

LEGISLATIVE BRIEF

LONG TITLE: 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.

SHORT TITLE: Electoral Act Amendment Bill, 2017

SPONSOR: HON. AISHATU JIBRIL DUKKU

BACKGROUND

Mr. Speaker, Honourable Colleagues, permit me to lead the debate on A Bill for an Act to Amend the Provisions of the Electoral Act No.6, 2010. You would recall that the Bill was a consolidation of 10 individual Bills seeking to amend different sections of the Electoral Act 2010.

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.

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 concerns 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 Card Reader, electronic voting system, criteria for substitution of candidates, disclosure of source of funds contributed to political parties and to empower the Commission to uphold party primaries where there is a change in the result and early party primaries among others. The Bill therefore seeks to address these issues.

SYMOPSIS

The major areas the consolidated Bill sought to alter include:

1. 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. HB 165

This 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. 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. HB 174

The 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. 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. HB 220

The 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. A Bill for an Act to amend the Electoral Act 2010 to Increase the Amounts Permitted as Maximum Election Expense to be Incurred by Candidates Standing for Elections and for Related Matters. HB 468

This Bill increase 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 increase the amount that an entity or individual can donate to a candidate.

5. 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. HB 492

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 not 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 highest number of votes is found not to be qualified to contest the election. There is also a new subsection 140 (4) to enable the Tribunal call for a bi-election between the winner of a first election and a candidate whose logo was omitted on the ballot paper in that election.

6. 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. HB 484

This 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. This varies from the current practice that prohibits police officers who are not lawyers from appearing before the Court.

7. 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. HB 806

This Bill seeks to amend sections 33 and 36 of the Electoral 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.

8. A Bill for an Act to amend the Electoral Act 2010, and For Related Matters 2016. HB 809

This 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. 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.

9. 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 any time before the conclusion of an Election and for Related Matters. HB 429

This Bill seeks to further amend section 33 of the Principal Act by inserting a provision 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.

10. 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. HB 966

This 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 for procedure to be adopted 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. It further proposes 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 seeks to prevent political parties who present the name of a candidate that does not possess the qualifications outlined in the Constitution from contesting the office in question among others.

CONCLUSION

Mr. Speaker, Honourable Colleagues, the need for electoral laws reform in the country becomes absolute necessity against the backdrop of election malpractice, widespread rejection of declared results by the people as well as loss of lives and property that usually go along with such electoral flaws. More importantly, our electoral laws appear to be out-dated and ill-equipped to adequately address these concerns that the very foundation of our democracy calls for. I hereby urge you to support this Bill so as to further strengthen our electoral laws and our electoral system for the development of our democracy and our wellbeing.

Thank you.