

**REPORT OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON ELECTORAL AND POLITICAL
PARTIES MATTERS ON A BILL FOR AN ACT TO FURTHER AMEND THE ELECTORAL ACT NO. 6
2010 AND FOR OTHER MATTERS CONNECTED THEREWITH 2017
(HB. 165, HB. 174, HB. 220, HB. 468, HB. 492, HB. 484, HB. 806, HB. 809, HB. 429, HB. 966)**

PROVISION OF THE PRINCIPAL ACT	PROVISION OF THE BILL	COMMITTEE'S RECOMMENDATIONS	REMARKS
	A BILL FOR AN ACT 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 COURTS FINDS/HOLDS THAT THE WINNER OF THE ELECTION IS UNQUALIFIED FOR THE ELECTION ABINITIO, 2017	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 fer related matters.	
Secretary and other staff of the commission. 8. (1) There shall be a Secretary to the Commission who shall- (a) be appointed by the Commission; and	Amendment of Section 8. 2. Section 8 of the Principal Act is amended by inserting a new subsection (5): “(5) A person, who being a member of a political party misrepresents himself as such in order to	Deleted	2015 Amendment Act has taken care of this proposed amendment

(b) have such qualifications and experience to be determined by the Commission as are appropriate for a person required to perform the functions of his office under this Act. (c) hold office for a period of 4 years from the date of his appointment which may be renewable for another period of 4 years only. (2) Subject to the general direction of the Commission, the Secretary shall be- (a) responsible for keeping of proper records of the proceedings of the Commission; (b) the head of the Commission's secretariat and be responsible for its administration; and (c) responsible for the direction and control of all other employees of the Commission with the approval of the Commission. (3) The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff as may be prescribed by this act or any other enactment or law. (4) All employees of the Commission appointed under subsection (3) of this section, excluding persons appointed on a temporary basis for an honorarium, shall have the same right and obligation as	secure an appointment with the Commission in any capacity, commits an offence and shall be liable on conviction to imprisonment for a term not below five (5) years without an option of fine".		
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provided for in the Pension Reform Act.			
Secretary and other staff of the commission. 8. (1) There shall be a Secretary to the Commission who shall- (a) be appointed by the Commission; and (b) have such qualifications and experience to be determined by the Commission as are appropriate for a person required to perform the functions of his office under this Act. (c) hold office for a period of 4 years from the date of his appointment which may be renewable for another period of 4 years only.	Amendment of section 8. 2. Section 8 of the Principal Act is amended by inserting after paragraph (b), a new paragraph "(c)": "(c) hold office for a period of 4 years subject to renewal for another period of 4 years and no more."	Deleted	2015 Amendment Act has taken care of this proposed amendment
National register of voters and voters' registration. 9. (1) The Commission shall compile, maintain and update, on a continuous basis, a National Register of Voters, in this Act referred to as the ("Register of Voters") which shall include the names of all persons entitled to vote in any Federal, State or Local government or Area Council elections.	Amendment of section 9. 2. Section 9 (1) of the Principal Act is amended by inserting the words "or any country outside of Nigeria where, Nigerians there who are qualified to vote, will vote in the Presidential elections" after the words "or area Councils Elections".	Deleted	A lot of challenges for implementation and the proposal will require Constitution Amendment
9. (2) The Commission shall maintain as part of the National Register of Voters a register	Amendment of section 9 (2). 3. Section 9 (2) of the Principal Act is amended by	Deleted	A lot of challenges for implementation and

of voters for each State of the Federation and for the Federal Capital Territory.	inserting the words "for any' country outside of Nigeria where Nigerians resident there can vote in the Presidential Elections" after the words "Federal Capital Territory".		the proposal will require Constitution Amendment
9. (3) The Commission shall maintain as part of the National Register of Voters for each State and Federal Capital Territory a Register of Voters for each Local Government or Area Council within the State and the Federal Capital Territory.	Amendment of section 9 (3). 4. Section 9 (3) of the Principal Act is amended by inserting the words "or in the Nigeria Embassy or place (s) that the Commission will determine within a country outside Nigeria where a Presidential election will hold" after the words "Federal Capital Territory".	Deleted	A lot of challenges for implementation and the proposal will require Constitution Amendment
Qualification for registration. 12. (1) A person shall be qualified to be registered as a voter if such a person- (a) is a citizen of Nigeria;	Amendment of section 12 (1) (a). 5. Section 12 (1) (a) of the Principal Act is amended by inserting the word "or holds a Nigerian International Passport".	Deleted	A lot of challenges for implementation and the proposal will require Constitution Amendment
12. (2) A person shall not register in more than one registration centre or register more than once in the same registration centre.	Amendment of section 12 (2). 6. Section 12 (2) Section 12 (2) of the Principal Act is amended by inserting the words "but Nigerians who are resident in a country outside Nigeria can only register once in a registration centre, in the centre (s) to be designated by the Commission" after the words "in same registration centre".	Deleted	A lot of challenges for implementation and the proposal will require Constitution Amendment
12. (3) A person who contravenes the provisions of subsection (2) of this section commits an offence and is liable on conviction to a fine not exceeding N100,000 or imprisonment for a term not exceeding	Amendment of section 12 (3). 7. Section 12 (3) Section 12 (3) of the principal Act is amended by inserting the words "However, Nigerians in Diaspora, who are qualified to vote who violates subsection (2) of this Section shall be	Deleted	A lot of challenges for implementation and the proposal will require Constitution Amendment

be held on a date to be appointed by the Independent National Electoral Commission in accordance with the Constitution and this Act. (6)An election to the said office of the President s 150 days and not later than 30 days before the expiration of the term of office of the last holder of that office. (7)An election to the office of the Governor of a State shall be held on a date to be appointed by the Independent National Electoral Commission in accordance with the Constitution and this Act. (8)An election to the office of the Governor of a State shall be held on a date not earlier than 150 days and not later than 30 days before the expiration of the term of office of the last holder of that office."	Constitution and this Act" appearing in subsection (5) Delete the words "in accordance with the Constitution and this Act" appearing in subsection (7)	office of President shall be held on a date to be appointed by the Independent National Electoral Commission. 25(7)"An election to the office of the Governor of a State shall be held on a date to be appointed by the Independent National Electoral Commission".	
Conduct and Postponement of Election in Emergency. 26. (1) In the event of an emergency affecting an election, the Independent National Electoral Commission shall, as far as possible, ensure that persons displaced as a result of the emergency are not disenfranchised. (2) Where a date has been appointed for the holding of an election, and there is reason to	Amendment of section 26 (1). 8. Section 26 (1) of the Principal Act is amended by subsection (1) becoming subsection (l), while a new subsection (1) (b) and (1) (c) are inserted after the words "reason for the postponement is cogent and verifiable". Amendment of section 26 (1) (b) Subsection 26 (1) (b) reads thus "the Commission shall fix a date for any country outside Nigeria	Deleted Deleted	2015 Amendment Act has taken care of this proposed Amendment. A lot of challenges for implementation and the proposal will require Constitution Amendment

believe that a serious breach of the peace is likely to occur if the election is proceeded with on that date or it is impossible to conduct the elections as a result of natural disasters or other emergencies, the Commission may postpone the election and shall in respect of the area, or areas concerned, appoint another date for the holding of the postpone election, provided that such reason for the postponement is cogent and verifiable.	where a Presidential election shall hold, such that the Diaspora voting will hold not later than twenty four (24) hours to the date the Presidential election will hold in Nigeria". Amendment of section 26 (1) (c) Subsection 26 (1) (c) reads thus "the result of voting in a Presidential Election conducted in any country outside Nigeria shall only be announced by the Chief Electoral Commissioner or the Returning Officer for the Presidential Election same day as for the states of the Federation and FCT results" .	Deleted	
Announcement of election results. 27. (1) The Results of all the elections shall be announced by- (a) the Presiding Officer at the Polling unit; (b) the Ward Collation Officer at the Ward Collation Centre; (c) the Local Government or Area Council Officer at the Local Government/Area Council Collation Centre; (d) the State Collation Officer at the State Collation Centre.	Deletion of section 27 (1). 3. Section 27 (1) of the Principal Act is deleted.	Deleted	The Amendment is not worthwhile on the ground that Section 27 (1) is the basis for credible Election.
Announcement of election results. 27. (1) The Results of all the elections shall	Amendment of section 27		For consistency with other provisions in the

(e) Senatorial District Collation Centre in the case of election to the Senate; (f) State Collation Centre in the case of election of a Governor of a State; (g) National Collation Centre in the case of election of the President. (3) The Chief Electoral Commissioner shall be the Returning Officer at the Presidential			
Notice for election 30(1) "The Commission shall not later than 90 days before the day appointed for holding of an election under this Act publish a notice in each State of the Federation and the Federal Capital Territory- (a) stating the date of the election; and (b) appointing the place at which nomination papers are to be delivered	Amendment of section 30 Section 30 (1) is amended by replacing the figure "90" with the figure "150"	Retained	To allow early primaries, submission, compilation of list of candidates and to give enough time for planning and printing of sensitive materials.
Submission of list of candidates and their affidavits by political parties. 31. (1) Every political party shall not later than 60 days before the date appointed for a general 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 elections.	Amendment of Section 31 of the Principal Act 7. Section 31 of the principal Act is amended by substituting for a new subsection "(1)", "(6)" and "(7)": "(1) Subject to the provisions of section 87 of this Act, the National Chairman and Secretary of every political party shall, not later than 120 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	Retained Retained Retained	To provide more time to enable political parties submit list of candidates to INEC.

(6) If the Court determines that any of the information contained in the affidavit or any document submitted by that candidate is false, the Court shall issue an order disqualifying the candidate from contesting the election. (7) A candidate for an election shall, at the time of submitting the prescribed form, furnish the Commission with an identifiable address in the State where he intends to contest the election at which address all documents and court processes from either the Commission or any other person shall be served on him. (8) A political party which presents to the Commission the name of a candidate who does not meet the qualifications stipulated in this section, commits an offence and is liable on conviction to a maximum fine of N500,000.	the party proposes to sponsor at the election.” “(6) If the Court determines that any of the information contained in the Affidavit is false, the Court shall issue an order disqualifying the candidate from contesting the election, if already elected, the Court shall issue an order directing the person to vacate the office and the next person with highest number of votes cast and who met the requirement of the Constitution shall be declared duly elected”. “(7) Any political party that presents to the Commission the name of a Candidate that does not meet the qualification stipulated in the Constitution commits an offence and shall, on conviction, not be allowed to participate in the contest to that particular office”; and (b) in subsection (8), by substituting for the expression, "N500,000", in line 3, the expression, "N1,000,000".	Retained	
Political parties changing candidates. 33. A political party shall not be allowed to change or substitute its candidate whose name has been submitted pursuant to section	Amendment of section 33. 2. Section 33 of the Principal Act is hereby amended in line 3 by inserting immediately after the word 'candidate' the phrase 'any time before the		Deleted It is presently being proposed in the current Constitution Alteration exercise.

32 of this Act, except in the case of death or withdrawal by the candidate.	conclusion of an election; Provided that in the event of death of a governorship candidate any time before the conclusion of an election, the party shall choose the person running with him as a deputy governor, or any other candidate in the event of the person running with him withdrawing to replace the deceased governorship candidate.		
Political parties changing candidates. 33. A political party shall not be allowed to change or substitute its candidate whose name has been submitted pursuant to section 32 of this Act, except in the case of death or withdrawal by the candidate.	Alteration of section 33. 1. Section 33 of the Electoral Act 2010 (as amended) (hereinafter referred to as "the Principal Act") is hereby amended by adding a new subsection (2) to the existing section which is now subsection (1) and it shall reads as follows: "33(2) Notwithstanding the provisions of this Act, No Political Party shall be allowed to change or substitute any candidate for an election once the polls has commenced."	Deleted	It is presently being proposed in the current Constitution Alteration exercise.
Political parties changing candidates. 33. A political party shall not be allowed to change or substitute its candidate whose name has been submitted pursuant to section 32 of this Act, except in the case of death or withdrawal by the candidate.	Amendment of Section 33 of the Principal Act 8. Section 33 of the Principal Act is amended by inserting a new subsection "(2)": "(2) If a 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	Deleted	It is presently being proposed in the current Constitution Alteration exercise.

	name of the aspirant who scored the second highest number of votes as the substitute candidate”.		
Publication of nomination. 34. The Commission shall, at least 30 days before the day of the election publish by displaying or causing to be displayed at the relevant office or offices of the Commission and on the Commission’s web site, a statement of the full names and addresses of all candidates standing nominated.	Amendment of section 34. 2. Section 34 of the Principal Act is amended by adding a new sub section (2) and (3) to read. 2. Any candidate who observes his name or that of his party missing on the list published in accordance to sub section (1) above, shall notify the commission in writing, signed by himself and supported with an affidavit not later than 21 days to the election 3. Where the candidate fails to notify the commission in accordance to sub section (2) above, the candidate shall be deemed to have waived his right and the outcome of the election cannot be impeached in the any Court or Tribunal.	2. Any candidate who observes his name or that of his party missing on the list published in accordance with subsection (1) above, shall notify the Commission in writing, signed by himself and supported with an affidavit not later than 14 days to the election 3. Where the candidate fails to notify the commission in accordance <i>with</i> subsection (2) above, the candidate shall be deemed to have waived his right and the outcome of the election cannot be impeached in the any Court or Tribunal.	This provision will stop litigation on the basis of such omission.
Withdrawal of candidate 35“A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself to the Political	Amendment of section 35 Amended by substituting 45 with 90 in section 35	A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself to the Political party that	To allow <u>30 days</u> between the period of submission and substitution of candidates and to give

party that nominated him for the election and the political party shall convey such withdrawal to the Commission and which shall only be allowed not later than 45 days to the election"		nominated him for the election and the political party shall convey such withdrawal to the Commission and which shall only be allowed not later than 90 days to the election."	enough time for compilation of list of candidates
Death of a candidate. 36. (1) If after the time for the delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Chief National Electoral Commissioner or the Resident Electoral Commissioner shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate and the Commission shall appoint some other convenient date for the election within 14 days. (2) The list of voters to be used at a postponed election shall be the official voters register, which was to be used if the election had not been postponed.	Insertion of new section 36A. 4. Insert a new section "36A": "Second run-off to replace candidate. 36 A. Where a candidate withdraws his candidature or dies before the commencement of polls in accordance with the provisions of sections 35 and 36 of this Act, 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."	Retained	
Death of a candidate. 36. (1) If after the time for the delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Chief National Electoral Commissioner or the Resident Electoral	Amendment of Section 36 of the Principal Act 3. Section 36 of the Principal Act is amended by inserting a new subsection (3): "(3) where a nominated candidate dies in the circumstances stated under sub-section (1) of this	Retained	

Commissioner shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate and the Commission shall appoint some other convenient date for the election within 14 days. (2) The list of voters to be used at a postponed election shall be the official voters register, which was to be used if the election had not been postponed.	section, the next person, from the same political party where the deceased emerged, with the highest votes in the primary election shall be submitted to the Commission to replace the deceased, and the Commission shall accept such replacement as if the deceased is alive”.		
Death of a candidate. 36. (1) If after the time for the delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Chief National Electoral Commissioner or the Resident Electoral Commissioner shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate and the Commission shall appoint some other convenient date for the election within 14 days. (2) The list of voters to be used at a postponed election shall be the official voters register, which was to be used if the election had not been postponed.	Alteration of section 36. 2. Section 36 of the Principal Act is hereby amended by adding two new subsections (3) and (4) to existing section and it shall read as follows: “36(3) if during the commencement of the poll but before the conclusion of elections for the office of the President or Governor of a State, one of the nominated candidates of a Political Party dies, the Commission shall allow the running mate, that is, the Party's Vice-Presidential Candidate or Deputy Gubernatorial Candidate to allow the running mate to continue and conclude the poll and should he score the majority of votes cast in accordance with the Constitution, be declared the winner of the said Election.” “36(4) if during the commencement of the poll but before the conclusion of elections for any of the Legislative Houses of the Federation, a Candidate	Deleted	It is presently being proposed in the current Constitution Alteration exercise.

	nominated and sponsored by a Political Party dies, the Political Party shall conduct fresh elections to nominate the candidate in consonance with section 87 of the Electoral Act.”		
Failure of nomination. 38. Where at the close of nomination there is no candidate validly nominated, the Commission shall extend the time for nomination and fix a new date for the election.	Amendment of Section 38 of the Principal Act 4. Section 38 of the Principal Act is amended by inserting a new subsection (2): “(2) Where there is a valid nomination by at least one political party, failure of a political party to validly nominate a candidate shall not constitute ground for extension of time for nomination or postponement of election”; and (b) renumbering the section appropriately.	Retained	
Display of Ballot Boxes 48(1) “At the hour fixed for opening of the poll, before the commencement of voting, the Presiding Officer shall open the empty ballot box and show same to such persons as may lawfully be present at the Polling unit and shall then close and seal the box in such manner as to prevent its being opened by unauthorized person. (2) The ballot box shall then be placed in full view of all present, and be so maintained until the close of poll.	Amendment of section 48 Amend by adding the words “accreditation and” before the word voting in subsection (1)	48(1) ”At the hour fixed for opening of the poll before the commencement of accreditation and voting, the Presiding Officer shall open the empty ballot box and show same to such persons as may lawfully be present at the Polling unit and shall then close and seal the box in such manner as to prevent its being opened by unauthorized person.”	To reflect the new procedure for accreditation and voting.

Issue of ballot papers. 49. (2) The Presiding Officer shall, on being satisfied that the name of the person is on the register of voters, issue him a ballot paper and indicate on the Register that the person has voted.	Amendment of section 49. 3.Section 49 of the Principal Act is hereby amended by deleting the existing sub-section 2 and replacing same with new sub-sections 2 and 3 as follows: Subsection 2 - Accreditation shall be with the use of electronic card reader and any person not electronically accredited by the electronic card reader shall not be eligible to vote: Provided that where the electronic card reader malfunctions, an incident form shall be filled and such person shall be accredited manually and be allowed to vote. Subsection 3-Manual accreditation in 2 above shall be by a person presenting himself to the presiding Officer whom, on being satisfied that the name of the person is on the Register of Voters issue him a ballot paper and indicate on the Register that the person has voted.	Deleted	Insertion of new section 52 (3) takes care of this proposed amendment.
Issue of ballot papers. 49. A person intending to vote with his voter's card, shall present himself to a Presiding Officer at the polling unit in the constituency in which his name is registered with his voter's card. (2) The Presiding Officer shall, on being	Amendment of section 49 Amend by replacing subsection (2) with a new	49(2) The Presiding Officer	To provide for the use

satisfied that the name of the person is on the register of voters, issue him a ballot paper and indicate on the Register that the person has voted.	subsection (2): “The Presiding Officer shall verify the voter card and authenticate the particulars of the voter in the manner prescribed by the Commission.”	shall verify the voter card and authenticate the particulars of the voter in the manner prescribed by the Commission	of Card Reader or any other technology prescribed by the Commission
Conduct of poll by open secret ballot. 52, (1) Voting at an election under this Act shall be by open secret ballot, (2) Voting at an election under this Act shall be in accordance with the procedure determine by Independent National Electoral Commission. (3) A voter on receiving a ballot paper shall mark it in the manner prescribed by the Commission.	Amendment of section 52 Amend 52(1)(b) “to provide for use of technology in voting.”	Insert, after subsection (2), a new subsection “(3)”- “(3) Uniform technological device shall be used for election across the country as the Commission may determine.”	This new provision takes care of the use of technological devices in an election in Nigeria, which includes Card Readers as proposed in these amendments.
Over voting 53(1) “No voter shall vote for more than one candidate or record more than one vote in favour of any candidate at any one election. (2) Where the votes cast at an election in any polling unit exceed the number of registered voters in that polling unit, the result of the election for that polling unit shall be declared null and void by the Commission and another election may be conducted at a date to be fixed by the Commission where the result at	Amendment of section 53 To amend Section 53(2) by deleting the words “registered voters” immediately after the words “number of” and inserting the words “accredited voters”	Retained	The use of registered voters to determine over voting most times lead to inconclusive elections. The total number of accredited voters in a polling unit should determine over voting.

that polling unit may affect the overall result in the Constituency.”			
Counting of votes and forms 63(1) The Presiding Officer shall, after counting the votes at the polling unit, enter the votes scored by each candidate in a form to be prescribed by the Commission as the case may be.	Amendment of section 63 (1) Section 63 (1) is amended by substituting it with a new subsection (1) as follows: 63 (1)“The Presiding Officer shall, after counting the votes at the polling unit, enter the votes scored by each candidate in a form prescribed by the Commission and electronically transmit same”.	Retained	To provide for E-Transmission of Election Results at Polling Units.
Section 63 (4) The Presiding Officer shall count and announce the result at the Polling Unit	The subsection 4 is amended by deleting the phrase “count and”	Retained	To allow proper sequence of the process because counting is already provided for in Section 63(1).
Power of the Commission to register Political Parties. 784) “Any political association that meets the conditions stipulated in the Constitution and this Act shall be registered by the Commission as a political party within 30 days from the date of receipt of the application and if after the 30 days such	Amendment of section 78 Amend by replacing “30 with 60 in subsection (4)”	78(4) “A political association that meets the conditions stipulated in the Constitution and this Act shall be registered by the Commission as a political party within 60 days from the date of receipt of the	To give the Commission reasonable time to carry out all administrative procedure for registration of Political Associations as

Association is not registered by the Commission unless the Commission informs the Association to the contrary it shall be deemed to have been registered.”		application, and if after the 60 days such Association is not registered by the Commission unless the Commission informs the association to the contrary it shall be deemed to have been registered”.	Political Parties.
Notice of convention, congress, etc. 85. (1) A registered political party shall give the Commission at least 21 days notice of any convention, congress, conference or meeting convened for the purpose of electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices specified under this Act. (2) The Commission may, with or without prior notice to the political party monitor and attend any convention, congress, conference or meeting which is convened by a political party for the purpose of- (a) electing members of its executive committees or other governing bodies; (b) nominating candidates for an election at any level; and (c) approving a merger with any other registered political party.	Amendment of section 85. 2. The Principal Act is hereby amended by adding a new subsection 85 (1&2) to read as follows: Subsection (a) “It shall be mandatory for all Political Parties to ensure that their women leaders are women or persons of the feminine gender”. Subsection (b) “all youth leaders shall be persons between the ages of Eighteen to Forty five at the date of election into such offices”.	Deleted Insert, after subsection (3), a new subsection “(3A)” – “(3A) In electing officials to the position of Women Leader, Youth Leader or other such position, where it exists, a political party shall ensure that the position of women leader is occupied by a woman and that of youth leader by a youth who shall be between the age of 18 and	

		35 years.”	
Nomination of candidates by parties. 87. (9) 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, may apply to the Federal High Court or the High Court of a State or FCT, for redress.	Amendment of Section 87 of the Principal Act 6. Section 87 of the Principal Act is amended by inserting a new subsection (9A) after section (9): “(9A) Where a primary election is conducted, and duly attended and certified by the Commission in compliance with this Act, and the result is subsequently altered by a political party, the Commission shall have the power to overrule the alteration made by the political party and uphold such primaries”.	Retained	
Power to limit contribution to a political party. 90. The Commission shall have power to place limitation on the amount of money or other assets, which an individual or group of persons can contribute to a political party.	Amendment of Section 90 of the Principal Act 9. Substitute for section 90 of the Principal Act, a new section 90: “(90) 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 such information on the amount donated as source of the funds”.	Retained	
Limitation on election expenses. 91. (2) The maximum election expenses to be incurred by a candidate at a Presidential election shall be ₦1,000,000,000.	Amendment of section 91 (2). 2. Section 91 of the Principal Act is amended by substituting the figures “N1,000,000,000.00 in sub-section (2) with the figures “N5,000,000,000”	Retained	
91. (3) The maximum election expenses to be incurred by a candidate at a Governorship election shall be ₦200,000,000.	Amendment of Section 91 (3). 3. Section 91 of the Principal Act is amended by substituting the figures “N200,000,000” in sub-section (3) with the figures “N1,000,000,000”	Retained	

91. (4) The maximum amount of election expenses to be incurred in respect of Senatorial seat by a candidate at an election to the National Assembly shall be ₦40,000,000 while the seat for House of Representatives shall be ₦20,000,000.	Amendment of Section 91 (4) 4. Delete sub-section (4) of the Principal Act and substitute with a new sub-section (4) as follows: “The maximum amount of election expenses to be incurred is respect of Senatorial and House of Representatives Seats shall be N100,000,000 and N70,000,000 respectively”	Retained	
91. (5) In the case of State Assembly election, the maximum amount of election expenses to be incurred shall be ₦10,000,000.	Amendment of Section 91 (5). 5. Section 91 of the Principal Act is amended by substituting the figures “N10,000,000” in sub-section (5) with the figures “N30,000,000”	Retained	
91. (6) In the case of Chairmanship election to an area Council, the maximum amount of election expenses to be incurred shall be ten million naira ₦10,000,000.	Amendment of Section 91 (6). 6. Section 91 of the Principal Act is amended by substituting the words “Ten Million Naira (N10,000,000)” in sub-section (6) with the words “thirty Million Naira (N30,000,000)”	Retained	
91. (7) In the case of Councillorship election to an area Council, the maximum amount of election expenses to be incurred shall be one million naira ₦1,000,000.	Amendment of Section 91 (7). 7. Section 91 of the Principal Act is amended by substituting the words “shall be One Million Naira (N1,000,000)” in sub-section (7) with the words “shall be Five Million Naira (N5,000,000)”	Retained	
91. (9) An individual or other entity shall not donate more than ₦1,000,000 to any candidate.	Amendment of Section 91 (9). 8. Section 91 of the Principal Act is amended by substituting the figures “N1,000,000” in sub-section (9) with the figures “N10,000,000”	Retained	
91. (10) A candidate who knowingly acts in contravention of this section commits an		Section 91 of the Principal Act is amended by	This is a new amendment to make

offence and on conviction shall be liable – (a) in case of presidential election to a maximum fine of N1,000,000.00 or imprisonment of 12 months or both; (b) in the case of a governorship election to a fine of N800,000.00 or imprisonment for 9 months or both; (c) in case of senatorial seat election to a fine of N600,000.00 or imprisonment for 6 months or both; (d) in the case of House of Representatives seat election to a fine of N500,000.00 or imprisonment for 5 months or both; (e) in the case of a State House of Assembly election to a fine of N300,000.00 or 3 months imprisonment or both; (f) in the case of Chairmanship election to a fine of N300,000.00 or 3 months imprisonment or both; and (g) in the case of Councillorship election to a fine of N100,000.00 or 1 month imprisonment or both.		substituting for subsection (10), a new subsection “(10)”- “(10) a candidate who knowingly acts in contravention of this section, commits an offence and is liable on conviction to a maximum fine of 1% of the amount permitted as the limit of campaign expenditure under this Act or imprisonment for a term not exceeding 12 months, or both.”	the subsection concise, elegant and limit the influence of money in politics
Limitation on political broadcast and campaign by political parties 99 (1) For the purpose of this Act, the period	Amendment of section 90 Amend by replacing “90 with 150 in subsection (1)”	90(1)For the purpose of this Act, the period of campaigning in public	This is in line with the amendment proposed for the increase of the

of campaigning in public by every political party shall commence 90 days before polling day and end 24 hours prior to that day. (2) A registered political party which through any person acting on its behalf during the 24 hours before polling day (a) Advertises on the facilities of any broadcasting undertaking; or (b) Procures for publication or acquiesces in the publication of an advertisement in a newspaper for the purpose of promoting or opposing a particular candidate; is guilty of an offence under this act and upon conviction shall be liable to a maximum fine of N500,000.00.		by every political party shall commence 150 days before polling day and end 24 hours prior to that day.”	time for the issuance of notice of election from 90 days to 150 days.
Campaign for election 100(1)A candidate and his party shall campaign for the elections in accordance with such rules and regulations as may be determined by the Commission. (2) State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election. (3) Media time shall be allocated equally among the political parties or candidates at similar hours of the day. (4) At any public electronic media, equal airtime shall be allotted to all political parties or candidates during prime times at similar hours each day, subject to the payment of appropriate fees.	Amendment of section 100		Whereas subsection (6) of section 100 of the Electoral Act makes provisions to sanction any media house that violates the provisions of section 100 of the Electoral Act, no sanction is provided similar to section 101 against principal officers of the media house involved in the crime. Provision should therefore be

(5) At any public print media, equal coverage and conspicuity shall be allotted to all political parties. (6) A public media that contravenes subsections (3) and (4) of this section commits an offence and is liable on conviction to a maximum fine N500,000.00 in the first instance and to a maximum fine of N1,000,000.00 for subsequent conviction.	Amend by “replacing the existing subsection (6) a new subsection (6)”-	“100(6) Any person who contravenes subsections (3) and (4) of this section commits an offence and upon conviction is liable. “A public media that contravenes subsections (3) and (4) of this section commits an offence and is liable on conviction to: (a) in the case of a public media to a maximum fine of N2,000,000.00 in the first instance and to a maximum fine of N5,000,000.00 for subsequent conviction; and (b) in the case of principal officer(s) and other officer(s) of the media house to a maximum fine of N2,000,000.00 or to imprisonment for a term of 12 months.”	made to sanction principal officers and other officers of the media house involved in the crime.
Qualification. 106. A person shall be qualified for election under this part of this Act if he-	Amendment of section 106. 3. The Principal Act is hereby amended by adding a new Section 106 to read as follows:	Deleted	This is a Constitutional issue.

(a) is a citizen of Nigeria; (b) is registered as a voter; (c) has attained the age of 25 years for Councilor and 30 years for Chairman and Vice Chairman; (d) is educated up to at least the school certificate level or its equivalent; and (e) is a member of a political party and is sponsored by that party.	“Qualification into any office whether by age , education etc. shall be considered with reference to the date of the primaries of the Political Party seeking to contest the election before the main election”.		
Offences in Relation to Registration 117(1) Any person who: (a) without authority , destroys, mutilates, defaces or removes or makes any alterations in any notice or document required for the purpose of registration under this Act; (b) knowingly gives false information or makes a false statement with reference to any application for registration for his name or with reference to any objection to the retention of the name of a person in the register of voters; (c) presents himself to be or does any act whereby he is by whatever name or description howsoever, included in the register of voters for a constituency in which he is not entitled to be registered or causes	The following new sections shall be added to this Act: PART VIII - PROCEDURE FOR DIASPORA VOTING IN A PRESIDENTIAL ELECTIONS Insertion of new section 117 Powers of the Commission for Diaspora voting. 9. Section 117 (1) – “The conduct of elections into the office of the President of Nigeria and participation of Nigerians outside the country shall be under the direction and supervision of the Commission in accordance with this Act”. (2) “The Embassy/liaison office in any country outside Nigeria where Diaspora voters will vote and the centres where voting will take place, established by the Commission and any other regulations, guidelines, rules or manual issued or made by the Commission shall be used for the	Deleted	A lot of challenges for implementation and the proposal will require Constitution Amendment.

himself to be registered in more than one registration or revision centre; (d) publishes any statement or report which he knows to be false or does not believe to be true so as to prevent persons who are qualified to register from registering as voters; (e) makes in any record, register or document which he is required to prepare, publish or keep for the purpose of registration, any entry or statement which he knows to be false or does not believe to be true; (f) impedes or obstructs a registration officer or a revision officer in the performance of his duties; (g) without proper authority, wears the identification of a registration officer or assistant registration officer or wears any other identification purporting to be the identification of a registration officer or assistant registration officer; (h) forges a registration card; or (i) carries out registration or revision of voters at a centre or place not designated by the Commission; commits an offence and liable on conviction to a maximum fine of N1,000,000 or 12 months imprisonment or to both.	Diaspora voting”.		
Offences in respect of nomination, etc 118(1) A person who-	Insertion of new section 118. 10. Section 118 (1) – “For the avoidance of doubts, only Nigerians who are legally residing in any	Deleted	A lot of challenges for implementation and the proposal will

(a) forges any nomination paper or result form; (b) willfully defaces or destroys any nomination paper or result form; (c) delivers to an electoral officer any nomination paper or result form knowing it to be forged; (d) signs a nomination paper or result form as a candidate in more than one constituency at the same election; (e) forges any ballot paper or official mark on any ballot paper or any certificate of return or result form; (f) willfully destroys any ballot paper or official mark on any ballot paper or any certificate of return or result form; (g) without authority gives a ballot paper or result form to any person; (h) willfully places in any ballot box any authorized paper or result form; (i) willfully removes from a polling station any ballot paper or result form whether or not the ballot paper or result form was issued to him in that polling station, (j) without authority destroys it or in any other manner interferes with a ballot box or its contents or any ballot paper or result form then in use or likely to be used for the purpose of an election; (k) signs a nomination paper consenting to be a candidate at an election knowing that he is	country where the Commission is to organize Diaspora voting, shall be qualified to be registered by the Commission to vote in Nigeria's Presidential elections in that country". Section 118 (2) - "The Commission shall decide with the Nigerian Embassy/liaison office, outside Nigeria the number of registration and voting centre for any country where Diasporas will vote".		require Constitution Amendment
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ineligible to be a candidate at that election, commit an offence.			
Disorderly behavior at political meeting 119 Any person who, at a political meeting held after the date for an election has been announced: (a) acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was convened; or (b) has in his possession an offensive weapon or missiles; commits an offence and liable on conviction to a maximum fine of N500,000 or imprisonment for 12 months or both.	Insertion of new section 119. 11. Section 119 – “The procedure for voting shall be the same as the procedure adopted for the Presidential election in Nigeria”. Amendment/Modification Following these amendments, former PART VIII becomes PART IX; former PART IX becomes PART X, former PART X becomes PART XI. While section 117 (1) becomes section 120; section 118 (1) becomes section 121; section 119 becomes section 122; section 120 becomes section 123; section 121 becomes section 124; section 122 becomes section 126; section 123 becomes section 126, the whole of the sections changes by adding three (3) to each proceeding figures such that the last section of this Act which was section 158 now becomes section 161.	Deleted	A lot of challenges for implementation and the proposal will require Constitution Amendment
Disorderly behavior at political meetings. 119. Any person who, at a political meeting held after the date for an election has been announced- (b) has in his possession an offensive weapon or missiles; commits an offence and liable on conviction to a maximum fine of N500,000 or imprisonment for 12 months or both.	Amendment of the section 119. 2. Section 119 of the Principal Act is amended by inserting after the existing subsection (b) a new sub clause “(c)” as- “(c) any person or group of persons who willfully interrupt the announcement of election result by	Deleted	Section 128 of the Principal Act has taken care of this proposal.

	staging any kind of demonstration or protest in a collation centre, with intention to incite people against the returning officer or other officials present or to stop the announcement of result, shall be liable to a term of five years imprisonment upon conviction or a fine of N500,000 or both.		
	Interpretation. 12. In this Bill: “Nigerians in Diaspora” means persons who are citizens of Nigeria according to the 1999 Constitution and are resident outside Nigeria; “Diaspora voters” are Nigerians resident outside the country who comply with the conditions as to be set out by the Commission before they can vote outside Nigeria.	Deleted	
Grounds of petition. 138. (1) An election may be questioned on any of the following grounds, that is to say- (a) that a person whose election is questioned was, at the time of the election, not qualified to contest the election; (b) that the election was invalid by reason of corrupt practices or non-compliance with the provisions of this Act; (c) that the respondent was not duly elected	Amendment of section 138. 5.Section 138 (1) of the Principal Act is amended by inserting a new paragraph “(e)”:	Deleted	Section 138 (1e) of 2015 Electoral Act has taken care of this proposal.

by majority of lawful votes cast at the election; or (d) that the petitioner or its candidate was validly nominated but was unlawfully excluded from the election. (e) that the person whose election is questioned has submitted to the Commission affidavit containing false information of a fundamental nature in aid of his qualification for the election.	“(e) that a person whose election is questioned has given a false information in the list or information submitted in accordance with the provision of section 31 (2) of this Act.”	Deleted	
Grounds of petition. 138. (1) An election may be questioned on any of the following grounds, that is to say- (b) that the election was invalid by reason of corrupt practices or non-compliance with the provisions of this Act;	Amendment of section 138. 3. Section 138 (1) of the Principal Act is amended by substituting for the existing paragraph (b) a new paragraph “b” for- “(b) that the election was invalid by reason of- (i) corrupt practices, or (ii) non-compliance with the use of the card reader or the provisions of this Act;”	Deleted	Non compliance with voting procedure has taken care of this proposal.
Certain defects not to invalidate election. 139. (2) An election shall not be liable to be questioned by reason of a defect in the title, or want of title of the person conducting the election or acting in the office provided such a person has the right or authority of the Commission to conduct the election.	Amendment of section 139. 4. Section 139 of the Principal Act is amended by- (a) inserting in subsection (2) the word “written” after the words“ or ” in line 3; and (b) inserting a new sub-clause “(3)”-	Deleted	The proposal in (a) is recommended for deletion on the basis that there is a presumption of authority on the staff of the Commission,

	“(3) Notwithstanding the provision of this Act or any other Law, an election shall be liable to be invalidated for lack of strict compliance to the use of the card reader and the electoral guidelines”.	“(3) Notwithstanding the provision of this Act or any other Law, an election shall be liable to be invalidated for lack of compliance with the method, device and electoral guidelines approved by the Commission.	including ad hoc staff. The proposal in (b) further re-enforces the provision of Section 52
Nullification of election by tribunal or court. 140. (2) Where an election tribunal or court nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, the election tribunal or court shall not declare the person with the second highest votes as elected, but shall order a fresh election.	Amendment of section 140. 1. Section 140(2) of the Electoral Act 2010, which is referred to in this Bill as the Principal Act, is hereby amended by repealing subsection (2) thereof and substituting it with the following subsection: “(2) Where an election tribunal or court nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, or that the election was marred by substantial irregularities or non-compliance with the provisions of this Act, the Election Tribunal or Court may declare the person with the second highest votes as winner or may make such order as it deems fit depending on the circumstance of the case and the provisions of the Constitution of the Federal Republic of Nigeria.”	Section 140 of the Principal Act is amended by substituting for subsection (2), a new subsection “(2)” - “(2) Where an election tribunal or court nullifies the return of an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, the Election Tribunal or Court shall declare the person with the second highest votes as elected subject to the provisions of the Constitution of the Federal Republic of Nigeria.”	
Nullification of election by tribunal or	Amendment of section 140.	Deleted	A new subsection (2)

court. 140. (2) Where an election tribunal or court nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election or that the election was marred by substantial irregularities or non-compliance with the provisions of the Act, the election tribunal or court shall not declare the person with the second highest votes as elected, but shall order a fresh election.	4. Section 140 of the Principal Act is amended by deleting subsection (2) replacing it with a new one to read: (2) Where an election Tribunal or Court nullifies an election on the grounds that the person who obtained the highest votes at the election was not qualified to contest the election, the person with the second highest votes shall be declared the winner.		above has taken care of this proposal.
	Amendment of section 140. 5. Section 140 of the principal Act is further amended by adding a new sub-section 4 to read: (4) 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.	“(4) If, at the point of display or distribution of ballot papers by the Commission, a candidate or his agent discovers that his name or the name or logo of his party is omitted, a candidate or his agent shall notify the Commission and the Commission shall- (a) postpone the election to rectify the omission; and (b) appoint another date to conduct the election.”	The amendment seeks to address the issue of omission of name of a candidate or logo of a political party before an election.
Trial of offences. 150. (2) A prosecution under this act shall be undertaken by legal officers of the	Amendment of section 150. 5. Section 150 of the Principal Act is amended by substituting the existing subsection (2) a new	Deleted	This proposal is deleted in view of the proposal in the current

Commission or any Legal Practitioner appointed by it.	subsection "(2)" for- "(2) A prosecution under this Bill shall be undertaken by Legal Officers of the Commission, any Legal Practitioner appointed by it or any Police Officer."		Constitution Alteration exercise. In addition, there is a Bill seeking to establish Electoral Offences Commission to be charged with the responsibility to prosecute electoral offences.
Inspection of documents. 151. (1) An order for an inspection of a polling document or an inspection of a document or any other packet in the custody of the Chief National Electoral Commissioner or any other officer of the Commission may be made by the election tribunal or the court if it is satisfied that the inspection is required for the purpose of instituting, maintaining or defending an election petition.	Amendment of section 151. 6. Section 151 of the Principal Act is amended by: (a) Inserting after subsection (1), a new subsection "(1A)": "(1A) A Chief National Electoral Commissioner or any other officer of the Commission who willfully fails to comply with the provision of subsection (1) of this section commits an offence and is liable on conviction to a maximum fine of N2,000,000 or imprisonment for a term not exceeding 12 months or both"; and (b) renumbering the section appropriately.	Retained	
Validation. 155. Notwithstanding any other provisions of this Act, any defect or error arising from any actions taken by an official of the Commission in relation to any notice, form or document made or given or other thing whatsoever done by him in pursuance of the	Insertion of section 155A 7. Insert a new section "155A": Schedule. 155A. The procedure for the use of Card Reader shall be as specified in the Fourth Schedule to the	Deleted	Section 52 has taken care of this proposal.

provisions of the Constitution or of this Act, or any rules made thereunder remain valid, unless otherwise challenged and declared invalid by a competent Court of Law or Tribunal.	Bill.”		
Interpretation. 156.	Amendment of section 164. 4.The Principal Act is hereby amended in section 164 which shall be the new Section 166 by inserting the interpretation of “Candidate” as follows: “Candidate” means a person who has secured the nomination of a Political Party to contest the main election for an elective office”.	Amendment of section 156. 4.Section 156 of the Principal Act is amended by inserting, in alphabetical order, the following definition- “Candidate” means a person who has secured the nomination of a political party or independent candidate to contest an election for any elective office.”	
Amendment of election petition and reply. 14. (2) After the expiration of the time limited by – (a) Section 134 (1) of the Act for presenting the election petition, no amendment shall be made- (b) paragraph 12 of the Schedule for filing the reply, no amendment shall be made-	Amendment of First Schedule. 8. (1) Paragraph 14 (2) of the First Schedule to the Principal Act is amended: (a) in subparagraph (2)(a), by inserting the words, “the petitioner shall have another 7 days to amend his petition, after that”, after the word, “petition” in line 1”; and (b) in subparagraph (2)(b), by inserting the words, “the respondent shall have another 7 days to amend his reply, after that”, after the word, “reply” in line 1.	Deleted	It will require further alteration of section 29 of the Second Alteration of the Constitution which amended section 285

Pre-hearing session and schedule. 18. (3) The respondent may bring the application in accordance with subparagraph (1) where the petition fails to do so, or by motion which shall be served on the petitioner and returnable in 3 clear days apply for an order to dismiss the petition.	(2) Paragraph 18 of the First Schedule to the Principal Act is amended by: (a) inserting a new subparagraph “(3A)”: “(3A) Where the petitioner or the respondent fails to bring an application under subparagraph (1) of this paragraph, the petitioner or respondent shall have another 5 days within which to bring the application;” and (b) renumbering the subparagraph appropriately.		
Electoral officers etc as Respondents Paragraph 51—(1) of the First Schedule Where the Commission, an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission has been joined as a respondent in an election petition, a Legal Officer of the Commission or a Legal Practitioner engaged by the Commission or the Attorney-General of the State concerned (acting in person or through any of his Legal Officers), or the Attorney-General of the Federation (acting in person or through any of his Legal Officers) shall represent the Commission Electoral Officer, Presiding Officer, Returning Officer or other official of the Commission at the Tribunal or Court. A private Legal Practitioner engaged by the	Amendment of Paragraph 51(1) and 51(2) of the First Schedule Paragraph 51(1) and 51(2) should be deleted		Paragraph 51(1) and 51(2) contradicts Section 137(3) of the Act which says the Petitioner need not join the EO, PO or RO. Furthermore, the Commission is an independent body established by the Constitution it is unconstitutional for a schedule to require it or its officials to consult or seek the approval or consent of the Attorney General in any matter in Court. The

Commission under subparagraph (3) of this paragraph shall be entitled to be paid his professional fees and a Legal Officer so engaged shall be paid such honorarium as may be approved by the Commission.			Commission's discretion should be completely unfettered. The reference to the Attorney General in this Schedule should be deleted.
A New Provision	A new provision is proposed as thus	"Where the nomination of an elected candidate is nullified by the Court and notice of appeal against the decision is given within the stipulated period for appeal, the elected candidate shall notwithstanding the contrary decision of the court remain in office pending the determination of the appeal. If the court determines that a candidate was not validly nominated, the elected candidate shall not withstanding the contrary decision of the Court remain in office within the period for which an appeal may be filed"	To provide for stay of execution in pre election matters
A NEW PROVISION		"The Presiding/Collation Officer shall, after counting/collation the votes at the polling unit/collation	To legalize E-collation and transmission easier.

		centre, enter the votes scored by each candidate in the form prescribed by the Commission and transmit same in a manner prescribed by the Commission"	
	Short title. 10. This Bill may be cited as the Electoral Act (Amendment) Bill, 2017.	Retained	
	EXPLANATORY MEMORANDUM This Bill seeks to amend the provisions of the Electoral Act No.6, 2010 to provide a time line for the submission of list of candidates, criteria for substitution 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.	EXPLANATORY MEMORANDUM This Bill seeks 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.	