

LEAD DEBATE ON THE ELECTORAL ACT (AMENDMENT)  
BILL 2018 (SB 667)

SPONSOR: Senator Suleiman Nazif (Bauchi North)

Mr. President and Distinguished colleagues, permit me to lead the debate on the Electoral Act Amendment Bill which seeks to make provision for the sequence of elections in Nigeria.

Essentially, this Bill provides for elections in the following sequence;

- (a) *Governorship*
- (b) *State Houses of Assembly and National Assembly Elections;*
- (c) *Presidential Elections*

It will be pertinent to consider some crucial points in pushing this Bill

1. The Constitution of the Federal Republic of Nigeria 1999 as amended does not specifically present a sequence for which elections into the respective offices ought to be conducted, other than merely listing the respective offices into which elections will be conducted by INEC.

Specifically, **Section 15(a)** of the third schedule to the Constitution provides that;

*“The commission shall have power to*

- (a) Organize, undertake and supervise all elections to the offices of the President and Vice President, the Governor and Deputy Governor of a State, and to membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation.”*

The drafters of this portion of the Constitution did not intend that this should be a sequence of the conduct of elections into

elective offices in Nigeria but merely lists the respective offices INEC is empowered to exercise their responsibilities. This fact has raised a lot of concerns of possible manipulation of the outcome of the result of the election, hence the importance of this Bill. The sequence of election as proposed in the Bill does not, in any way, infringe or violate or contravene any provision of the Constitution of the Federal Republic of Nigeria.

2. Historically, elections into the respective offices in Nigeria have been conducted in various sequences from 1979 up to 2015. It has therefore become imperative to have some certainty and predictability in the sequence of elections in Nigeria as it is the case in most developed democracies in the world. For example the United Kingdom, France, Japan, India and most African nations like South Africa, Ghana and Liberia all have fixed sequences for the conduct of their election. This also, to a very large extent, will help strengthen the democratic structures of the nation as well as guarantee the effective planning and conduct of elections by INEC.

The table below traces the history of sequence of elections in Nigeria from 1979 up to 2015.

| YEAR | FIRST                                              | SECOND                                                          | THIRD                          |
|------|----------------------------------------------------|-----------------------------------------------------------------|--------------------------------|
| 1979 | 1. SENATE<br>7/7/79                                | 2. HOUSE OF REPS-14/7/79<br>3. STATE ASSEMBLY/GUBER-<br>28/7/79 | 4. PRESIDENT<br>11/8/79        |
| 1983 | 1. PRESIDENT<br>6/8/83                             | 2. GUBER/STATE ASSEMBLY-<br>14/8/83<br>3. SENATE<br>20/8/83     | 4. HOUSE OF<br>REPS<br>27/8/83 |
| 1992 | 1. GUBER/STATE ASSEMBLY<br>14/4/92                 | 2. HOUSE OF REPS/SENATE<br>4/7/92                               | 3. PRESIDENT<br>12/6/93        |
| 1999 | STATE ASSEMBLY/HOUSE OF<br>REPS/ SENATE<br>20/2/99 | GUBER, PRESIDENT<br>27/2/99                                     |                                |

|      |                                                  |                                          |  |
|------|--------------------------------------------------|------------------------------------------|--|
| 2003 | STATE ASSEMBLY, HOUSE OF REPS AND SENATE 12/4/03 | GUBER, PRESIDENT 19/4/03                 |  |
| 2007 | STATE ASSEMBLY, GUBER 14/4/07                    | HOUSE OF REPS/ SENATE/ PRESIDENT 21/4/07 |  |
| 2011 | STATE ASSEMBLY/ HOUSE OF REPS/ SENATE 9/4/11     | GOVERNOR, PRESIDENT 16/4/11              |  |
| 2015 | HOUSE OF REPS/SENATE/ PRESIDENT 28/3/15          | STATE ASSEMBLY/GUBER 11/4/15             |  |

This has demonstrated the inconsistencies in the sequence of elections in Nigeria which this Bill seeks to cure. Nigeria is probably the only Nation in the world that has this sort of inconsistency in the sequence of their electoral process which leaves room for manipulation of the outcome of an election and by extension affects the integrity of such an election.

3. Mr. President and Distinguished colleagues, for the avoidance of doubt, this Bill will also, in no way, fetter or limit the discretion of INEC to perform their functions as provided by law. It should be noted that the said discretion of INEC in the discharge of their constitutional duties is NOT ABSOLUTE but must be in accordance with the Act of this National Assembly. A careful look at the provision of Section 76 of the Constitution as amended even makes elections by INEC in accordance with the Electoral Act.

***“Elections to each House of the National Assembly shall be held on a date to be appointed by the INEC in accordance with the Electoral Act”.***

The Electoral Act therefore provides the required guide to the performance of the constitutional obligations of INEC. Therefore, where expedient, as in this case, this National Assembly has, by an Act provided a guide to the exercise of the discretion of the INEC.

4. It is the constitutional responsibility of the National Assembly, after due consultation with their constituents to determine the sequence that best suits the yearnings and aspirations of the majority of the electorates in Nigeria. Therefore, having sampled the opinion of majority of Nigerian voters across the nation and those in diaspora, it has become clear that the proposed sequence will guarantee a fearless and free election. This is also important so as not to give a candidate an undue advantage in any election and to avoid a situation where certain candidates who may ordinarily not win an election will rest on the flow of victory of a superior office.
5. I therefore urge Mr. President and distinguished colleagues to support this Bill.

Thank you.