



Hon. (Engr.) Karimi S. Sunday

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FEDERAL HOUSE OF REPRESENTATIVES

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Honourable Colleagues,

**LEAD DEBATE ON THE GENERAL PRINCIPLES OF A BILL FOR AN ACT TO AMEND
THE ELECTORAL ACT 2010**

The above matter refers.

Mr. Speaker, Honourable Colleagues, I hereby present to this esteemed House, a Bill for an act to amend the Electoral Act 2010. The Bill seeks to amend sections 33 and section 36 of the Electoral Act 2010.

Mr Speaker, Section 33 of the extant Electoral Act deals with changing of candidates whose names has been submitted pursuant to section 31 of the Act. Section 31 had stated that every political party shall submit names of their flag-bearers/candidate not later than sixty(60) days to the date appointed for the general election and that the Independent National Electoral Commission (INEC) shall not on any ground whatsoever disqualify or reject a candidate whose name has been submitted to it pursuant to section 31. Section 33 of the extant Electoral Act further states that no Political Party shall be allowed to change or substitute the name of a candidate/flag-bearer already submitted pursuant to section 31 of the Act except in the case of death or withdrawal of the candidate. However, the Act is silent about changing of candidates during an ongoing election, although going by the spirit of Section 33, the Electoral Act 2010 prohibits changing/substitution of candidates during an ongoing election.

Thus, this amendment proposes an inclusion of a new subsection (2) to Section 33 which removes the ambiguity or lacuna that may arise as a result of the death of a Presidential or Gubernatorial Candidate after commencement of poll but before conclusion of the said election. The Section herein proposed expressly prohibits the change or substitution of a candidate during an ongoing election, thus, should the Flag-bearer of the Party for a Presidential or Gubernatorial Election dies during the election, the

running mate who holds a joint ticket with his superior automatically steps into his shoes so that the said election can be concluded without delay.

The Bill herein proposed further seeks an alteration of the provisions of Section 36 of the extant Act (Electoral Act 2010), by proposing addition of two (2) new sub-sections in the existing Section 36. Section 36 of the 2010 Act relates to Death of a Candidate. Section 36(1) states that after the delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Chief National Electoral Commissioner or Returning Officer shall, being satisfied with the death, countermand the poll and fix a convenient date within 14 days of the election.

The Bill herein proposed seeks addition of two new subsections. The first to be read as section 36(3) deals with death during commencement of the poll but before the conclusion of elections for the office of the President or Governor. That where elections had already begun for the office of the President or Governor and the Candidate of a Political Party dies before conclusion of the general election, the Independent National Electoral Commission shall allow the Vice President or Deputy Gubernatorial Candidate to conclude the poll, and should he score the majority of votes cast during the election, shall be declared the winner of the said election.

This in my humble wisdom will ensure smooth elections, reinforce the principle of joint ticket and avoid power tussle and politics that will arise in a bid to succeed or replace the deceased flag-bearer.

Section 2 of the Amendment herein proposed further seeks to include another subsection, known as Section 36(4) which provides that where the Candidate for any Legislative House dies during general elections, the Independent National Electoral Commission shall postpone, conduct fresh elections to nominate a replacement and conduct fresh nomination exercise in consonance with section 87 of the Electoral Act.

It is the intendment of this Bill to clear all ambiguities related to demise of flag-bearers during polls and thereby reinforce the principle of Joint Ticket.

I humbly covete your support for the passage of this Bill.

Yours faithfully,


HON. KARIMI S. SUNDAY

Electoral Act

(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 ₦500,000.00.

32. Prohibition of double nomination

(1) A candidate for an election shall be nominated in writing by such number of persons whose names appear on the register of voters in the constituency as the Commission may prescribe.

(2) A person shall not nominate more than one person for an election to the same office.

(3) A person who contravenes subsection (2) of this section commits an offence and is liable on conviction to a maximum fine of ₦100,000.00 or imprisonment for three months or both but his action shall not invalidate the nomination.

(4) An account shall not be taken of the signature of a person on a nomination paper where the candidate had died, withdrawn or the nomination paper was held invalid.

(5) A person who has subscribed as a nominator shall not, so long as the candidate stands nominated, withdraw his nomination.

33. Political parties changing candidates

A political party shall not be allowed to change or substitute its changing candidate whose name has been submitted pursuant to section 31 candidates of this Act, except in the case of death or withdrawal by the candidate.

[Substituted by s. 11 of No. 10 of 2010.]

34. Publication of nomination

The Commission shall, at least thirty 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 website, a statement of the full names and addresses of all candidates standing nominated.

35. Withdrawal of candidate

A candidate may withdraw his candidature by notice in writing signed by him and delivered to himself to the political party that nominated him for the election and the political party shall convey such withdrawal to the Commission not later than forty-five days to the election.

36. Death of a candidate

(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 fourteen 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.

37. Invalidity of multiple nominations

Where a candidate knowingly allows himself to be nominated by more than one political party or more than one constituency his nomination shall be void.

