

November, 2016

Electoral Act Amendment Bills Before the House of Representatives (Nov.2016)

This Factsheet contains summaries of provisions of Electoral Act Amendment Bills before the House of Representatives as at November 2016.

Bill No	Bill Title	Objectives	Highlights	Status	Comments
HB 129	A Bill for an Act To Establish the Independent National Electoral Institute	Seeks to establish an Independent National Electoral Institute in the Federal Capital Territory	The institute shall provide research and policy guidance for INEC's implementation. Improve the technical capacities of Staff and Adhoc staff of INEC Conduct periodic training on election process and procedures for civil societies and members of security agencies in Nigeria The Institute shall be funded by sums appropriated from the federal budget for the fiscal year, fees charged for services rendered by the institute and gifts and donations from national and international institutions and organisations.	Passed second reading on 07/06/2016 Presently awaiting report of Committee on Electoral and Political Party Matters	The Bill proffers no strong reason for the creation of a separate institute.
HB 165	A Bill to Amend the Electoral Act 2010 to Empower National Tribunals and Courts to Declare Candidates who Scored the Second Highest Votes Winner of Elections When the Tribunal or Court finds/Holds that the Winner of Election is Unqualified Ab Initio	The bill seeks to amend S.140(2) of the Act to empower the Courts or Election Tribunal to declare the person with the second highest number of votes as the winner of an election where it finds or holds that the person who obtains the highest votes at the election was not qualified to contest the election.	The Bill also proposes that the court or tribunal makes such declaration if it finds that the election was marred by irregularities or non compliance with the provisions of the Act.	Passed second reading on 4/05/2016 Consolidated with HB 174,220,429,492 and 468	

Bill No	Bill Title	Objectives	Highlights	Status	Comments
HB 174	A Bill to Amend the Electoral Act 2010 to Ensure that all Political Parties are Gender Sensitive and to Eliminate all Forms of Discrimination in all Political Parties	To increase the representation of women and youths in political parties by amending sections 85, 106 and 164.	Bill mandates all political parties to ensure that women leaders are women or persons of the feminine gender and that all youth leaders shall be persons between the ages of eighteen to forty five at the date of elections into such offices. The Bill also clarifies that the qualification into any office by age or education shall be considered with reference to the date of the primaries of the political party seeking to contest the election.	Second Reading 04/05/16 Consolidated with HB 165 ,220,429,492 and 468	The Bill could have made more exhaustive provisions to increase the representation of women and youths.
HB 220	A Bill for an Act to Amend the Electoral Act , No 64, 2010 to Include the Use of Card Reader as Part of the Act and Clearly specify the Tenure of Office of Secretary; and for Related Matters	Specifies the tenure of the Secretary of the Independent National Electoral Commission for 4 years which may be renewed once Provides a framework on the use of the smartcard reader.	Attempts to outline a procedure for the use of the card reader in its Fourth Schedule That in the event of the death of a candidate before the commencement of polls, the political party that nominated the candidate shall forward the person who was second at the run off at the party primary election to replace the candidate. It also seeks to amend section 138 to provide that submission of false information is a ground for questioning an election.	Passed Second Reading on 04/05/2016 Consolidated with HB 165 ,220,429,492 and 468	The 2015 amendment to the Electoral Act already provides a four year tenure for the secretary of INEC which on expiration may be renewed for another four years. In addition the proposed amendment to S.138 has been done in 2015 The Bill also appears to grapple with so many issues at the same time as it deals with the provision of the Secretary to the Commission's tenure, card reader, and even the time that a petitioner can amend his petition and the respondent reply. Its objective clearly states that it aims to include the use of the card reader, by amending the 4th schedule, but the bill provisions does not specify how this is to be achieved.

Bill No	Bill Title	Objectives	Highlights	Status	Comments
HB 468	A Bill for an Act to Amend the Electoral Act 2010 to Increase the Amounts Permitted as Maximum Election Expenses to be Incurred by Candidates Standing for Elections and for Related Matters	The Bill increases the maximum amount that can be expended by candidates standing for Presidential, Governorship, Senatorial, House of Representatives, State Assembly and Area Council elections. It also increases the amount individuals can donate to a candidate.	It increases the maximum election expenses to be incurred by a Presidential candidate from one billion naira (N1,000,000,000) to five billion naira (N5,000,000,000) It Increases the maximum expenses that can be expended by a Governorship candidate from two hundred million naira N200,000,000 to one billion naira N1,000,000,000 It increases the maximum amount that can be incurred for a Senatorial seat from forty million naira (N40,000,000) to hundred million naira(N100,000,000) and a House of Representative seat from twenty million naira (N20,000,000) to seventy million naira N70,000,000 It increases the maximum amount to be incurred in a State Assembly election from ten million naira (N 10,000,000) to thirty million naira N30,000,000) It increases the maximum amount of election expenses to be incurred for Area Council Chairmanship elections from ten million naira (N10,000,000) to thirty million naira (N30,000,000) and the maximum amount to be incurred for an Area Councillorship election from one million naira (N1,000,000) to five million naira (N5,000,000) The Bill also seeks to increase the amount an entity or individual can donate to a candidate from one million naira (N1, 000,000) to ten million naira (N10, 000,000)	Passed second reading on 04/05/2016 Consolidated with HB 165, 174 ,220,429 and 492	The Bill does not provide a rationale or give grounds justifying why it seeks an increase on the maximum expenses that can be incurred by a candidate.

Bill No	Bill Title	Objectives	Highlights	Status	Comments
HB 492	A Bill for an Act to Further Amend the Electoral Act 2010 (As Amended) on Nullification of Elections By Tribunal or Court and for Related Matters	Bill seeks to better define the powers of the Electoral Tribunal in election matters.	The Bill seeks to amend S.34 to enable candidates who observe that their names are missing from the Commission's list of nominated candidates to notify the Commission in writing supported by an affidavit not later than 21 days to an election. However, where the candidate fails to notify the Commission, he will be deemed to have waived his right and the outcome of the election cannot be impeached in any Court or Tribunal. The Bill also seeks to amend section 49 to allow an eligible voter or candidate in an election to notify the presiding officer where he discovers the omission of his party logo. Also, where the party logo of any candidate or his party is omitted on the ballot paper for an election, the Tribunal shall call for a by election between the winner of the first election and the candidate whose logo was omitted. It also seeks to amend section 140 to empower the election tribunal to declare the person with the second highest number of votes to be declared winner of an election where the person who obtained the highest number of votes is found not to be qualified to contest the election. The current provision says that fresh elections should be ordered.	Passed second reading on 04/05/2016 Consolidated with HB 165,174,220, 429 and 468	

Bill No	Bill Title	Objectives	Highlights	Status	Comments
HB 504	A Bill for an Act to Establish the Electoral Offences Tribunal for the Purpose of Trying Electoral Offences and for Related Matters	The Bill seeks to Establish an Election Offences Tribunal that will try electoral offences	The Electoral Offences Tribunal shall be situated in Abuja with operational offices in other parts of Nigeria. It shall be a superior court of record as it will have an equal status with the High Court. The Electoral Offences Tribunal shall have absolute jurisdiction to the exclusion of any other court to try electoral offences and shall be opened through out the year for the prosecution of offenders in elections conducted at national or state level. The composition of the Tribunal shall consist of a President and seventeen judges who must not be above the age of 55 years at the time of appointment. The Bill has extensive provisions on what constitute electoral offences. Some include impersonation during voting, voting when not qualified, threatening voters, ballot box stuffing, ballot box snatching, destruction of campaign bill boards, destruction of campaign posters, harassing electoral officials at the time of election in any of the voting units, unauthorised shooting of guns during elections etc. The Electoral offences Tribunal shall have powers to impose punishment resulting from its ruling when the suspect is found guilty. The Tribunal shall have the powers to summon any person in Nigeria to attend a court session. In addition, the President of the tribunal may also issue a search warrant. The tribunal shall sit for hearing in the area or place where the offence was committed. However, for the purpose of conducting a peaceful hearing in a peaceful atmosphere, the judges sitting on a matter before final judgment, may transfer such matter to a more peaceful division of the Tribunal.	Passed second reading on 14/06/2016 Consolidated with HB 546	The identification of offences in the Bill in addition to those already contained in the Electoral Act, makes it superfluous. Also this proposal may need constitutional amendment to give effect to its provisions.

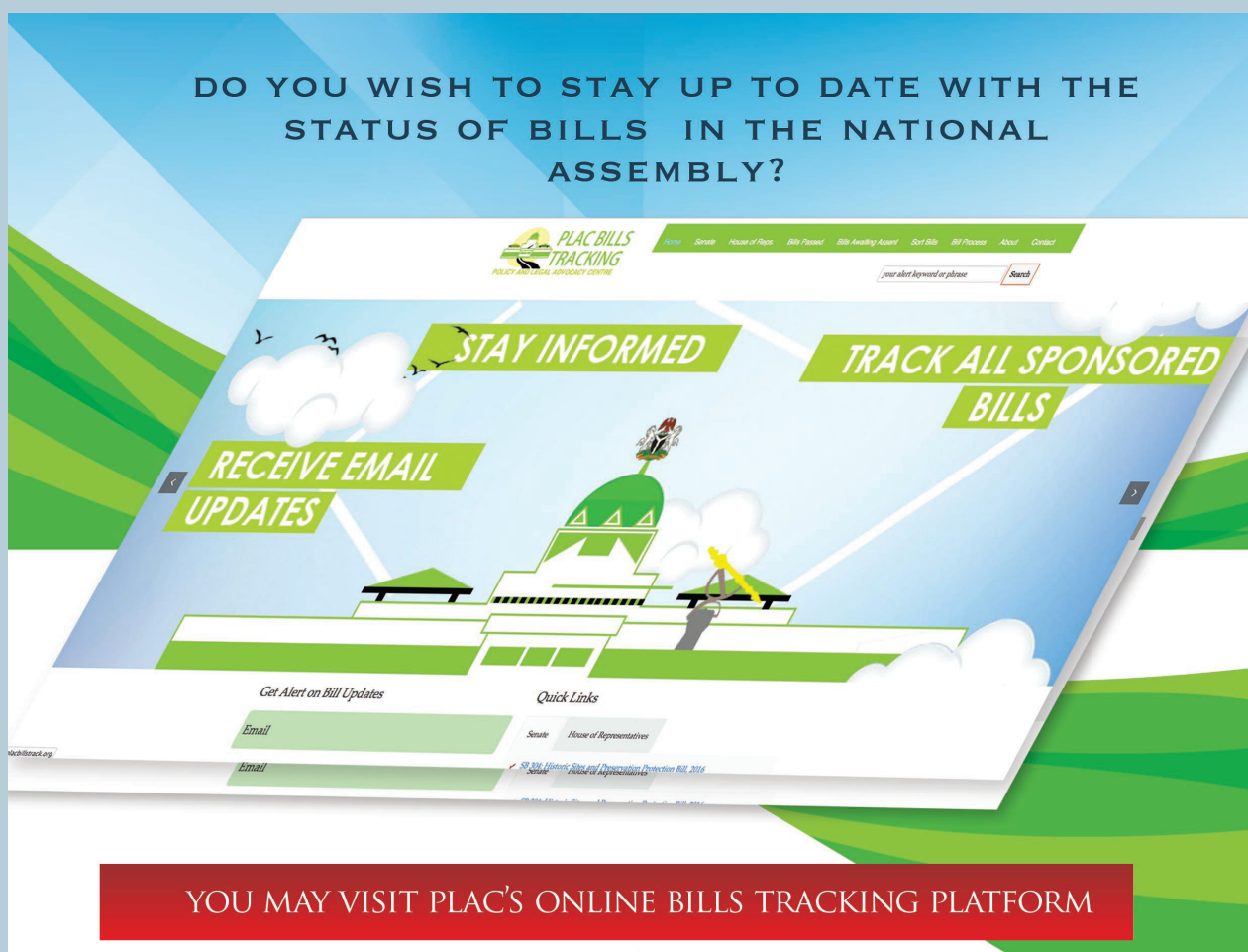
Bill No	Bill Title	Objectives	Highlights	Status	Comments
HB 546	A Bill for an Act to Establish the Nigerian Electoral Offences Commission	To establish a Nigerian Electoral Offences Commission charged with the responsibility of prohibiting and prosecuting electoral offences and other matters therewith	The Bill seeks to establish a Commission which shall examine all electoral offences connected with or incidental to the commission of an electoral offence. The Commission shall also monitor and keep records of the activities of all the registered political parties. The Commission shall examine and investigate all reported cases of electoral offence with a view to locating, identifying and determining individuals, corporate bodies or groups involved. The Commission shall sensitise, enlighten and give orientation to the public on electoral offences and the liabilities there from through seminars, workshops, peer groups and talk shows. It will also have powers to issue summons to persons to appear in person or produce documents that would aid in the unravelling of an electoral offence. The electoral offences mentioned in this Bill appear to have been transferred from the provisions on Electoral Offences under the current Act. It also creates an Electoral Offences Tribunal.	Passed second reading on 14/06/2016 Consolidated with HB 504	The Bill seeks to respond to the clamour for a Commission to specifically prosecute electoral offences. It may also require a Constitution amendment to give effect to the Bills objectives.

Bill No	Bill Title	Objectives	Highlights	Status	Comments
HB 484	A Bill for an Act to Amend the Electoral Act 2010 to Among Other Things Make our Electoral Process Full Prove (sic) By Making the Card Reader the Credible means of Voters Accreditation and Voting and Provide for Strict Compliance to Election Guidelines and Manual So as to Enhance Transparency and Efficiency in the Conduct of Free, Fair and Credible Elections and for Related Matters	Bill seeks to make the card reader the credible means of voter accreditation and enhance the transparency of elections in Nigeria.	The Bill seeks to include non-compliance of the use of the card reader as an additional ground of an election petition and a reason to invalidate an election. It further seeks to make willful interruption of announcement of election results and protest at a collation centre, an electoral offence.	Was introduced for First Reading on 13/04/2016	Although laudable, solely restricting accreditation with the card reader without exception may inadvertently exclude legitimate voters. Emergency situations may also call for its abandonment.

Bill No	Bill Title	Objectives	Highlights	Status	Comments
HB 723	A Bill for an Act to Amend the Electoral Act No 6 2010 as Amended Among Other Things, To limit the Amount of Cash on Every Individual on an Election Day Within Voting Centres and to Prohibit the Distribution of All Forms of Gifts to prospective Voters or the General Public by Political Parties or Their Candidates	Bill seeks to limit the amount of money that individuals can carry on an election day and prohibit the distribution of gifts, food or drinks within 300 metres of a polling unit /election centre on election days.	No political party, member of a political party , candidate, party agent or individual shall be allowed to carry monies in excess of five thousand naira (N5,000) or its equivalent in any currency accepted as legal tender anywhere in the world on an election day within voting centres or within a radius of 300 metres from the voting centres. Bill prohibits political parties, members of political parties, candidates, party agents or individuals from distributing gifts to prospective voters or members of the public in the form of cash or material items on an election day within voting centres or within a radius of 300 metres from the voting centres. A fine of One Million Naira N1,000,000.00 or imprisonment for a term of six months will be paid by persons, political parties , members of political parties , candidates and party agents that breach this section.	Was introduced for First Reading on 20/07/2016	While the aim of the Bill to discourage vote buying is laudable, it is not clear if enforcing a N5,000 cash limit is practicable.
HB 806	A Bill for an Act to Amend section 33 and 36 of the Electoral Act 2010 (As Amended) to provide for Death of Presidential or Gubernatorial Candidate during an Ongoing Election and for Related Matters	The Bill seeks to provide a framework that will enable a Vice-Presidential candidate or Deputy Gubernatorial candidate to conclude the poll where a nominated candidate of a political office of President or the Governor of a State dies.	Apart from enabling the running mate of a Presidential candidate or Gubernatorial candidate to continue and conclude a poll where one of the nominated candidate dies, the Bill also provides that a political party shall conduct fresh elections for any of the Legislative Houses of the Federation if during the commencement of a poll but before the conclusion of an election, for any of the Legislative Houses of the Federation, a candidate nominated and sponsored by a political party dies. The Bill also seeks to prohibit the substitution of candidates once polls have commenced.	Was introduced for First Reading on 12/10/2016	The Bill attempts to provide a legal framework that will enable the Commission to allow the Vice-Presidential candidate or Deputy Gubernatorial candidate to continue and conclude the poll where one of the nominated candidates dies for the office of President or Governor of a State dies. The Bill attempts to provide a framework for what happened at the 2016 Kogi Gubernatorial Elections.

Bill No	Bill Title	Objectives	Highlights	Status	Comments
HB 809	A Bill for an Act to Amend the Electoral Act Cap E6 LFN 2010 and For Related Matters 2016	Bill seeks to incorporate diaspora voting in the Presidential Elections in the Nigeria Electoral Act, 2010	Bill seeks to include Nigerians in diaspora who are qualified to vote on the list of voters that the Commission shall include in its National Register of Voters for Presidential elections. It also seeks to enable diaspora voting in a Presidential election not later than 24 hours to the date the Presidential election will hold in Nigeria. The Commission will decide with the Nigerian Embassy/Liason Office outside Nigeria, the number of registration and voting centres that Nigerians in Diaspora can vote.	Was introduced for First Reading on 12/10/2016	Diaspora voting is laudable but may present some logistical challenges considering Nigeria's present technological state.

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