

Report of the Senate Committee on the Review of the 1999 Constitution on A Bill for an Act to Further Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for other Matters Connected Therewith, 2013 (SB77)

**A BILL
FOR
AN ACT TO FURTHER ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF
NIGERIA, 1999 AND FOR OTHER MATTERS CONNECTED THEREWITH, 2013 (SB.77)**

Sections	Provisions of the Constitution	Committee Recommendation	Remarks
		Clause 1 The Constitution of the Federal Republic of Nigeria 1999 (in this Bill referred to as the “Principal Act”) is altered as set out in this Bill.	
68.	Tenure of Seat of members 68. (1) A member of the Senate or of the House of Representatives shall vacate his seat in the House of which he is a member if- (a) (b) (c) (d) (e) (f) (g) (h) (2) (3) A member of the Senate or of the House of Representatives shall be deemed to be absent without just cause from a meeting of the House of which he is a member, unless the person presiding certifies in writing that he is satisfied that the absence of the member from the meeting was for a just cause.	Clause 2 Alteration of Section 68 Section 68 of the Principal Act is altered by inserting new subsections “68(4)” immediately after subsection 3: “(4) The Clerk of the National Assembly shall notify the	This provision mandates the Clerk of the National Assembly to notify IINEC when there is vacancy in the Senate or House of Representatives due to death, resignation or recall.

		Independent National Electoral Commission in writing within 7 days of the existence of a vacancy arising from death, resignation or vacation of seat of a member of the Senate or House of Representatives under Sections 68 and 69 of this Constitution.”	
109.	Tenure of Seat of members 109. (1) A member of a House of Assembly shall vacate his seat in the House if - (a) (b) (c) (d) (e) (f) (g) (h) (2) (3) A member of a House of Assembly shall be deemed to be absent without just cause from a meeting of the House of Assembly unless the person presiding certifies in writing that he is satisfied that the absence of the member from the meeting was for a just cause.	Clause 3 Alteration of Section 109 Section 109 of the Principal Act is altered by inserting new subsections “109(4)” immediately after subsection 3: “ (4) The Clerk of the House of Assembly of a State shall notify the Independent National Electoral Commission in writing within seven days of the existence of a vacancy arising from death, resignation or vacation of seat of a member of the State House of Assembly under Sections 109 and 110 of this Constitution.”	This provision mandates the Clerk of the House of Assembly of a State to notify IINEC when there is vacancy in the House of Assembly due to death, resignation or recall.
134.	Election: Two or more Presidential candidates 134. (1) A candidate for an election to the office of President shall be deemed to have been duly elected, where, there being only two candidates for the election –	Clause 4 Alteration of Section 134 Section 134 of the Principal Act is altered by:	This seeks to extend the time for conducting re-run election.

(2)..... (3)..... (4) In default of a candidate duly elected under the foregoing subsections, the Independent National Electoral Commission shall within 7 days of the result of the election held under the said subsections, arrange for an election between the two candidates and a candidate at such election shall be deemed elected to the office of President if - (a) he has a majority of votes cast at the election; and (b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja (5) In default of a candidate duly elected under subsection (4) of this section, the Independent National Electoral Commission shall, within 7 days of the result of the election held under the aforesaid subsection (4), arrange for another election between the two candidates to which the subsection relates and a candidate at such election shall be deemed to have been duly elected to the office of President, if he has a majority of the votes cast at the election.	(a). Substituting the figure '7' in line 2 of subsection (4), with the figure "21"; and (b) Substituting the figure "7" in line 2 of subsection (5), with the figure "21"	
Election: single candidate and two or more candidates 179. (1) A candidate for an election to the office of Governor of a State shall be deemed to have been duly elected to such office where, being the only candidate nominated for the election- ((2)..... (3).....	Clause 5 Alteration of Section 179 Section 179 of the Principal Act is altered by:	

	(4) In default of a candidate duly elected under subsection (2) of this section, the Independent National Electoral Commission shall within 7 days of the result of the election held under that subsection, arrange for an election between the two candidates and a candidate at such election shall be deemed to have been duly elected to the office of Governor of a State if - (a) he has a majority of the votes cast at the election; and (b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the local government areas in the State. (5) In default of a candidate duly elected under subsection (4) of this section, the Independent National Electoral Commission shall within 7 days of the result of the election held under that subsection, arrange for another election between the two candidates to which that sub-paragraph relates and a candidate at such election shall be deemed to have been duly elected to the office of governor of a State if he has a majority of the votes cast at the election.	(a). Substituting the figure “7” in line 2 of subsection (4), with the figure “21”; and (b) Substituting the figure “7” in line 2 of subsection (5), with the figure “21”	
225.	Finances of political parties 225. (1) Every political party shall, at such times and in such manner as the independent National Electoral Commission and publish a statement of its assets and liabilities. (2) Every political party shall submit to the Independent National Electoral Commission a detailed annual statement and analysis of its sources of funds and other assets together with a similar statement of its expenditure in such form as the Commission may require. (3) No political party shall -	Clause 6 Insertion of New Section 225A The Principal Act is altered by inserting new Section “225A” immediately after section 225: “225A. The Independent National Electoral Commission shall have power to deregister political parties on any of the following grounds- i. breach of any of the requirements for registration, and ii. failure to win Presidential, Governorship, Chairmanship of a Local Government/Area	This provision seeks to empower INEC to deregister political parties for non-fulfillment of the provisions of the Constitution and Acts of the National Assembly

	(a) hold or possess any funds or other assets outside Nigeria; or (b) be entitled to retain any funds or assets remitted or sent to it from outside Nigeria. (4) Any funds or other assets remitted or sent to a political party from outside Nigeria shall be paid over or transferred to the Commission within twenty-one days of its receipt with such information as the Commission may require. (5) The Commission shall have power to give directions to political parties regarding the books or records of financial transactions which they shall keep and, to examine all such books and records. (6) The powers conferred on the Commission under subsection (4) of this section may be exercised by it through any member of its staff or any person who is an auditor by profession, and who is not a member of a political party.	Council or a seat in the National or State Assembly election.”	
251.	Jurisdiction 251. (1) Notwithstanding anything to the contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the Federal High Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters – (2)..... (3)..... (4). (Section 27 of the First Alteration) Act The Federal High Court shall have and exercise jurisdiction to determine any question as to	Clause 7 Alteration of Section 251 (Section 27 of the First Alteration) Act Section 251 of the Principal Act is altered by inserting new subsections “(5)”:	Conferment of exclusive jurisdiction on the Federal High Court for violation of the Electoral and election related Acts of the National Assembly

	whether the term of office or a seat of a member of the senate or House of representatives has ceased or his seat has become vacant.	“(5) The Federal High Court shall have and exercise jurisdiction for the trial of offences arising from violation of the provisions of the Electoral Act and any other election related Act of the National Assembly.”	
Third Schedule	THIRD SCHEDULE B – Council of State 5. The Council of State shall comprise the following persons: (a) the President, who shall be the Chairman; (b) the Vice-President, who shall be the Deputy Chairman; (c) all former Presidents of the Federation and all former Heads of the Government of the Federation; (d) all former Chief Justices of Nigeria; (e) the President of the Senate; (f) the Speaker of the House of Representatives; (g) all the Governors of the states of the Federation; and (h) the Attorney-General of the Federation.	Clause 8 Alteration of the Third Schedule Paragraph 5 of the Third schedule is altered by substituting for subparagraphs (e) – (f) new subparagraphs “(e) – (f)”: “(e) the President of the Senate; and all former Presidents of the Senate; (f) the Speaker of the House of Representatives; and all former Speakers of the House of Representatives.”	
Fourth Schedule	FOURTH SCHEDULE		
		Short Title This Bill may be cited as the Constitution (Fourth Alteration) Bill, 2014	Citation

EXPLANATORY MEMORANDUM

This Bill seeks to further alter the Constitution of the Federal Republic of Nigeria 1999 to among other things, provide for: the Clerk of the National Assembly and the Clerk of the State Houses of Assembly to notify INEC of any vacancy in the National Assembly or State House of Assembly, adequate time for conduct of a re-run election and conferment of exclusive jurisdiction on the Federal High Court on the violation of the Electoral and other election related Acts of the National Assembly.