A BILL

FOR

AN ACT TO FURTHER AMEND THE ELECTORAL ACT NO.6, 2010 AND FOR MATTERS CONNECTED THEREWITH 2014

Sponsored by:

Hon. Daniel Reyenieju Hon. Usman Bello Kumo
Hon. Sabo Nakudu Hon. Abimbola Daramola Oluwafemi
Hon. Emmanuel Jime Hon. Eddie Mbadiwe

[ ] Commencement

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

Amendment of Act No. 6, 2010

1. The Electoral Act No.6 of 2010 (in this Bill referred to as "the Principal Act") is further amended as set out in this Bill.

Amendment of Section 8(1)

2. Section 8 (1) of the Principal Act is amended by inserting a new paragraph "(c)":

"(c) hold office for a period of 4 years from the date of his appointment and may be re-appointed for another period of 4 years and no more".

Amendment of Section 11

3. Section 11 of the principal Act is amended by inserting a new sub section (4):

"(4) In order to ensure transparency and credibility of elections, the Commission shall accredit reputable Election Observers and Monitors and shall grant them access throughout the process of the election for the purposes of monitoring."

"(5) Election Observers and Monitors shall conduct their affairs independently of any political party or candidate in an objective, impartial and transparent manner."

"(6) Election Observers and Monitors shall submit the report of their activities, within 30 days of the declaration of the result, to the

Commission and the National Assembly."

Amendment of Section 13

4. Section 13 (2) of the Principal Act is amended by:

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

(b) substituting for the figure "30", the figure "45".

Amendment of Section 18

5. Section 18 (1) and (3) of the Principal Act is amended by substituting for the expression "thirty (30)" in line 2, the expression "forty five (45)".

Amendment of Section 27

6. Section 27 of the Principal Act is amended inserting the word "Final" between "announce the" and "result".

And inserting after Section 27 (2) (h) the following proviso:

"PROVIDED that the Collation Officer and the Returning Officer at every stage shall give a copy of the result, so announced, each to the Candidates or their Polling Agents, the assigned Police Officer, the assigned Representative of the State Security Service and Representative of the Media, where available".

Amendment of Section 28

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

Amendment of Section 29

8. Section 29 (1) of the Principal Act is amended by inserting a new paragraph (b):

"(b) Notwithstanding the provisions of any other law and for purposes of securing the vote, the Commission shall be responsible for requesting for the deployment of relevant security personnel necessary for elections or registration of voters and shall assign them in the manner determined by the Commission in consultation with the relevant security agencies":

PROVIDED that the Commission shall request for the deployment of the Nigerian Armed Forces only for the purpose of securing the distribution and delivery of election materials.

Amendment of Section 31

9. Section 31 of the Principal Act is amended:

(a) in subsection (1), by inserting before the word "Every" in line 1,

the words "Subject to the provisions of section 87 of this Act,"; and

(b) by substituting for subsection (6), a new subsection "(6)":

"(1) If the Court determines that any of the information contained in the affidavit is false, the Court shall issue an order:

(a) disqualifying the candidate from contesting the election;

"(7A) Any political party that presents to the Commission the name of a candidate that does not meet the qualification stipulated in the Constitution and this Act shall be disqualified from participating in that particular election for that Office."

Amendment of Section 33

10. Section 33 of the Principal Act is amended by:

(a) inserting a new subsection "(2)":

"(2) If the candidate whose name was submitted to the Commission dies or withdraws from the election, the political party which nominated the candidate shall forward to the Commission the name of the aspirant who scored the second highest number of votes at the primaries as the substitute candidate"; and

(b) renumbering the Section appropriately.

Substitution for Section 45

11. Substitute for section 45 (1) of the Principal Act, a new section 45 "(1)":

"(1) Each political party may, by notice in writing addressed to the Electoral Officer of the Local Government Area or Area Council, appoint a polling agent for each polling unit and collation centre in the Local Government Area or Area Council for which it has a candidate and the notice, which sets out the name and address of the polling agent, shall be accompanied by two passport photographs of each polling agent and sample signature of the polling agent and be given to the Electoral officer at least 14 days before the date fixed for the election".

PROVIDED that no person presently serving as Chairman or Member of a Local Government or Area Council, Commissioner of a State, Deputy Governor, or Governor of a State, Minister or any other person

holding political office under any tier of Government and who has not resigned his appointment at least 3 months before the election shall serve as a polling agent of any political party, either at the polling unit or at any centre designated for collection of results of election.

Substitution for Section 47

12. Substitute for section 47, a new section "47":

"47(1) Accreditation and voting in any particular election under this Act shall take place on the date and time appointed by the Commission throughout the Federation".

Amendment of Section 63

13. Section 63 of the Principal Act is amended by substituting subsections (3) and (4) with a subsuming subsection (3):

"Subsection (3) The Presiding officer shall then announce the result at the polling unit and shall thereafter give the Candidates or their Polling Agents, the assigned police officer, the assigned Representative of the State Security Service and a representative of the Media a copy each of the signed and announced result Form".

Amendment of Section 65

14. Section 65 of the Principal Act is amended by substituting same with a new Section 65:

" Section 65. After the recording and announcement of the result, the presiding officer shall deliver same along with election materials under security and accompanied by the Candidates or their Polling Agents, where available, to such person as may be prescribed by the Commission. "

Amendment of Section 74

15. Section 74 of the Principal Act is amended by substituting all the words between "copies given to" and "where available" with the following "the Candidates or their Polling Agents, the assigned Police Officer, assigned Representative of the State Security Service and Representative of the Media."

Amendment of Section 77

16. Section 77 (1) of the Principal Act is amended by:

(a) substituting for the figure '7" in line 2, the figures "14";

(b) deleting the words "such documents or" in line 3; and

(c) substituting for the word "thereof" in line 4, the words "of such documents".

Amendment of Section 86

17. Section 86 of the Principal Act is amended by inserting a new sub section (5):

Notwithstanding the provision in sub section (3) of this Section, the units of a Political Party for the purposes of Section 68 (1) (g) of the Constitution of the Federal Republic of Nigeria shall be limited to National and State Units of the Party.

Amendment of Section 87

18. Section 87 of the Principal Act is amended by:

(b) inserting a new subsection "(9A)":

"(9A) Notwithstanding the provisions of this Act or rules of a political party, an aspirant who complains that any of the provisions of this Act and the guidelines of a political party has not been complied with in the selection or nomination of a candidate of a political party for election, shall, within 14 days of the non compliance complained of, apply to the Federal High Court or the High Court of a State or the High Court of the Federal Capital Territory, Abuja for redress".

Substitution for Section 90

19. Substitute for section 90 of the Principal Act, a new section "90":

"90 (1) The Commission shall have power to place limitation on the amount of money or other assets which an individual can contribute to a political party and to demand information as to the source of the funds.

(2) Any amount or other asset donated in contravention of section 221 of the Constitution or this Act shall be forfeited to the Federal Republic of Nigeria".

Amendment of Section 94

20. Section 94 of the Principal Act is amended by inserting a new subsection (4):

"Section 94 (4): Notwithstanding any provision in the Police Act, the Public Order Act and any regulations thereunder or any other law to the contrary, the role of the Nigeria Police Force in political rallies, processions and meetings shall be limited to the provision of adequate security as provided in subsection (1) of this Section.

For the avoidance of doubt, no registered political Party in Nigeria, it's aspirants or candidate shall be prevented from the holding of rallies, processions or meetings at any time for their constitutional political purposes, howsoever that the Police shall in a consultative manner resolve any conflict of time and venue between and amongst parties where such arise.

Amendment of Section 99

21. Section 99 is amended by:

(a) inserting the words "for elections" in subsection 1 and a new proviso:

"99(1) For the purpose of this Act, the period of campaigning for elections in public by every political party shall commence 90 days before polling day and end 24 hours prior to that day".

Provided that no registered political Party in Nigeria, it's aspirants or candidate shall be prevented from the holding of rallies, processions or meetings at any time for their constitutional political purposes, howsoever that the Police shall in a consultative manner resolve any conflict of time and venue between and amongst parties where such arise.

Amendment of Section 100

22. Section 100 of the Principal Act is amended by

(a) inserting a new subsection "(1A)":

"(1A) Without prejudice to subsection (1) of this section, the Commission shall, within the time appointed for political campaigns, cause to be conducted a Presidential campaign debate for contestants to the Offices of the President/Vice President and a Gubernatorial campaign debate for contestants to the Offices of the Governor/ Deputy Governor;"

(b) The Commission shall appoint a Presidential Debate Committee comprising the following:

(i) The Chairman who shall be a person of repute and who shall not be a card carrying member of any political party;

(ii) A representative each from a political party with not less than 10% of elected members in either House of the National Assembly and which has a candidate at the said Presidential election;

(iii) Three representatives of the Civil Society Organizations actively involved in election monitoring and election campaigns;

(iv) 1 representative of each of the Television Networks;

(v) 2 representatives of the print media;

(vi) 2 representatives of the Radio networks;

(vii) 2 representatives of the NUJ.

(c) The Commission shall be primarily responsible for the funding of the Committee;

(d) The tenure of the Presidential Debate Committee shall be 12 months commencing not later than 10 months prior to the date of the Presidential election.

(6) Notwithstanding any power conferred on any person or authority under any existing Law, the Commission shall in consultation with the relevant agencies and organizations be the regulatory and enforcement authority in respect of the provisions of Sections 100 and 101 of this Act regarding access to media and shall have the power to impose sanctions including fines, suspension or closure of offending media houses.

Insertion of new Section 116A

23. Insert, after section 116 of the Principal Act, a new, section "116A":

"Cessation of office:

116A (1) The Chairman or Vice Chairman of an 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 as may be necessary by a medical panel established under subsection (4) of this section in its report to the Speaker to 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 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 constituted by the Speaker of the Area Legislative Council, and shall consist of 5 medical practitioners in Nigeria:

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

(b) 4 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 relating to the nature of examination to be conducted in accordance with the 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 responsibilities for the functions of Government as the Chairman may direct".

Insertion of Section 117A

24. Insert, after section 117 of the Principal Act, a new section "117A":

"117A (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 vacant, the Speaker of the Area Legislative Council shall

hold the office of Chairman of the Area Council for a period of not more than 3 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 office of Chairman of an Area Council in accordance with subsection (1) of this section; or

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

Amendment of Section 123

25. Section 123 of the Principal Act is amended by inserting a new subsection "(3A)":

"(3A) Any polling officer, political party or party agent who conspires to make false declaration of result of an election commits an offence and is liable on conviction to 3 years imprisonment".

Amendment of Section 138

Section 138 (1) is amended by inserting a new paragraph (e):

"(e) That the person whose election is questioned had submitted to the Commission affidavit containing false information of a fundamental nature in aid of his qualification for the election."

Amendment of Section 143

26. Section 143 (1) of the Principal Act is amended by inserting a new proviso to the sub section:

PROVIDED that in the case of a Legislative House, the candidate declared by the court as duly elected shall be sworn in and shall assume his mandate immediately pending the determination of a higher Court.

Deletion of paragraph 51 (1) and (2)

27. Paragraph 51 of the First Schedule is amended by deleting subparagraphs (1) and (2).

Citation

28. This Bill may be cited as the Electoral Act (Amendment) Bill, 2014.

EXPLANATORY MEMORANDUM

This Bill seeks to further amend the Electoral Act, No.6, 2010 to ensure a level playing field for all participants in the electoral process and a more transparent process of conducting elections in Nigeria.