



**THE SENATE
FEDERAL REPUBLIC OF NIGERIA**

**REPORT OF THE SENATE COMMITTEE ON THE
INDEPENDENT NATIONAL ELECTORAL
COMMISSION (INEC)**

ON

A BILL

**FOR AN ACT TO AMEND THE ELECTORAL ACT NO.6,
2010 AND FOR OTHER MATTERS CONNECTED
THEREWITH, 2018 (SB.699)**

Dated this 16th October, 2018

**REPORT OF THE SENATE COMMITTEE ON THE INDEPENDENT
NATIONAL ELECTORAL COMMISSION (INEC) ON A BILL FOR
AN ACT TO AMEND THE ELECTORAL ACT NO. 6, 2010 AND
FOR OTHER MATTERS CONNECTED THEREWITH, 2018
(SB.699)**

1.0 MEMBERS OF THE COMMITTEE

- | | | | |
|-----|---------------------------|---|---------------|
| 1. | Sen. (Dr.) Suleiman Nazif | - | Chairman |
| 2. | Sen. Olusola Adeyeye | - | Vice Chairman |
| 3. | Sen. Mao Oluabunwa | - | Member |
| 4. | Sen. Umaru I. Kurfi | - | Member |
| 5. | Sen. Aliyu Sabi Abdullahi | - | Member |
| 6. | Sen. Ahmed Ogembe | - | Member |
| 7. | Sen. Abdullahi A. Gumel | - | Member |
| 8. | Sen. Aliyu M. Wamako | - | Member |
| 9. | Sen. Abubakar Kyari | - | Member |
| 10. | Sen. James Manager | - | Member |
| 11. | Sen. Hope Uzodinma | - | Member |
| 12. | Sen. Ovie-Omo Agege | - | Member |
| 13. | Sen. Suleiman Hunkuyi | - | Member |
| 14. | Sen. Shehu Sani | - | Member |
| 15. | Sen. Stella Oduah | - | Member |
| 16. | Sen. Gilbert Nnaji | - | Member |
| 17. | Sen. Isa Hamma Misau | - | Member |
| 18. | Sen. Mohammed Hassan | - | Member |
| 19. | Sen. Atai Aidoko | - | Member |

1.1 COMMITTEE SECRETARIAT

- | | | | |
|----|--------------------------|---|-------------------|
| 1. | Barr. B.S. Maina | - | Committee Clerk |
| 2. | Ezeafulukwe Ifeoma (Mrs) | - | Asst. Cttee Clerk |

2.0 BACKGROUND OF THE BILL

Mr. President, Distinguished Colleagues, you may wish to recall that the Senate at its plenary sitting on **Wednesday, 10th October, 2018**, read the Bill for an Act to amend the Electoral Act no. 6, 2010 and for other matters connected therewith, 2018 (**SB.699**) the

Second Time and referred same to the Senate Committee on the Independent National Electoral Commission (INEC) for further legislative action and to report back on Tuesday, 16th October, 2018.

You may also wish to recall that the National Assembly of the Federal Republic of Nigeria, passed this very Electoral amendment Bill this 2018 and forwarded same to the President of the Federal Republic of Nigeria for his **assent** pursuant to section **58 (4)** of the 1999 Constitution of the Federal Republic of Nigeria as (**amended**), the President declined to assent due to some observed lacunas in some of the Sections of the amendment Bill and advised that those observations as highlighted in paragraphs **3 (a – e)** below needed to be addressed, hence the reason for the re-introduction of this very important Bill to be passed again.

3.0 MR PRESIDENT'S OBSERVATIONS

Mr. President's observations on some of the Sections contained in the Bill and the proposed amendments made by the Committee include the following:

- a. **Clause: 4**, amends Section **18** of the Principal Act which deals with erroneous cross references made in the Bill that was sent earlier for assent.
- b. **Clause: 10**, amends Section **36 (3)** of the Principal Act that deals with qualifying language. It stated that a qualifying language as contained in section **36 (3)** of the Principal Act, should be re-considered due to its unintended effect because it may unduly increase the cost and administrative burden of conducting elections in the event that any candidate, no matter how inconsequential to the overall electoral process passes away during the elections;

c. Clause: 14, amends Section **49 (4)** of the Principal Act that deals with failure of a card reader. Where a Smart Card Reader deployed for accreditation of Voters fails to function in any polling unit and a fresh Card Reader is not deployed 3 hours before the close of the election in that unit, then the election shall not hold but be rescheduled and conducted within 24 hours thereafter, provided that where the total possible votes from all the affected card readers in the unit or units does not affect the overall result in the constituency or election concerned, the commission shall notwithstanding the fact that a fresh card reader is not deployed as stipulated, announce the final results and declare a winner.

d. Clause: 24, amends Section **87 (13)** of the Principal Act that deals with the issue of deadline for primary election. The dates of the Primaries shall not be earlier than 150 days and not later than 90 days before the date of the election to the elective offices.

The same section also stipulates a specific period within which political party primaries are required to be held since the unintended consequences of leaving INEC with only 9 days to collate and compile lists of candidates and political parties for the various elections. This is because the earlier Electoral Act Amendment Bill did not properly amend Sections **31, 33 and 85** of the principal Act that stipulate times for submission of lists of candidates, publication of lists of candidates, notice of conventions and congresses for nominating candidates for elections.

e. Clause: 32, amends Section **140 (4)** of the Principal Act that deals with omission of name of a candidate or logo of a

political party. It states that if at the point of display or distribution of Ballot Papers by the Commission, a Candidate or his Agent discovers that his Name, 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, not later than **90** days;

Where the election is postponed due to omission of a Political Party's Name or Logo, the Commission's officer responsible for such printing of Party names or Logo commits an offence and is liable on conviction to imprisonment for **2** years or a fine of **N2,000,000.00** or both.

Also in an extra effort to address some other issues rightly observed in the provisions of both the Principal Act and the amendment Bill, the Committee went further to amend some other Sections of the Principal Acts, made some additional new insertions of Sub-Paragraphs appropriately in the amendment Bill.

The other Sections of the Principal Act that are also amended are listed below as follows:

31, 33, 34, 38, 44, 67, 76, 78, 82, 85, 87, 91, 99, 112, 120, 138, 143, 151, and the Schedule.

Note that the details on each of these Sections listed above are contained in the amendment Bill attached to this report.

4.0 OBJECTIVES OF THE BILL

The main objectives of the amendment of this Bill include the following:

- (i) To provide for the use of Card Readers and any other similar technological devices in conducting elections;
- (ii) To provide a time line for the submission of list of candidates as rightly captured in Section **31 (6)** and **85 (1)** of the Bill;
- (iii) To identify criteria for substitution of candidates, limit of campaign expenses; and
- (iv) To address noticed problems related to the omission of names of candidates or logo of political parties.

5.0 METHOD OF OPERATION

In carrying out this assignment, Committee Members considered and effectively utilized the underlisted as guides for arriving at unanimous resolutions on each of the amended Sections of the Principal Act contained in the amendment Bill.

- (i) The Constitution of the Federal Republic of Nigeria, 1999 as **(amended)**;
- (ii) The **INEC** Electoral Act 2010 as **(amended)**;
- (iii) The Electoral Act 2010 Simplified;
- (iv) Suggestions made by key stake-holders; and
- (v) Other relevant materials.

6.0 COMMENT

Mr. President, Distinguished colleagues, at this juncture it is worthy to state very clearly that all the issues raised by the President of the Federal Republic of Nigeria, while declining his assent to this Bill have been captured and addressed.

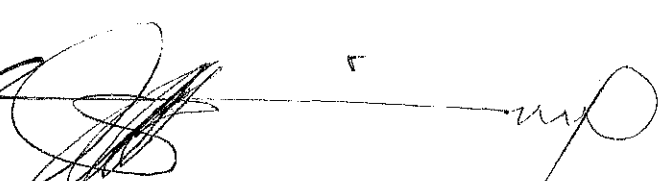
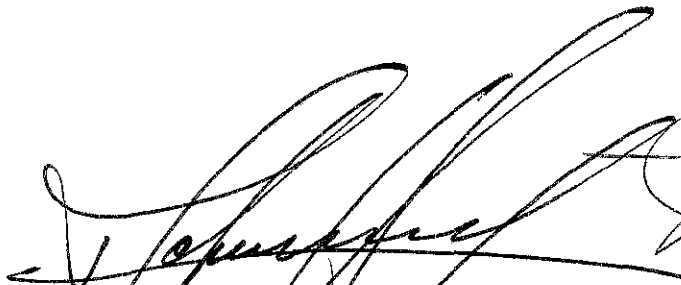
7.0 RECOMMENDATION

Mr. President, my Distinguished colleagues, having completed this crucial assignment very satisfactorily as contained in this Bill attached to this report, we urge you to favourably do consider and pass this Bill as recommended, **we so recommend.**

8.0 CONCLUSION

On behalf of the Members of this Committee, I wish to most sincerely, express our tremendous gratitude for the opportunity given to us to serve in this regard.

Thank you.



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Sen. (Dr.) Suleiman Nazif
Chairman Committee on INEC

Barr. B. S. Maina
Committee Clerk

THE ENDORSEMENT PAGE

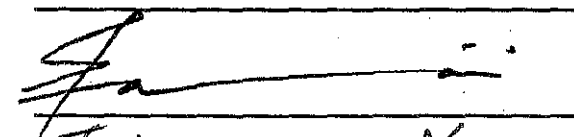
MEMBERS OF THE COMMITTEE

1. Sen. (Dr.) Suleiman Nazif

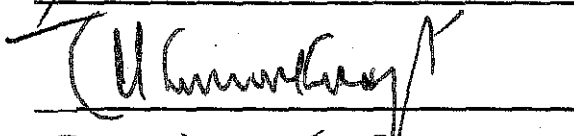


2. Sen. Olusola Adeyeye

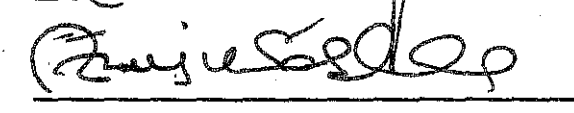
3. Sen. Mao Oluabunwa



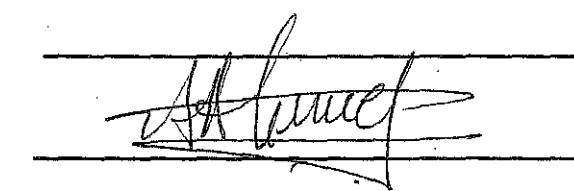
4. Sen. Umaru I. Kurfi



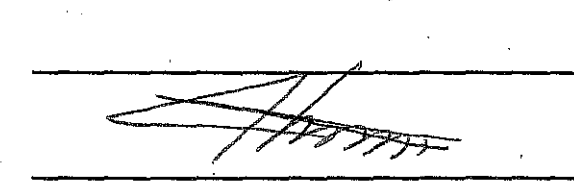
5. Sen. Aliyu Sabi Abdullahi



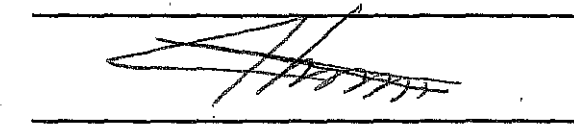
6. Sen. Ahmed Ogembe



7. Sen. Abdullahi A. Gumel



8. Sen. Aliyu M. Wamako



9. Sen. Abubakar Kyari



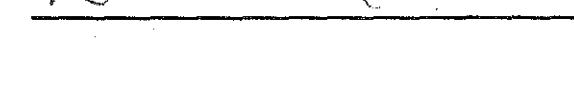
10. Sen. James Manager



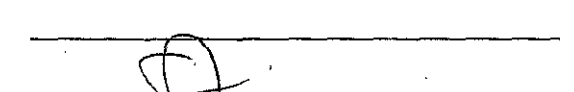
11. Sen. Hope Uzodinma



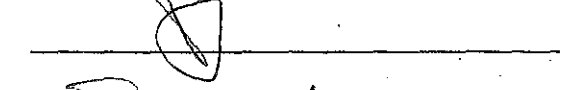
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COMMITTEE Clerk

Barr. B. S. Maina

