

**THE 8TH HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA**

**COMMITTEE ON ELECTORAL AND POLITICAL
PARTIES MATTERS**

**REPORT
ON**

**A BILL FOR AN ACT TO AMEND THE
ELECTORAL ACT NO.6, OF 2010**

JULY, 2017

**REPORT OF THE HOUSE OF REPRESENTATIVES
COMMITTEE ON ELECTORAL AND POLITICAL PARTIES
MATTERS ON A PUBLIC HEARING ON A BILL FOR AN ACT
TO FURTHER AMEND THE ELECTORAL ACT NO.6 2010 AND
FOR MATTERS CONNECTED THEREWITH 2017**

REPORT OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON ELECTORAL AND POLITICAL PARTIES MATTERS ON A PUBLIC HEARING ON A BILL FOR AN ACT TO FURTHER AMEND THE ELECTORAL ACT NO.6 2010 AND FOR MATTERS CONNECTED THEREWITH 2017

1.0 INTRODUCTION

The House of Representatives of the Federal Republic of Nigeria referred 12 Bills seeking to amend the Electoral Act No. 6 2010 to the Committee on Electoral and Political Matters for further legislative action after debates on their general principles and subsequent Second Reading. The Bills was read for the second time on separate dates.

2.0 BACKGROUND TO THE BILL

2.1 Nigeria's electoral experiences since 1999 show a strong correlation between an efficient and effective legal framework and the conduct of free, fair and credible elections. Indeed, electoral amendments were long identified as priority legislation in the 8th House of Representatives Legislative Agenda adopted in August 2015. Hence, reform is rooted on the need to consolidate on the gains of the 2015 elections and address the lacuna in the legal framework.

2.2 This is more so as the 2015 General Elections highlighted some gaps in the legal framework. For example is the case of the Kogi State

Governorship election where a candidate died after the commencement of polls but before the declaration of results. In addition to this are submissions that the legal framework on certain issues should be well settled ahead of the 2019 elections such as the use of technological devices i.e. the Smart Card Reader, Electoral Offences Commission, electronic voting and early party primaries among others.

2.3 The 12 bills referred seek to address these issues. Some of the proposals include to enhance internal party democracy; to unbundle the Independent National Electoral Commission (INEC) and allow it focus on its core mandate of organising and managing elections by creating an Electoral Offences Commission for the prosecution of electoral offenders; to make provisions for use of technological devices such as the smart card reader in elections; to address the issue of substitution of candidates by Parties where a candidate dies before declaration of results; etc.

2.4 Furthermore, as both the 1999 Constitution and the 2010 Electoral Act (as amended) regulate the conduct of elections in Nigeria, it is anticipated that the Committee's report, which is an infusion of its input with final recommendations from stakeholders at a public hearing organised by the Committee will further strengthen and deliver on such expectations. The Committee is also collaborating extensively with the Ad-hoc Committee on the Review of the 1999 Constitution to ensure that consequential amendments related to elections are addressed to give effect to the provisions in question.

3.0 **BILLS REFERRED TO THE COMMITTEE**

The Bills seek to make.... no. of amendments to the Electoral Act. Below are highlights of major areas the 12 Bills sought to alter:

1. **Bill No: 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

Bill Sponsor: Hon. *Karimi S. Sunday*.

HIGHLIGHTS

Bill contains a single clause amendment proposing that a Court/Tribunal should declare the person with the second highest Votes winner of an election if it finds that the election was marred by irregularities or non-compliance with the provisions of the Act or that the candidate in question was not qualified to contest the election.

2. Bill No: 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.

Bill Sponsor: Hon. *Pwajok Edward Gyang*

HIGHLIGHTS

Bill mandates all political parties to ensure that women leaders are women or persons of the feminine gender and that all youth leaders are between the ages of 18-45 at the date of elections into such offices.

3. Bill No: HB 220

A Bill for an Act to amend the Electoral Act, No 6 2010 to include the Use of Card Reader as Part of the Act and Clearly Specify the Tenure of the Office of the Secretary; and for Related Matters

Bill Sponsor: Hon. *Uzoma Nkem-Abonta*

HIGHLIGHTS

Bill attempts to outline a procedure for the use of the Smart Card Reader and deletes section 27(1) which indicates the persons responsible for announcement of results.

4. Bill No: 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

Bill Sponsor: Hon. *Olatoye Temitope Sugar*

HIGHLIGHTS

Bill increases maximum election expenses to be incurred by a Presidential or Governorship candidate, Senatorial and House of Representatives seat, State Assembly election and Area Council Chairmanship elections. It also increases the amount that an entity or individual can donate to a candidate.

5. Bill No: HB 492

A Bill for an Act to amend the Electoral Act 2010 (As Amended) on Nullification of Elections by Tribunal or Court and for related matters

Bill Sponsor: Hon. *Raphael Nnanna Igbokwe*

HIGHLIGHTS

The Bill seeks to amend section 34 of the Principal Act to enable candidates who observe that their names are missing from the Commission's list of nominated candidates to notify the Commission in writing no later than 21 days to an election. It also seeks to amend section 49 to allow an eligible voter or candidate in an election notify the presiding officer of an omission of his party logo. Other amendments include amending section 140(2) of the Principal Act 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 with the second highest number of votes is found not to be qualifies to contest the election. There is also a new subsection 140(4) to enable the Tribunal call for a by election between the winner of a first election and a candidate whose logo was omitted on the ballot paper in that election.

6. Bill No: HB 546

The Bill seeks to establish A Bill for an Act to Establish the Nigerian Electoral Offences Commission and For Related Matters

Bill Sponsor: Hon. *Raphael Nnanna Igbokwe*

HIGHLIGHTS

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 registered political parties, examine and investigate all reported cases of electoral offences and issue summons to persons to appear in person to produce documents that would aid in the unravelling of an electoral offence among others.

7. Bill No: HB 504

A Bill for an Act to Establish the Electoral Offences Tribunal for the purpose of Trying Electoral Offences and for related matters

Bill Sponsor: Hon. *Francis Charles Uduyok*

HIGHLIGHTS

The Bill provides for an Electoral Offences Tribunal situate in Abuja that shall be a superior court of record with an equal status with the High Court. It also provides for the exclusive jurisdiction of the Tribunal to try electoral offences and provides for its composition and powers.

8. Bill No: HB 484

A Bill for an Act to Amend the Electoral Act 2010 to among other things make our Electoral Process full proof 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 Sponsor: Hon. *Ahmed Babba Kaita*

HIGHLIGHTS

The Bill seeks to include corrupt practices and non-compliance of the use of the card reader as additional grounds for an election petition and as a reason to invalidate an election. It further seeks to penalise the interruption by any person of the announcement of election results by a Returning officer at a collation centre by proposing a 5 year jail term or N500, 000 fine or both. Another proposal seeks to amend section 150 to allow any police officer to prosecute electoral offences, which varies from the current practice that prohibits police officers that are not lawyers from appearing before the Court.

9. Bill No: HB 806

A Bill for an Act to Amend section 33 and 36 of the Electoral Act, 2010 to provide for Death of Presidential or Gubernatorial Candidate during an on going election and for Related Matters

Bill Sponsor: Hon. *Karimi S. Sunday*

HIGHLIGHTS

The Bill seeks to amend section 33 and 36 of the Act to provide a framework that will enable a Vice-Presidential candidate or Deputy Gubernatorial candidate to conclude the poll where the nominated candidate for a political office of President or the Governor of a State dies. Other amendments include providing that a political party can 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, a candidate nominated and sponsored by a political party dies. The Bill also seeks to prohibit the substitution of candidates once polls have commenced.

10. Bill No: HB 809

A Bill for an Act to amend the Electoral Act Cap. E6 LFN, 2010, and For Related Matters 2016

Bill Sponsor: Hon. *Eucharía Azodo*

HIGHLIGHTS

Bill seeks to include Nigerians in diaspora who are qualified to vote in the list of voters that the Commission should include in its National Register of Voters for Presidential elections. It also seeks to include the mechanism of diaspora voting in a Presidential election not later than 24 hours to the date the Presidential election will hold in Nigeria. Under the provisions of the Bill, the Commission in collaboration with the Nigerian Embassy/Liaison office will decide the number of registration and voting centres where Nigerians in diaspora can vote.

11. Bill No: HB 429

A Bill for an Act to Amend the Electoral Act 2010 to Make Provisions to cover the Lacuna in the event of death of a Governorship Candidate Anytime before the Conclusion of an Election and for Related Matters

Bill Sponsor: Hon. *Femi Gbajabiamiala*

HIGHLIGHTS

Bill seeks to amend section 33 of the Principal Act by inserting a proviso to enable a party choose the running mate of a nominated candidate who dies before the conclusion of a gubernatorial election to replace the deceased governorship candidate. However, the party may choose another candidate as replacement in the event the running mate withdraws from the election. The Bill also seeks to provide accreditation solely by the electronic card reader. It however provides for cases where the card reader fails/malfunctions.

12. Bill No: HB 966

A Bill for an Act to amend the provisions of the Electoral Act No. 6 2010 to provide a Time Frame for the submission of list of Candidates, Disclosure of Source of Funds Contributed for Political Parties and to Empower the Commission to uphold Party Primaries where there is a Change in the Result and for Related Matters

Bill Sponsor: Hon. Aishatu Jibril Dukku

HIGHLIGHTS

The Bill proposes several amendments. These include provisions for parties to submit their list of nominated candidates to INEC not later than 120 days to the election date as against the current 60 days provision. Also amends section 36 by inserting a new subsection (3) to provide the procedure where a nominated candidate dies before the commencement of polls. Other amendments are to section 38 by inserting a new subsection (2) that will prevent the extension for nomination or a postponement of an election where there is a valid nomination by at least one political party, provides for a new section 31 (6) to empower the Court to disqualify a candidate from contesting an election on the determination that any of the information submitted by the candidate is false and prevent political parties who present the name of a candidate that does not possess the disqualifications outlined in the Constitution from contesting the office in question among others.

4.0 COMMITTEE ACTION/METHODOLOGY

4.1 On receipt of the Bills, the Committee on Electoral and Political Matters agreed to hold a one-day public hearing to enable various stakeholders make contributions on its provisions. The debate was enriched by the diverse nature of the stakeholders as INEC, political parties (through the Inter-Party Advisory Council), Civil Society Organisations, the National Youth Service Corps, the Nigerian Bar Association, the International Federation of Women Lawyers amongst others made submissions.

4.2 Prior to the hearing, the Committee placed adverts calling for interested stakeholders and members of the public to submit written memoranda of the public on any issue of concern requiring alteration to the Electoral Act. About [*insert number*] memoranda were received from members of the public and stakeholders, which were analysed and reviewed by the Committee. Submissions and Memoranda received covered the following areas:

1. Electronic voting & use of technology in Elections

2. Increasing the participation of women, youth and persons with disabilities in political party structures and elections
3. Enshrining the Smart Card Reader in a legal framework
4. Creating an Electoral Offences Commission and Tribunal
5. Regulating election expenses
6. Diaspora voting
7. Increasing penalties for electoral offenders
8. Consequential constitutional amendments

4.3 The Committee Received oral and written contributions from the following organisations and individuals:

1. Independent National Electoral Commission (INEC)
2. Inter Party Advisory Council (IPAC)
3. Nigeria Civil Society Situation Room
4. Development Dynamics, Owerri
5. Election Monitor, Akure
6. Youth Initiative for Advocacy Growth and Advancement, Abuja
7. Centre for Democracy and Development
8. National Youth Service Corps (NYSC)
9. Advance People Democratic Alliance (APDA)
10. Joint National Association of Persons with Disability
11. Nigeria Bar Association
12. International Federation of Women Lawyers

4.4 At the public hearing, the following **recommendations** were made:

- a) There should be an amendment to **section 49** to allow for any appropriate technological device in the accreditation and voting process. The Committee is further advised to avoid naming the exact device in the law as technology by nature evolves and changes.
- b) There should be a corresponding insertion of a new **subsection (3) to section 44** of the Principal Act to mandate the Commission to ensure that all contesting parties view an electronic sample of the ballot paper before elections. This is to ensure that their party logo is properly represented on the ballot paper.
- c) The Bill on seeking for inclusion of women in political party structures (HB 174) is commendable but does not align with either the National Gender Policy or campaign for a 35% affirmative action for women in all government processes. The Bill should include provisions mandating INEC to implement its gender policy in its operations.

- d) The Electoral Act should be amended to ensure that at least 35% of candidates fielded by political parties are women. This should apply to each elective office. As a way of encouraging women participation, some executive positions should be exclusively reserved for women.
- e) The definition of youth in the Bill should be compatible with the National Youth Policy and the African Youth Charter, which defines a youth as between ages 18 and 35 years.
- f) **Section 56 (1)** of the Electoral Act makes provision for only blind and incapacitated voters. However, it should encompass other forms of disability.
- g) The proposal seeking the deletion of **section 27(1)** of the Electoral Act should be reviewed as the extant provision provides clarity as to who announces election results at different levels of collation.
- h) Despite arguments that indicate the importance of diaspora voting, it might be better left until such a time that the logistics for its coming into being is outlined in a consensus with all major stakeholders.
- i) Maximum limits for election campaign spending should not be increased in the light of controversies over unregulated election campaign spending and non-enforcement of already existing limits.
- j) An autonomous Electoral Offences Commission and Tribunal could potentially address electoral fraud and violence. However, it is important to provide for the appointment of members and define the scope of the Bill in a manner that guarantees the integrity of the persons running its office.
- k) The Electoral Tribunal should be chaired by a person who has either held office/ qualifies to hold office as a judge of a Superior Court of record, have no party affiliation and is recommended for appointment by the National Judicial Council (NJC). Furthermore, its membership should consist of INEC's legal department, a representative of the Inspector General of Police, the Chairman of the Nigerian Bar Association (NBA) or his or her representative, a representative from the National Human Rights Commission and Civil Society.
- l) The proposed amendments to **sections 33 and 36** of the Act to provide a framework that will enable a Vice Presidential candidate or Deputy Gubernatorial candidate to conclude the poll where the nominated

- candidate for a political office of President or the Governor of a State dies should be extended to all other elective positions.
- m) Solely restricting accreditation to the use of the smart card reader without exception may inadvertently exclude legitimate voters from voting. It also fails to take into consideration, emergency situations that may call for its abandonment.
 - n) **Section 87 (4) (a) (ii)** should provide clarification by actually defining "an aspirant". In addition, **Sections 87 (4)(e)** should define which organ of the party is mandated to fix dates and venues for special congresses in nominations of Senatorial, House of Representatives and State Assembly candidates.
 - o) There should be a timeframe in the amendment to **section 36(4)** that provides for a party to conduct fresh elections if after the commencement of a poll but before the conclusion of elections for any of the legislative houses of the Federation, a candidate nominated and sponsored by a political party dies. This is so as an amendment which fails to include this provision may run foul to **36(1)** of the Principal Act that mandates INEC to conclude the process within 14 days.
 - p) The challenge with regulating spending during campaigns generally pertains to regulation and disclosure and not whether there is a provision of a limit in the Electoral Act. Therefore, **section 91(10)** should be reviewed in a manner that disqualifies any candidate and his/her party for breaching the law on spending limits and increases the penalty for breach of the spending limit in a manner that enforces compliance.
 - q) The penalty provided for in **section 100(6)** for media houses that contravene **section 100(1)-(5)** should be increased.
 - r) Ambiguity in the Electoral Act can be avoided by stating that an appeal should lie as of right to the Court of Appeal in cases of election misconduct as in Fundamental Human Rights matters.
 - s) **Section 174(c)** of the Constitution should be amended to exclude electoral offences from nolle prosequi (powers of dismissal or termination of legal proceedings by the Attorney General).
 - t) **Section 221** of the Constitution should be amended to include independent candidacy for elections. The implementation of independent candidacy should follow the recommendation of the Justice Uwais led Electoral Reform Committee.

- u) **Section 49** of the Constitution and other relevant sections of the Constitution should be amended to adopt proportional representation in the composition of the House of Representatives. The implementation of proportional representation should also be in the manner recommended by the Justice Uwais led Electoral Reform Committee.
- v) **Section 197 (b) of the Third Schedule Part 11** should be amended to expunge the establishment and operation of State Independent Electoral Commission. Relevant sections of the Constitution should be amended to subsume SIECs under the Independent National Electoral Commission.

5.0 OBSERVATIONS

It is notable that despite current concerns, the Bill fails to provide a time frame for the distribution of Permanent Voters Cards to eligible voters. It also does not contain explicit provisions that address cross carpeting. Also, despite the commendable inclusion of women and youths in the present exercise, it is arguable that more can be done to encourage their participation. There were no affirmative provisions for persons with disabilities.

5.1 RECOMMENDATIONS

Following in depth reviews, the Committees accepted and now recommend to plenary the following amendments for approval as follows:

- a) **Bill Title**- It is recommended that the Bill title read "A Bill for An Act to amend the provisions of the Electoral Act No.6, 2010 and Electoral (Amendment) Act, No. 2015 to provide a time line for the submission of list of candidates, criteria for substitution of candidates, limit of campaign expenses and address the omission of names of candidates or logo of political parties and for related matters".
- b) **Section 18** - An amendment to section 18 (1) to enable the issuance of replacement voters card and reflect the development in the process. There is no duplicate of Permanent Voters Card. There can only be a replacement. Therefore, the amendment seeks to replace the word "duplicate" in the extant provision with "replacement". Consequential amendments are also made to section 18(2) and (3).

- c) **Section 25-** Amendments to **section 25(1)(3)(5) and (7)** so that National Assembly Elections, House of Assembly Elections, House of Assembly Elections, Presidential Elections and Governorship Elections are held on a date, solely determined by INEC.
- d) **Section 27-** Amendments to **section 27(1)(b) and 27 (2)(a)** by adding the word "Registration Area/" before the word "Ward" to ensure consistency with other provisions in the Act.
- e) **Section 30 -** The amendment to **section 30(1)** to reduce the number of days that the Commission may publish a notice stating the date for an election and appoint the place where nomination papers are to be delivered from 90 days to 150 days before the date appointed for the holding of an election. This will allow for earlier primaries, submission, and compilation of list of candidates and give enough time for the planning and printing of sensitive materials.
- f) **Section 31-** The amendments here relate to **section 31(1)** to reduce the time frame for political parties to submit their list of candidates to INEC from 60 days to 120 days before the date appointed for an election. It is aimed at giving the Commission more time to plan for an election.

There is also an amendment to **section 31(6)** to empower the Court to declare the person with the next person with the highest number of votes cast who met the requirement of the Constitution as "duly elected" after determining that the information contained in the affidavit of the person initially elected was false.

An amendment to **section 31(7)** to prevent a political party from who presented a candidate that does not have the minimum Constitutional qualification for the position from participating in an election.

Furthermore, political parties who fail to meet the proposed amendment to **section 31(7)** may be liable to an upwardly reviewed

maximum fine of N1,000,000 in the proposed 31(8) rather than the current N500,000 fine.

- g) **Section 34-** An amendment to **section 34(2)** to enable candidates notify the Commission in writing if his name or party is omitted from INEC's published list of nominations.
In addition, candidates who fail to notify the Commission of the omission in the proposed **34(2)** shall be deemed to have waived their right & outcome of the election in the proposed **section 34(3)**. The amendments to **section 34** are expected to stop litigation on the basis of such omission.
- h) **Section 35 -** An amendment to section 35 to allow 30 days between the period of submission and substitution of candidates and give enough time for the compilation of list of candidates.
- i) **Section 36-** The insertion of a new section 36A to enable a person who took second at the run-off of a party primary to replace a candidate who either withdraws or dies before the commencement of polls. Under the amendment, the party will forward the name of the person who took second to the Commission.
- j) **Section 38-** An amendment to section 38 so that a valid nomination by at least one political party prevents other parties from seeking extension of time or postponement of elections on grounds where they have failed to validly nominate a candidate.
- k) **Section 48-** An amendment to section 48(1) by adding the words "accreditation and" before the word "voting" to reflect the new procedure for accreditation and voting.
- l) **Section 49-** An amendment to section 49(2) to provide for the use of card reader or any other technology provided by the Commission.

- m) **Section 52-** An amendment to section 52 by adding a new subsection (3) to take care of the use of technological devices in an election in Nigeria.
- n) **Section 53-** An amendment to section 53(2) so that it is the number of accredited voters not registered voters that determine whether there is over-voting.
- o) **Section 63-** An amendment to section 63(1) to provide for e-transmission of election results at polling units. There is also an amendment to section 63(4) to allow a proper sequence of the process in determining the winner of an election after accreditation and voting has taken place.
- p) **Section 78-** An amendment to section 78(4) to extend the time that a political party can be registered with the Commission from the present 30 day period to 60 days. This will enable the Commission with reasonable time to carry out all administrative procedure for registration of Political Parties.
- q) **Section 85-** An amendment to section 85 by inserting a new subsection 3A which mandates political parties to ensure that position of woman leader is occupied by a woman and that a youth leader is between the age of 18-35 years.
- r) **Section 87-** Amendment of section 87 by adding a new subsection (9A) after subsection (9) to empower the Commission to overrule any result alteration by a political party that it duly attended and certified.
- s) **Section 90-** Amendment to section 90 to empower the Commission demand information such as the amount and source of funds from an individual who has contributed to a political party.
- t) **Section 91-** The amendments to section 91(2)(3)(4)(5)(6)(7) seek to increase the maximum limit that can be incurred for election expenses in Presidential, Governorship, National Assembly, State

Assembly, Chairmanship and Councillorship elections respectively. The proposed amendment to **section 91(9)** increases the maximum amount that an individual can donate to a political party from N1, 000,000 to N10, 000,000.

- u) **Section 99-** Amendment to **section 99(1)** to increase the period for political campaign from 90 days to 150 days before polling day.
- v) **Section 100-** Amends **section 100(6)** with a new subsection that sanctions principal officers and media houses that breach provisions for campaign for elections.
- w) **Section 140-** An amendment to **section 140(2)** to provide that where a court or election tribunal nullifies an election on grounds that the person who obtained the highest number of votes was not qualified to contest the election, it shall declare the person with the second highest number of votes as elected.
- x) There was also an amendment inserting a new **subsection 140(4)** to address the issue of omission of name of a candidate or logo of a political party before an election. The amendment to **section 140(4)** provides for the Commission to postpone the election to rectify the omission or appoint another date to conduct the election in this event.
- y) **Section 151-** An amendment to **section 151** by inserting a new 151 (1A) to penalise Chief National Electoral Commissioners or other officers who wilfully fail to comply with an order of Tribunal or Court for the inspection of a document in its custody.
- z) **Section 156-** Amendment to **section 156** (that is the Interpretation clause) so that the definition of "candidates" includes "independent candidates"

DELETIONS

The Bill also recommends the deletion of the proposed sections **49(2)**, **119**, **138(1)(b)**, **139(2)** and **155A** on grounds that they are superfluous and have been provided for in the attached bill.

The amendments to paragraph 33, 36(3) and (4), 106, 150(2), paragraphs 14(2), 18 and 51 of the first schedule are recommended for deletion in view of the current constitutional alteration exercise. The amendment to section 106, which deals with the qualification for office for election, is also a constitutional issue.

Other recommendations for deletion in the attached bill include the proposed amendments to section 9(1)(2)(3), 12(1)(a), 12(2), 12(3), 26(1)(b) and 117, 118 and 119 due to the challenges they may pose for implementation. They will also require further constitutional amendment.

Lastly, the proposed amendments to sections 8(1), 8(5), 26(1) and insertion of 138(1)(e) appear to have been made erroneously as the 2015 Electoral Act has taken care of the proposals. The amendment to delete section 27 (1) is also not worthwhile as section 27(1) which states how election results are announced at the state collation centre, local government/area council, ward collation centre and polling units is the basis for credible elections.

Mr. Speaker, Honourable colleagues, in view of the importance of the Bill and its relevance to the 2019 elections, the Committee recommends that:

1. The House adopts the proposed amendments to the Electoral Act as recommended by the committee and attached to this Report.
2. The House Committee on Electoral and Political Matters should continue to collaborate with the Ad-hoc Committee on the Review of the 1999 Constitution to consolidate present efforts to make amendments to Electoral Act.

6.0 REFERRALS TO THE CONSTITUTION REVIEW COMMITTEE

1. Amendment of Sections 66, 107, 137 and 182 of the Principal Act to bar candidates who have been adjudged by any court to be involved in electoral fraud from participating in elections and also to disqualify such candidates for 10 years.

2. Amendment of **section 134 and 179** of the Constitution to enlarge the time for organizing run off elections. Also, the section should be amended to ensure that candidates are elected based on "valid" votes i.e. the word "valid" should be inserted before the word "votes."

3. Amendment of **Section 153** and the **Third Schedule Part I** to establish the Electoral Offences Commission for the prosecution of offences.

4. Amendment of **Section 223** of the Constitution to ensure the representation of women, youths and persons with disability in the executive committee or other governing body of political parties.

5. Amendment of **Section 285** of the Constitution to provide a timeline for determination of pre-election matters.

6. Amendment of **Sections 76 and 116** to cover the lacuna, which fails to provide for a formal notification to INEC of a legislative seat vacancy.

7. Amendment of **Section 136 and 181** of the Constitution.

a. Section 136 (dealing with death of president elect before oath of office) has a lacuna in the existing law, which does not provide for or envisage the death of a presidential candidate before declaration and return at election.

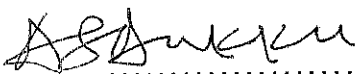
b. Section 181 (dealing with death of governor elect before oath of office) does not cover the following situation: death of a candidate who secures the highest number of votes at the election which death occurs before announcement of the result.

7.0 CONCLUSION

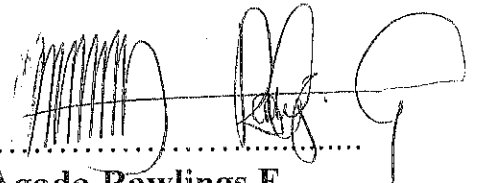
Mr. Speaker, Honourable Members, on behalf of the Committee, I wish to express our gratitude for giving us the opportunity to review this Bill. Your co-operation, support and encouragement including your profound contributions to the general principles of the Bill without a doubt, impacted immensely.

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