

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 RELATED MATTERS (S.B. 231 AND S.B. 234)

CLAUSES	PROVISIONS OF THE PRINCIPAL ACT	PROVISIONS OF BILLS	COMMITTEE'S RECOMMENDATION	COMMITTEE'S REMARKS/ JUSTIFICATIONS
		<p>LONG TITLE: SB. 231: A Bill for an Act to Strengthen the Independent National Electoral Commission by giving it more Powers, and Providing for the Substitution of Candidates after the Conduct of Primary Election in the event of Death; and for Related Matters</p> <p>SB. 234: A Bill for an Act to Amend the Electoral Act No. 6, 2010 and for Other Matters Connected Therewith</p>	A Bill for an Act to amend the Electoral Act No. 6, 2010 and for Other Related Matters.	<p>Justification: The consolidated Bill (SB. 231 and SB 234, as redrafted) seeks to amend the Electoral Act No. 6, 2010 and will overall strengthen the capacity of INEC ("the Commission") to conduct free, fair and credible elections.</p>

		ENACTED by the National Assembly of the Federal Republic of Nigeria as Follows -	Retained	
1.		1.(SB. 234) The Electoral Act No. 6 of 2010 (in this Bill, referred to as "the Principal Act") is further amended as set out in this Bill.	Retained	
2.		<p>2. (SB. 234). Section 8 of the Principal Act is amended by inserting a new subsection "(5)" -</p> <p>"(5) A person, who being a member of a political party misrepresents himself as such in order to 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".</p>	<p>Section 8 of the Principal Act is amended by inserting after subsection (4), a new subsection "(5)", as follows:</p> <p><i>"(5) A person, who being a member of a political party, misrepresents himself by not disclosing his membership, affiliation, or connection to any political party in order to secure an appointment with the Commission in any capacity, commits an offence and shall be liable, on conviction, to imprisonment for at least five (5) years or a fine of at least N5,000,000, or both."</i></p>	<p>Justification:</p> <p>a. This new insertion is to deter political party members from fraudulently gaining access into the Commission as staff or appointee in pursuit of partisan interests.</p> <p>b. It imposes a duty on persons seeking to be engaged in the Commission in any capacity to make full disclosure of their political interests or affiliations (if any) to the Commission.</p>

<p>3.</p>	<p>9 (5) The registration of voters, updating and revision of the register of voters under this section shall stop not later than 30 days before any election covered by this Act.</p>		<p>Section 9 of the Principal Act is amended by –</p> <p>(a) inserting, after subsection (1), a new subsection “(1A)” –</p> <p>“(1A) The Commission shall keep the Register of Voters as the National Register of Voters in its National Headquarter and other locations as the Commission may determine from time to time:</p> <p>PROVIDED that the Commission shall keep the Register of Voters in –</p> <p>(a) electronic format in its central database; and</p> <p>(b) manual, printed, paper-based record or hard copy format.”; and</p> <p>(b) in subsection (5) in line 2, by substituting for the figure “30”, the figure “60”.</p>	<p>Justification:</p> <p>a. The amendment in subsection (1A) grounds the electronic format of the Register of Voters in law.</p> <p>b. The amendment in subsection (5) gives the Commission enough time to concentrate on other issues relating to a general election – having updated and revised the register of voters 60 days before the election.</p>
<p>4.</p>	<p>15. The Commission shall cause a voters' register for each State to be printed, and any person or political party may obtain from</p>		<p>Section 15 of the Principal Act is amended by inserting after the word “printed” in line 1, the expression “or reproduced, copied, duplicated or saved in an electronic format”.</p>	<p>Justification:</p> <p>This amendment grounds application for certified electronic copies of the register in law because it takes certification beyond “printed” copies.</p>

	<p>the Commission, on payment of such fees as may be determined by the Commission, a certified copy of any voters' register for the State or for a Local Government or Area Council or registration area within it.</p>			
<p>5.</p>	<p>19. (1) Subject to the provisions of section 9(5) of this Act, the Commission shall, by notice, appoint a period of not less than 5 days and not exceeding 14 days, during which a copy of the voters' register for each Local Government, Area Council or ward shall be displayed for</p>		<p>Section 19 of the Principal Act is amended by:</p> <p>(a) substituting for subsection (1), a new subsection "(1)", as follows:</p> <p><i>"(1) Subject to the provisions of section 9(5) of this Act, the Commission shall, not later than 30 days to a general election, appoint a period of 7 days during which a copy of the voters' register for each Local Government, Area Council or Ward shall be displayed or published for public scrutiny at every Registration Area and on its official website or any website established by the Commission for that purpose."</i></p> <p>(b) inserting, after subsection (1), a new</p>	<p>Justification: This insertion gives registered voters who may be absent from their areas of registration but who intend to vote at an election, to check online for their names on the voters' register, from wherever they may be.</p>

	<p>public scrutiny and during which period any objection or complaint in relation to the names omitted or included in the voters' register or in relation to any necessary correction, shall be raised or filed.</p>		<p>subsection "(1A)" -</p> <p>"(1A) Upon displaying or publishing the voters register in accordance with this section, the Commission shall accept and consider objections and complaints in relation to the names omitted or included in the voters' register or in relation to any necessary correction, within 14 days of publishing the voters register in accordance with this section."; and</p> <p>(b) inserting after subsection (3), a new subsection "(4)", as follows:</p> <p>"(4) Failure to display or publish the voters' register as provided under subsection (1) of this section shall constitute an offence for which any official or staff of the Commission responsible for such default shall be guilty and liable, on conviction, to imprisonment for a term of 6 months or a fine of N100,000 or both"</p>	<p>Justification: This insertion imposes greater responsibility on officials of the Commission to ensure the integrity of the voters' register before an election.</p>
<p>6.</p>		<p>3. (SB. 234). Section 36 of the Principal Act is amended by inserting new subsection "(3)" -</p> <p>"(3) where a nominated candidate dies in the</p>	<p>Section 36 of the Principal Act is amended by:</p> <p>(a) deleting the words "or the Resident Electoral Commissioner" in line 2/3 of subsection (1); and</p> <p>(b) inserting after subsection (2), a new subsection "(3)", as follows:</p>	<p>Justification: a. The deletion of the words "or the Resident Electoral Commissioner" in subsection (1) removes ambiguity on who the duty lies to act in the</p>

		<p>circumstances stated under sub-section 1 of this section, the next person, from the same political where the deceased emerged, with the highest number of legal 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.”</p>	<p>“(3) If after the commencement of poll and before the announcement of the final result and declaration of a winner, a nominated candidate dies,</p> <p>(a) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days;</p> <p>(b) the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh direct primary within 14 days of the death of its candidate and submit a new candidate to the Commission to replace the dead candidate; and</p> <p>(c) subject to paragraphs (a) and (b) of this subsection, the Commission shall continue with the election, announce the final result and declare a winner.”</p>	<p>circumstances stated.</p> <p>b. The new insertion [section (3)] fills a <i>lacuna</i> in the law – which was recently made manifest in Kogi State where a candidate died before the final result of the governorship election was announced.</p> <p>Also, it satisfies section 141 of the Principal Act on the effect of non-participation in all stages of an election by disallowing political parties from substituting a deceased candidate with a running mate who had not participated all stages of an election, including primary.</p>
7.		<p>4. (SB. 234). Section 38 of the Principal Act is amended by inserting a new subsection “(2)” – “(2) Where there is a</p>	<p style="text-align: center;">Deleted</p>	<p>Justification: This amendment is in conflict with sections 132(3) and 178(3) of the Constitution.</p>

		<p>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”.</p>		
<p>8.</p>			<p>Section 43 of the Principal Act is amended by inserting after subsection (4), new subsections “(4A)”, “(4B)”, and “(4C)”, as follows:</p> <p><i>“(4A) Polling Agents who are in attendance at a polling unit, shall be entitled, before the commencement of the election, to have originals of electoral materials, including ballot papers, result sheets, ballot papers’ account and verification documents and other electoral forms to be used by the Commission for the election inspected; and this process may be recorded in writing, on video or by other means by any Polling Agent, accredited observer or official of the Commission.</i></p> <p><i>(4B) An election conducted at any</i></p>	<p>Justification:</p> <p>a. These new insertions will assure all party agents that electoral documents have not been tampered with and also prevent monopoly of control of election at the polling unit by any dominant party.</p> <p>b. The attachment of criminal sanction to the exclusion of other parties from the election is a deterrence for the Commission’s staff – and this is particularly significant in view of the expected greater attention to</p>

			<p><i>polling unit in violation of subsections (3), (4), (4A) or (5) of this section this of this section shall be invalid.</i></p> <p><i>(4C) A Presiding Officer who contravenes subsections (3), (4), (4A) or (5) of this section commits an offence and shall be liable, on conviction, to at least one (1) year imprisonment or a fine of N1,000,000, or both."</i></p>	<p>such issues from the proposed Election Offences Commission.</p> <p>c. Also, recording of the election process will provide electronic evidence to checkmate electoral irregularities and for the prosecution of alleged electoral offenders.</p>
9.			<p>Section 44 of the Principal Act is amended by inserting after subsection (2), new subsections "(3)", "(4)" and "(5)" respectively, as follows:</p> <p><i>"(3) The Commission shall, not later than 20 days to an election, invite in writing, a political party that nominated a candidate in the election to inspect its identity appearing on samples of relevant electoral materials proposed for the election; and the political party shall state in writing within 2 days of being so invited by the Commission that it approves or disapproves of its identity as it appears on the samples.</i></p> <p><i>(4) Unless the political party disapproves of its identity under subsection (3) of this section, it shall not complain of unlawful exclusion from the election under this Act in relation to</i></p>	<p>Justification: These insertions are intended to reduce election petitions/rerun elections predicated on unlawful exclusion due to the Commission's omission or misstatement of parties' identities on election materials, names and logos especially.</p>

			<p><i>its identity appearing on electoral materials used for the election.</i></p> <p><i>(5) A political party that fails to comply with an invitation by the Commission under subsection (3) of this section shall be deemed to have approved its identity on samples of electoral materials proposed to be used for an election."</i></p>	
10.	<p>49. (1) Any 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.</p> <p>(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</p>	<p>2. (SB. 231) Section 49 of the Principal Act is amended by inserting a paragraph (a) as follows:</p> <p>"49 (i) (a) the Electoral Presiding officer shall accredit every voter the accreditation process shall comprise verification of voters using the card reader. Checking of the register of voters and linking of the outside of the specified finger."</p>	<p>Substitute for Section 49 of the Principal Act a new Section "49", as follows:</p> <p><i>"49. Accreditation of Voters, Transmission of accreditation data, Issuance of ballot papers to voters, etc</i></p> <p><i>(1) A person intending to vote in an election shall present himself with his voter's card to a Presiding Officer for accreditation at the polling unit in the constituency in which his name is registered.</i></p> <p><i>(2) The Presiding Officer shall use a Smart Card Reader or any other technological device that may be prescribed by the Commission from time to time for the accreditation of voters, to verify, confirm or authenticate -</i></p> <p><i>(a) the genuineness or otherwise of the voter's card;</i></p> <p><i>(b) that the voter's card presented by</i></p>	<p>Justification:</p> <p>This substitution –</p> <p>a. gives solid legal footing and clarity to the Commission's introduction of Smart Card Readers for accreditation of voters during elections;</p> <p>b. makes room for introduction of other election devices by the Commission, as may be necessary, in the future;</p> <p>c. makes allowance for the likelihood of failure of Card Readers and mandates the Commission to remedy such a situation if it is substantial above 10%;</p>

	<p>indicate on the Register that the person has voted.</p>	<p><i>the voter is registered at the polling unit in the constituency in which the card is presented;</i></p> <p><i>(c) the biometric connection or otherwise of the intending voter with the voter’s card; and</i></p> <p><i>(d) the number of duly accredited voters in the polling unit.</i></p> <p><i>(3) An intending voter shall not be accredited to vote in an election if the voter’s card presented by him to the Presiding Officer is not -</i></p> <p><i>(a) a genuine voter’s card issued by the Commission to the intending voter;</i></p> <p><i>(b) registered at the polling unit in the constituency in which the card is presented, and</i></p> <p><i>(c) biometrically connected to the intending voter.</i></p> <p><i>(4) Notwithstanding paragraph (3) (c) of this section, if the card reader fails the Presiding Officer on being satisfied that an intending voter is the owner of the voter’s card, may accredit the intending voter to vote in the election:</i></p> <p><i>PROVIDED that where the number of unaccredited voters under this</i></p>	<p>d. makes it almost impossible for people to vote outside polling units where they are registered to vote;</p> <p>e. provides sanctions for violating the sanctity of the accreditation process – being the very fulcrum of the election process itself.</p>
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		<p>subsection exceeds ten percent (10%) of the total number of registered voters in the polling unit, the Commission shall suspend the election in that unit and comply with subsection (3) (c) of this section at a later date, if the result of the election at that polling unit may affect the overall result in the Constituency.</p> <p>(5) The Commission shall continue the conduct of an election suspended under subsection (4) of this section within 7 days of the suspension if the result of the election at that polling unit may affect the overall result in the Constituency:</p> <p>PROVIDED that the Commission shall comply with subsection (3) (c) of this section.</p> <p>(6) Subject to subsections (1), (2), (3) and (4) of this section, the Presiding Officer shall, upon confirming that the intending voter's name is on the Register of Voters, issue him with a ballot paper and record by ticking on the Register of Voters that the intending voter, having been accredited, received a ballot paper to vote in the particular election.</p> <p>(7) The number of intending voters whose names are ticked for</p>	
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			<p>accreditation on the Register of Voters under subsection (6) of this section shall not be inconsistent with the number of intending voters accredited under subsections (3) and (4) of this section.</p> <p>(8) At the end of accreditation of voters, the Presiding Officer shall instantly transmit the total number of intending voters accredited to vote with all other voter accreditation data captured under subsection (3) and (4) of this section by secured mobile electronic communication to the:</p> <p>(a) collation center at each level of collation of results to which the polling unit belongs in the constituency where the election is held; and</p> <p>(b) central database of the Commission kept at the National Headquarter of the Commission:</p> <p>PROVIDED that the Presiding Officer shall first record the total number of intending voters accredited to vote, with other relevant voter accreditation data from the polling unit, in forms or electoral documents as shall be prescribed by the Commission for this purpose from time to time and provide duly signed copies to Polling Agents.</p> <p>(9) In respect of data of accreditation of</p>	
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			<p>voters, including polling unit results, for a particular election, the Presiding Officer shall not shut down its central database kept at its National Headquarter, until all election petitions and appeals pertaining to that election are heard and determined by the Tribunal or Court, as the case may be.</p> <p>(10) Notwithstanding any provision to the contrary in this Act, a report issued by the Presiding Officer and certified by a designated official in the National Headquarter of the Commission showing the number of voters accredited under subsections (3) and (4) of this section shall be the conclusive record of accreditation of voters in an election.</p> <p>(11) The result of an election in a polling unit shall be declared invalid, null and void either by the Commission or Tribunal or Court, as the case may be, if, –</p> <p>(a) in the case of the Commission, there is no record of accreditation directly from the Smart Card Reader or any technological device used by the Commission in that polling unit for accreditation of voters, or</p> <p>(b) in the case of the Tribunal or Court, there is no certified report of accreditation issued by the Commission</p>	
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			<p><i>under subsection (11) of this section.</i></p> <p><i>(12) A Presiding Officer who intentionally contravenes any provision of this section that applies to him shall be guilty of an offence and shall be liable, on conviction, to imprisonment for at least 5 years, without an option of fine."</i></p>	
11.	52. (1) (a) Voting at an election under this Act shall be by open secret ballot.		<p>Section 52 of the principal Act is amended by:</p> <p>(a) substituting for subsection (2), a new subsection "(2)", -</p> <p><i>"(2) The Commission shall adopt electronic voting in all elections or any other method of voting as may be determined by the Commission from time to time."</i></p>	<p>Justification: This amendment mandates e-voting without ambiguity but also give the Commission discretion to use other methods if it is impracticable to use e-voting in any election.</p>
12.	53. (2) Where the votes cast at an election in any polling unit exceeds the number of registered voters in that polling unit, the result of the election for that polling unit shall be declared null		<p>Section 53 (2) of the Principal Act is amended by inserting after the word:</p> <p>(a) "exceeds" in line 1, the word "either"; and</p> <p>(b) "of" in line 2, the words "accredited or".</p>	<p>Justification: This amendment makes 'total number of accredited voters', a determining factor in the validity of votes in an election since total valid votes cast at an election cannot reasonably exceed total number of accredited voters.</p>

	<p>and void by the Commission and another election may be conducted at a date to be fixed by the Commission where the result at that polling unit may affect the overall result in the Constituency.</p>			
<p>13.</p>	<p>63. (4) The Presiding Officer shall count and announce the result at the Polling unit.</p>		<p>Section 63 of the Principal Act is amended by:</p> <p>(a) substituting for subsection (4), a new subsection (4), as follows:</p> <p><i>“(4) Except electronic voting is adopted by the Commission and does not permit manual counting of votes, the Presiding Officer shall count the votes and announce the result at the polling unit and, instantly thereafter, transmit the votes and result of the election in the polling unit by secured mobile electronic communication to the:</i></p> <p><i>(a) collation center at each level of collation of results to which the polling unit belongs in the constituency where</i></p>	<p>Justification:</p> <p>a. Electronic transmission of results, as proposed, will checkmate falsification of results.</p> <p>b. Recording of happenings in polling units will limit incidences of malpractices, as such recording may be used as evidence from proper custody in relation to electronic evidence under sections 84 and 258 of the Evidence Act,</p>

			<p><i>the election is held; and</i></p> <p><i>(b) central database of the Commission kept at the National Headquarter of the Commission:</i></p> <p><i>PROVIDED that the Presiding Officer shall first record the votes and result in forms or electoral documents as shall be prescribed by the Commission for this purpose from time to time and such copies given to party agents.”;and</i></p> <p>(b) by inserting after subsection (4), a new subsection “(5)”, as follows:</p> <p><i>“(5) The process and procedure in subsections (1) to (4) may be recorded by any member of the public, party agent, accredited observer or official of the Commission.”</i></p> <p>(c) by inserting after subsection (5), a new subsection “(6)”, as follows:</p> <p><i>“(6) A Presiding Officer who intentionally contravenes any provision of this section shall be guilty of an offence and shall be liable, on conviction, to imprisonment for at least 5 years, without an option of fine.”</i></p>	<p>2011.</p>
<p>14.</p>			<p>Insert after section 65, a new section 65A:</p>	<p>Justification: This new insertion</p>

			<p>“National Electronic Register of Election Results</p> <p>“65A. (1) The Commission shall compile, maintain and update on a continuous basis, a Register of Election Results to be known as the National Electronic Register of Election Results which shall be a distinct database or repository of polling unit by polling results, including collated election results, of each election conducted by the Commission in the Federation, and the Register of Election Results shall be kept in electronic format by the Commission at its National Headquarter.</p> <p>(2) Any person or political party may obtain from the Commission, on payment of such fees as may be determined by the Commission, a certified true copy of any election result kept in the National Electronic Register of Election Results for a State, Local Government, Area Council, Ward or Polling Unit, as the case may be and the certified true copy may be in printed or electronic format.”</p>	<p>creates a new National Electronic Register of Election Results for proper digital archiving and ease of access to results.</p>
15.			<p>Insert after section 67, a new section 67A:</p> <p>“Verification and confirmation of results</p> <p>67A. (1) A Collation Officer or Returning Officer at an election shall collate and</p>	<p>Justification: This amendment is to enhance the integrity of the process of reaching the final result of an election and its breach</p>

		<p>announce the result of an election, subject to his verification and confirmation that the:</p> <p>(a) number of accredited voters stated on the collated result are correct and consistent with the number of accredited voters recorded and transmitted directly from polling units under section 49(8) of this Act; and</p> <p>(b) the votes stated on the collated result are correct and consistent with the votes or results recorded and transmitted directly from polling units under section 63(4) of this Act.</p> <p>(2) Subject to subsection (1) of this section, a Collation Officer or Returning Officer shall use the number of accredited voters recorded and transmitted directly from polling units under section 49(8) of this Act and the votes or results recorded and transmitted directly from polling units under section 63(4) of this Act to collate and announce the result of an election if a collated result at his or a lower level of collation is not correct.</p> <p>(3) Where during collation of results, there is a dispute regarding a collated result or the result of an election from any polling unit, the Collation Officer or</p>	<p>attracts a criminal sanction.</p>
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			<p>Returning Officer shall use the following to determine the correctness of the disputed result:</p> <p>(a) the original of the disputed collated result or result for each polling unit where the election is disputed;</p> <p>(b) the Smart Card Reader or other technological device used for accreditation of voters in each polling unit where the election is disputed for the purpose of obtaining accreditation data directly from the Smart Card Reader or technological device;</p> <p>(c) data of accreditation recorded and transmitted directly from each polling unit where the election is disputed, as prescribed under section 49 (8) of this Act; and</p> <p>(d) the votes and result of the election recorded and transmitted directly from each polling unit where the election is disputed, as prescribed under section 63(4) of this Act.</p> <p>(4) If the disputed result under subsection (3) were otherwise found not to be correct, the Collation Officer or Returning Officer shall re-collate and announce a new result using the</p>	
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			<p>information in subsection (3)(a), (b), (c) and (d) of this section.</p> <p>(5) Where the dispute under subsection (3) of this section arose at the final level of collation and the Returning Officer has satisfied the provision of subsection (3) of this section, the Returning Officer shall accordingly declare the winner of the election.</p> <p>(6) A Returning Officer or Collation Officer, as the case may be, who wilfully and knowingly contravenes a provision of this section that applies to him shall be guilty of an offence if the results he collated or announced are false and he shall be liable, on conviction, to at least 5 years' imprisonment, without an option of a fine."</p>	
16.			<p>Insert after section 76, a new section "76A", as follows:</p> <p>"Recording of details of electoral materials</p> <p>76A. (1) An election conducted at a polling unit without the prior recording in the forms prescribed by the Commission of the quantity, serial numbers and other particulars of results sheets, ballot papers and other sensitive electoral materials made available by</p>	<p>Justification: This new insertion will enhance accountability and tracing of the movement of electoral materials as a result of proper documentation of identities of the materials.</p>

			<p><i>the Commission for the conduct of the election shall be invalid.</i></p> <p><i>(2) A Presiding Officer who wilfully and knowingly announces or signs any election result in violation of subsection (1) of this section is guilty of an offence and shall be liable, on conviction, to imprisonment for at least one (1) year without an option of fine."</i></p>	
17.	78. (5) An association which, through the submission of false or misleading information pursuant to the provisions of this section, procures a certificate of registration shall have such certificate cancelled.	5. (SB. 234) Section 78(5) of the Principal Act is amended by after the word "cancelled" by inserting the words "and the said Association shall, on account of such false or misleading information, commits an offence and shall be liable on conviction to a fine of N1,000,000 and the executives of the said Association shall be imprisoned for a period not exceeding 2 months.	<p>Section 78(5) of the Principal Act is amended by inserting after the word "cancelled" in line 3, the words "and the Association and each of its executives or principal officers shall, on account of such false or misleading information, be guilty of an offence and be liable, on conviction, -</p> <p><i>(a) in the case of the Association, to a fine of N5,000,000; and</i></p> <p><i>(b) in the case of each executive or principal officer of the Association, to imprisonment for at least 6 months or a fine of N1,000,000 or both."</i></p>	Justification: This amendment would make promoters of political associations seeking to be registered as political parties to ensure full compliance with lawful registration requirements.
18.	87. (1) A political party seeking to nominate	6. (SB. 234) The Principal Act is amended, in section 87 by inserting a new	Substitute for section 87 of the Principal Act a new section "87" as follows:	Justification: a. This amendment guarantees an all-inclusive primaries

<p>candidates for elections under this Act shall hold primaries for aspirants to all elective positions.</p> <p>(2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct or indirect primaries.</p> <p>(3) A political party that adopts the direct primaries procedure shall ensure that all aspirants are given equal opportunity of being voted for by members of the party.</p> <p>(4) A political party that adopts the system of</p>	<p>subsection "(9) (a)" after the existing subsection (9) – "(9)(a) Where a primary election is conducted, and duly attended and certified by the Commission in compliance with this Act, and the result is subsequently changed or altered by a political party, the Commission shall have the power to overrule the alteration made by the political party and uphold such primaries.</p>	<p>"87. Nomination of Candidates by Parties</p> <p>(1) A political party seeking to nominate candidates for elections under this Act shall hold direct or indirect primaries for aspirants to all elective positions, which shall be monitored by the Commission and the result of every primary to elect candidates for an election to be conducted by the Commission shall be endorsed or certified by the Commission.</p> <p>(2) A political party shall not impose nomination qualification or disqualification criteria, measures, or conditions on any aspirant or candidate for any election in its constitution, guidelines, or rules for nomination of candidates for elections, except as prescribed under sections 65, 66, 106, 107, 131, 137, 177 and 187 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).</p> <p>(3) For the purpose of nomination of candidates for election, the total fees, charges, dues and any payment howsoever named imposed by a political party on an aspirant or candidate shall not exceed:</p>	<p>process for members of a political party.</p> <p>b. It will forestall systemic control of parties' primaries processes by a select few.</p> <p>c. It will limit internal party crises arising from exclusion of candidates or manipulation of processes leading to the emergence of delegates for congresses under the indirect primaries system.</p>
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<p>indirect primaries for the choice of its candidate shall adopt the procedure outlined below:</p> <p>(a) In the case of nominations to the position of Presidential candidate, a party shall,</p> <p>(i) hold a special presidential convention in the Federal Capital Territory or any other place within the Federation that is agreed by the National Executive Committee of the party where delegates shall vote for each of the aspirants at the designated centre; and</p> <p>(ii) the aspirant with the highest number of votes at the end of</p>		<p>(i) One Hundred and Fifty Thousand Naira (N150,000) for a Ward Councillorship aspirant in the FCT;</p> <p>(ii) Two Hundred and Fifty Thousand Naira (N250,000) for an Area Council Chairmanship aspirant in the FCT;</p> <p>(iii) Five Hundred Thousand Naira (N500,000) for a House of Assembly aspirant;</p> <p>(iv) One Million Naira (N1,000,000) for a House of Representatives aspirant;</p> <p>(v) Two Million Naira (N2,000,000) for a Senatorial aspirant;</p> <p>(vi) Five Million naira (N5,000,000) for a Governorship aspirant; and</p> <p>(vii) Ten Million Naira (N10,000,000) for a Presidential aspirant.</p> <p>(4) Any requirement, criteria, measures, or conditions for the nomination of candidates for elections outside the provisions of subsections (2) or (3) of this section shall be invalid, null, void and of no effect whatsoever.</p> <p>(5) Every political party shall publish the venues, dates, times, guidelines,</p>	
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<p>voting shall be declared the winner of the Presidential primaries of the political party and the aspirant name shall be forwarded to the Independent National Electoral Commission as the candidate of the party</p> <p>(b) In the case of nomination to the position of Governorship candidate, a political party shall, where it intend to sponsor candidates:</p> <p>(i) hold a special congress in the state capital with delegates voting for each of the aspirants at the congress to be held on a specified date</p>		<p><i>procedures and other relevant information of its primaries, conventions or any event conveyed for the purpose of nominating candidates for the party in, at least, two (2) national newspapers and, at least, ten (10) days before the date of the event to nominate candidates for the party except for rescheduled primaries for which two (2) days would be required.</i></p> <p><i>Direct Primaries</i></p> <p><i>(6) A political party that adopts the system of direct primaries for the nomination of its candidate(s) for an election shall ensure that all aspirants are given equal opportunity of being voted for by registered members of the party and comply with the procedure outline below –</i></p> <p><i>(a) in the case of nominations to the position of Presidential candidate in a Presidential election, a political party shall, where it intends to sponsor a candidate:</i></p> <p><i>(i) conduct direct primaries in the registration areas in the 36 States of the Federation and the FCT where all registered members of the party shall be eligible to vote and may freely vote for any Presidential</i></p>	
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<p>appointed by the National Executive Committee (NEC) of the party; and</p> <p>(ii) The aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and aspirant's name shall be forwarded to the Commission as the candidate of the party, for the particular State.</p> <p>(c) In the case of nomination to the position of a candidate to the Senate, House of Representatives and State House of Assembly a political party shall, where it</p>		<p><i>aspirant of their choice;</i></p> <p><i>(ii) declare the Presidential Aspirant with the highest number of valid votes cast during the primaries across the 36 States of the Federation and the FCT as the winner of the Presidential primaries;</i></p> <p><i>(iii) hold a National Convention where it shall present the winner of the primaries to the public as the Presidential candidate of the party; and</i></p> <p><i>(iv) forward the name of the winner of the Presidential primaries to the Commission as the Presidential candidate of the party in the Presidential election.</i></p> <p><i>(b) in the case of nomination to the position of Governorship candidate in a Governorship election in a State, a political party shall, where it intends to sponsor a candidate:</i></p> <p><i>(i) conduct direct primaries in the registration areas in each Local Government Area in the particular State where all registered members of the party in the State shall be eligible to vote and may freely vote for any Governorship aspirant of</i></p>	
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<p>intends to sponsor candidates:</p> <p>(i) hold special congresses in the Senatorial District, Federal Constituency and the State assembly constituency respectively, with delegates voting for each of the aspirants in designated centre on specified dates.</p> <p>(ii) The aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party.</p> <p>(d) In the case of the position</p>		<p><i>their choice;</i></p> <p><i>(ii) declare the Governorship aspirant with the highest number of valid votes cast in all Local Government Areas in the particular State as the winner of the Governorship primaries in the State;</i></p> <p><i>(iii) hold a State Congress where it shall present the winner of the Governorship primaries to the public as the Governorship Candidate of the party in the Governorship election; and</i></p> <p><i>(iv) forward the name of the winner of the primaries to the Commission as the Governorship candidate of the party in the election for the State.</i></p> <p><i>(c) in the case of nominations to the position of Senatorial candidate, House of Representatives candidate and State House of Assembly candidate for a Senatorial District, a Federal Constituency and a State House Constituency respectively, a political party shall, where it intends to sponsor candidates in elections for these elective positions,:</i></p> <p><i>(i) conduct direct primaries in the registration areas in each Local Government Area in the Senatorial</i></p>	
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<p>of a Chairmanship candidate of an Area council a political party shall, where it intends to sponsor candidates:</p> <p>(i) hold special congresses in the Area Councils, with delegates voting for each of the aspirants at designated centres on a specified date, and</p> <p>(ii) The aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party.</p>		<p><i>District where all registered members of the party in the Senatorial District shall be eligible to vote and may freely vote for any Senatorial aspirant of their choice;</i></p> <p><i>(ii) conduct direct primaries in the registration areas in each Local Government Area in the Federal Constituency where all registered members of the party in the Federal Constituency shall be eligible to vote and may freely vote for any House of Representatives aspirant of their choice;</i></p> <p><i>(iii) conduct direct primaries in the registration areas in each Local Government Area in the State Assembly Constituency where all registered members of the party in the State Assembly Constituency shall be eligible to vote and may freely vote for any State House of Assembly aspirant of their choice;</i></p> <p><i>(iv) subject to sub-paragraph (i) of this paragraph, declare the Senatorial aspirant with the highest number of valid votes cast in all Local Government Areas in the particular Senatorial District as the winner of the primaries in the Senatorial District and forward the name of the winner to the Commission as the</i></p>	
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<p>(5) In the case of a councillorship candidate, the procedure for the nomination of the candidate shall be by direct primaries in the ward and the name of the candidate with the highest number of votes shall be submitted to the commission as the candidate of the party.</p> <p>(6) Where there is only one aspirant in a political party for any of the elective positions mentioned in paragraph (4)(a), (b), (c) and (d), the party shall convene a special convention or</p>		<p>Senatorial candidate of the party in the election for the Senatorial District;</p> <p>(v) subject to sub-paragraph (ii) of this paragraph, declare the House of Representatives aspirant with the highest number of votes in all Local Government Areas in the Federal Constituency as the winner of the primaries in the Federal Constituency and forward the name of the winner to the Commission as the House of Representatives candidate of the party in the election for the Federal Constituency; and</p> <p>(vi) subject to sub-paragraph (iii) of this paragraph, declare the State House of Assembly Aspirant with the highest number of votes in all Local Government Areas in the House of Assembly Constituency as the winner of the primaries in the House of Assembly Constituency and forward the name of the winner to the Commission as the State House of Assembly Candidate of the party in the election for the State Assembly Constituency.</p> <p>(d) in the case of the position of a Chairmanship candidate of an Area Council in the Federal Capital</p>	
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<p>congress at a designated centre on a specified date for the confirmation of such aspirant and the name of the aspirant shall be forwarded to the commission as the candidate of the party.</p> <p>(7) A political party that adopts the system of indirect primaries for the choice of its candidate shall clearly outline in its constitution and rules the procedure for the democratic election of delegates to vote at the convention, congress or meeting, in addition to</p>		<p><i>Territory, a political party shall, where it intends to sponsor a candidate:</i></p> <p><i>(i) conduct direct primaries in the registration areas in the Area Council, where all registered members of the party in the Area Council shall be eligible to vote and may vote for any Chairmanship aspirant of their choice;</i></p> <p><i>(ii) declare the Chairmanship aspirant with the highest number of votes in all registration areas in the Area Council as the winner of the Chairmanship primaries in the Area Council and forward the name of the winner of the Chairmanship primaries to the Commission as the Chairmanship candidate of the party in the election for the Area Council.</i></p> <p><i>Indirect Primaries</i></p> <p><i>(7) A Political Party that adopts the system of indirect primaries for the nomination of its candidates for elections shall have both Statutory Delegates and Ad-hoc Delegates who, subject to the provisions of this Act, shall be the only delegates eligible to vote in the Party's indirect primaries, and for the purpose of indirect</i></p>	
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<p>delegates already prescribed in the constitution of the party.</p> <p>(8) A political appointee at any level shall not be an automatic voting delegate at the Convention or Congress of any political party for the purpose of nomination of candidates for any election, except where such a political appointee is also an officer of a political party.</p> <p>(9) Notwithstanding the provisions of the Act or rules of a political party, an aspirant who complains that any of the provisions of</p>		<p>primaries, -</p> <p>(a) Ad-hoc Delegates shall be registered members of the Party elected at Ad-Hoc Delegates Elections conducted by the Party in accordance with subsection (8) of this section;</p> <p>(b) Statutory Delegates are elected officials of the Party and elected government functionaries identified and listed in subsection (9) of this section; and</p> <p>(c) an Ad-Hoc Delegates Election is an intra-party election conducted by the Party under subsection (8) of this section to elect the Party’s ad-hoc delegates and this election shall, except for a delegates election or primaries in respect of Local Government Council Chairmanship and Ward Councillorship offices in a State of the Federation under subsection (13) of this section, be monitored by the Commission and the result of the Ad-hoc Delegate Election shall be endorsed or certified by the Commission for the correctness and validity of what it states.</p>	
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<p>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.</p> <p>(10) Nothing in this section shall empower the Courts to stop the holding of primaries or general election under this Act pending the determination of the suit.</p>		<p style="text-align: center;">Election of Ad-hoc Delegates</p> <p>(8) Ad-hoc Delegates to a Political Party's indirect primaries shall be elected in Ad-hoc Delegates Elections at –</p> <p>(a) Ward Congresses which shall be held by the Party in every Ward in the Local Government Areas in the States of the Federation and the FCT, Abuja and where all registered members of the Party in a Ward shall be exclusively eligible to elect Five (5) Ad-hoc Ward Delegates (at least One (1) of whom, except otherwise impracticable, shall be a woman) who, being registered members of the party in that Ward and not delegates already under this Act, presented themselves to be voted for as Ad-hoc Ward Delegates of the Party in that Ward;</p> <p>(b) Local Government Congresses, where Ad-hoc Ward Delegates elected in every Ward in a Local Government Area under paragraph (a) of this subsection shall be exclusively eligible to elect in and for that Local Government Area –</p> <p>(i) Three (3) Ad-hoc Local</p>	
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			<p><i>Government Delegates per ward (at least one (1) of whom, except otherwise impracticable, shall be a woman) who, being registered members of the party in that ward and not delegates already under this Act, presented themselves to be voted for as Ad-hoc Local Government Delegates of the Party in that Local Government Area,</i></p> <p><i>(ii) Five (5) Ad-hoc State/FCT Delegates (at least One (1) of whom, except otherwise impracticable, shall be a woman) who, being registered members of the party in that Local Government Area and not delegates already under this Act, presented themselves to be voted for as Ad-hoc State/FCT Delegates of the Party in that Local Government Area,</i></p> <p><i>PROVIDED that the total number of Ad-hoc State/FCT Delegates elected from a Ward shall not be more than One (1); and</i></p>	
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(iii) Five (5) Ad-hoc National Delegates (at least One (1) of whom, except otherwise impracticable, shall be a woman) who, being registered members of the party in that Local Government Area and not delegates already under this Act, presented themselves to be voted for as Ad-hoc National Delegates of the Party in that Local Government Area,

PROVIDED that the total number of Ad-hoc National Delegates elected from a Ward shall not be more than One (1).

Delegates to Nominate Party's Candidates for Elections in Indirect Primaries

(9) The Statutory and Ad-hoc Delegates identified and listed in each paragraph hereunder for each type of election in this subsection shall be exclusively eligible to vote in a Political Party's indirect primaries to nominate the party's candidate for that election.

(a) Delegates to Nominate Presidential

			<p>Candidate</p> <p><i>For the purpose of a Presidential Election, the Statutory and Ad-hoc Delegates listed hereunder shall be exclusively eligible to nominate the Presidential Candidate of a Political Party at the Presidential Indirect Primaries or Special National Convention of the Party convened in the FCT Abuja or the capital of a State of the Federation mainly for that purpose:</i></p> <p><i>Statutory Delegates</i></p> <p><i>(i) Serving members of the Board of Trustees of the Party;</i></p> <p><i>(ii) Elected serving members of the National Executive Committee of the Party;</i></p> <p><i>(iii) Elected serving members of the Zonal Executive Committees of the Party;</i></p> <p><i>(iv) Elected serving and past Presidents and Vice Presidents of the Federation who are members of the Party;</i></p>	
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			<p>(v) <i>Elected Serving and past Governors and Deputy Governors of States of the Federation who are members of the Party;</i></p> <p>(vi) <i>Elected Serving Senators and former members of the Senate who are members of the Party;</i></p> <p>(vii) <i>Elected Serving Members and former members of the House of Representatives who are members of the Party;</i></p> <p>(viii) <i>Elected Serving Presiding and Principal Officers of States' Houses of Assembly who are members of the Party;</i></p> <p>(ix) <i>Elected serving Chairmen, Secretaries, Treasurers, Women Leaders and Youth Leaders of State Executive Committees of the Party, including those of the FCT, Abuja;</i></p> <p>(x) <i>Elected serving Chairmen and Secretaries of Local Government Executive Committees of the Party</i></p>	
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			<p><i>in the Federation;</i></p> <p><i>(xi) Elected serving Local Government Council Chairmen who are members of the Party; and</i></p> <p><i>Ad-hoc Delegates</i></p> <p><i>(xii) Ad-hoc National Delegates (Five [5] per Local Government Area) elected under subsection (8)(b)(iii) of this section at each Local Government Congress held by the Party in every Local Government Area in each State of the Federation and the FCT, Abuja.</i></p> <p><i>(b) Delegates to Nominate Governorship Candidate</i></p> <p><i>For the purpose of a Governorship Election in a State of the Federation, the Statutory and Ad-hoc Delegates listed hereunder shall be exclusively eligible to nominate the Governorship Candidate of a Political Party at the Party's State Governorship Indirect Primaries or Special State Congress which shall hold in the capital of that particular State for that purpose:</i></p>	
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			<p>Statutory Delegates</p> <p>(i) Serving members of the Board of Trustees of the Party who are registered members of the Party in that State;</p> <p>(ii) Elected serving members of the National Executive Committee of the Party who are registered members of the Party in that State;</p> <p>(iii) Elected serving members of the Zonal Executive Committees of the party who are registered members of the Party in that State;</p> <p>(iv) Serving and past Presidents and Vice Presidents of the Federation produced by the party and who are still registered members of the Party in that State;</p> <p>(v) Serving and past Governors and Deputy Governors of the State produced by the party and who are still registered members of the Party in that State;</p> <p>(vi) Serving Senators who are registered members of the Party in</p>	
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			<p>that State and former Senators who served on the Party's platform and who are still registered members of the Party in that State;</p> <p>(vii) Serving Members of the House of Representatives who are registered members of the Party in that State and past Members of the House of Representatives who served on the Party's platform and who are still registered members of the Party in that State;</p> <p>(viii) Serving Presiding, Principal Officers and Members of that States House of Assembly, and past Presiding Officers of that State House of Assembly produced by the Party who are still registered members of the Party in that State;</p> <p>(ix) Elected serving members of the State's Executive Committee of the Party;</p> <p>(x) Elected serving Chairmen, Secretaries, Treasurers, Women Leaders and Youth Leaders of Local Government Executive Committees of</p>	
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			<p><i>the Party in that State;</i></p> <p><i>(xi) Elected serving Local Government Council Chairmen produced by the Party and who are still members of the Party in that State;</i></p> <p><i>Ad-hoc Delegates</i></p> <p><i>(xii) Ad-hoc Ward Delegates (Five [5] per Ward) elected under subsection (8)(a) of this section at each Ward Congress held by the Party in every Ward in the Local Government Areas of the States of the Federation;</i></p> <p><i>(xiii) Ad-hoc Local Government Delegates (Three [3] per ward) elected under subsection (8)(b)(i) of this section at each Local Government Congress held by the Party in every Local Government Area in the particular State;</i></p> <p><i>(xiv) Ad-hoc State Delegates (Five [5] per Local Government Area) elected under subsection (8)(b)(ii) of this section at each Local Government Congress held by the Party in every Local Government Area in the particular State; and</i></p>	
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			<p><i>(xv) Ad-hoc National Delegates (Five [5] per Local Government Area) elected under subsection (8)(b)(iii) of this section at each Local Government Congress held by the Party in every Local Government Area in the particular State.</i></p> <p><i>(c) Delegates to Nominate Senatorial Candidate</i></p> <p><i>For the purpose of a Senatorial Election to elect a Senator to represent a Senatorial District in a State of the Federation or the FCT, Abuja in the National Assembly, the Statutory and Ad-hoc Delegates listed hereunder shall be exclusively eligible to nominate the Senatorial Candidate of a Political Party at the Party's Senatorial Indirect Primaries or Senatorial Congress which shall hold in the headquarters of that Senatorial District (as shall be designated by the Commission for that purpose):</i></p> <p><i>Statutory Delegates</i></p> <p><i>(i) Serving members of the Board of</i></p>	
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			<p><i>Trustees of the Party who are registered members of the Party in that Senatorial District;</i></p> <p><i>(ii) Elected serving members of the National Executive Committee who are registered members of the Party in that Senatorial;</i></p> <p><i>(iii) Elected serving members of the Zonal Executive Committees who are registered members of the Party in that Senatorial District;</i></p> <p><i>(iv) Serving and past Presidents and Vice Presidents of the Federation produced by the Party and who are still registered members of the Party in that Senatorial District;</i></p> <p><i>(v) Serving and past Governors and Deputy Governors of the State produced by the Party and who are still registered members of the Party in that Senatorial District;</i></p> <p><i>(vi) Serving Senators who are registered members of the Party in that Senatorial District and former Senators who served on the Party's</i></p>	
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			<p><i>platform and who are still registered members of the Party in that Senatorial District;</i></p> <p><i>(vii) Serving Members of the House of Representatives who are registered members of the Party in that Senatorial District and past Members of the House of Representatives who served on the Party's platform and who are still registered members of the Party in that Senatorial District;</i></p> <p><i>(viii) Serving Presiding and Principal Officers of a State House of Assembly produced by the Party who are still registered members of the Party in that Senatorial District;</i></p> <p><i>(ix) Elected serving Chairman, Secretary, Treasurer, Women Leader and Youths Leader of the Party's State (or FCT, Abuja) Executive Committee who are registered members of the Party in that Senatorial District;</i></p> <p><i>(x) Elected serving Chairmen and Secretaries of Local Government Executive Committees of the Party who are registered members of the</i></p>	
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			<p>Party in that Senatorial District;</p> <p>(xi) Elected serving Local Government Council Chairmen produced by the Party who are still registered members of the Party in that Senatorial District;</p> <p>Ad-hoc Delegates</p> <p>(xii) Ad-hoc Local Government Delegates (Fifty [50] per Local Government Area) elected under subsection (8)(b)(i) of this section at each Local Government Congress held by the Party in every Local Government Area in that Senatorial District;</p> <p>(xiii) Ad-hoc State Delegates (Five [5] per Local Government Area) elected under subsection (8)(b)(ii) of this section at each Local Government Congress held by the Party in every Local Government Area in that Senatorial District; and</p> <p>(xiv) Ad-hoc National Delegates (Five [5] per Local Government Area) elected under subsection (8)(b)(iii)</p>	
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of this section at each Local Government Congress held by the Party in every Local Government Area in that Senatorial District.

(d) Delegates to Nominate House of Representatives Candidate

For the purpose of the election of a Member of the House of Representatives to represent a Federal Constituency in a State of the Federation or the FCT, Abuja in the National Assembly, the Statutory and Ad-hoc Delegates listed hereunder shall be exclusively eligible to nominate the House of Representatives Candidate of a Political Party at the Party's House of Representatives Indirect Primaries which shall hold in the headquarters of that Federal Constituency (as shall be designated by the Commission for that purpose):

Statutory Delegates

(i) Serving members of the Board of Trustees of the Party who are registered members of the Party in that Federal Constituency;

			<p><i>(ii) Elected serving members of the National Executive Committee of the Party who are registered members of the Party in that Federal Constituency;</i></p> <p><i>(iii) Elected serving members of the Zonal Executive Committees of the Party who are registered members of the Party in that Federal Constituency;</i></p> <p><i>(iv) Serving and past Presidents and Vice Presidents of the Federation produced by the Party and who are still members of the Party in that Federal Constituency;</i></p> <p><i>(v) Serving and past Governors and Deputy Governors of the State produced by the Party and who are still members of the Party in that Federal Constituency;</i></p> <p><i>(vi) Serving Senators who are registered members of the Party in that Federal Constituency and former Senators who served on the Party's platform and who are still registered members of the Party in</i></p>	
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			<p>that Federal Constituency;</p> <p>(vii) Serving Members of the House of Representatives who are registered members of the Party in that Federal Constituency and past Members of the House of Representatives who served on the Party's platform and who are still registered members of the Party in that Federal Constituency;</p> <p>(viii) Serving Presiding and Principal Officers of a State House of Assembly produced by the Party who are still registered members of the Party in that Federal Constituency;</p> <p>(ix) Elected serving Chairman, Secretary, Treasurer, Women Leader and Youths Leader of the Party's State (or FCT, Abuja) Executive Committee who are registered members of the Party in that Federal Constituency;</p> <p>(x) Elected serving Chairmen, Secretaries, Treasurers, Women Leaders and Youths Leaders of Local</p>	
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			<p>Government Executive Committees of the Party who are registered members of the Party in that Federal Constituency;</p> <p>(xi) Elected serving Local Government Council Chairmen produced by the Party and who are still registered members of the Party in that Federal Constituency;</p> <p>Ad-hoc Delegates</p> <p>(xii) Ad-hoc Local Government Delegates (Fifty [50] per Local Government Area) elected under subsection (8)(b)(i) of this section at each Local Government Congress held by the Party in every Local Government Area in that Federal Constituency;</p> <p>(xiii) Ad-hoc State Delegates (Five [5] per Local Government Area) elected under subsection (8)(b)(ii) of this section at each Local Government Congress held by the Party in every Local Government Area in that Federal Constituency; and</p>	
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			<p><i>(xiv) Ad-hoc National Delegates (Five [5] per Local Government Area) elected under subsection (8)(b)(iii) of this section at each Local Government Congress held by the Party in every Local Government Area in that Federal Constituency.</i></p> <p><i>(e) Delegates to Nominate House of Assembly Candidate</i></p> <p><i>For the purpose of the election of a Member of a State House of Assembly to represent a State Constituency in a State of the Federation, the Statutory and Ad-hoc Delegates listed hereunder shall be exclusively eligible to nominate the House of Assembly Candidate of a Political Party at the Party's House of Assembly Indirect Primaries which shall hold in that State Constituency:</i></p> <p><i>Statutory Delegates</i></p> <p><i>(i) Serving members of the Board of Trustees of the Party who are registered members of the Party in that State Constituency;</i></p>	
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			<p><i>(ii) Elected serving members of the National Executive Committee of the party who are registered members of the Party in that State Constituency;</i></p> <p><i>(iii) Elected serving members of the Zonal Executive Committees of the party who are registered members of the Party in that State Constituency;</i></p> <p><i>(iv) Serving and past Presidents and Vice Presidents of the Federation produced by the Party and who are still registered members of the Party in that State Constituency;</i></p> <p><i>(v) Serving and past Governors and Deputy Governors of a State produced by the Party and who are still registered members of the Party in that State Constituency;</i></p> <p><i>(vi) Serving Senators who are registered members of the Party in that State Constituency and former Senators who served on the Party's platform and who are still registered</i></p>	
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			<p>members of the Party in that State Constituency;</p> <p>(vii) Serving Members of the House of Representatives who are registered members of the Party in that State Constituency and past Members of the House of Representatives who served on the Party's platform and who are still registered members of the Party in that State Constituency;</p> <p>(viii) Serving and past members of a State House of Assembly produced by the Party and who are still registered members of the Party in that State Constituency;</p> <p>(ix) Elected serving members of the Party's State Executive Committee who are registered members of the Party in that State Constituency;</p> <p>(x) Elected serving members of the Party's Local Government Executive Committee who are registered members of the Party in that State Constituency;</p> <p>(xi) Elected serving members of a Ward</p>	
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			<p>Executive Committee of the Party who are registered members of the Party in that State Constituency;</p> <p>(xii) Elected serving Local Government Council Chairman and Vice Chairman produced by the Party and who are still registered members of the Party in that State Constituency;</p> <p>(xiii) Elected Ward Councillors produced by the Party and who are still registered members of the Party in that State Constituency; and</p> <p>Ad-hoc Delegates</p> <p>(xiv) Ad-hoc Ward Delegates (Five [5] per Ward) elected under subsection (8)(a) of this section at any Ward Congress held by the Party in that State Constituency.</p> <p>(xv) Ad-hoc Local Government Delegates elected under subsection (8)(b)(i) of this section from that State Constituency at Local Government Congress of the Party held in the Local Government Area to which that State Constituency</p>	
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			<p><i>belongs;</i></p> <p><i>(xvi) Ad-hoc State Delegates elected under subsection (8)(b)(ii) of this section from that State Constituency at Local Government Congress of the Party held in the Local Government Area to which that State Constituency belongs; and</i></p> <p><i>(xvii) Ad-hoc National Delegates elected under subsection (8)(b)(iii) of this section from that State Constituency at Local Government Congress of the Party held in the Local Government Area to which that State Constituency belongs.</i></p> <p><i>(f) Delegates to Nominate Local Government Area Chairmanship Candidate</i></p> <p><i>For the purpose of a Local Government Council Chairman Election, the Statutory and Ad-hoc Delegates listed hereunder shall be exclusively eligible to nominate a Local Government Council Chairmanship Candidate of a Political Party at the Party's Local</i></p>	
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			<p>Government Chairmanship Indirect Primaries which shall hold in that Local Government Area headquarters:</p> <p>Statutory Delegates</p> <p>(i) Serving members of the Board of Trustees of the Party who are registered members of the Party in that Local Government Area;</p> <p>(ii) Elected serving members of the National Executive Committee of the Party who are registered members of the Party in that Local Government Area;</p> <p>(iii) Elected serving members of the Zonal Executive Committees of the Party who are registered members of the Party in that Local Government Area;</p> <p>(iv) Serving and past Presidents and Vice Presidents of the Federation produced by the Party and who are still registered members of the Party in that Local Government Area;</p> <p>(v) Serving and past Governors and</p>	
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			<p><i>Deputy Governors of the State produced by the Party and who are still registered members of the Party in that Local Government Area;</i></p> <p><i>(vi) Serving Senators who are registered members of the Party in that Local Government Area and former Senators who served on the Party's platform and who are still registered members of the Party in that Local Government Area;</i></p> <p><i>(i) Serving Members of the House of Representatives who are registered members of the Party in that Local Government Area and past Members of the House of Representatives who served on the Party's platform and who are still registered members of the Party in that Local Government Area;</i></p> <p><i>(ii) Serving and past members of the State House of Assembly produced by the Party and who are still registered members of the Party in that Local Government Area;</i></p> <p><i>(iii) Elected serving members of a State</i></p>	
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			<p>Executive Committee of the Party who are registered members of the Party in that Local Government Area;</p> <p>(iv) Elected serving members of a Local Government Executive Committee of the Party who are registered members of the Party in that Local Government Area;</p> <p>(v) Elected serving members of a Ward Executive Committee of the Party who are registered members of the Party in that Local Government Area;</p> <p>(vi) Elected serving and past Local Government Council Chairmen and Vice Chairmen produced by the Party and who are still registered members of the Party in that Local Government Area; and</p> <p>Ad-hoc Delegates</p> <p>(vii) Ad-hoc Ward Delegates elected at Ward Congresses in that Local Government Area under subsection (8)(a) of this section.</p> <p>(viii) Ad-hoc Local Government Delegates (Fifty [50] per Local</p>	
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			<p>Government Area) elected under subsection (8)(b)(i) of this section at the Local Government Congress held by the Party in that Local Government Area;</p> <p>(ix) Ad-hoc State Delegates (Five [5] per Local Government Area) elected under subsection (8)(b)(ii) of this section at the Local Government Congress held by the Party in that Local Government Area; and</p> <p>(x) Ad-hoc National Delegates (Five [5] per Local Government Area) elected under subsection (8)(b)(iii) of this section at the Local Government Congress held by the Party in that Local Government Area.</p> <p>Guidelines, Rules, etc on Primaries and Ad-hoc Delegates Election</p> <p>(10) A Political Party that adopts the system of indirect primaries for the nomination of its candidates may outline nomination guidelines, rules and procedures to guarantee free, fair, and credible indirect primaries and Ad-hoc Delegates Elections, but</p>	
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such guidelines, rules and procedures shall not add to, subtract from or otherwise be inconsistent with the provisions of this Act.

**Necessity and Validity of
Ad-hoc Delegates Elections**

(11)

(a) A Political Party that adopts the system of indirect primaries for the nomination of candidates for elections shall not nominate candidates for any election unless it has conducted Ad-hoc Delegates Election to elect its ad-hoc delegates who shall nominate its candidates for the elections, as provided in this Act.

(b) Any Ad-hoc Delegates Election and/or indirect primaries conducted in contravention of or contrary to the provisions of subsections (7), (8), (9), (10) and/or 11(a) of this section shall be invalid, null, void and of no effect whatsoever.

**Time for Electing, Term
of Ad-hoc Delegates**

(12)

(a) A Political Party nominating

			<p><i>candidates by indirect primaries for a general election shall not later than 120 days before the date appointed by the Commission for the general election conduct its Ad-hoc Delegates Elections to elect its Ad-hoc Delegates.</i></p> <p><i>(b) A Political Party nominating candidates by indirect primaries for any election conducted by the Commission other than a general election shall not conduct a fresh Ad-hoc Delegates Election but the same Ad-hoc Delegates who nominated the candidate(s) of the party for the immediate past general election under paragraph (a) of this subsection shall (with Statutory Delegates) be eligible to nominate the party's candidate(s) for that election,</i></p> <p><i>PROVIDED that if more than half of the Ad-hoc Delegates who nominated the Party's candidate in the immediate past general election are no longer members of the party, confirmed dead or otherwise not available, the Party shall conduct</i></p>	
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			<p><i>fresh Ad-hoc Delegates Election(s) and nominate candidates for that election not later than 10 days before the date of the said election.</i></p> <p><i>(c) A Political Party nominating candidates by indirect primaries for a general Local Government Council Chairmanship and Ward Councillorship election conducted by a State Independent Electoral Commission all over a State of the Federation shall conduct its Ad-hoc Delegates Elections to elect its Ad-hoc Delegates not later than 120 days before the date appointed by the State's Independent Electoral Commission for the general Local Government Council Chairmanship and Ward Councillorship election in that State.</i></p> <p><i>(d) A Political Party nominating candidates by indirect primaries for any election conducted by a State Independent Electoral Commission other than a general Local Government Council Chairmanship and Ward Councillorship election conducted by a State Independent</i></p>	
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			<p><i>Electoral Commission all over a State of the Federation shall not conduct a fresh Ad-hoc Delegates Election but the same Ad-hoc Delegates who nominated the candidates of the party for the immediate past general Local Government Council Chairmanship and Ward Councillorship election under paragraph (c) of this subsection shall (with Statutory Delegates) be eligible to nominate the party's candidates for that election,</i></p> <p><i>PROVIDED that if more than half of the Ad-hoc Delegates who nominated the Party's candidate in the immediate past general Local Government Council Chairmanship and Ward Councillorship election held all over the State are no longer members of the Party, confirmed dead or otherwise not available, the Party shall conduct fresh Ad-hoc Delegates Election(s) and nominate candidates for that general Local Government Council Chairmanship and Ward Councillorship election not later than 10 days before the</i></p>	
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			<p><i>date of the said election.</i></p> <p><i>(13) Any Ad-Hoc Delegates Election or primaries held by a Political Party to nominate Local Government Council Chairmanship and Ward Councillorship candidates in a State of the Federation shall be exclusively monitored by the State Independent Electoral Commission in that State and the result of such an Ad-hoc Delegate Election or primaries shall be endorsed or certified by the State Independent Electoral Commission for the correctness and validity of what it states.</i></p> <p><i>Issuance of False Results</i></p> <p><i>(14) Any official of the Commission or a State Independent Electoral Commission who issues, endorses or certifies a false report or result in respect of an Ad-hoc Delegates Election or primaries of a Political Party commits an offence and shall be liable, on conviction, to imprisonment for five (5) years, without an option of a fine.</i></p>	
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			<p style="text-align: center;">Guarantee of Equal Opportunity for Aspirants</p> <p>(15) A Political Party that adopts the system of indirect primaries for the nomination of its candidate(s) for election shall ensure that all aspirants are given equal opportunity of being voted for by Ad-hoc and Statutory delegates of the Party who shall be registered members of the Party as provided in this Act.</p> <p style="text-align: center;">Procedures for Nominating Candidates by Indirect Primaries</p> <p>(16) Subject to subsection (17) of this section, a Political Party nominating candidates for elections by the system of indirect primaries shall adopt the procedure outlined hereunder in paragraph (a) to (f) of this subsection for each type of election.</p> <p style="text-align: center;">Nomination of Presidential Candidate</p> <p>(a) In the case of nominations to the position of Presidential candidate for Presidential Election, a Political Party shall, where it intends to sponsor a candidate, –</p>	
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			<p>(i) hold Presidential primaries or a Special Presidential Convention at a designated centre or place in the FCT, Abuja or the headquarters/capital of a State of the Federation and on a date agreed by the National Executive Committee of the party where both Ad-hoc and Statutory Delegates of the Party identified and listed under sub-section (9)(a) of this section shall be exclusively eligible to freely vote for any presidential aspirant of the Party; and</p> <p>(ii) the presidential aspirant with the highest number of votes at the end of voting shall be declared the winner of the Presidential primaries and the Party shall forward the winner's name to the Commission as the Presidential candidate of the Party for the Presidential Election.</p> <p>Nomination of Governorship Candidate (b) In the case of nominations to the position of Governorship candidate for Governorship Election, a Political</p>	
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			<p>Party shall, where it intends to sponsor a candidate in a State, -</p> <p>(i) hold Governorship primaries or a Special State Congress in a designated centre or place in the State headquarters/capital and on a date agreed by the party where Ad-hoc and Statutory Delegates of the party identified and listed under sub-section (9)(b) of this section shall be exclusively eligible to freely vote for any Governorship aspirant of the party in the State; and</p> <p>(ii) the Governorship aspirant with the highest number of votes at the end of voting shall be declared the winner of the Governorship primaries of the party in the State and the party shall forward the winner's name to the Commission as the candidate of the party for the Governorship Election in that State.</p> <p>Nomination of Senatorial Candidate</p> <p>(c) In the case of nominations to the position of a Senatorial candidate for Senatorial Election, a Political Party shall, where it intends to sponsor a candidate in a Senatorial District, -</p>	
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			<p>(i) hold Senatorial primaries in a designated centre or place in the headquarters of the Senatorial District (and the headquarters shall be designated by the Commission) and on a date agreed by the Party where both Ad-hoc and Statutory delegates of the party identified and listed under subsection (9)(c) of this section shall be exclusively eligible to freely vote for any Senatorial aspirant of the party in the Senatorial District; and</p> <p>(ii) the Senatorial aspirant with the highest number of votes at the end of voting in the Senatorial primaries shall be declared the winner of the Senatorial primaries of the Party for that Senatorial District and the Party shall forward the winner's name to the Commission as the Senatorial candidate of the party for that Senatorial District.</p> <p>Nomination of House of Representatives Candidate</p> <p>(d) In the case of nominations to the position of a House of Representatives candidate for a</p>	
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			<p><i>Federal Constituency Election, a Political Party shall, where it intends to sponsor a candidate in a Federal Constituency, -</i></p> <p><i>(i) hold House of Representatives primaries in a designated centre or place in the headquarters of the Federal Constituency (and the headquarters shall be designated by the Commission) and on a date agreed by the party where both Ad-hoc and Statutory Delegates of the party identified under subsections (9)(d) of this section shall be exclusively eligible to vote for any House of Representatives aspirant of the party in the Federal Constituency; and</i></p> <p><i>(ii) the House of Representatives aspirant with the highest number of votes at the end of voting in the Federal Constituency primaries shall be declared the winner of the primaries of the Party for that Federal Constituency and the Party shall forward the winner's name to the Commission as the House of Representatives candidate of the party for that Federal Constituency.</i></p>	
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Nomination of House of Assembly Candidate

(e) In the case of nomination to the position of a State House of Assembly candidate of a State Constituency, a Political Party shall, where it intends to sponsor a candidate, -

(i) hold State House of Assembly primaries in a designated centre or place within the State Constituency and on a date agreed by the Party where both Ad-hoc and Statutory Delegates of the Party identified under subsection (9)(e) of this section shall be exclusively eligible to freely vote for any House of Assembly aspirant of the Party in the State Constituency; and

(ii) the House of Assembly aspirant with the highest number of votes at the end of voting in the State Constituency primaries shall be declared the winner of the primaries of the party for the State Constituency and the party shall forward the name of the winner to the Commission as the House of

			<p>Assembly candidate of the party for that State Constituency.</p> <p>Nomination of Local Government Council Chairmanship Candidate</p> <p>(f) In the case of nomination to the position of a Chairmanship candidate of a Local Government Area/Council in a State of the Federation or the FCT, Abuja, a Political Party shall, where it intends to sponsor a candidate, -</p> <p>(i) hold Local Government Council Chairmanship primaries in a designated center or place in the headquarters of the Local Government Area/Council and on a date agreed by the Party where both Ad-hoc and Statutory Delegates of the party identified under sub-section (9)(f) of this section shall be exclusively eligible to vote for any Local Government Council Chairmanship aspirant of the Party; and</p> <p>(ii) the Chairmanship aspirant with the highest number of votes at the end of voting shall be declared the winner of that Local Government Area/Council</p>	
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			<p><i>primaries and the Party shall forward the winner's name to the Commission (in the case of a Local Government Council in the FCT, Abuja) or a State Independent Electoral Commission (in the case of a Local Government Area of a State in the Federation) as the Chairmanship candidate of the Party for that Local Government Area/Council.</i></p> <p><i>(17) Subject to the provisions of this Act, a Political Party shall have the option to and may hold ad-hoc delegates elections or primaries to nominate its candidates for different types of elections at common venues and/or on common dates as it may deem convenient in the same electoral constituencies,</i></p> <p><i>PROVIDED that its Presidential and Governorship primaries convened to nominate its Presidential and Governorship candidates respectively shall stand alone.</i></p> <p><i>(18) Where there is only one aspirant in a Political Party for any of the elective positions mentioned in subsections</i></p>	
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			<p><i>(15)(a), (15)(b), (15)(c) and (15)(d) of this section, the Party shall convene a Special Convention or Congress, as the case may be, at a designated centre in the particular constituency on a specified date to vote affirmative to confirm that aspirant as the candidate of the Party and the Party shall forward the name of the aspirant to the Commission as the candidate of the Party for the position in question.</i></p> <p><i>(19) Where there is only one aspirant for an elective position in a Political Party that has adopted the system of direct primaries, such an aspirant shall be deemed to be unchallenged and the Party shall forward the name of the aspirant to the Commission as the candidate of the Party in the election in question.</i></p> <p><i>Nomination of Councillorship Candidate</i> <i>(20) In the case of nomination to the position of a Councillorship candidate of a Ward Constituency, a Political Party shall, where it intends to sponsor a candidate, -</i> <i>(a) conduct direct primaries in the Ward Constituency where only</i></p>	
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			<p>registered members of the Party in that Ward shall be eligible to vote for any member of the Party who, subject to the provisions of the Constitution of the Federal Republic 1999 (as amended) and this Act, presents himself or herself to be voted for as the Candidate of the Party in that Ward; and</p> <p>(b) the Party shall forward the name of the Councillorship aspirant with the highest number of votes at the end of voting in the Ward Constituency under paragraph (a) of this subsection to the Commission (in the case of the FCT, Abuja) or a State Independent Electoral Commission (in the case of a State in the Federation) as the Councillorship candidate of the Party for that Ward Constituency.</p> <p>Political Appointee Not Eligible as Delegate</p> <p>(21) A political appointee at any level of government shall not be a delegate at the primaries, Convention or Congress of a Political Party convened for the purpose of nominating candidates for any election under the indirect</p>	
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primaries system, except where such a political appointee is also a Statutory or Ad-hoc delegate under subsection (9) of this section.

Commission's Endorsement of Result of Primaries as Proof of Result
(22) The result of a Political Party's primaries or delegates election that is duly endorsed or certified by the Commission shall be prima facie proof of the result of the Party's primaries or delegates election.

Staggered Primaries
(23) Nothing in this section shall prevent a Political Party from organising staggered primaries.

Jurisdiction of Courts
(24) Notwithstanding the provisions of this Act or rules of a Political Party, an aspirant who complains that any of the provisions of this Act or rules of a Political Party has not been complied with in the 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 the FCT for redress.

			<p><i>Court Cannot Stop General Election, etc</i> <i>(25) Nothing in this section shall empower the Courts to stop the holding of ad-hoc delegates elections, primaries or general election or the processes thereof under this Act pending the determination of the suit.</i></p> <p><i>(26) Except the context otherwise warrants, reference to "registered members" of a Political Party in this section or any other part of this Act means persons of voting age whose names and other relevant personal particulars are duly recorded in the Ward Register of that Party.</i></p>	
19.			<p>Section 112 of the Principal Act is amended by inserting after subsection (3), a new subsection "(4)", as follows:</p> <p><i>"(4) If after the commencement of poll and before the announcement of the final result and declaration of a winner, a nominated candidate dies,</i> <i>(d) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days;</i> <i>(e) the political party whose candidate</i></p>	<p>Justification: This new insertion makes similar provisions in respect of Area Council elections to take care of gaps in the law, as exposed during the last governorship election in Kogi State.</p>

			<p><i>died may, if it intends to continue to participate in the election, conduct a fresh primary within 14 days of the death of its candidate and submit a new candidate to the Commission to replace the dead candidate; and</i></p> <p><i>(f) subject to paragraphs (a) and (b) of this subsection, the Commission shall continue with the election, announce the final result and declare a winner."</i></p>	
<p>20.</p>	<p>138. (1) An election may be questioned on any of the following grounds, that is to say -</p> <p>(b) that the election was invalid by reason of corrupt practices or non-compliance with the provisions of this Act;</p> <p>(2) An act or omission which may be contrary to an instruction or directive of</p>		<p>Section 138 of the Principal Act is amended by:</p> <p>(a) inserting after the word "Act" in line 2 of subsection (1)(b), the words "and published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election.";</p> <p>(b) inserting after the word "Act" in line 4 of subsection 2, the words "and published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election."; and</p> <p>(c) inserting after subsection (2), a new subsection "(3)", as follows:</p> <p>"(3) With respect to subsection (1) (a) of this Section, a person shall be</p>	<p>Justification:</p> <p>a. The new insertion (subsection (3)) defines with clarity the qualifications to be met in order to contest an election.</p> <p>b. The amendments in subsections (1)(b) and (2) will guarantee compliance with guidelines issued by the Commission under the Constitution subject to publication or gazetting before the elections.</p>

	<p>the Commission or of an officer appointed for the purpose of the election but which is not contrary to the provisions of this Act shall not of itself be a ground for questioning the election.</p>		<p><i>deemed to be qualified for an elective office and his election shall not be questioned on grounds of qualification if, with respect to the particular election in question, he meets the applicable requirements of sections 65, 106, 131 or 177 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and he is not, as may be applicable, in breach of sections 66, 107, 137 or 182 of the Constitution of the Federal Republic of Nigeria, 1999."</i></p>	
<p>21.</p>	<p>139. (1) An Election shall not be liable to be invalidated by reason of non compliance with the provisions of this Act if it appears to the Election Tribunal or Court that the election was conducted substantially in accordance with the principles of this Act and that the non compliance did not affect substantially the</p>		<p>Section 139 of the Principal Act is amended by inserting after the word "Act" in line 4 of subsection (1), the words "and published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election".</p>	<p>Justification: a. Insertion is for consistency in section 138(1) and (2).</p>

	result of the election.			
22.			Deleted	Deleted
23.			<p>Insert after section 142, a new section "142A", as follows:</p> <p>"Sufficiency of documentary evidence 142A. It shall not be necessary for a party who alleges non-compliance with the provisions of this Act and the published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of elections to call oral evidence if originals or certified true copies of electoral documents or materials used by the Commission to conduct the elections in the polling units (s) where the non-compliance is alleged are listed in a petition and tendered at the trial at of the petition in proof of the non-compliance complained of."</p>	
24.			<p>Section 151 of the Principal Act is amended by inserting after subsection (2), a new subsection "(3)", as follows:</p> <p><i>"(3) Where there is a breach of an order of a court or tribunal directed at the Commission particularly, order to produce, inspect or take copies of electoral materials, such disobedience shall attract court sanctions, which shall include the committal by the Tribunal or Court of the Commission's official to</i></p>	<p>Justification:</p> <p>This new insertion will check the impunity of officials of the Commission of not complying with orders of tribunals or courts, directed at frustrating litigants in election cases, who have limited time under the</p>

			<i>whom the order is directed to summary conviction to imprisonment for at least two (2) years, without an option of fine."</i>	Constitution to litigate issues.
25.			<p>The Principal Act is amended by inserting after section "152", new sections "152A", "152B", "152C" and "152D" as follows:</p> <p>"152A. Subject to the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the provisions of this Act guaranteeing the conduct of free, fair and credible elections by the Independent National Electoral Commission shall apply with equal force to elections conducted by State Independent Electoral Commissions in the Federation.</p> <p>152B All elections conducted by a State Independent Electoral Commission to a local government council in the Federation shall be in compliance with the provisions and spirit of this Act, with election procedures stated in this Act.</p> <p>152C. Any election conducted by a State Independent Electoral Commission to a local government council in the Federation in violation of section 152B or any provision of this Act shall be null, void and of no effect whatsoever.</p> <p>152D. Any official of a State</p>	

			Independent Electoral Commission who acts in contravention of section 152B or any provision of this Act shall be subject to prosecution as if he were an official of the Independent National Electoral Commission."	
26.			Paragraphs 46(4) of the First Schedule to the Principal Act is amended by inserting after the word " consent " in line 2, the expression " ; such documentary evidence shall be deemed demonstrated in open court; the parties in the petition shall be entitled to address and urge argument on the content of the document; and the tribunal or court shall scrutinize or investigate the content of the documents as part of the process of ascribing probative value to the documents or otherwise."	Justification: The reading of documentary evidence entails a practical demonstration of their contents and it is of the essence that parties are given opportunity to address a tribunal or court on the document for the purpose of giving or not giving probative value to the documents.
27.			Section 156 of the Principal Act is amended by: (a) inserting after the definition of the words " Electoral Officer ", the definition of the expression " electronic format ", as follows: "electronic format" refers to the electronic version of the Register of Voters or National Electronic Register of Election Results, as the case may be, created, recorded, transmitted or stored in digital form or in other	

			<p><i>intangible form by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means and which may be converted to or reproduced in a paper document.</i></p> <p>(b) inserting after the definition of the phrase "National Assembly", the definition of the expression "number of voters not accredited", as follows:</p> <p><i>"number of unaccredited voters" as used in section 49(4) of this Act means number of intending voters not accredited to vote in a polling unit under section 49(3) of this Act."</i></p> <p>(c) inserting after the definition of the word "President", the definition of the expression "Presiding Officer", as follows:</p> <p><i>"Presiding Officer" means a person appointed by the Commission to be in charge of the conduct of election in a polling unit or polling station, and this shall include persons who may be under different titles but who are charged by the Commission with the same responsibilities at a polling unit or polling station as a Presiding Officer.";</i> and</p>	
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			<p>(d) inserting after the definition of the words "Presiding Officer", the definition of the expression "published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election", as follows:</p> <p>"published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election" means any book, booklet or manual published by the Commission -</p> <p>(a) that is consistent with the provisions of this Act;</p> <p>(b) for the purpose of guiding the conduct of free, fair and credible elections; and</p> <p>(c) which is made public by the Commission at least seven (7) days before the date of general elections."</p> <p>(e) inserting after the definition of the word "Return", the definition of the expression "Returning Officer", as follows:</p> <p>"Returning Officer" means a person appointed by the Commission to be in charge of the conduct of election in a constituency, and this shall include persons who may be under different titles but who are charged by the</p>	
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			<i>Commission with the same responsibilities in a constituency as a Returning Officer."</i>	
28.		<p>7. (SB. 234) This Bill is cited as the Electoral Act (Amendment) Bill, 2016.</p> <p>3. (SB. 231) This Bill may be cited as the Electoral Act No. 6 2010 (Amendment) Bill, 2016</p>	This Bill may be cited as the Electoral Act No. 6, 2010 (Amendment) Bill, 2016.	
29.		<p>EXPLANATORY MEMORANDUM</p> <p>SB. 231: This Bill seek to amend the 2010 Electoral Act No. 6 to make provisions for the use of card reader for election in Nigeria</p> <p>SB. 234: The Bill seeks to amend the Electoral Act No. 16 of 2010 to strengthen Independent National Electoral Commission to properly the provision of the Act in</p>	The Bill seeks to amend the Electoral Act No. 6 of 2010 to make provisions for the restriction of the qualification for elective office to relevant provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended); use of Card Readers and other technological devices in elections; and other matters.	

		relation to substitution of candidates in the event of death or otherwise after the conduct of primary elections.		
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