



THE SENATE

FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS (1)

Thursday, 7th June, 2018

1. The Senate met at 11:34 a.m. The Senate President read Prayers.

2. **Closed Session:**

Closed Session — 11:45 a.m.

Open Session — 12:13 p.m.

The Senate President reported that the Senate in a Closed Session deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general.

3. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Wednesday, 6th June, 2018.

Question was put and the Votes and Proceedings were approved.

4. **Announcements:**

(a) **Parliamentary Exchange Visit:**

The Senate President read a letter from Senator Abubakar O. Saraki (*Kwara Central*) as follows:



President of Senate
FEDERAL REPUBLIC OF NIGERIA

ANNOUNCEMENT

PARLIAMENTARY EXCHANGE VISIT TO THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION

I wish to inform this distinguished Senate that I will be leading a delegation from the Senate to the Federation Council of the Federal Assembly of the Russian Federation on an exchange visit from the 19th to 20th of June, 2018.

During the visit, I will address a Special Plenary Session of the Federation Council.

(Signed)

President of the Senate

7th June, 2018

(b) Conference Committee:

The Senate President named the following Senators as Conferees on Federal Capital Territory Civil Service Commission (Establishment, etc.) Bill, 2018:

(i)	Senator Dino Melaye	—	Chairman
(ii)	Senator Mohammed Hassan	—	Member
(iii)	Senator Ibrahim A. Gobir	—	Member
(iv)	Senator Andy E. Uba	—	Member
(v)	Senator Biodun C. Ofulajimi	—	Member
(vi)	Senator Philip T. Aduda	—	Member

(c) Conference Committee:

The Senate President named the following Senators as Conferees on Animal Health and Husbandry Technologists Registration Board (Establishment, etc.) Bill, 2018:

(i)	Senator Abdullahi Adamu	—	Chairman
(ii)	Senator Theodore A. Orji	—	Member
(iii)	Senator Shitu M. Ubali	—	Member
(iv)	Senator Abdullahi A. Sabi	—	Member
(v)	Senator Yele O. Omogunwa	—	Member
(vi)	Senator Gbolahan J. Dada	—	Member

(d) Conference Committee:

The Senate President named the following Senators as Conferees on Corporate Manslaughter Bill, 2018:

(i)	Senator David Umaru	—	Chairman
(ii)	Senator Godswill O. Akpabio	—	Member
(iii)	Senator James E. Manager	—	Member
(iv)	Senator Joshua M. Lidani	—	Member
(v)	Senator Babajide C. Omoworare	—	Member
(vi)	Senator Abdullahi Adamu	—	Member

(e) Conference Committee:

The Senate President named the following Senators as Conferees on Franchise Bill, 2018:

(i)	Senator Monsurat J. A. Sunmonu	—	Chairman
(ii)	Senator James E. Manager	—	Member
(iii)	Senator Sunny O. Ogbuaji	—	Member
(iv)	Senator Bareehu O. Ashafa	—	Member
(v)	Senator Mohammed S. Lafiagi	—	Member

(f) Conference Committee:

The Senate President named the following Senators as Conferees on Nigeria Academy of Science (Establishment, etc.) Bill, 2018:

(i)	Senator Emmanuel I. Paulker	—	Chairman
(ii)	Senator Suleiman M. Nazif	—	Member
(iii)	Senator Bareehu O. Ashafa	—	Member
(iv)	Senator Nelson A. Efiong	—	Member
(v)	Senator George Akume	—	Member
(vi)	Senator Nurudeen A. Adeleke	—	Member

(g) **Acknowledgment:**

The Senate President acknowledged the presence of the following who were at the gallery to observe Senate Proceedings:

- (i) Members of Nigeria Economic Students' Association, University of Nigeria, Nsukka, Enugu State;
- (ii) Staff and Students of Chamberlain, American International School, Abuja; and
- (iii) Staff and Students of Peculiar Treasures Schools, Lugbe, Abuja.

5. **Petition:**

Rising on Rule 41, Senator Joshua M. Lidani (*Gombe South*) drew the attention of the Senate to a petition from Group of yet to be Reinstated Federal University Dustin-Ma, Kastina State Staff on discriminatory treatment by Federal University Dustin-Ma. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

6. **Rescission:**

Pursuant to Rules 53(6) Senator Albert B. Akpan (Akwa Ibom North-East) drew the attention of the Senate to the Confirmation of Elder Monday Udo Tom a nominee from Akwa Ibom as Resident Electoral Commissioner of Independent National Electoral Commission (INEC) and request for the rescission of the confirmation:

The Senate;

recalls that on Wednesday, 6th June, 2018, the Senate Committee on INEC presented a Report on the screening of nominees for confirmation of appointment as National and Resident Electoral Commissioners of Independent National Electoral Commission (INEC);

confirms that Section 146 of the Electoral Act, 2010 as amended, prohibits thus: "no person holding an elective office to which this Act relates or a registered member of a Political party shall be eligible for or be appointed to carry out the duties of a returning officer, an electoral officer, presiding officer or a pool Clerk and any officer appointed to carry out any of those duties shall be ineligible for nomination as a candidate for election while he continues to hold any such appointment";

aware that the confirmation of the Senate based on the Report was a confirmation of the nominee as a Resident Electoral Commissioner for Independent National Electoral Commission;

observes that the Report on the screening of the Akwa Ibom State Resident Electoral Commissioner nominee did not disclose the petition against the nominee which was duly received by the Committee and a copy forwarded to all the Senators from Akwa Ibom State (copy attached);

further observes that all through the contents of the report, the Committee made no reference to the said petition; and

notes that in view of the non-consideration of the petition by the Committee, it becomes absolutely necessary for the Senate to re-consider the confirmation of the said nominee in line with extant laws.

Accordingly resolves to:

rescind the confirmation of Elder Monday Udo Tom a nominee from Akwa Ibom as Resident Electoral Commissioner of Independent National Electoral Commission (INEC) until the outcome of the consideration of the above mentioned petition by the Committee on Independent National Electoral Commission (INEC).

Debate:

Proposed Resolution:

Question: That the Senate do rescind the confirmation of Elder Monday Udo Tom a nominee from Akwa Ibom as Resident Electoral Commissioner of Independent National Electoral Commission (INEC) until the outcome of the consideration of the above mentioned petition by the Committee on Independent National Electoral Commission (INEC) — *Agreed to.*

Resolved:

That the Senate do rescind the confirmation of Elder Monday Udo Tom a nominee from Akwa Ibom as Resident Electoral Commissioner of Independent National Electoral Commission (INEC) until the outcome of the consideration of the above mentioned petition by the Committee on Independent National Electoral Commission (INEC)(S/Res/275/03/18).

7. Personal Explanation:

Rising on Rule 43, Senator Kabir G. Marafa (*Zamfara Central*) drew the attention of the Senate to report that he has not tendered apology to the Senate and Chairman, Committee on Independent National Electoral Commission (INEC) as directed by the Senate. He stated that he had apologised, thereafter tendered unreserved apology to the Senate President, the Chairman, Committee on Independent National Electoral Commission (INEC) and the entire people of Bauchi State.

By leave of the Senate, this apology closed the matter.

8. Personal Explanation:

Rising on Rule 43, Senator Olanrewaju A. Tejuosho (*Ogun Central*) drew the attention of the Senate to the Federal Government of Nigeria's approval of June, 12 as the new Democracy Day for the country. He stated that the June 12, 1993 inconclusive election that produced Chief late Moshood Kasimawo Olawale (M.K.O.) Abiola, as President and Ambassador Baba Gana Kingbe his Vice President was a free and fair election. He observed that the change of democracy day was a recognition of reconciliation from the Federal Government to attain peace in Nigeria. He congratulated the entire Nigerian citizenry on this.

9. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Biodun C. Olujimi (*Ekiti South*) drew the attention of the Senate to the Federal Government of Nigeria's approval of June, 12 as the new Democracy Day for the country. He stated that the June 12, 1993 inconclusive election that produced late Moshood Kasimawo Olawale (M.K.O.) Abiola, as President and Ambassador Baba Gana Kingbe his Vice President was a free and fair election. He observed that the change of democracy day was a recognition of reconciliation from the Federal Government to attain peace in Nigeria. He congratulated the entire Nigerian citizenry on this.

Accordingly resolves to:

- (i) urge the Independent National Electoral Commission (INEC) to announce June 12, 1993 election result;
- (ii) urge the Federal Government to pay allowances and entitlements to late Chief Moshood Kasimawo Olawale (M.K.O.) Abiola's family and Ambassador Baba Gana Kingbe;
- (iii) urge the Federal Government to recognise Ambassador Baba Gana Kingbe as former Vice President;
- (iv) urge the Federal Government to declare June 12 as Public Holiday; and
- (v) May 29 remains the day of inauguration of a new government.

Debate:**Proposed Resolution (i):**

Question: That the Senate do urge the Independent National Electoral Commission (INEC) to announce June 12, 1993 election result — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Federal Government to pay allowances and entitlements to late Chief Moshood Kasimawo Olawale (M.K.O.) Abiola family and Ambassador Baba Gana Kingbe — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Federal Government to recognise Ambassador Baba Gana Kingbe as former Vice President — *Agreed to.*

Proposed Resolution (iv):

Question: That the Senate do urge the Federal Government to declare June 12 as Public Holiday — *Agreed to.*

Proposed Resolution (v):

Question: That May 29 remains the day of inauguration of a new government — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Independent National Electoral Commission (INEC) to announce June 12, 1993 election result;
- (ii) urge the Federal Government to pay allowances and entitlements to late Chief Moshood Kasimawo Olawale (M.K.O.) Abiola family and Ambassador Baba Gana Kingbe;
- (iii) urge the Federal Government to recognise Ambassador Baba Gana Kingbe as former Vice President;
- (iv) urge the Federal Government to declare June 12 as Public Holiday; and
- (v) May 29 remains the day of inauguration of a new government (S/Res/276/03/18).

(Deputy Senate President in Chair)

Extension of Time:

Motion made: That the Senate do sit this day beyond the time appointed for the termination of the Sitting of the Senate (Rule 13) (*Senate Leader*).

Question put and agreed to.

10. Committee on Judiciary, Human Rights and Legal Matters:

Report on the Confirmation of the Appointment of Hon Justice Adamu Abdu-Kafarati as the Chief Judge of the Federal High Court:

Motion made: That the Senate do receive and consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the confirmation of the appointment of Hon Justice Adamu Abdu-Kafarati as the Chief Judge of the Federal High Court (*Senator David Umaru — Niger East*).

Question put and agreed to.

Report Laid and presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)
(Screening of Nominee)

Consideration of the Report of the Committee on Judiciary, Human Rights and Legal Matters on the confirmation of the appointment of Hon Justice Adamu Abdu-Kafarati as the Chief Judge of the Federal High Court.

Nominee screened:

Hon Justice Adamu Abdu-Kafarati

—

Agreed to.

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters on the confirmation of the appointment of Hon Justice Adamu Abdu-Kafarati as the Chief Judge of the Federal High Court and approved the nomination.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Confirmation of nomination:

Question:

"Will the Senate confirm the nomination of Hon Justice Adamu Abdu-Kafarati for appointment as the Chief Judge of the Federal High Court?" — *Resolved in the Affirmative.*

Nomination of Hon Justice Adamu Abdu-Kafarati for appointment as the Chief Judge of the Federal High Court accordingly confirmed.

11. Committee on Independent National Electoral Commission (INEC):

Report on the Independent National Electoral Commission Act No. 6, 2010 (Amendment) Bill, 2018 (SBs. 231 & 234):

Motion made: That the Senate do consider the Report of the Committee on Independent National Electoral Commission on the Independent National Electoral Commission Act No. 6, 2010 (Amendment) Bill, 2018 (*Senator Suleiman M. Nazif —Bauchi North*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR ACT TO AMEND THE PROVISION OF THE ELECTORAL ACT NO. 6 2010 AND FOR OTHER RELATED MATTERS, 2018.

Clause 1: Amendment of the Electoral Act No. 6, 2010:

The Electoral Act No. 6, 2010 (in this Bill referred to as "the Principal Act") is amended as set out in this Bill

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 1 do stand part of the Bill, put and agreed to.

- Clause 2:** (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."

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Insertion of 9(1A):

- (1A) The Commission shall keep the Register of Voters as the National Register of Voters in its National Headquarters and other locations as the Commission may determine from time to time:

PROVIDED that the Commission shall keep the Register of Voters in -

- (a) electronic format in its central database; and
- (b) manual, printed, paper-based record or hard copy format."
- (5) The registration 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.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Amendment of Section 15(1).

- (1) The Commission shall cause a voters registration for each state to be printed, reproduced, copied, duplicated or saved in an electronic format and any person or political party may obtain from 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 local government or Area council or registration area within it.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Amendment of Section 18(2)&(3):

- (2) If the Electoral Officer or any other officer is satisfied as to the circumstances of the loss, destruction, defacement or damage of the Voters' card, he shall issue to the voter a Replacement Permanent Voter Card.

- (3) No person shall issue a replacement to any Voter on polling day or less than thirty (30) days before polling day.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Amendment of Section 19:

- (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.";
- (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."
- (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."

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Amendment of Section 27:

- (1) (b) the Registration Area/Ward Collation Officer at the Registration Area/Ward Collation Centre;
- (2) (a) Registration Area/Ward Collation Centre in the case of Councilorship election in the Federal Capital Territory.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Amendment of Section 30:

- (1) The commissions shall not later than 150 days before the day appointed for holding election under the Act publish a notice in each state of the federation and the federal capital territory
- (a) Stating the date of the election and
- (b) Appointing the place at which nomination papers are to be delivered.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Amendment of Section 31:

- (6) If the Court determines that any of the information contained in the Affidavit is false, the Court shall issue an order disqualifying the candidate/political party from contesting the election, if already elected, shall not be eligible to re-contest another election which shall be conducted within ninety (90) days by the Independent National Electoral Commission".
- (7) A candidate for an election shall, at the time of submitting the prescribed form, furnish the Commission with an identifiable address in the State where he intends to contest the election at which address all documents and court processes from either the Commission or any other person shall be served on him.
- (8) A political party which presents to the Commission the name of a candidate who does not meet the qualification stipulated in this section shall be guilty of an offence and on conviction shall be liable to a maximum fine of N1,000,000

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Amendment of Section 33:

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

"Provided that in the case of such withdrawal or death of a candidate, the political party affected shall within 10 days of the occurrence of the event hold a fresh primary election to produce and submit a fresh candidate to the Independence National Electoral Commission for the election concerned."

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Amendment of Section 34 (Insertion of new Subclause (2),(3) &(4):

- (2) Any candidate who observes his name or that of his party missing on the list published in accordance with subsection (1) above, shall notify the Commission in writing, signed by himself and supported with an affidavit not later than 21 days to the election
- (3) Where the candidate fails to notify the Commission in accordance with subsection (2) above, the candidate shall be deemed to have waived his right".

- (4) The Commission shall produce ballot papers for the relevant elections in accordance with the list published after corrections in conformity with subsection (2) above.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Amendment of Section 35 (1):

- (1) A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself to the Political party that nominated him for the election and the political party shall convey such withdrawal to the Commission and which shall only be allowed not later than 30 days to the election."

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Amendment of Section 36 [Insertion of 36(3)]:

- (3) If after the commencement of poll and before the announcement of the final result and declaration of a winner, a nominated candidate dies:
- (a) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days;
 - (b) the political party whose candidate 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
 - (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."

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Amendment of Section 36 {Insertion of 36(2)}:

- (2) Where there is a 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"; and (b) Renumbering the section appropriately

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Amendment of Section 44 [Insertion of 44(3),(4) & (5)]:

- (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.
- (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 its identity appearing on electoral materials used for the election.
- (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."

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Amendment of Section 46 (Insertion of New proviso):

Documentary evidence shall be put in and may be read or taken as read by consent, such documentary evidence shall be deemed demonstrated in open court and the parties in petition shall be entitled to address and urge arguments 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.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Amendment of Section 48 (1):

- (1) At the hour fixed for opening of the poll before the commencement of accreditation and voting, the Presiding Officer shall open the empty ballot box and show same to such persons as may lawfully be present at the Polling unit and shall then close and seal the box in such manner as to prevent its being opened by unauthorized person."

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Amendment of Section 49:

- (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.

- (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 the particulars of the voter in the manner prescribed by the Commission.
- (3) Where a smart card reader deployed for accreditation of voters fails to function in any unit and a fresh card reader is not deployed, the election in that unit shall be cancelled and another election shall be scheduled within 24 hours.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Amendment of Section 51 [Insertion of 51(A)]:

- (1) Where the nomination of an elected candidate is nullified by the court and notice of appeal against decision is given within the stipulated period for appeal, the elected candidate shall notwithstanding the contrary decision of the court remain in office pending the determination of their appeal and if the court determines that a candidate was not validly nominated, the elected candidate shall, notwithstanding the contrary decision of the court remain in office within the period for which an appeal may be filed and shall not be sanctioned for the benefit he derived while in office pursuant to this section.
- (2) The presiding or collation officer, shall after counting or collating the votes at the polling units or collation centre, enter the votes scored by each candidate in the form prescribed by the Commission and transmit same in a manner prescribed by the Commission.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Amendment of Section 52:

- (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."

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Amendment of Section 53:

- (2) Where the votes cast at an election in any polling unit exceed the number of accredited voters in that polling unit, the result of the election for that polling unit shall be declared null 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 affect the overall result in the Constituency."

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Amendment of Section 63:

- (1) The Presiding Officer shall, after counting the votes at the polling unit, enter the votes scored by each candidate in a form prescribed by the Commission and electronically transmit same".
- (4) The presiding Officer shall announce the result at the polling unit.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Amendment of Section 65 [Insertion of 65(A)]:

- 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 Headquarters.
- (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."

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Amendment of Section 67:

- (1) A Collation Officer or Returning Officer at an election shall collate and announce the result of an election, subject to his verification and confirmation that the:
 - (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
 - (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.

- (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.
- (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 Returning Officer shall use the following to determine the correctness of the disputed result:
 - (a) the original of the disputed collated result or result for each polling unit where the election is disputed;
 - (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;
 - (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
 - (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.
- (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 information in subsection (3) (a), (b), (c) and (d) of this section.
- (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.
- (6) A Returning Officer or Collation Officer, as the case may be, who intentionally 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."

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Amendment of Section 76 [Insertion of 67A):

- (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 the Commission for the conduct of the election shall be invalid.

- (2) A Presiding Officer who intentionally 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."

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Amendment of Section 78:

- (4) A political association that meets the conditions stipulated in the Constitution and this Act shall be registered by the Commission as a political party within 60 days from the date of receipt of the application, and if after the 60 days such Association is not registered by the Commission unless the Commission informs the association to the contrary it shall be deemed to have been registered".
- (5) 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,
- (a) in the case of association to a fine of N5,000,000; and
- (b) in the case of each executive or principal officer of the association to imprisonment for at least 6 months or a fine of 1,000,000 or both."

To a fine of N1,000,000.00

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Amendment of Section 82:

- (1) The Commission shall keep a register of symbols and name for use at election
- (2) The Commission shall register the symbol and name of a political party if it is satisfied that
- (a) No other symbol and name of the same design is registered
- (b) The symbol and name is distractive from any other symbol already registered
- (3) The Commission shall remove a symbol or name from the register symbols and names if-
- (a) the political party in whose name it is registered request the removal; or
- (b) the commission is of the opinion that the political party in whose name the symbol is registered has ceased to exist or to use the symbol

- (4) Amend the Marginal
Note of section 82 as follows: "Symbols and names of political parties"

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Amendment of Section 85:

- (1) Every registered political party shall give the commission at least 21 days' notice of convention, congresses, conference or meeting convened for the purpose of merger and fusion and electing members of its executive committees, other governing bodies or nominating candidate for any of the elective offices specified under this Act.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: Substitution for Section 87: Nomination of candidate by parties.

Substitute for section 87 of the Principal Act, a new section "87" —

- "87.** (1) A political party seeking to nominate candidates for elections under this Bill 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.
- (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.
- (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:
- (a) ₦150,000 for a Ward Councillorship aspirant in the FCT;
 - (b) ₦250,000 for an Area Council Chairmanship aspirant in the FCT;
 - (c) ₦500,000 for a House of Assembly aspirant;
 - (d) ₦1,000,000 for a House of Representatives aspirant;
 - (e) ₦2,000,000 for a Senatorial aspirant;
 - (f) ₦5,000,000 for a Governorship aspirant; and
 - (g) ₦10,000,000 for a Presidential aspirant.

- (4) Any requirement, criterion, measures, or condition for the nomination of candidates for elections outside the provisions of subsections (2) or (3) shall be invalid.
- (5) Every political party shall publish the venues, dates, times, guidelines, 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 national newspapers and, at least, ten days before the date of the event to nominate candidates for the party.
- (6) A political party that adopts the system of direct primaries for the nomination of its candidate 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 following procedure —
 - (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) conduct direct primaries in the registration areas in the 36 States of the Federation and the FCT where all registered members of the party are eligible to vote and may freely vote for any Presidential aspirant of their choice,
 - (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,
 - (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
 - (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;
 - (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) 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 are eligible to vote and may freely vote for any Governorship aspirant of their choice,
 - (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,

- (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
 - (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;
- (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) conduct direct primaries in the registration areas in each Local Government Area in the Senatorial District where all registered members of the party in the Senatorial District are eligible to vote and may freely vote for any Senatorial aspirant of their choice,
 - (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 are eligible to vote and may freely vote for any House of Representatives aspirant of their choice,
 - (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 are eligible to vote and may freely vote for any State House of Assembly aspirant of their choice,
 - (iv) subject to subparagraph (i), 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 Senatorial candidate of the party in the election for the Senatorial District,
 - (v) subject to subparagraph (ii), 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

- (vi) subject to subparagraph (iii), 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;
 - (d) in the case of the position of a Chairmanship candidate of an Area Council in the Federal Capital Territory, a political party shall, where it intends to sponsor a candidate —
 - (i) conduct direct primaries in the registration areas in the Area Council, where all registered members of the party in the Area Council are eligible to vote and may vote for any chairmanship aspirant of their choice;
 - (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.
- (7) A political party that adopts the system of indirect primaries for the nomination of its candidates for election shall conduct a delegates election in all registration areas in the constituency where the election is to be held and all registered members of the party in that registration area are eligible to vote for any contestant who presents himself to be a delegate of the party:

Provided that the delegates election shall be monitored by the Commission and the result of every delegates election shall be endorsed or certified by the Commission.
- (8) A political party leader or official who is not elected in his or her registration area as a delegate of his or her party under subsection (7) shall not be a voting delegate of the party and shall not vote in his party's indirect primaries but may perform his functions in a neutral manner as may be prescribed in his party's constitution in relation to indirect primaries:

Provided that in performing his functions as a party leader or official in relation to indirect primaries, the party leader or official shall not conduct himself in any manner whatsoever to impact the election in favour of any aspirant in the indirect primaries.
- (9) A party leader or official who contravenes the provisions of subsection (8) of this section commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of ₦1,000,000.

- (10) All National, State, Local Government Area or Area Council and Ward executives of a party and elected officials of government mentioned in this section who are members of the party are automatic or super delegates who are eligible to vote in their party's indirect primaries —

- (a) President and former Presidents;
- (b) Vice President and former Vice Presidents;
- (c) Governors and former Governors;
- (d) Deputy Governors and former Deputy Governors;
- (e) Senators and former Senators;
- (f) Members of the House of Representatives and former Members of the House of Representatives;
- (g) Members of State Houses of Assembly;
- (h) Chairmen of Local Government Areas or Area Councils; and
- (i) Councilors of Wards;

Provided that the party shall have the power to determine in its constitution or nomination guidelines and manuals, the particular indirect primaries or election to particular elective offices that automatic or super delegates shall vote.

- (11) A political party that adopts the system of indirect primaries for the choice of its candidate may outline further guidelines, rules and procedures to guarantee free, fair, and credible election of delegates to vote at a convention or congress of the party, but such further guidelines, rules and procedures shall not be inconsistent with the provisions of this Bill.
- (12) Where a primary election is conducted, and duly attended and certified by the Commission in compliance with this Bill, and the result is subsequently altered by a political party, the Commission shall have the power to overrule the alteration made by the political party and uphold such primaries.
- (13) The Primaries of political parties shall follow the following sequence —
- (a) National Assembly;
 - (b) State Houses of Assembly;
 - (c) Governorship; and
 - (d) Presidential.
- (14) The dates for the primaries shall not be earlier than 90 days and not later than 60 days before the date of elections to the offices.

- (15) Any official of the Commission who issues, endorses or certifies a false report or result in respect of a delegates election or primaries of a political party commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of ₦1,000,000, or both.
- (16) A political party that adopts the system of indirect primaries for the nomination of its candidates for election shall ensure that all aspirants are given equal opportunity of being voted for by delegates of the party who shall be registered members of the party.
- (17) Where a political party adopts the system of indirect primaries for the nomination of its candidates for elections, the party shall adopt the following procedure —
 - (a) in the case of nominations to the position of presidential candidate, a political party shall, where it intends to sponsor a candidate —
 - (i) hold a special presidential convention at a designated centre in the Federal Capital Territory or any other place within the Federation and on a date agreed by the National Executive Committee of the party where delegates of the party shall vote for each of the presidential aspirants of the party, and
 - (ii) the presidential aspirant with the highest number of votes at the end of voting shall be declared the winner of the Presidential primaries of the political party and the aspirant's name shall be forwarded to the Commission as the presidential candidate of the party;
 - (b) in the case of nomination to the position of Governorship candidate, a political party shall, where it intends to sponsor candidates —
 - (i) hold a special congress at a designated centre in the State Capital or any other place within the State and on a date agreed by the party where delegates of the party shall vote for each of the governorship aspirant of the party, and
 - (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 and the party shall forward the aspirant's name to the Commission as the candidate of the party, for the particular State;
 - (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 intends to sponsor candidates —

- (i) hold special congresses in the Senatorial District, Federal Constituency and the State Assembly Constituency respectively in designated centres and on a date or dates agreed by the party where delegates of the party shall vote for each of the Senatorial, House of Representatives and House of Assembly Aspirants of the party, and
 - (ii) the Senatorial, House of Representatives and House of Assembly Aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party for Senatorial District, Federal Constituency and the State Assembly Constituency respectively and the aspirant's names shall be forwarded to the Commission as the Senatorial, House of Representatives and House of Assembly candidates of the party, as the case may be; and
- (d) in the case of the position of a chairmanship candidate of an Area Council, a political party shall, where it intends to sponsor candidates —
 - (i) hold special congresses in the Area Councils, with delegates voting for each of the aspirants at designated centres on a specified date, and
 - (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.
- (18) 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.
- (19) Where there is only one aspirant for an elective position in a party that has adopted the direct system of primaries, such an aspirant is deemed to be unchallenged and the party shall forward the name of the aspirant to the Commission as the candidate of the party.
- (20) Where there is only one aspirant for any of the elective positions mentioned in subsection (17) (a) - (d), 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 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.
- (21) A political appointee at any level of government shall not be an automatic or super delegate at the convention or congress of any political party for the purpose of nomination of candidates for any election under the indirect primaries system, except where such a political appointee is also an officer of a political party or otherwise elected as a delegate under subsection (7).

- (22) Where a political party conducts its primaries or delegates election with the Commission in attendance and the result of the primaries or delegates election is endorsed or certified by the Commission, this shall be prima facie proof of the result of the election or delegates election.
- (23) Nothing in this section shall prevent a political party from organising staggered primaries.
- (24) Notwithstanding the provisions of this Bill or rules of a political party, an aspirant who complains that any of the provisions of this Bill 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.
- (25) Nothing in this section shall empower the Courts to stop the holding of primaries or general election or the processes under this Bill pending the determination of the suit"

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 29 do stand part of the Bill, put and agreed to.

Clause 30: Amendment of Section 91:

- (1) Election expenses shall not exceed the sum stipulated in subsection (2)-(7) of this section.
- (2) the maximum election expenses to be incurred by a candidate at a presidential election shall be five billion naira (N5,000,000,000.00)
- (3) the maximum amount of election expenses to be incurred by a candidate in respect of Governorship election shall be one billion naira "(N1,000,000,000.00)
- (4) the maximum amount of election expenses to be incurred by a candidate in respect of Senatorial and House of Representatives seat shall be one hundred million "(N100,000,000.00) and seventy million (N70,000,000.00) respectively
- (5) in the case of State Assembly election, the maximum amount of election expenses to be incurred shall be Thirty Million naira "(N30,000,000.00)
- (6) In the case of councilorship elections to an area council, the maximum amount of election expenses to be incurred shall be Five Million Naira (N5,000,000).
- (7) in the case of a chairmanship election to an area Council, the maximum amount of election expenses to be incurred shall be Thirty Million naira "(N30,000,000.00)
- (8) in the case of Councillorship election to an area Council, the maximum amount of election expenses to be incurred shall be five Million naira "(N5,000,000.00)

- (9) No individual or other entity shall donate more than One Ten million naira"(N10, 000, 000.00).
- (10). A candidate who knowingly acts in contravention of this section, commits an offence and is liable on conviction to a maximum fine of 1% of the amount permitted as the limit of campaign expenditure under this Act or imprisonment for a term not exceeding 12 months, or both."

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Amendment of Section 99:

- (1) For the purpose of this Act, the period of campaigning in public by every political party shall commence 150 days before polling day and end 24 hours prior to that day."

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 31 do stand part of the Bill, put and agreed to.

Clause 32: Amendment of Section 100:

- (6) Any person who contravenes subsections (3) and (4) of this section commits an offence and upon conviction is liable.

A public media that contravenes subsections (3) and (4) of this section commits an offence and is liable on conviction to:

- (a) in the case of a public media to a maximum fine of N2,000,000.00 in the first instance and to a maximum fine of N5,000,000.00 for subsequent conviction; and
- (b) in the case of principal officer(s) and other officer(s) of the media house to a maximum fine of N2,000,000.00 or to imprisonment for a term of 12 months."

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Amendment of Section 112 [Insertion of (4)]:

- (4) If after the commencement of poll and before the announcement of the final result and declaration of a winner, a nominated candidate dies:
- (a) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days;
- (b) the political party whose candidate 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

- (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."

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Amendment of Section 138:

- (1) An election may be questioned on any of the following grounds, that is to say:
- (a) That a person whose election is questioned was, at the time of the election, not qualified to contest the election;
 - (b) That the election was invalid by reason of corrupt practices or non-compliance with the provisions of Act; and published manuals, guidelines, regulations and or procedures issued by the Commission for the election".
 - (c) that the respondent was not duly elected by majority of lawful votes cast at the election; or
 - (d) that the petitioner or its candidate was validly nominated but was unlawfully excluded from the election.
- (2) An Act or omission which may be contrary to an instruction or directive of the Commission or of an office appointed for the purpose of the election but which is not contrary to the provisions of this Act and published manuals, guidelines, regulations and/or procedures issued by the Commission for the conduct of the election shall not of itself be a ground for questioning the election.
- (3) With respect to subsection (1) (a) of this Section, a person shall be 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."

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Amendment of Section 139:

- (1) An Election shall not be liable to be invalidated by reason of non compliance with the provisions of this Act "and published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election".

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 result of the Election.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 35 do stand part of the Bill, put and agreed to.

Clause 36: Amendment of Section 140 [Insertion of (4)]:

- (4) If, at the point of display or distribution of ballot papers by the Commission, a candidate or his agent discovers that his name or the name or logo of his party is omitted, a candidate or his agent shall notify the Commission and the Commission shall-
- (a) postpone the election to rectify the omission; and
 - (b) appoint another date to conduct the election not later than ninety (90) days."
 - (c) where the election is postponed due to omission of a political party's name or logo, the Commission's Officer responsible for such printing of party names or logos commits an offence and is liable on conviction to a fine of N2,000,000.00 or imprisonment for 2 years or both.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: Amendment of Section 142 (Insertion of 142A):

- (142A.) It shall not be necessary for a petitioner 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 election in the polling unit where the noncompliance is alleged are listed in the petition and tendered at the trial of the petition by the petitioner in proof of the non-compliance complained of."

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Amendment of Section 143 [Insertion of (3)]:

- (3) Where the election is nullified by the Court and notice of appeal against the decision is given within the stipulated period for appeal, the elected candidate shall, notwithstanding the contrary decision of the Court remain in office and enjoy all the benefits that accrued to the office pending the determination of the appeal and shall not be sanctioned for the benefits derived while in office".

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 38 do stand part of the Bill, put and agreed to.

Clause 39: Amendment of Section 151 (Insertion of (3):

- (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 whom the order is directed to summary conviction to imprisonment for at least two (2) years, without an option of fine."

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 39 do stand part of the Bill, put and agreed to.

Clause 40: Amendment of Section 156:

- (A) "Candidate" means a person who has secured the nomination of a political party to contest an election for any elective office".
- (A) "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 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.
- (B) "fusion" means a process by which a political party fuses with another political party by dropping its name and symbol and become subsumed in another political party, thereby cease to exist.
- (B) "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."
- (C) "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."; and
- (D) "published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election":

which is made public by the Commission at least seven (7) days before the date of general elections."

- (E) "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 Commission with the same responsibilities in a constituency as a Returning Officer."

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 40 do stand part of the Bill, put and agreed to.

Clause 41: Amendment of Section 46:

- (4) Documentary evidence shall be put in and may be read or taken as read by consent; 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."

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 41 do stand part of the Bill, put and agreed to.

Clause 42: Amendment of Section 51:

- (1) Where the nomination of an elected candidate is nullified by the Court and notice of appeal against the decision is given within the stipulated period for appeal, the elected candidate shall notwithstanding the contrary decision of the court remain in office pending the determination of the appeal. If the court determines that a candidate was not validly nominated, the elected candidate shall notwithstanding the contrary decision of the Court remain in office within the period for which an appeal may be filed and shall not be sanctioned for the benefits he derived while in office pursuant to this section"
- (2) The Presiding/Collation Officer shall, after counting/collation the votes at the polling unit/collation centre, enter the votes scored by each candidate in the form prescribed by the Commission and transmit same in a manner prescribed by the Commission"

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 42 do stand part of the Bill, put and agreed to.

Clause 43: Citation:

This Bill may be cited as the Electoral Act (Amendment) Bill 2018.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 43 do stand part of the Bill, put and agreed to.

Clause 44: Amendment of Explanatory Memorandum:**EXPLANATORY MEMORANDUM**

The Bill seeks to amend the Electoral Act No. 6 of 2010 and Electoral (amendment) Act 2015 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, sequence of elections and Political Party Primaries, to provide a time line for the submission of list of candidates, criteria for substitution of candidates, limit of campaign expenses and address the omission of names of candidates or logo of political parties.

Committee's Recommendation: --

That the provision in Explanatory Memorandum be retained (*Senator Suleiman M. Nazif — Bauchi North*) — *Agreed to.*

Question that Clause 44 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Independent National Electoral Commission on the Independent National Electoral Commission Act (Amendment) Bill, 2018 and approved as follows:

Clauses 1- 44 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

(Senate President in Chair)**12. Ad hoc Committee on Promissory Note Programme:**

Interim Report on the Promissory Note Programme and a Bond Issuance to settle Inherited Local Debts and Contractual Obligations:

Motion made: That the Senate do receive and consider the Interim Report of the Ad hoc Committee on Promissory Note Programme on the Promissory Note Programme and a Bond Issuance to settle Inherited Local Debts and Contractual Obligations (*Senator Francis A. Alimikhena — Edo North*).

Question put and agreed to.

Report Laid and presented.

Debate:

Proposed Resolution:

Question: That it is important to approve the obligations in order to stimulate the economy, however to avoid inflation, all of the obligations cannot be approved at once.

That in view of the above, after due consideration of the submissions made, the Senate do approve the Issuance of Promissory Note Programme and Bond Issuance to settle outstanding claims and liabilities to States Government for executing Federal Highway Projects on behalf of the Federal Government in the sum of ₦396,009,751,944.23.

Details of State by State refunds are as follows:

1.	Adamawa	—	₦4,246,066,934.37
2.	Kwara	—	₦11,254,122,239.21
3.	Plateau	—	₦12,151,757,849.35
4.	Jigawa	—	₦10,719,886,226.16
5.	Gombe	—	₦6,928,232,240.35
6.	Ondo	—	₦4,332,176,434.50
7.	Ekiti	—	₦11,684,116,185.64
8.	Edo	—	₦10,430,866,508.50
9.	Lagos	—	₦114,606,162,088.77
10.	Zamfara	—	₦39,919,202,374.58
11.	Osun	—	₦13,291,242,697.40
12.	Ebonyi	—	₦15,446,979,230.04
13.	Kano	—	₦4,425,410,099.16
14.	Enugu	—	₦13,563,954,759.44
15.	Niger	—	₦333,859,462.44
16.	Benue	—	₦3,026,347,340.40
17.	Imo	—	₦2,897,234,425.31
18.	Anambra	—	₦39,970,048,097.03
19.	Akwa Ibom	—	₦78,782,086,751.58
— Agreed to.			

Resolved:

It is important to approve the obligations in order to stimulate the economy, however to avoid inflation, all of the obligations cannot be approved at once.

In view of the above, after due consideration of the submissions made, the Senate do approve the Issuance of Promissory Note Programme and Bond Issuance to settle outstanding claims and liabilities to States Government for executing Federal Highway Projects on behalf of the Federal Government in the sum of ₦396,009,751,944.23.

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19.	Akwa Ibom	—	₦78,782,086,751.58
(S/Res/277/03/18).			

13. Adjournment:

And it being 3:08 p.m. the Senate President adjourned the Senate till Thursday, 7th June, 2018 at 3:30 p.m.

Adjourned accordingly at 3:08 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.

