[SB. 455]

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A BILL

FOR

AN ACT TO AMEND THE ELECTORAL ACT, 2010 TO PROVIDE FOR TENURE OF OFFICE OF SECRETARY, POWER TO ISSUE DUPLICATE VOTERS CARD, DETERMINE VOTING PROCEDURE AND FOR OTHER RELATED MATTERS, 2014

Sponsors:

Sen. Ike Ekweremadu	Sen. Victor Ndoma-Egba
Sen. Bello Hayatu Gwarzo	Sen. Uche Chukwumerije
Sen. Abdul Ahmed Ningi	Sen. Solomon Ganiyu
Sen. George Akume	Sen. Abu Ibrahim
Sen. Ahmed Rufa'i Sani	Sen. Ayoola H. Agboola
Sen. Umaru Dahiru	Sen. James E. Manager
Sen. Heineken Lokpobiri	Sen. Odion Ugbesia
Sen. Chris Anyanwu	Sen. Ahmed Makarfi
Sen. Smart Adeyemi	Sen. Dahiru Kuta
Sen. Nkechi Nwaogu	Sen. Zaynab Kure
Sen. Ayogu Eze	Sen. Suleiman Adokwe
Sen. Ita Enang	Sen. Phillip Tanimu Aduda
Sen. Chris Ngige	Sen. Barnabas Gemade
Sen. Ahmed Zannah	Sen. Christopher Nwankwo
Sen. Bello Moh' d Tukur	Sen. Anthony Adeniyi
Sen. Joshua Lidani	Sen. Abdulaziz Usman
Sen. Abubakar A. Bagudu	Sen. Mohammed S. Lafiagi
Sen. Adegbenga S. Kaka	Sen. Boluwaji Kunlere
Sen. Sola Adeyeye	Sen. Olufemi Lanlehin
Sen. Joshua Dariye	Sen. Magnus Abe
Sen. Abubakar T. Umar	Sen. Alkali Jajere
Sen. Esuene Helen	Sen. Nenadi Usman
Sen. Oluremi Tinubu	Sen. Aisha Alhassan
Sen. Mohammed S. Saleh	Sen. Margery C. Chuba Okadigbo
Sen. Hope Uzodimma	Sen. Andy Uba
Sen. Abdulmumin Hassan	Sen. Basheer G. Mohammed

[.]

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follow:

1. The Electoral Act 2010 referred to in this Bill as the Principal Act is amended as follows:

2. Section 8(1) of the Principal Act is amended by inserting a sub-section "c" Amendment of Section 8

2014

"Tenure of Secretary and Staff of the Commission"

"(C). hold office for a period of 4 (four) year from the date of his appointment which may be renewable for another period of 4 (four) years only".

Amendment of Section 13

3. Section 130fthe principal Act is amended by:

(i) inserting immediately after the word "by" in ,line 2 the words "a copy of";

(ii) substituting the figure "30" in line 2 with the figure "60".

Amendment of Section 18

4. Section 18 of the Principal Act is amended in sub-section (1) by substituting the word "thirty" and figure "30" in line 2 with the word "sixty" and the figure "60".

Amendment of Section 28

5. Section 28(1) of the Principal Act is amended by substituting the words "the High Court" in line 2 with the words "any court of law or Commissioner for Oaths."

Amendment of Section 31

6. Section 31 of the Principal Act is amended by substituting for subsection (1), a new subsection (1):

"(1) Subject to the provisions of Section 87 of this Act, every political party shall, not later than 60 days before the date appointed for an election under the provisions of this Act, submit to the Commission, in the prescribed forms, the list of the candidates the party proposes to sponsor at the election".

Amendment of Section 52

7. Section 52 of the Principal Act is amended by substituting sub-section (2) with a new sub-section "2":

"(2) Voting at an election under this Act shall be in accordance with the procedure determined by the Independent National Electoral Commission".

Amendment of Section 77

8. Section 77 of the Principal Act is amended by substituting for subsection (1) a new subsection (1):

"77(1) The Resident Electoral Commissioner, in a State where an election is conducted, shall, within 14 days after an application is made to him by any of the parties to an election petition, cause certified true copy of such document to be issued to the said party".

9. Section 111 of the Principal Act is amended in subsections "3", "6" and "7", by substituting for the figure "7" the figure "14". Amendment of Section 111

10. Insert immediately after the existing Section 115 new Sections "115A - 115B" Insertion of new Sections

"Permanent Incapacity of Chairman or Vice Chairman of an Area Council":

115A (l) The Chairman or Vice Chairman of Area Council shall cease to hold office if:

(a) by resolution passed by two-thirds majority of all members of the Executive Council of the Area Council, it is declared that the Chairman or Vice Chairman is incapable of discharging the functions of his office; and

(b) the declaration in paragraph (a) of this subsection is verified after such medical examination panel established under subsection (4) of this section in its report to the Speaker of the Area Legislative Council.

(2) Where the medical panel certifies in its report that in its opinion the Chairman or Vice Chairman is suffering from such infirmity of body or mind as renders him permanently incapable of discharging the functions of his office, a notice thereof signed by the Speaker of the Area Legislative Council shall be published in the Official Gazette of the Area Council.

(3) The Chairman or Vice Chairman shall cease to hold office as from the date of publication of the notice of the medical report pursuant to subsection (2) of this section.

(4) The medical panel to which this section relates shall be appointed by the Speaker of the Area Legislative Council and shall consist of five medical practitioners in Nigeria:

(a) one of whom shall be the personal physician of the holder of the office concerned; and

(b) four other medical practitioners who have, in the opinion of the Speaker of the Area Legislative Council, attained a high degree of eminence in the field of medicine relative to the nature of examination to be conducted in accordance with the foregoing provisions of this section.

(5) In this section, the reference to Executive Council of the Area Council' is a reference to the body of supervisory councilors of the Area Council, established by the Chairman and charged with such responsibility for the functions of government as the Chairman may direct.

"Discharge of Functions of Chairman or Vice Chairman of an Area Council:

115B (1) The Vice-Chairman of an Area Council shall hold the office of the Chairman of the Area Council if the office of the Chairman becomes vacant by reason of death, resignation, permanent incapacity or removal of the Chairman from office for any other reason in accordance with section 115 or 116 of this Act.

(2) Where any vacancy occurs in the circumstances mentioned in subsection (1) of this section during a period when the office of Vice-Chairman of the Area Council is also vacant, the Speaker of the Area Legislative Council shall hold office of the Chairman of the Area Council for a period of not less than three months, during which there shall be an election of a new Chairman of the Area Council who shall hold office for the unexpired term of office of the last holder of the office.

(3) Where the office of the Vice-Chairman becomes vacant:

(a) by reason of death, resignation, permanent incapacity or removal in accordance with section 115 or 116 of this Act;

(b) by his assumption of the office of Chairman of an Area Council in accordance with subsection (1) of this section; or

(c) for any reason, the Chairman shall nominate and with the approval of the legislative arm of the Area Council, appoint a new Vice-Chairman."

Amendment of Section 123

11. Section 123 of the Principal Act is amended by inserting new subsection "3A" immediately after subsection 3:

"(3A). Any Polling Officer, Political Party or Party Agent who conspire to make false declaration of result of an election commits an offence and is liable on conviction to 36 months imprisonment."

12. Section 133 of the Principal Act is amended in subsection (3)(a) by substituting the figure "14", with the figure "30". Amendment of Section 133

13. Section 135 of the Principal Act is amended by inserting new subsections "4" and "5": Amendment of Section 135

"(4) The Chairman and other members of the area Council Election Tribunal shall be appointed by the Chief Judge of the High Court of the Federal Capital Territory, Abuja.

(5) The Area Council Election Tribunal shall:

(a) be constituted not later than 21 days before the election; and

(b) when constituted, open their registries for business not later than 8 days before the election."

14. Section 136 of the Principal Act is amended by inserting new subsections "5", "6" and "7": Amendment of Section 136

"(5) The Chairman and other members of the Area Council Election Appeal Tribunal shall be appointed by the Chief Judge of the High Court of the Federal Capital Territory, Abuja.

(6) The Area Council Election Appeal Tribunal shall:

(a) be constituted not later than 14 days before the election; and (b) when constituted, open their registries for business not later than 30 days after the election.

(7) The Quorum of the Area Council Election Appeal Tribunal when hearing any appeal from decisions of the Area Council Election Tribunal shall be all three members of the Appeal Tribunal."

15. Paragraph 51 of the First Schedule of the Principal Act is amended by deleting subparagraph "1" and "2". Amendment of Paragraph 51 of the First Schedule

16. This Bill may be cited as Electoral Act Amendment Bill, 2014. Short title

EXPLANATORY MEMORANDUM

This Bill seeks to further amend the Electoral Act, 2010 to among other things provide for the tenure of Office of the Secretary, Power of INEC to issue duplicate voters card, Determine voting procedure; and the appointment and members of the Area Council Election Appeals Tribunal.