ensure that statutory provisions do not directly or indirectly undermine constitutional powers.

(e) Legislative Intention

Legislation must accurately reflect the intention of the legislature. Courts generally seek to ascertain legislative intention through statutory interpretation.[37] Where legislative language fails to clearly communicate legislative intention, judicial uncertainty often follows.

2.5 Electoral Governance

Electoral governance refers to the broader legal and institutional framework through which elections are regulated and managed.[38] Unlike electoral administration, which focuses on operational activities, electoral governance encompasses rule-making, rule-application and rule-adjudication.[39]

Electoral governance therefore includes:

- Legislative regulation of elections;
- Administrative implementation by electoral bodies;
- Judicial resolution of electoral disputes.

In Nigeria, electoral governance involves the interaction of the National Assembly, INEC, political parties and the judiciary.[40]

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[33] Thornton (n 14) 130.

[34] Crabbe (n 12) 68.

[35] Thornton (n 14) 144

[36] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 1(3).

[37] Bennion (n 14) 171.

[38] Andreas Schedler, 'Elections Without Democracy' (2002) 13 *Journal of Democracy* 36.

[39] Shaheen Mozaffar and Andreas Schedler, 'The Comparative Study of Electoral Governance' (2002) 23 *International Political Science Review* 5.

[40] Constitution of the Federal Republic of Nigeria 1999 (as amended); Electoral Act 2026.

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2.6 Judicial Review

Judicial review refers to the authority of courts to examine the legality and constitutionality of legislative and administrative actions.[41] The doctrine serves as a mechanism for ensuring that public authorities act within the limits prescribed by law. It is one of the principal safeguards of constitutionalism and the rule of law.[42] Under section 6 of the Constitution, Nigerian courts possess power to interpret laws and determine disputes concerning constitutional rights and obligations.[43] In electoral matters, judicial review plays a particularly significant role because it provides a means of ensuring compliance with constitutional and statutory requirements.[44] The decision in Youth Party v INEC represents an exercise of judicial review over administrative actions undertaken by INEC.

2.7 Administrative Discretion

Administrative discretion refers to the authority granted to public officials or institutions to make decisions within the limits prescribed by law.[45] Discretion becomes necessary because legislation cannot anticipate every factual circumstance requiring administrative action. Consequently, administrative agencies are often granted flexibility to implement statutory objectives.[46] However, administrative discretion is not absolute. It must be exercised reasonably, fairly and within the limits of constitutional and statutory authority.[47] The doctrine of ultra vires empowers courts to invalidate administrative actions that exceed legal authority.[48]

Within the context of electoral administration, administrative discretion enables electoral management bodies to formulate operational guidelines, timetables and procedures necessary for effective election management.[49] The central issue in Youth Party v INEC is whether INEC's exercise of administrative discretion in prescribing electoral timelines exceeded the limits imposed by the Electoral Act or constituted a legitimate exercise of constitutional authority.

6. LEGISLATIVE DRAFTING ERRORS IN THE ELECTORAL ACT 2026

6.1 Ambiguity in Electoral Timelines

One of the most significant issues exposed by Youth Party v INEC is the ambiguity surrounding the drafting of electoral timelines in the Electoral Act 2026. Legislative drafting requires precision and certainty, particularly where statutory provisions regulate constitutional institutions and democratic processes.[50] The Electoral Act contains several provisions prescribing timelines for party primaries, submission of candidates, publication of candidates' particulars and electioneering campaigns. However, the Act fails to expressly indicate whether these timelines constitute mandatory administrative schedules or merely ultimate statutory

The absence of explicit clarification creates uncertainty regarding the extent of INEC's authority to prescribe operational timelines for electoral activities. Such uncertainty undermines legal certainty and

[41] HWR Wade and CF Forsyth, *Administrative Law* (11th edn, OUP 2014) 243.

[42] De Smith, Woolf and Jowell, *Judicial Review of Administrative Action* (Sweet & Maxwell 2018) 229.

[43] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 6.

[44] J O Asein, *Introduction to Nigerian Legal System* (Ababa Press 2005) 201.

[45] Wade and Forsyth (n 23) 255.

[46] Ibid

[47] Ibid 261

[48] Ibid 243

[49] International IDEA (n 2) 117.

[50] G C Thornton, *Legislative Drafting* (4th edn, Butterworths 1996) 130.

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invites judicial intervention.[51] As Bennion observes, ambiguity in legislative language often transfers policy-making responsibility from legislators to judges, thereby increasing the risk of inconsistent interpretations.[52]

6.2 The Problem of "Not Later Than"

A recurring expression within the Electoral Act is the phrase "not later than." Sections relating to candidate nomination, substitution and electoral activities frequently employ this language.[53] The phrase is capable of two interpretations. First, it may be interpreted as establishing the latest permissible date for compliance, thereby permitting earlier compliance. Secondly, it may be construed as prescribing a mandatory timeline incapable of modification by administrative authorities.[54]

The Federal High Court adopted the latter interpretation in Youth Party v INEC. However, from a legislative drafting perspective, the phrase "not later than" ordinarily indicates an ultimate deadline rather than a prohibition against earlier action.[55] Had the legislature intended to prohibit earlier deadlines, clearer language could have been employed. The controversy illustrates the dangers of imprecise drafting in electoral legislation.

6.3 Maximum versus Mandatory Deadlines

The central drafting problem may therefore be characterised as a distinction between maximum deadlines and mandatory deadlines. Maximum deadlines establish the latest point at which an action may lawfully be performed. Administrative authorities may require earlier compliance provided that such requirements remain reasonable and lawful.[56] Mandatory deadlines, on the other hand, prescribe fixed periods that cannot be altered by administrative discretion.[57] The Electoral Act does not clearly indicate which model it adopts. Consequently, the Federal High Court interpreted statutory timelines as mandatory deadlines while INEC appears to have treated them as maximum periods permitting earlier administrative scheduling.[58] This ambiguity represents a drafting deficiency capable of generating substantial constitutional disputes.

6.4 Absence of Operational Timeline Clauses

A notable omission in the Electoral Act is the absence of provisions expressly authorising INEC to prescribe operational timelines necessary for election management. Modern electoral legislation frequently distinguishes between statutory deadlines and administrative schedules.[59] Such provisions recognise that electoral management bodies require flexibility to coordinate logistics, verify candidates, monitor party primaries and resolve pre-election disputes. The Electoral Act 2026 does not contain a comprehensive clause clarifying the relationship between statutory deadlines and operational timelines. This omission contributed significantly to the dispute in Youth Party v INEC.[60] A carefully drafted saving provision could have prevented the litigation by expressly defining the extent of INEC's administrative discretion.

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[51] Francis Bennion, *Bennion on Statutory Interpretation* (7th edn, LexisNexis 2017) 614.

[52] Ibid

[53] Electoral Act 2026, ss 29, 31, 32 and 98.

[54] Bennion (n 2) 618.

[55] Thornton (n 1) 151.

[56] V C R A C Crabbe, *Legislative Drafting* (Cavendish Publishing 1993) 97.

[57] Ibid

[58] *Youth Party v INEC* Suit No FHC/ABJ/CS/517/2026.

[59] International IDEA, *Electoral Management Design* (2nd edn, IDEA 2014) 117.

[60] Daniel P Saredau, 'A Commentary on the Judgment of the Federal High Court in Youth Party v INEC (May 2026)' 3.

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6.5 Failure to Define INEC's Administrative Authority

The Act also fails to clearly define the scope of INEC's authority regarding electoral scheduling. Although the Constitution empowers INEC to organise, undertake and supervise elections,[61] the Electoral Act does not specify whether such authority includes power to prescribe operational deadlines for compliance with electoral requirements. This legislative silence created an interpretative vacuum subsequently filled by judicial interpretation.[62] Effective legislative drafting requires that powers affecting constitutional institutions be clearly articulated to avoid uncertainty and unnecessary litigation.

6.6 Drafting Deficiencies and Electoral Litigation

Poor legislative drafting frequently generates electoral litigation. Ambiguous statutory language creates uncertainty concerning legal rights and obligations, thereby encouraging competing interpretations by political actors and regulatory institutions.[63] The dispute in Youth Party v INEC demonstrates how drafting deficiencies may transform administrative disagreements into constitutional controversies. Rather than merely involving election management, the case evolved into a broader debate concerning constitutional supremacy, legislative authority and institutional autonomy.[64] The case therefore provides an important lesson regarding the need for precision in electoral legislation.

6.7 Comparative Drafting Models

South Africa

South African electoral legislation generally adopts a more detailed drafting approach regarding the powers of the Electoral Commission. The Electoral Commission Act and Electoral Act expressly recognise the Commission's authority to issue regulations and administrative directives necessary for election management.[65] This reduces uncertainty regarding the relationship between statutory timelines and administrative discretion.

India

Indian electoral law adopts a constitutional model under which the powers of the Election Commission derive directly from Article 324 of the Constitution. The Supreme Court of India has consistently recognised broad administrative discretion in electoral management where legislation remains silent.[66] Consequently, conflicts between statutory deadlines and administrative schedules occur less frequently.

Ghana

The Constitution of Ghana expressly guarantees the independence of the Electoral Commission while electoral legislation provides detailed procedural guidance.[67] Judicial decisions generally favour interpretations that preserve the Commission's operational flexibility.

Kenya

Kenya's electoral framework similarly recognises the authority of the Independent Electoral and Boundaries Commission to issue regulations and administrative guidelines necessary for election

[61] Constitution of the Federal Republic of Nigeria 1999 (as amended), Third Schedule Part I para 15.

[62] Saredau (n 11) 3.

[63] Reed Dickerson, *The Fundamentals of Legal Drafting* (Little Brown 1986) 12.

[64] Saredau (n 11) 2.

[65] Electoral Commission Act 51 of 1996 (South Africa).

[66] Election Commission of India v Ashok Kumar (2000) 8 SCC 216.

[67] Constitution of the Fourth Republic of Ghana 1992, art 46.

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management.[68] The Kenyan model demonstrates the importance of expressly defining administrative powers within electoral legislation.

7. CONSTITUTIONAL SUPREMACY AND THE POWERS OF INEC

7.1 Constitutional Powers of INEC

INEC derives its authority directly from the Constitution of the Federal Republic of Nigeria 1999 (as amended). Section 153 establishes the Commission, while Paragraph 15 of Part I of the Third Schedule specifies its powers and functions.[69] These functions include organising, undertaking and supervising elections, monitoring political parties and conducting voter registration exercises.[70] Because these powers originate from the Constitution, they occupy a higher normative status than powers created solely by legislation.

7.2 Scope of Electoral Management Authority

The constitutional responsibility to organise and supervise elections necessarily encompasses numerous operational functions.

- Election management involves:
- scheduling electoral activities;
- monitoring party primaries;
- verifying candidate nominations;
- coordinating logistics;
- training election personnel;
- resolving administrative challenges.[71]

Consequently, electoral management authority cannot reasonably be confined to the mere conduct of polling exercises.

7.3 Implied Constitutional Powers

Constitutional law recognises that express powers frequently carry implied powers necessary for their effective exercise.[72] Where the Constitution confers authority upon a public institution, it is generally presumed to confer ancillary powers reasonably required for the discharge of its constitutional responsibilities.[73] INEC may therefore argue that the authority to issue operational timelines constitutes an implied constitutional power incidental to its express authority to organise and supervise elections.

7.4 Can Legislation Restrict Constitutional Powers?

The central constitutional issue arising from Youth Party v INEC is whether legislation may validly restrict powers conferred directly by the Constitution. The orthodox position is that legislation may regulate constitutional powers but cannot extinguish or substantially impair them.[74]

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[68] Independent Electoral and Boundaries Commission Act 2011 (Kenya).

[69] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 153.

[70] ibid Third Schedule Part I para 15.

[71] International IDEA (n 10) 118.

[72] Ben Nwabueze, *Constitutional Democracy in Africa* (Spectrum Books 2003) 309.

[73] Ibid

[74] Attorney-General of Abia State v Attorney-General of the Federation (2002) 6 NWLR (Pt 763) 264.

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Where legislation effectively prevents a constitutional institution from performing its constitutional functions, questions of constitutional validity arise.[75] This principle lies at the heart of the controversy surrounding the Electoral Act 2026.

7.5 Constitutional Supremacy versus Legislative Supremacy

The Nigerian constitutional order is founded upon constitutional supremacy rather than legislative supremacy.[76] Unlike the United Kingdom where Parliament is sovereign, the National Assembly operates within constitutional limits.[77] Consequently, all legislation must conform to constitutional requirements. Where conflict exists between constitutional powers and statutory restrictions, the Constitution must prevail.[78]

7.6 Judicial Protection of Constitutional Institutions

Courts play an important role in protecting constitutional institutions from legislative or executive encroachment.[79] Judicial review ensures that constitutional bodies remain capable of performing their constitutional responsibilities without undue interference.[80] However, judicial protection must be balanced against the need to respect legislative authority and democratic accountability. The challenge before the Court of Appeal in Youth Party v INEC will therefore be to strike an appropriate balance between constitutional autonomy and statutory regulation.

8. CRITICAL ANALYSIS OF THE FEDERAL HIGH COURT DECISION

8.1 Strengths of the Judgment

Reinforcement of Rule of Law

A major strength of the judgment is its affirmation of the rule of law. The decision reinforces the principle that administrative authorities must act within the limits prescribed by law.[81]

Application of Ultra Vires Doctrine

The judgment correctly applied the doctrine of ultra vires by recognising that subordinate regulations cannot override statutory provisions.[82] The decision therefore promotes legal accountability and administrative legality.

Respect for Legislative Authority

The judgment also reflects respect for legislative authority by insisting that statutory provisions enacted by the National Assembly must be obeyed unless declared unconstitutional.[83] This aspect of the decision reinforces democratic governance and legislative legitimacy.

8.2 Weaknesses of the Judgment

Excessive Literalism

[75] Hans Kelsen, *Pure Theory of Law* (Max Knight tr, University of California Press 1967) 204.

[76] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 1.

[77] K C Wheare, *Modern Constitutions* (Oxford University Press 1966) 91.

[78] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 1(3).

[79] HWR Wade and CF Forsyth, *Administrative Law* (11th edn, OUP 2014) 243.

[80] Ibid

[81] A V Dicey, *Introduction to the Study of the Law of the Constitution* (10th edn, Macmillan 1959) 202.

[82] Wade and Forsyth (n 30) 243.

[83] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 4.

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The court adopted a predominantly literal interpretation of the Electoral Act. While literal interpretation promotes certainty, excessive reliance on textual analysis may undermine legislative purpose and constitutional objectives.[84]

Failure to Apply Purposive Interpretation

The judgment appears to give insufficient attention to purposive interpretation. The purpose of electoral timelines is not merely to prescribe deadlines but also to facilitate effective election management.[85] A purposive approach may have produced a more balanced outcome.

Failure to Consider Electoral Practicalities

The judgment pays limited attention to logistical realities confronting INEC. Election management involves extensive planning and coordination that may require earlier operational deadlines than those prescribed by statute.[86]

Failure to Consider Constitutional Status of INEC

Perhaps the most significant weakness of the judgment is its limited engagement with the constitutional status of INEC. The decision focuses extensively on statutory interpretation while devoting comparatively little attention to the constitutional implications of restricting a constitutionally established institution.[87]

8.3 Constitutional Implications

The judgment raises fundamental constitutional questions concerning:

- constitutional supremacy;
- institutional autonomy;
- legislative authority;
- separation of powers.

The Court of Appeal will likely be required to determine whether the interpretation adopted by the Federal High Court adequately preserves constitutional balance.[88]

8.4 Administrative Law Implications

From an administrative law perspective, the decision strengthens judicial control over administrative discretion. However, it may also reduce the flexibility available to specialised regulatory institutions.[89] The case therefore highlights the continuing tension between legality and administrative efficiency.

8.5 Electoral Governance Implications

The judgment has important implications for electoral governance. While it promotes statutory compliance, it may simultaneously complicate electoral administration by limiting INEC's ability to

[84] Aharon Barak, *Purposive Interpretation in Law* (Princeton University Press 2005) 111.

[85] Ibid

[86] International IDEA (n 10) 119.

[87] Saredau (n 11) 2–3.

[88] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 1, 4 and 153.

[89] Wade and Forsyth (n 30) 261..

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manage electoral schedules.[90] The long-term impact of the decision will depend substantially upon the jurisprudential approach ultimately adopted by the Court of Appeal.

9. PROSPECTIVE JURISPRUDENCE OF THE COURT OF APPEAL

The appeal arising from Youth Party v INEC presents one of the most important constitutional questions in Nigeria's contemporary electoral jurisprudence. At the centre of the controversy is the relationship between constitutional powers vested in INEC and statutory regulations enacted by the National Assembly. The Court of Appeal will be required to reconcile competing principles of constitutional supremacy, legislative authority, electoral governance and administrative discretion.[91] The significance of the appeal extends beyond the immediate issue of electoral timelines. Its outcome is likely to define the future constitutional relationship between INEC and the National Assembly and shape the jurisprudence of electoral administration for years to come.[92]

9.1 Grounds of Appeal Available to INEC

Error of Law

A primary ground of appeal available to INEC is that the trial court committed an error of law by construing the relevant provisions of the Electoral Act as mandatory restrictions on INEC's constitutional powers.[93] The Commission may argue that the court failed to appreciate the constitutional context within which the Electoral Act operates and consequently adopted an interpretation that undermines the effective discharge of INEC's constitutional responsibilities.[94]

Misinterpretation of Statute

INEC may also contend that the court misconstrued the language of the Electoral Act. The phrase "not later than" ordinarily establishes an ultimate deadline rather than a prohibition against earlier compliance.[95] Accordingly, the Commission may argue that the Act merely prescribes maximum periods and does not prohibit INEC from prescribing earlier operational schedules for administrative purposes.[96]

Constitutional Error

Another possible ground is that the judgment improperly subordinated constitutional powers to statutory provisions. The Constitution remains the supreme law of Nigeria and all statutory provisions derive their validity from constitutional authority.[97] Consequently, where a statutory provision is interpreted in a manner that substantially impairs constitutional powers, constitutional concerns inevitably arise.[98]

Failure to Follow Supreme Court Authorities

[90] International IDEA (n 10) 120.

[91] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 1, 4, 6 and 153.

[92] Ben Nwabueze, *Constitutional Democracy in Africa* (Spectrum Books 2003) 309.

[93] *Youth Party v INEC* Suit No FHC/ABJ/CS/517/2026.

[94] Ibid

[95] Francis Bennion, *Bennion on Statutory Interpretation* (7th edn, LexisNexis 2017) 614.

[96] G C Thornton, *Legislative Drafting* (4th edn, Butterworths 1996) 151.

[97] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 1(3).

[98] Hans Kelsen, *Pure Theory of Law* (Max Knight tr, University of California Press 1967) 204.

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INEC may further argue that the Federal High Court failed to properly apply or distinguish relevant Supreme Court authorities recognising the Commission's discretion in electoral administration.[99] The appellate court may therefore be invited to clarify the relationship between those authorities and the interpretation adopted by the trial court.

9.2 Relevant Supreme Court Authorities

In National Democratic Party v INEC, the Supreme Court affirmed the constitutional role of INEC in organising and supervising elections and recognised the Commission's authority to issue guidelines and timetables necessary for the conduct of elections.[100] The decision emphasised that electoral administration necessarily involves the exercise of administrative discretion and operational judgment. INEC may rely on this authority to argue that electoral scheduling falls within its constitutional competence.

The Supreme Court's decision in PDP v Sylva similarly recognised the central role of INEC in coordinating electoral processes and implementing election schedules.[101] The Court acknowledged that effective electoral management requires flexibility and responsiveness to practical realities. This authority may therefore support a broader interpretation of INEC's administrative powers. Perhaps the most important constitutional authority is INEC v Musa. In that case, the Supreme Court reaffirmed the supremacy of the Constitution and held that legislative provisions inconsistent with constitutional requirements cannot stand.[102] The decision reinforces the principle that constitutional powers cannot be extinguished through ordinary legislation. The case therefore provides important jurisprudential support for arguments concerning the constitutional status of INEC.

The landmark decision in Rabiu v State remains a leading authority on constitutional interpretation. The Supreme Court held that constitutional provisions should be interpreted broadly, liberally and purposively rather than narrowly and technically.[103] The case is particularly relevant because it suggests that constitutional provisions relating to electoral administration should be interpreted in a manner that promotes effective governance rather than restricts constitutional institutions.

9.3 Possible Judicial Approaches

Option One: Affirmation of the Federal High Court

The Court of Appeal may affirm the judgment entirely. Under this approach, the Court would hold that the Electoral Act prescribes mandatory timelines and that INEC lacks authority to abridge those timelines through administrative action.[104] This outcome would reinforce legislative control over electoral scheduling and strengthen judicial supervision of administrative discretion. However, it may also constrain INEC's ability to manage elections efficiently.

Option Two: Partial Reversal

The Court may partially reverse the judgment. Under this approach, the Court could uphold the statutory timelines while simultaneously recognising INEC's authority to prescribe reasonable administrative schedules necessary for election management.[105] Such an outcome would preserve legislative authority

[99] *Youth Party v INEC* (n 3).

[100] National Democratic Party v INEC (2012) LPELR-19672(SC).

[101] PDP v Sylva (2012) LPELR-7814(SC).

[102] INEC v Musa (2003) 3 NWLR (Pt 806) 72.

[103] Rabiu v State (1980) 8–11 SC 130.

[104] *Youth Party v INEC* (n 3).

[105] Nwabueze (n 2) 314.

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without undermining constitutional powers. This approach appears consistent with the principle of constitutional harmony.

Option Three: Complete Reversal

The Court could completely reverse the decision and recognise broad constitutional discretion in electoral administration. Under this approach, statutory timelines would be interpreted as broad regulatory frameworks rather than mandatory restrictions.[106]

Although constitutionally plausible, this approach may be viewed as diminishing legislative authority and is therefore less likely.

9.4 Most Probable Outcome

Harmonisation Approach

The most probable outcome is a harmonisation approach. The Court of Appeal is likely to seek a balance between constitutional supremacy and legislative regulation rather than adopting an absolutist position.[107]

Under this approach, the Court may:

Preserve statutory timelines established by the Electoral Act;

Preserve constitutional powers vested in INEC;

Recognise INEC's administrative discretion;

Distinguish between statutory deadlines and operational schedules.[108]

Such an interpretation would allow the Electoral Act and the Constitution to operate together without unnecessary conflict. The Court may hold that while political parties retain statutory rights under the Electoral Act, INEC retains authority to prescribe reasonable administrative schedules designed to facilitate election management. This approach is consistent with modern constitutional jurisprudence, which favours reconciliation rather than confrontation between constitutional norms.[109]

9.5 Possible Ratio of the Court of Appeal

The likely ratio of the Court of Appeal may be stated as follows: While the Electoral Act prescribes statutory timelines governing electoral activities, the constitutional powers vested in INEC to organise, undertake and supervise elections necessarily include authority to issue reasonable administrative schedules and operational directives for the effective management of elections. Such administrative schedules remain valid provided they do not substantially derogate from rights expressly conferred by statute.[110] Such a ratio would preserve constitutional supremacy while maintaining legislative relevance.

10. COMPARATIVE PERSPECTIVES

10.1 South Africa

Electoral Commission Independence

[106] Ibid

[107] Aharon Barak, *Purposive Interpretation in Law* (Princeton University Press 2005) 111.

[108] Ibid

[109] Ibid 117

[110] Derived from ss 1 and 153 CFRN and Paragraph 15 Third Schedule.

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The Constitution of South Africa establishes the Electoral Commission of South Africa as an independent constitutional institution responsible for managing elections.[111] The Commission enjoys significant operational autonomy while remaining subject to constitutional accountability.

Constitutional Court Jurisprudence

In Electoral Commission v Langeberg Municipality, the Constitutional Court emphasised the institutional independence of the Electoral Commission and recognised its constitutional role in safeguarding democratic governance.[112] The decision illustrates the importance of protecting electoral management bodies from undue interference.

10.2 India

Article 324 Constitution of India

Article 324 of the Constitution of India vests the superintendence, direction and control of elections in the Election Commission of India.[113] The provision has been interpreted broadly by Indian courts.

Election Commission Powers

In Mohinder Singh Gill v Chief Election Commissioner, the Supreme Court of India recognised that the Election Commission possesses broad powers necessary for the effective conduct of elections.[114] The Court held that where legislation is silent, the Commission may act to preserve electoral integrity. This jurisprudence supports a purposive understanding of electoral administration.

10.3 Ghana

Electoral Commission Jurisprudence

The Constitution of Ghana guarantees the independence of the Electoral Commission and protects it from external control.[115] In Tehn-Addy v Electoral Commission, the Supreme Court of Ghana recognised the importance of preserving the Commission's operational discretion while ensuring compliance with constitutional requirements.[116] The Ghanaian approach favours constitutional autonomy balanced by judicial accountability.

10.4 Kenya

Independent Electoral and Boundaries Commission

The Constitution of Kenya establishes the Independent Electoral and Boundaries Commission as an independent constitutional body responsible for electoral administration.[117]

Judicial Approaches

Kenyan courts have generally adopted a harmonisation approach that balances constitutional autonomy with statutory accountability. In Independent Electoral and Boundaries Commission v Maina Kiai, the

[111] Constitution of the Republic of South Africa 1996, s 190.

[112] Electoral Commission v Langeberg Municipality 2001 (3) SA 925 (CC).

[113] Constitution of India 1950, art 324.

[114] Mohinder Singh Gill v Chief Election Commissioner AIR 1978 SC 851.

[115] Constitution of Ghana 1992, art 46.

[116] Tehn-Addy v Electoral Commission [1996–97] 2 GLR 119.

[117] Constitution of Kenya 2010, art 88.

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Court emphasised the need to interpret electoral laws in a manner that promotes constitutional objectives.[118]

10.5 Lessons for Nigeria

Comparative experience reveals several lessons for Nigeria. First, electoral legislation should clearly define the relationship between statutory timelines and administrative discretion.[119] Secondly, constitutional institutions require sufficient operational autonomy to discharge their constitutional functions effectively.[120] Thirdly, courts should favour harmonisation rather than rigid conflict between constitutional powers and legislative regulations.[121] Finally, legislative drafting should anticipate potential constitutional disputes and provide clear mechanisms for resolving them.[122]

11. FINDINGS

The study makes the following findings:

1. The Constitution remains Nigeria's supreme norm and the ultimate source of legal validity.[123]
2. Legislative drafting deficiencies contributed significantly to the dispute in Youth Party v INEC.[124]
3. Electoral Act timelines are ambiguously drafted and fail to distinguish clearly between maximum and mandatory deadlines.[125]
4. The Federal High Court adopted a predominantly literal interpretation of the Electoral Act.[126]
5. Constitutional concerns exist regarding the restriction of powers vested in INEC by the Constitution.[127]
6. Supreme Court authorities generally favour broader administrative discretion in electoral management.[128]
7. The Court of Appeal is likely to adopt a harmonisation approach reconciling constitutional powers with legislative regulation.[129]

12. RECOMMENDATIONS

12.1 Legislative Recommendations

The National Assembly should amend the Electoral Act to:

- Clarify the nature of electoral timelines;
- Define operational schedules;
- Distinguish statutory deadlines from administrative deadlines.[130]

12.2 Judicial Recommendations

[118] Independent Electoral and Boundaries Commission v Maina Kiai [2017] eKLR.

[119] International IDEA, *Electoral Management Design* (2nd edn, IDEA 2014) 117.

[120] Ibid

[121] Barak (n 17) 117.

[122] V C R A C Crabbe, *Legislative Drafting* (Cavendish Publishing 1993) 102.

[123] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 1.

[124] Thornton (n 6) 151.

[125] Bennion (n 5) 614.

[126] *Youth Party v INEC* (n 3).

[127] Kelsen (n 8) 204.

[128] *National Democratic Party v INEC* (n 10); *PDP v Sylva* (n 11).

[129] Barak (n 17) 117.

[130] Thornton (n 6) 152.

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Courts should:

- Adopt purposive constitutional interpretation;
- Develop a coherent body of electoral governance jurisprudence.[131]

12.3 Constitutional Recommendations

Consideration should be given to:

- Clarifying INEC's timetable powers through constitutional reform;
- Strengthening constitutional protection of electoral administration.[132]

12.4 Drafting Recommendations

Legislative reform should include:

- Mandatory constitutional compatibility review;
- Electoral law drafting guidelines;
- Enhanced legislative impact assessment procedures.[133]

13. CONCLUSION

13.1 Restatement of the Central Thesis

This article has examined Youth Party v INEC through the interconnected lenses of constitutional supremacy, legislative drafting and electoral governance.

13.2 Constitutional Supremacy and Electoral Governance

The study demonstrates that electoral administration cannot be understood solely through statutory interpretation. It must be situated within the broader constitutional framework that establishes and empowers INEC.

13.3 Legislative Drafting Lessons from Youth Party v INEC

The controversy highlights the consequences of ambiguous drafting and underscores the need for greater legislative precision in electoral regulation.

13.4 The Future of Electoral Jurisprudence in Nigeria

The appeal presents an opportunity for the Court of Appeal to clarify the constitutional relationship between legislative authority and electoral administration.

13.5 The Anticipated Role of the Court of Appeal in Restoring Constitutional Balance

The most constitutionally sustainable outcome is one that preserves both statutory regulation and constitutional autonomy. By adopting a harmonisation approach, the Court of Appeal can strengthen constitutionalism, improve electoral governance and contribute to the development of coherent electoral jurisprudence in Nigeria.

[131] Barak (n 17) 113.

[132] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 9.

[133] Crabbe (n 32) 102.

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