



**SENATE OF THE
FEDERAL REPUBLIC OF NIGERIA
VOTES AND PROCEEDINGS (1)**

Thursday, 15th July, 2021

1. The Senate met at 10:55 a.m. The President of the Senate read prayers.

2. Votes and Proceedings:

The Senate examined the Votes and Proceedings of Wednesday, 14th July, 2021.

Question was put and the Votes and Proceedings were approved.

3. Messages from Mr. President:

The President of the Senate announced that he had received two (2) letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(a) *Confirmation of Appointment:*



**PRESIDENT
FEDERAL REPUBLIC OF NIGERIA**

9th July, 2020

*Distinguished Senator Ahmad Ibrahim Lawan
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Sen. President,

**CONFIRMATION OF APPOINTMENT OF HON. ABDULAZEEZ
IDRIS KING AS COMMISSIONER REPRESENTING KOGI STATE
AT THE REVENUE MOBILIZATION ALLOCATION
AND FISCAL COMMISSION**

In accordance with the provision of Section 154(1) of 1999 constitution of the Federal Republic of Nigeria (as amended), I am pleased to forward for confirmation by the Senate, the appointment of Hon. Abdulazeez Idris King as Commissioner representing Kogi State at the Revenue Mobilization Allocation and Fiscal Commission. His CV's is attached herewith.

It is my hope that the Senate will consider and confirm the nominee in the usual expeditious manner.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours sincerely,
(Signed)
Muhammadu Buhari*

(b) *Confirmation of Appointment:*



**PRESIDENT
FEDERAL REPUBLIC OF NIGERIA**

9th July, 2020

*Distinguished Senator Ahmad Ibrahim Lawan
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Sen. President,

**CONFIRMATION OF APPOINTMENT OF HON. AMAECHI NWOHA
AS COMMISSIONER REPRESENTING SOUTH-EAST AT
THE NATIONAL ASSEMBLY SERVICE COMMISSION**

In compliance with the provision of Section 3(4) of the National Assembly Service Commission Act, 2014, I am pleased to forward for confirmation of the Senate, the appointment of Hon. Amaechi Nwoha as Commissioner representing South-East at the National Assembly Service Commission.

While I hope that the Senate will consider and confirm the nominee in the usual expeditious manner. Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours sincerely,
(Signed)
Muhammadu Buhari*

4. **Announcements:**

(a) *Nomination into the Office of Deputy Senate Minority Whip:*

The President of the Senate read a letter from Senator Umaru Ibrahim Tsauri, CON as follows:



**PEOPLES DEMOCRATIC PARTY (PDP)
POWER TO THE PEOPLE**

Motto: Justice, Unity and Progress

National Secretariat: Wadata Plaza, Plot 1970 Michael Okpara Street, Wuse Zone 5, Abuja.

14th July, 2021

Your Excellency
The President of the Senate,
National Assembly,
Federal Republic of Nigeria,
Three Arms Zone,
Abuja.

Through

His Excellency,
The Senate Minority Leader,
National Assembly,
Federal Republic of Nigeria,
Three Arms Zone,
Abuja.

Dear Sir,

**NOMINATION INTO THE OFFICE OF DEPUTY SENATE
MINORITY WHIP**

As Mr. President is aware of the unfortunate defection of the former Deputy Senate Minority Whip, Distinguished Senator Sahabi Ya'u Kaura from the People Democratic Party (PDP) to the APC, the leadership of our great party studied and reviewed the unfortunate development.

After due and wide consultations, the leadership of the party resolved and agreed to nominate and forward to you, the name of Distinguished Senator Ibrahim Abdullahi Danbaba from Sokoto State to fill in the vacancy in accordance with the provision of Section 47 (6) of the PDP Constitution as amended in 2017.

While counting on the confidence of the Distinguished Senate President and the entire Distinguished Senators of the Federal Republic of Nigeria, kindly accept the PDP leadership's highest consideration and esteem regards.

(Signed)

Sen. Umaru Ibrahim Tsauri, CON
National Secretary

(b) *Celebration of Life:*

The President of the Senate read a letter from Senator Patrick A. Akinyelure (Ondo Central) as follows:



Office of The Chairman, Senate Committee on Ethics, Privileges & Public Petitions
Member: Finance, Public Accounts, Gas Resources, Petroleum (Upstream),
Police Affairs & Tertiary Institutions & TETFUND
Senator (Dr.) Pat. Ayo Akinyelure, (MMP (UI), FCA, FCTI, FPA)
Suite 3.10, Senate Building Wing, National Assembly Complex, 3 Arms Zone Abuja

15th July, 2021

*The President of the Senate
Federal Republic of Nigeria,
National Assembly Complex,
Abuja, FCT*

Your Excellency,

CELEBRATION OF LIFE ANNOUNCEMENT

This is to inform the entire Senate of Federal Republic Nigeria of the passage to glory of my Distinguished Mother-in-law (Mother of my jewel of inestimable value - Mrs Fola Akinyelure) who slept in the Lord on Sunday 27th June, 2021 at the age of 90 years.

FUNERAL ARRANGEMENT ARE AS FOLLOWS:

Thursday, 5th August, 2021

- 10:00am: Corpse leaves Bell Hospital Akure to her husband Residence, Isalu Quarters, Odode-Idanre*
- 12Noon: Lying in state at her residence, Okeisha Quarters, Alade-Idanre*
- 4:00pm: Christian Wake-Keep at her Residence.*

Friday, 6th August, 2021

- 10:00am: Funeral Service at St. Andrew's Anglican Church, Alade-Idanre*

Interment follows immediately at her Residence.

- 12Noon: Entertainment of Guests at Idanre High School, Alade-Idanre*

The president of the Senate and Most Distinguished Colleagues are cordially invited to join me in celebrating the life of departed mother to glory on Friday 6th August, 2021 in Idanre Kingdom in On do State.

(Signed)

*Dist. Senator (Dr.) Ayo Akinyelure, FCA. FCTL. FPA
Announcer*

4. Petitions:

- (a) Rising on Order 41, Senator Ovie A. Omo-Agege (*Delta Central*) drew the attention of the Senate to a petition from J.O. Akpochafo & Associates on behalf of their client Cpl. Ikuru Omofuriheta against the Inspector General of Police over his wrongful dismissal.

He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Order 41(3)] to report within four (4) weeks.

- (b) Rising on Order 41, Senator Obinna J. Ogba (*Ebonyi Central*) drew the attention of the Senate to a petition from Crincad & Cari Nigeria Limited on behalf of Association of Local Government of Nigeria (ALGON) Imo State chapter against Nigeria National Petroleum Corporation (NNPC) over an alleged illegal deductions and non remittance of revenue into Federation account.

He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Order 41(3)] to report within four (4) weeks.

5. Matter of Urgent Public Importance:

Rising on Orders 42 and 52, Senator Danjuma T. La'ah (*Kaduna South*) drew the attention of the Senate to the urgent need for declaration of emergency over the security situation in Zangon Kataf Area of Southern Kaduna Senatorial District of Kaduna State. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes that since 2011 various communities in Southern Kaduna Senatorial District of Kaduna State have been consistently attacked by Herdsmen resulting in deaths, injuries, loss of properties and displacements of the communities;

noted also that these attacks continued through 2016-2018 and abated in 2019. however, from June - December, 2020 another wave of the attacks resumed in various communities of Atyap Chiefdom in Zangon Kataf Local Government Area. During this wave of attacks Goran Gan, Takanai, Kigudu, Sabon Kaura, Chibob, Mazaki, Abuyab, Ungwar Wakili, Kakwa, Ungwar Tabo and several Villages around the periphery of Zangon Kataf semi-urban were attacked, many people killed, settlements/houses razed, farm products destroyed, household properties and other valuables (livestock, food stuffs etc) also destroyed;

further notes that another round of attacks has erupted since last weekend, 8th July, 2021 just about the same period the attacks of 2020 were launched. This time, the attacks are directed at all communities in Atyap Chiefdom with spontaneous night raids all over the villages that make up the Chiefdom in Zangon Kataf Local Government Area of Kaduna State;

notes also that, specifically, as at Tuesday 13th July, 2021, several villages including Gora Warkan, Takanai, Ungwar Abuyab, Makarau, Kachechere, Piyejiyim, Magamiya, Manchong, Magata, Kakwa, Matseyi, Jankasa, Makwaku and several neighbouring villages are being surrounded, attacked by armed gunmen. Several families and homes have been wiped out with all family members killed especially at Piyejiyim and Warkam. Moreover, four (4) Churches and 215 houses have been burnt down with 33 Atyap natives killed right inside their native compounds by the assailants which have been identified to be Fulani herdsmen;

further note that Atyap community in Zangon Kataf LGA have done everything possible to live peacefully with all other people living in its territory and have even signed peace agreements with several groups living in the Chiefdom. That, this unprovoked attack right under the notice of a large crowd of armed security personnel around Zangon Kataf semi-urban is unbelievable;

notes that the recent attacks are coming on the heels of previous ones and with the presence of some security personnel on ground, yet no persons, as usual, have been apprehended for the attacks. But 15 Atyap elders were arrested and detained recently for three (3) months on false accusation of killing 706 cows and 75 rams by Fulani herdsmen.

observes that the regular and seasonal occurrence of these repeated attacks is a deliberate assault on Atyap community in Zangon Kataf LGA and a ploy to spark off massive violence in Kaduna South Senatorial District and possible whole state total violence in Kaduna State.

observes also that these frequent, repeated and seasonal attacks on Atyap Community indicate a pattern of deliberate attempt and desire to annihilate the people of this community, take over and occupy their native lands, or at least, decimate the population of the community and create an atmosphere of terror, conquest and domination.

Aware that the Federal Government often declares a security emergency in places with similar problem and in the wake of such terrorists attacks that were aimed at disturbing the peace of community on a lesser scale, by setting up a more vigilant and neutral Military Strike Force there to contain the situation.

The Senate accordingly resolves to:

- (i) observe a minute silence for the repose of the souls of the deceased victims of the attacks;
- (ii) urge on the Federal Government to declare a security emergency in Zangon Kataf Local Government, Kaduna Southern Senatorial District;
- (iii) urge on the Federal Government to set up a Military Strike Force in the Zangon Kataf LGA of Kaduna State as an interim measure to protect At yap natives and others from invading attacks by armed herdsmen;
- (iv) urge the Security agencies to intensify efforts to apprehend and bring to justice all persons involved In these attacks;
- (v) urge on the Federal Government to set up Internally Displaced Person (IDP) camps in Zangon Kataf LGA to cater for all who have been displaced by these attacks; and
- (vi) urge the Federal Government to intensify efforts to request FERMA to provide food and relief materials for the people crowding in the IDP camps for now.

Resolved:

That the Senate do:

- (i) observe a minute silence for the repose of the souls of the deceased victims of the attacks;
- (ii) urge on the Federal Government to declare a security emergency in Zangon Kataf Local Government, Kaduna Southern Senatorial District;
- (iii) urge on the Federal Government to set up a Military Strike Force in the Zangon Kataf LGA of Kaduna State as an interim measure to protect At yap natives and others from invading attacks by armed herdsmen;
- (iv) urge the Security agencies to intensify efforts to apprehend and bring to justice all persons involved In these attacks;
- (v) urge on the Federal Government to set up Internally Displaced Person (IDP) camps in Zangon Kataf LGA to cater for all who have been displaced by these attacks; and
- (vi) urge the Federal Government to intensify efforts to request FERMA to provide food and relief materials for the people crowding in the IDP camps for now (*S/Res/013/03/21*).

6. **Joint Committee on Judiciary, Human Rights & Legal Matters; Navy and Marine Transport:**
Report on the Nigerian Maritime Zones Act (Repeal & Re-Enactment) Bill, 2021 (SB. 49):
 Motion made: That the Senate do receive the Report of the Joint Committee on Judiciary, Human Rights & Legal Matters; Navy and Marine Transport on the Nigerian Maritime Zones Act (Repeal & Re-enactment) Bill, 2021 (*Senator Micheal O. Bamidele — Ekiti Central*).

Question put and agreed to.

Report Laid.

7. **Committee on Local and Foreign Debts:**
Report on the 2018-2020 Federal Government External Borrowing (Rolling) Plan:
 Motion made: That the Senate do receive and consider the Report of the Committee on Local and Foreign Debts on the 2018 - 2020 Federal Government External Borrowing (Rolling) Plan No.1 (*Senator Clifford A. Ordia — Edo Central*).

Question put and agreed to.

Report Laid and Presented

Debate:

Proposed Resolution (i):

Question: That the Senate do approve the under listed ongoing negotiation of external borrowing in the sum of \$8,325,526,537 (Eight Billion, Three Hundred and Twenty Five Million, Five Hundred and Twenty Six Thousand, Five Hundred and Thirty Seven United States Dollars) and €490,000,000 (Four Hundred and Ninety Million Euro) under the 2018-2020 External Borrowing (Rolling) plan.

| | Funding Agency | USD (\$) | Euro(€) |
|----|--|------------------------|---------------------|
| A. | World Bank (WB) | 796,000,000 | |
| B. | China Exim Bank | 2,901,026,509 | |
| C. | Industrial Commercial Bank of China | 2,484,555,304 | |
| D. | Africa Development Bank (AFDB) | 104,200,000 | |
| E. | Africa Growing Together Fund (AGTF) | 20,000,000 | |
| F. | French Development Agency (AFD) | | 240,000,000 |
| G. | European Investment Bank | | 250,000,000 |
| H. | European ECA/KFW/IPEX/AFC | 1,959,744,724 | |
| I. | International Fund for Agricultural Development (IFAD) | 60,000,000 | |
| | Grand Total | \$8,325,526,537 | €490,000,000 |

(As More Particularly Described in the Attached Schedule of Approved Projects)

**SCHEDULE OF APPROVED PROJECTS
 2018-2020 EXTERNAL BORROWING ROLLING PLAN**

| | | |
|----|--|---------------|
| A. | WORLD BANK SUPPORTED PROJECTS APPROVED | |
| | Second Africa Higher Education Centre's of Excellence for Development Impact Project (Second ACE Impact) | \$75,000,000 |
| | Sustainable Procurement, Environment and Social Standards Enhancement project (SPESSE) | \$80,000,000 |
| | Nigeria Digital Identity for Development Project | \$115,000,000 |

| | | |
|----|---|-----------------|
| | Multi-Sectoral Crises Recovery Project for the North East - Additional funding | \$176,000,000 |
| | Rural Access and Agricultural Marketing Project | \$200,000,000 |
| | Edo Basic Education Sector and Skills Transformation Operation (EDO BEST) | \$70,000,000 |
| | Ogun State Economic Transformation Project | \$250,000,000 |
| B. | CHINA EXIM BANK SUPPORTED PROJECTS APPROVED | |
| | Construction of Lafia Bypass Road and the Dualization of 9th Mile (Enugu) -Otukpo-Makurdi Road Project (Keffi Phase II) | \$845,753,419 |
| | Construction of Akwanga Jos-Bauchi-Gombe Carriageway Project | \$1,333,000,000 |
| | Four (4) Airport Terminal Expansion Project (Phase II) | \$208,905,162 |
| | Ancillary Works on Four (4) Airport Expansion Projects | \$183,621,057 |
| | Supply of Rolling Stock and Depot Equipment's for Abuja Light Rail Project | \$157,001,050 |
| | e-Border Solution | \$172,745,821 |
| C. | INDUSTRIAL AND COMMERCIAL BANK OF CHINA SUPPORTED PROJECTS APPROVED | |
| | Port Harcourt to Maiduguri with Branches to Yola and Damaturu Railway Lines (1,408km) | \$2,484,555,304 |
| D. | AFRICA DEVELOPMENT BANK | |
| | Nigeria Urban Water Reform and Akure Water Sanitation Project | \$104,200,000 |
| E. | AFRICA GROWING TOGETHER FUND | |
| | Nigeria Urban Water Reform and Akure Water Sanitation Project | \$20,000,000 |
| F. | FRENCH DEVELOPMENT AGENCY | |
| | Rural Access and Agricultural Marketing Project | €200,000,000 |
| | Second Africa Higher Education Centre's of Excellence for Development Impact Project (Second ACE Impact) | €40,000,000 |
| G. | EUROPEAN INVESTMENT BANK | |
| | Nigeria Digital Identity for Development Project | €250,000,000 |
| H. | EUROPEAN ECA/KWF/IPEX/AFC | |
| | Kano-Maradi SGR with Branch to Dutse | \$1,959,744,724 |
| I. | INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT | |
| | Livelihood Improvement Family Enterprise Project | \$60,000,000 |
| | | — Agreed to. |

Proposed Resolution (ii):

Question: That the terms and conditions of the loan from the funding agencies, be forwarded to the National Assembly prior to the execution of same for concurrence and proper documentation — Agreed to.

Resolved:

- (i) That the Senate do approve the under listed ongoing negotiation of external borrowing in the sum of \$8,325,526,537 (Eight Billion, Three Hundred and Twenty Five Million, Five Hundred and Twenty Six Thousand, Five Hundred and Thirty Seven United States Dollars) and €490,000,000 (Four Hundred and Ninety Million Euro) under the 2018-2020 External Borrowing (Rolling) plan.

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| E. | Africa Growing Together Fund (AGTF) | 20,000,000 | |
| F. | French Development Agency (AFD) | | 240,000,000 |
| G. | European Investment Bank | | 250,000,000 |
| H. | European ECA/KFW/IPEX/AFC | 1,959,744,724 | |
| I. | International Fund for Agricultural Development (IFAD) | 60,000,000 | |
| | Grand Total | \$8,325,526,537 | €490,000,000 |

(As More Particularly Described in the Attached Schedule of Approved Projects)

**SCHEDULE OF APPROVED PROJECTS
2018-2020 EXTERNAL BORROWING ROLLING PLAN**

| | | | |
|----|---|--|-----------------|
| A. | WORLD BANK SUPPORTED PROJECTS APPROVED | | |
| | Second Africa Higher Education Centre's of Excellence for Development Impact Project (Second ACE Impact) | | \$75,000,000 |
| | Sustainable Procurement, Environment and Social Standards Enhancement project (SPESSE) | | \$80,000,000 |
| | Nigeria Digital Identity for Development Project | | \$115,000,000 |
| | Multi-Sectoral Crises Recovery Project for the North East - Additional funding | | \$176,000,000 |
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| | Edo Basic Education Sector and Skills Transformation Operation (EDO BEST) | | \$70,000,000 |
| | Ogun State Economic Transformation Project | | \$250,000,000 |
| B. | CHINA EXIM BANK SUPPORTED PROJECTS APPROVED | | |
| | Construction of Lafia Bypass Road and the Dualization of 9th Mile (Enugu) -Otukpo-Makurdi Road Project (Keffi Phase II) | | \$845,753,419 |
| | Construction of Akwanga Jos-Bauchi-Gombe Carriageway Project | | \$1,333,000,000 |
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| | Supply of Rolling Stock and Depot Equipment's for Abuja Light Rail Project | | \$157,001,050 |
| | e-Border Solution | | \$172,745,821 |
| C. | INDUSTRIAL AND COMMERCIAL BANK OF CHINA SUPPORTED PROJECTS APPROVED | | |
| | Port Harcourt to Maiduguri with Branches to Yola and Damaturu Railway Lines (1,408km) | | \$2,484,555,304 |
| D. | AFRICA DEVELOPMENT BANK | | |
| | Nigeria Urban Water Reform and Akure Water Sanitation Project | | \$104,200,000 |
| E. | AFRICA GROWING TOGETHER FUND | | |
| | Nigeria Urban Water Reform and Akure Water Sanitation Project | | \$20,000,000 |
| F. | FRENCH DEVELOPMENT AGENCY | | |
| | Rural Access and Agricultural Marketing Project | | €200,000,000 |
| | Second Africa Higher Education Centre's of Excellence for Development Impact Project (Second ACE Impact) | | €40,000,000 |
| G. | EUROPEAN INVESTMENT BANK | | |
| | Nigeria Digital Identity for Development Project | | €250,000,000 |
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| | Kano-Maradi SGR with Branch to Dutse | | \$1,959,744,724 |

- I. INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT
 Livelihood Improvement Family Enterprise Project \$60,000,000
 (ii) That the terms and conditions of the loan from the funding agencies, be forwarded to the National Assembly prior to the execution of same for concurrence and proper documentation (*S/Res/014/03/21*).

8. **Conference Committee Report:**

Petroleum Industry Bill, 2021 (SB. 510):

Motion made: That the Senate do receive and consider the Conference Committee report on the Petroleum Industry Bill, 2021 (*Senator Yahaya A. Abdullahi — Kebbi North*).

Question put and agreed to.

Report Laid and Presented.

Report accordingly adopted.

9. **Committee on Independent National Electoral Commission (INEC):**

Report on the Confirmation of the Nomination of Sani Mohammed Adam SAN (North Central) for Appointment as Commissioner of the Independent National Electoral Commission (INEC):

Motion made: That the Senate do receive and consider the Report of the Committee on Independent National Electoral Commission (INEC) on the confirmation of the nomination of Sani Mohammed Adam SAN (North Central) for appointment as Commissioner of the Independent National Electoral Commission (INEC) (*Senator Kabiru I. Gaya — Kano South*).

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)

Consideration of the Report of the Committee on Independent National Electoral Commission (INEC) on the confirmation of Mr. President's nominee for appointment as National Electoral Commissioner of the Independent National Electoral Commission (INEC).

Nominee recommended for confirmation:

Sani Mohammed Adam SAN (*North-Central*)

— *Agreed to.*

Chairman to report progress.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Independent National Electoral Commission (INEC) on the

confirmation of Mr. President's nominee for appointment as National Electoral Commissioner of the Independent National Electoral Commission (INEC) and approved the nomination of:

Sani Mohammed Adam SAN (*North-Central*)

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 Sani Mohammed Adam SAN (*North-Central*) for appointment as National Electoral Commissioner of the Independent National Electoral Commission (INEC)?” — *Resolved in the Affirmative.*

Nomination of Sani Mohammed Adam SAN (North-Central) for appointment as National Electoral Commissioner of the Independent National Electoral Commission (INEC) accordingly confirmed.

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

Report on the Electoral Act No.6 2010 (Amendment) Bill, 2021 (SB. 122):

Motion made: That the Senate do consider the Report of the Independent National Electoral Commission (INEC) on the Electoral Act No.6, 2010 (Amendment) Bill, 2021 (*Senator Kabiru I. Gaya — Kano South*).

Question put and agreed to.

Report Presented.

Motion Made: That the Senate do Resolve Into the Committee of the Whole to Consider the Report.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF AN ACT TO REPEAL THE ELECTORAL ACT NO. 6, 2010 AND ENACT THE ELECTORAL ACT 2021, TO REGULATE THE CONDUCT OF FEDERAL, STATE AND AREA COUNCILS IN THE FEDERAL CAPITAL TERRITORY ELECTIONS; AND FOR RELATED MATTERS (SB. 122).

PART I — ESTABLISHMENT AND FUNCTIONS ETC, OF
INDEPENDENT NATIONAL ELECTORAL COMMISSION

Clause 1: Establishment of Independent National Electoral Commission

- (1) The Independent National Electoral Commission as established by section 153 of the Constitution (in this Bill referred to as "the Commission") —
 - (a) shall be a body corporate with perpetual succession; and
 - (b) may sue and be sued in its corporate name.
- (2) The National Headquarters of the Commission shall be situated in the

Federal Capital Territory (FCT).

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 2: Functions of the Commission

In addition to the functions conferred on it by the Constitution, the Commission shall have power to —

- (a) conduct voter and civic education;
- (b) promote knowledge of sound democratic election processes;
- (c) conduct any referendum required to be conducted under the provisions of the 1999 Constitution (as altered) or an Act of the National Assembly.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 3: Establishment of the Independent National Electoral Commission Fund

- (1) There shall be established for the Commission a fund to be known as the Independent National Electoral Commission Fund (in this Bill referred to as "the Fund").
- (2) There shall be paid into the Fund established under subsection (1) —
 - (a) such sums and payments received from the Federal Government available to the Commission for carrying out its functions this Bill;
 - (b) such sums as may be credited to the Fund by way of interest from investments made from the fund;
 - (c) aid, grants or any other accruals to the Commission in order to carry out its functions.
- (3) The election funds due to the Commission for any general elections are to be released to the Commission not later than one year before the next general election.
- (4) Disbursements from the fund shall be made in accordance with rules set out by the Commission.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 4: Expenditure of the Commission

- (1) The Commission may apply the proceeds of the Fund established under section 3 (1) to —
 - (a) defray the cost of administration of the Commission;
 - (b) reimburse members or members of any committee set up by the Commission for such expenses as may be expressly authorised by the Commission in accordance with the rates approved by it;
 - (c) the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation allowance and gratuities payable to the officers and servants of the Commission;
 - (d) the maintenance of any property vested in the Commission; and
 - (e) all or any of its functions under this Bill.
- (2) No payment of any kind under subsection (1) (c) (except payment as may be expressly authorised) shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 5: Annual Estimates and Accounts

- (1) The Commission shall submit to the Ministry of Finance not later than 31st August in each financial year an estimate of its expenditure, income and payments during the next financial year.
- (2) The Commission shall keep proper accounts and records in respect of each financial year and shall cause its accounts to be audited as soon as possible after the end of each financial year by the Auditor-General of the Federation.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 6: Establishment of office in each State, Federal Capital Territory Local Government Area

- (1) There shall be established in each State of the Federation and Federal Capital Territory and Local Government Area, an office of the Commission which shall perform such functions as may be assigned to it by the Commission.
- (2) A person appointed to the office of a Resident Electoral Commissioner shall —

- (a) be answerable to the Commission; and
 - (b) hold office for a period of five years from the date of his or her appointment which may be renewable for another period of five years only.
- (3) The Resident Electoral Commissioner appointed under the Constitution may only be removed by the President, acting on an address supported by two-thirds majority of the Senate praying that the Resident Electoral Commissioner be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 7: Committees of the Commission

The Commission may appoint one or more committees to carry out any of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

PART II — STAFF OF THE COMMISSION

Clause 8: Secretary and other Staff of the Commission

- (1) There shall be a Secretary to the Commission who shall —
 - (a) be appointed by the Commission;
 - (b) have such qualifications and experience to be determined by the Commission as are appropriate for a person required to perform the functions of his or her office under this Bill; and
 - (c) hold office for a period of four years from the date of his or her appointment which may be renewable for another period of four years only.
- (2) Subject to the general direction of the Commission, the Secretary shall be—
 - (a) responsible for keeping proper records of the proceedings of the Commission;
 - (b) the head of the Commission's secretariat and be responsible for its administration; and
 - (c) responsible for the direction and control of all other employees of the Commission with the approval of the Commission.

- (3) The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff as may be prescribed by this Bill or any other enactment by the National Assembly.
- (4) All employees of the Commission appointed under subsection (3) excluding persons appointed on a temporary basis for an honorarium shall have the same rights and obligations as provided for in the Pension Reform Act.
- (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 is liable on conviction, to a fine of ₦5,000,000 or imprisonment for a term not exceeding two years or both.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

PART III — NATIONAL REGISTER OF VOTERS AND VOTERS' REGISTRATION

Clause 9: National Register of Voters and Voters' Registration

- (1) The Commission shall compile, maintain, and update, on a continuous basis, a National Register of Voters (in this Bill referred to as "the Register of Voters") which shall include the names of all persons —
 - (a) entitled to vote in any Federal, State, Local Government or FCT Area Council election; and
 - (b) with disability status disaggregated by type of disability.
- (2) The Commission shall keep the Register of Voters in its National Headquarters and other locations as the Commission may determine:

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.
- (3) The Commission shall maintain as part of the Register of Voters, a register of voters for each State of the Federation and for the Federal Capital Territory.
- (4) The Commission shall maintain as part of the Register of Voters for each State and the Federal Capital Territory, a Register of Voters for each Local Government or Area Council within the State and the Federal Capital Territory.
- (5) The Register of Voters shall contain, in respect of each person, the particulars required in the Form prescribed by the Commission.
- (6) The registration of voters, updating and revision of the Register of Voters

under this section shall stop not later than 90 days before any election covered by this Bill.

- (7) The registration of voters shall be at the registration centers designated for that purpose by the Commission and notified to the public.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 10: Continuous Registration

- (1) Without prejudice to section 9 (6), there shall be continuous registration of all persons qualified to be registered voters.
- (2) Each applicant for registration under the continuous registration system shall appear in person at the registration venue with any of the following documents —
- (a) birth certificate;
 - (b) national passport, identity card or driver's licence; or
 - (c) any other document that will prove the identity, age and nationality of the applicant.
- (3) The Commission shall, within 60 days after each year, make available to every political party the names and address of each person registered during that year.
- (4) When a general election is notified by the Commission under section 28 of this Bill, the current official Register of Voters certified by the Commission in accordance with the provisions of this Act shall be the official voters' register for those elections.
- (5) In the case of every bye-election conducted under this Bill, the official voters' register for use at such elections shall be the existing current register relating to the senatorial district or the constituency concerned.
- (6) As soon as claims and objections have been dealt with or the period for making claims and objections has expired, the supplementary list shall be included in the revised register, which shall be certified by the Commission as the official Register of Voters for the purposes of any election conducted under this Bill and supersedes all previous registers.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 11: Appointment of Officers

- (1) For the purpose of maintaining and updating the Voters' Register, the

Commission shall appoint such registration, revision or update officers as it may require, provided that such officers shall not be members of any political party.

- (2) Any person may raise an objection against any officer during the registration or updating exercise provided that failure to raise such objection shall not vitiate the register.
- (3) The officers appointed under subsection (1) shall exercise such functions and duties as may be specified by the Commission, in accordance with the provisions of this Bill, and shall not be subject to the direction or control of any person or authority other than the Commission in the performance of their functions and duties.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 12: Qualification for Registration

- (1) A person shall be qualified to be registered as a voter if such a person —
 - (a) is a citizen of Nigeria;
 - (b) has attained the age of 18 years;
 - (c) is ordinarily resident, works in, originates from the Local Government, Area Council or Ward covered by the registration centre;
 - (d) presents himself to the registration officers of the Commission for registration as a voter; and
 - (e) is not subject to any legal incapacity to vote under any law, rule or regulations in force in Nigeria.
- (2) A person shall not register in more than one registration centre or register more than once in the same registration centre.
- (3) A person who contravenes the provisions of subsection (2) commits an offence and is liable on conviction to a fine not more than ₦100,000.00 or imprisonment for a term not more than one year or both.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 13: Transfer of Registered Voters.

- (1) A person who before the election is resident in a constituency other than the one in which he or she was registered may apply to the Resident

Electoral Commissioner of the State where he or she is currently resident for his or her name to be entered on the transferred voters List for the constituency.

- (2) An application under subsection (1) shall be accompanied by a copy of the applicant's voters' card and shall be made not later than 90 days before the date of an election in the constituency where the applicant is resident.
- (3) The Resident Electoral Commissioner to whom an application is made under this section shall cause the applicant's name to be entered in the Transferred Voters' List if he or she is satisfied that the applicant is resident in a polling area in the constituency and is registered in another constituency.
- (4) Whenever an Electoral Officer on the direction of the Resident Electoral Commissioner enters the name of any person on the Transferred Voters' List for his or her constituency, he or she shall —
 - (a) assign that person to a polling station or a polling area in his or her constituency and indicate in the list the Polling area or polling station to which that person is assigned;
 - (b) issue the person with a new voters' card and retrieve his or her previous voter's card; and
 - (c) send a copy of the entry to the Electoral Officer of the constituency where the person whose name has been so entered was originally registered and upon receipt of this entry, that Electoral Officer shall delete the name from the voters' list.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 14: Demand for Information Regarding Registration

In the performance of his or her duties under this Bill, a registration officer and an update officer shall —

- (1) demand from any applicant the information necessary to enable him or her to ascertain whether the applicant is qualified to be registered as a voter in accordance with the provisions of this Bill; and
- (2) require any voter or applicant to complete an application form for the purpose of the registration; however, in the case of an illiterate or disabled person such application form may be completed by the registration officer on the applicant's request.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 15: Power to Print or Issue Register of Voters

The Commission shall cause a voters' register for each State to be printed, reproduced, copied, duplicated or saved in 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 a Local Government or Area Council or registration area within it (*Senator Kabiru I. Gaya — Kano South*).

Amendments Proposed:

- (i) Immediately after the word "certified" in line 4, *insert* the word "true" instead thereof: (*Senator Gabriel T. Suswam — Benue North-East*).
- (ii) Immediately after the word "area" in line 5, *insert* the words "polling units" instead thereof: (*Senator Ovie A. Omo-Agege — Delta Central*).

Question that the amendments be made, put and agreed to.

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

Clause 16: Power to Print or Issue Voters Card

- (1) The Commission shall design, cause to be printed and control the issuance of voters' cards to voters whose names appear in the register.
- (2) No voter shall hold more than one valid voters' card.
- (3) Any person who contravenes subsection (2) commits an offence and is liable on conviction, to a fine not more than ₦100,000.00 or imprisonment for a term not more than one year or both.

Amendment Proposed:

Leave out the figure "₦100,000.00" in line 2, and *insert* the figure "₦500,000.00" instead thereof: (*Senator Smart Adeyemi — Kogi West*).

Question that the amendment be made, put and agreed to.

- (4) The Commission may, whenever it considers it necessary, replace all or any voters' cards for the time being held by voters (*Senator Kabiru I. Gaya — Kano South*).

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

Clause 17: Custody of Voters' Register

Each electoral officer shall take custody of the voters register for his or her Local Government Area under the general supervision of the Resident Electoral Commissioner (*Senator Kabiru I. Gaya — Kano South*).

Immediately after the word "area" in line 2, *insert* the words "or Area Council" and wherever it appears instead thereof: (*Senator Yahaya I. Oloriegbe — Kwara Central*).

Question that the amendment be made, put and agreed to.

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

Clause 18: Power to Issue Replacement Permanent Voters' Cards

- (1) Whenever a Voter's card is lost, destroyed, defaced, torn or otherwise damaged, the owner of such card shall, not less than 90 days before polling day, apply in person to the Electoral Officer or any other officer duly authorised for that purpose by the Resident Electoral Commissioner, stating the circumstances of the loss, destruction, defacement or damage.
- (2) Where the Electoral Officer or any other officer is satisfied as to the circumstances of loss, destruction, defacement or damage of the voter's Card, he or she shall issue to the voter a replacement permanent voter's card.
- (3) No person shall issue a replacement permanent voter's card to any voter less than 90 days before polling day.
- (4) Where the Electoral Officer or any other officer is satisfied as to the circumstances of the loss, destruction, defacement or damage of the voter's card, he or she shall issue to the voter another copy of the voter's original voter's card with the word "REPLACEMENT" clearly marked or printed on it, showing the date of issue.
- (5) Any person who contravenes subsection (3) of this section commits an offence and is liable on conviction, to a fine not more than ₦200,000.00 or imprisonment for a term not more than two years or both.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 19: Display of the Copies of the Voters' List

- (1) Subject to the provisions of section 9 (5) of this Bill, the Commission shall, not later than 90 days to a general election, appoint a period of seven 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.
- (2) - 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 after displaying the voters register in accordance with this section.
- (3) During the period of the display of the voters' list under this Bill, any person may —
 - (a) raise an objection on the form prescribed by the Commission against the inclusion in the supplementary voters' register of the name of a person on grounds that the person is not qualified to be registered as a voter in the State, Local Government or Area Council, Ward or Registration Area or that the name of a

deceased person is included in the register; or

- (b) make a claim on the form prescribed by the Commission that the name of a person registered to vote has been omitted.
- (4) Any objection or claim under subsection (2) shall be addressed to the Resident Electoral Commissioner through the Electoral Officer in charge of the Local Government or Area Council.
- (5) An official or staff of the Commission, who fails to display or publish the voters' register as provided under subsection (1) commits an offence and is liable on conviction to a fine of ₦100,000.00 or imprisonment for a term of six months or both.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

Clause 20: Time for Publication of Supplementary Voters' Register

The supplementary voters' list shall be integrated with the voters' register and published not later than 30 days before a general election.

Committee's Recommendation:

Leave out the provision in Clause 20 (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Clause 21: Revision Officer for Hearing of Claims, etc.

- (1) The Commission may appoint as a Revision Officer any person to hear and determine claims for and objection to any entry in or omission from the preliminary list of voters and may appoint such number of other persons as it deems necessary to assist the Revision Officer.
- (2) Any person dissatisfied with the determination by a Revision Officer or person or persons assisting a Revision Officer of his or her claims or objection as mentioned in subsection (1), shall within seven days, appeal against the decision to the Resident Electoral Commissioner in charge of that State whose decision shall be final.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

Clause 22: Proprietary Rights in the Voters' Card

The proprietary rights in any voters' card issued to any voter shall vest in the Commission.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed

to.

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

Clause 23: Offences of Buying and Selling Voters' Cards

Any Person who —

- (a) is in unlawful possession of any voter's card whether issued in the name of any voter or not; or
- (b) sells or attempts to sell or offers to sell any voter's card whether issued in the name of any voter or not; or
- (c) buys or offers to buy any voters' card whether on his own behalf or on behalf of any other person; commits an offence and shall be liable, on conviction, to a fine not exceeding ₦500,000.00 or imprisonment not exceeding two years or both (*Senator Kabiru I. Gaya — Kano South*)

Amendment Proposed

Subclauses 23(b) and (c) be retained (*Senator Hassan I. Hadejia — Jigawa North East*).

Question that the amendment be made, put and agreed to.

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

Clause 24: Offences relating to registration of voters

(1) Any Person who —

- (a) Deleted;
- (b) after demand or requisition made of him or her under this Bill without just cause, fails to give any such information as he or she possesses or does not give the information within the time specified;
- (c) in the name of any other person, whether living, dead or fictitious, signs an application form for registration as a voter to have that other person registered as a voter;
- (d) transmits or is involved in transmitting to any person as genuine a declaration relating to registration which is false in any material particular, knowing it to be false;
- (e) intentionally procures the inclusion in the Register of voters of his or herself or any other person with the knowledge that he or she or that other person ought not to have been registered; or
- (f) by his or herself or any other person procures the registration of a fictitious person, commits an offence and is liable on conviction to a fine not more than ₦100,000.00 or imprisonment for a term not more than one year or both.

(2) Any Person who —

- (a) by duress, including threats of any kind causes or induces any

person or persons generally to refrain from registering as a voter or voters; or

- (b) in any way hinders another person from registering as a voter; commits an offence and is liable on conviction, to a fine not more than ₦500,000.00 or imprisonment for a term not exceeding five years.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

PART IV— PROCEDURE AT ELECTION

Clause 25: Days of Election

- (1) Election to each House of the National Assembly shall hold on a date to be appointed by the Independent National Electoral Commission in accordance with the Constitution and this Act.
- (2) The date mentioned in subsection (1) of this section shall not be earlier than 150 days and not later than 30 days before the House stands dissolved, or where the election is to fill a vacancy occurring more than 90 days before such date, not later than 30 days.
- (3) Elections to the House of Assembly of a State shall be held on a date to be appointed by the Independent National Electoral Commission in accordance with the Constitution and this Act.
- (4) The date mentioned in subsection (3) of this section shall not be earlier than 150 days and not later than 30 days before the House stands dissolved, or where the election is to fill a vacancy occurring more than 90 days' before such date, not later than 30 days.
- (5) An election to the office of President shall be held on a date to be appointed by the Independent National Electoral Commission in accordance with the Constitution and this Act.
- (6) An election to the said office of the President shall be held on a date not earlier than 150 days and not later than 30 days before the expiration of the term of office of the last holder of that office.
- (7) An election to the office of the Governor of a State shall be held on a date to be appointed by the Independent National Electoral Commission in accordance with the Constitution and this Act.
- (8) An election to the office of the Governor of a State shall be held on a date not earlier than 150 days and not later than 30 days before the expiration of the term of office of the last holder of that office.

Committee's Recommendation:

Leave out the provision in Clause 20 (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Clause 26: Conduct and Postponement of Election in Emergency

- (1) In the event of an emergency affecting an election, the Commission shall, as far as practicable, ensure that persons displaced as a result of the emergency are not disenfranchised.
- (2) Where a date has been appointed for the holding of an election, and there is reason to believe that a serious breach of the peace is likely to occur if the election is proceeded with on that date or it is impossible to conduct the elections as a result of natural disasters or other emergencies, the Commission may postpone the election and shall in respect of the area, or areas concerned, appoint another date for the holding of the postponed election, provided that such reason for the postponement is cogent and verifiable.
- (3) Where an election has commenced and there is reason to believe that there is or has been substantial disruption of election in a polling unit or constituency or it is impossible to continue with the election occasioned by threat to peace and security of electoral officials and materials, the Commission shall suspend the election and appoint another date for the continuation of the election or the process.
- (4) Where the Commission appoints a substituted date in accordance with subsections (2), (3) and (4), there shall be no return for the election until polling has taken place in the area or areas affected.
- (5) Notwithstanding the provision of subsection (3), the Commission may, if satisfied that the result of the election will not be affected by voting in the area or areas in respect of which substituted dates have been appointed, direct that a return of the election be made.
- (6) The decision of the Commission under subsection (4) may be challenged by any of the contestants at a court or tribunal of competent jurisdiction and on such challenge, the decision shall be suspended until the matter is determined.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 27: Announcement and Declaration of Election Results

- (1) The Results of all the elections shall be announced by the —
 - (a) Presiding Officer at the Polling unit;
 - (b) Ward Collation Officer at the Registration Area or Ward Collation Centre;
 - (c) Local Government or Area Council Collation Officer at the Local Government or Area Council Collation Centre;

- (d) State Collation Officer at the State Collation Centre;
- (2) The Returning Officer shall announce the result and declare the winner of the election at —
 - (a) Registration Area or Ward Collation Centre in the case of Councillorship election in the Federal Capital Territory;
 - (b) Area Council Collation Centre in the case of Chairmanship and Vice Chairmanship election in the Federal Capital Territory;
 - (c) State Constituency Collation Centre in the case of State House of Assembly election;
 - (d) Federal Constituency Collation Centre in the case of election to the House of Representatives;
 - (e) Senatorial District Collation Centre in the case of election to the Senate;
 - (f) State Collation Centre in the case of election of a Governor of a State;
 - (g) State Collation Centre in the case of a Presidential election; and
 - (h) National Collation Centre in the case of election of the President.
- (3) The Chief Electoral Commissioner shall be the Returning Officer at the Presidential election.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 28: Oath of Neutrality by Election Officials

- (1) All staff, Electoral Officers, Presiding Officers, Returning Officers and security officials taking part in the conduct of an election shall affirm or swear to an oath of loyalty and neutrality as in the Second Schedule, indicating that they will not accept bribe or gratification from any person, and shall perform their functions and duties impartially and in the interest of the Federal Republic of Nigeria without fear or favour.
- (2) Any person who violates subsection (1), commits an offence and is punishable under section 120 (dereliction of duty).

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 29: Appointment of other Officers for the Conduct of Registration of Voters and Elections

- (1) The Commission shall for the purposes of an election or registration of voters under this Bill, appoint and designate such officers as may be required provided that no person who is a member of a political party or who has openly expressed support for any candidate shall be so appointed.
- (2) The Officers appointed under subsection (1) shall exercise such functions and duties as may be specified by the Commission, in accordance with the provisions of this Bill, and shall not be subject to the direction or control of any person or authority other than the Commission in the performance of their functions and duties.
- (3) Notwithstanding the provisions of any other law and for purposes of securing the vote, the Commission shall be responsible for requesting for the deployment of relevant security personnel necessary for elections or registration of voters and shall assign them in the manner determined by the Commission in consultation with the relevant security agencies.

Provided that the Commission shall only request for the deployment of the Nigerian Armed Forces for the purpose of securing the distribution and delivery of election materials and protection of election officials.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

Clause 30: Notice of Election

- (1) The Commission shall, not later than 360 days before the day appointed for holding of an election under this Bill, 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.
- (2) The notice shall be published in each constituency in respect of which an election is to be held.
- (3) In the case of a by-election, the Commission shall, not later than 14 days before the date appointed for the election, publish a notice stating the date of the election.
- (4) There shall not be substitution of candidates in a by-election except where a candidate of a political party in a by-election dies, the party shall submit to the Commission the name of its substitute candidate within seven days of the death of the candidate in the Form prescribed by the Commission.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed

to.

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

Clause 31: Submission of List of Candidates and their Affidavits by Political Parties

- (1) Every political party shall, not later than 180 days before the date appointed for a general election under this Bill, submit to the Commission, in the prescribed Forms, the list of the candidates the Party proposes to sponsor at the elections, who must have emerged from valid primaries conducted by the political party.
- (2) The list or information submitted by each candidate shall be accompanied by an affidavit sworn to by the candidate at the Federal High Court, indicating that he or she has fulfilled all the constitutional requirements for election into that office.

Amendment Proposed

Immediately after the word "court" in line 2, *insert* the words "State High Court and Federal Capital Territory High Court" (*Senator Ovie A. Omo-Agege — Delta Central*).

Question that the amendment be made, put and agreed to.

- (3) The Commission shall, within seven days of the receipt of the personal particulars of the candidate, publish same in the constituency where the candidate intends to contest the election.
- (4) Any person may apply to the Commission for a copy of nomination form, affidavit and any other document submitted by a candidate at an election and the Commission shall, upon payment of a prescribed fee, issue such person with a certified copy of document within 14 days.
- (5) Any aspirant who participated in the primaries of his political party who has reasonable grounds to believe that any information given by his political party's candidate in the affidavit or any document submitted by that candidate in relation to his constitutional requirements to contest the election is false, may file a suit at the Federal High Court against that candidate seeking a declaration that the information contained in the affidavit is false.
- (6) Where the Court determines that any of the information contained in the affidavit is false only as it relates to constitutional requirements of eligibility, the Court shall issue an order disqualifying the candidate and the sponsoring political party and then declare the candidate with the second highest number of valid votes and who satisfies the constitutional requirement as the winner of the election.
- (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 or she 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 or her.

- (8) A political party which presents to the Commission the name of a candidate who does not meet the qualification stipulated in this section, commits an offence and is liable on conviction to a fine of ₦10,000,000.00 (*Senator Kabiru I. Gaya — Kano South*).

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

Clause 32: Prohibition of Double Nomination

- (1) A candidate for an election shall be nominated in writing by such number of persons whose names appear on the register of voters in the constituency as the Commission may prescribe.
- (2) A person shall not nominate more than one person for an election to the same office.
- (3) Any person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not more than ₦100,000.00 or imprisonment for a term of three months or both; but his or her action shall not invalidate the nomination.
- (4) An account shall not be taken of the signature of a person on a nomination paper where the candidate had died, withdrawn or the nomination paper was held invalid by a Court of competent jurisdiction.
- (5) A person who has subscribed as a nominator shall not, so long as the candidate stands nominated withdraw his or her nomination.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 33: Withdrawal of Candidate

A candidate may withdraw his or her candidature by notice in writing signed by him and delivered personally by the candidate to the political party that nominated him for the election and the political party shall convey such withdrawal to the Commission not later than 90 days to the election.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 34: Publication of Nomination

- (1) The Commission shall, at least 150 days before the day of the election, publish by displaying or causing to be displayed at the relevant office or offices of the Commission and on the Commission's web site, a statement of the full names and addresses of all candidates standing nominated.
- (2) Any registered political party that observes that the name of its candidate

is missing on the list published in accordance with subsection (1) shall notify the Commission in writing, signed by its National Chairman and Secretary, supported with an affidavit not later than 90 days to the election.

- (3) Failure of the political party to notify the Commission in accordance with subsection (2) shall not be a ground to invalidate the election.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 35: Political Parties Changing Candidates

A political party shall not be allowed to change or substitute its candidate whose name has been submitted pursuant to section 29 of this Bill, 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 14 days of the occurrence of the event, hold a fresh primary election to produce and submit a fresh candidate to the Commission for the election concerned.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 36: Death of a Candidate

- (1) If after the time for the delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Chief National Electoral Commissioner shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate and the Commission shall appoint some other convenient date for the election within 14 days.
- (2) The list of voters to be used at a postponed election shall be the official voters register which was to be used if the election had not been postponed.
- (3) If after the commencement of polls and before the announcement of the final result and declaration of a winner, a candidate dies —
 - (a) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days; and
 - (b) in the case of election into a legislative House, the election shall start afresh and 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 the name of a new candidate to the Commission to replace the

dead candidate:

Provided that in the case of Presidential or gubernatorial election, the running mate will continue with the election and nominate a new running mate.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

Clause 37: Invalidity of Multiple Nomination

Where a candidate knowingly allows himself to be nominated by more than one political party or in more than one constituency, his nomination shall be void.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

Clause 38: Failure of Nomination

Where at the close of nomination there is no candidate validly nominated, the Commission shall extend the time for nomination and fix a new date for the election.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

Clause 39: Contested Election

Subject to any other provisions of this Bill, if after the latest time for the delivery of nomination papers and the withdrawal of candidates for an election under this Bill more than one person remains validly nominated, a poll shall be taken.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

Clause 40: When poll is Required

A poll shall take place in accordance with the provisions of this Bill in the case of an election to —

- (a) the office of President or Governor of a State, whether or not only one person is validly nominated in respect of such office; and
- (b) any other office, if after the expiry of the time for delivery of nomination papers there is more than one person standing nominated.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

Clause 41: Uncontested Election

- (1) Where after the expiration of time for delivery of nomination papers and withdrawal of candidates and the extension of time as provided for in this Bill there is only one person who is validly nominated in respect of an election, other than to the office of the President or Governor, that person shall be declared elected.
- (2) Where a person is declared elected under subsection (1), a Declaration of Result Form as may be prescribed by the Commission shall be completed and a copy thereof issued to the person by the Returning Officer while the original of the form shall be returned to the Commission as in the case of a contested election.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

Clause 42: Establishment of Polling Units

- (1) The Commission shall divide each Local Government Area into Registration Areas or Electoral Wards not being less than 10 and not more than 20 as the circumstance of the Local Government Area may require.
- (2) The Commission shall establish adequate number of polling units in each Registration Area or Electoral ward and shall allot voters to such polling units.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

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

Clause 43: Ballot Boxes and Voting Devices

- (1) The Commission shall provide suitable boxes or any other voting device for the conduct of elections.
- (2) The forms to be used for the conduct of elections to the offices mentioned in this Bill shall be determined by the Commission.
- (3) The Polling Agents shall be entitled to be present at the distribution of the election materials from the office to the polling booth.

Amendment Proposed

Immediately after the word "materials" in line 2, insert the words "and voting devices" (*Senator*

Hassan I. Hadejia — Jigawa North East).

- (4) Polling Agents who are in attendance at a polling unit, may be entitled, before the commencement of the election, to have originals of electoral materials to be used by the Commission for the election inspected, and this process may be recorded as evidence in writing, on video or by other means by any Polling Agent, accredited observer or official of the Commission.
- (5) A Polling Agent who is in attendance at a polling unit, may observe originals of the electoral materials and this may be recorded as evidence.
- (6) The Commission shall, before the commencement of voting in each election, provide all election materials for the conduct of such election at the polling unit (*Senator Kabiru I. Gaya — Kano South*).

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

Clause 44: Format of Ballot Papers

- (1) The Commission shall prescribe the format of the ballot papers which shall include the symbol adopted by the Political Party of the candidate and such other information as it may require.
- (2) The ballot papers shall be numbered serially with differentiating colours for each office being contested.
- (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 may state in writing within two 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) in writing, it shall not complain of unlawful exclusion from the election under this Bill 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) 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 44 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Clause 45: Polling Agents

- (1) Each Political Party, in consultation with its candidate, may, by notice in writing addressed to the Resident Electoral Commissioner of the State, appoint a polling agent for each polling unit and collation centre in the

Local Government Area or Area Council for which it has candidate and the notice, which sets out the name, address and contact details of the polling agent, shall be accompanied by two passport photographs of each polling agent and sample signature of the polling agent and be given to the Electoral Officer at least 14 days before the date fixed for the election:

Provided that no person who is serving as Chairman or member of a Local Government Area or Area Council; Commissioner, Deputy Governor or Governor of a State; Minister of the Federal Government; or any other person holding elective or appointive political office under any tier of government and who has not resigned from his office at least three months prior to the said election shall serve as a polling agent of any political party, either at the polling unit or at any centre designated for collation of results of election.

- (2) Notwithstanding the requirement of subsection (1), a candidate shall not be precluded from doing any act or thing which his political party, in consultation with him, has appointed a polling agent to do on his or her behalf under this Bill.
- (3) Where in this Bill, an act or thing is required or authorised to be done by or in the presence of a polling agent, the non-attendance of the Polling Agent at the time and place appointed for the act or thing or refusal by the Polling Agent to do the act or thing shall not, if the act or thing is otherwise done properly, invalidate the act or thing.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 45 do stand part of the Bill, put and agreed to.

Clause 46: Notice of Poll

The Commission shall, not later than 14 days before the day of the election, cause to be published, in such manner as it may deem fit, a notice specifying the —

- (a) day and hours fixed for the poll;
- (b) persons entitled to vote; and
- (c) location of the polling units.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 46 do stand part of the Bill, put and agreed to.

Clause 47: Hour of Polls

Voting in any particular election under this Bill shall take place on the date and time appointed by the Commission.

Committee's Recommendation:

to.

Question that Clause 50 do stand part of the Bill, put and agreed to.

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 (Order 13) (*Senate Leader*).

Question put and agreed to.

Clause 51: Separate Queues for Men and Women

The Presiding Officer shall separate the queue between men and women if in that area of the country the culture is such that it does not permit the mingling of men and women in the same queue.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 51 do stand part of the Bill, put and agreed to.

Closed Session:

Closed Session — 1:52 p.m.

Open Session — 2:09 p.m.

The President of the Senate reported that the Senate in a Closed Session considered some home-keeping issues.

Clause 52: Conduct of Poll by Open Secret Ballot

- (1) Voting at an election under this Bill shall be by open secret ballot.
- (2) Voting at an election under this Bill shall be in accordance with the procedure determined by the Commission, which may include electronic voting.

Amendment Proposed

Leave out the provision in subclause 52(2) and insert the following instead thereof:

“The Commission may consider electronic transmission of results provided that the national coverage is adjudged to be adequate and secure by the Nigeria Communications Commission (NCC) and approved by the National Assembly” (*Senator Aliyu S. Abdullahi — Niger North*).

Question that the amendment be made, put and agreed to.

Another Amendment Proposed

The provision in the Bill be retained (*Senator Albert B. Akpan — Akwa Ibom North-East*).

Question put and the Senate divided:

| | | |
|--------|---|----|
| Ayes | = | 28 |
| Nays | = | 52 |
| Absent | = | 28 |

That the provision in Clause 47 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 47 do stand part of the Bill, put and agreed to.

Clause 48: Display of Ballot Boxes

- (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 or present the voting device 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 any unauthorised person.
- (2) The ballot box shall then be placed in full view of all present and be so maintained until the close of poll.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 48 do stand part of the Bill, put and agreed to.

Clause 49: Accreditation of Voters and Voting

- (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) To vote, the Presiding Officer shall use a smart card reader or any other technological device that may be prescribed by the Commission, for the accreditation of voters, to verify, confirm or authenticate the particulars of the intending voter in the manner prescribed by the Commission.
- (3) Where a smart card reader or any other technological device deployed for accreditation of voters fails to function in any unit and a fresh card reader or technological device is not deployed, the election in that unit shall be cancelled and another election shall be scheduled within 24 hours. If the Commission is satisfied that the result of the Election in that polling unit will substantially affect the final result of the whole election and declaration of a winner in the constituency concerned.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 49 do stand part of the Bill, put and agreed to.

Clause 50: Right to Challenge Issue of Ballot Paper

A candidate or a Polling Agent may challenge the right of a person to vote on such grounds and in accordance with such procedures as are provided for in this Bill.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed*

That the provision in Clause 54 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 54 do stand part of the Bill, put and agreed to.

Clause 55: Accidental Destruction or Marking of Ballot Papers

A voter who by accident deals with his or her ballot paper in such a manner that it may not be conveniently used for voting, may deliver it to the Presiding Officer and if the Presiding Officer is satisfied that the ballot paper is spoilt he or she shall issue another ballot paper to the voter in place of the ballot paper delivered up, and the spoilt ballot paper shall be immediately marked cancelled by the Presiding Officer.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 55 do stand part of the Bill, put and agreed to.

Clause 56: Visually Impaired and Incapacitated Voters

- (1) A Voter with visual impairment or other form of disability who is otherwise unable to distinguish symbol or who suffers from any other physical disability may be accompanied into the polling unit by a person chosen by him or her and that person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting compartment and assist the voter to make his or her mark in accordance with the procedure prescribed by the Commission.
- (2) The Commission shall take reasonable steps to ensure that persons with disabilities, special needs and vulnerable persons are assisted at the polling place by the provision of suitable means of communication, such as Braille, Large embossed print or electronic devices or sign language interpretation, or off-site voting in appropriate cases.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 56 do stand part of the Bill, put and agreed to.

Clause 57: Personal Attendance

No voter shall record his or her vote otherwise than by personally attending at the polling unit or voting centres and recording his or her vote in the manner prescribed by the Commission.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Abstain = 0
Total: = 108

- (3) The Commission may transmit results of elections by electronic means where and when practicable.
- (4) A voter on receiving a ballot paper shall mark it in the manner prescribed by the Commission.
- (5) All ballots at an election under this Bill at any polling station shall be deposited in the ballot box in the open view of the public.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 52 do stand part of the Bill, put and agreed to.

Clause 53: Over Voting

- (1) No voter shall vote for more than one candidate or record more than one vote in favour of any candidate at any one election.
- (2) Where the number of votes cast at an election in any polling unit exceeds the number of accredited voters in that polling unit, the Presiding Officer shall cancel the result of the election in that polling unit.
- (3) Where the result of an election is cancelled in accordance with subsection (2), there shall be no return for the election until another poll has taken place in the affected polling unit.
- (4) Notwithstanding the provisions of subsections (2) and (3) the Commission may, if satisfied that the result of the election will not substantially be affected by voting in the area where the election is cancelled, direct that a return of the election be made.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 53 do stand part of the Bill, put and agreed to.

Clause 54: Ballot not to be Marked by Voter for Identification

- (1) Where a voter makes any writing or mark on a ballot paper by which he or she may be identified, such ballot paper shall be rejected provided that any print resulting from the staining of the thumb of the voter in the voting compartment shall not be or be deemed to be a mark of identification under this section.
- (2) The Commission shall use indelible ink for any thumb mark by voters on ballot papers.

Committee's Recommendation:

ballot paper") shall be of a colour different from the ordinary ballot papers.

- (2) The Presiding Officer shall require the voter to deliver the tendered ballot paper to him instead of allowing it to be put in the ballot box, and the Presiding Officer shall endorse on it the name of the voter and his number in the register of voters.
- (3) The ballot paper shall on delivery to the Presiding Officer and in the view of all present, be set aside by the Presiding Officer in a packet intended for tendered votes and the tendered ballot paper shall be counted by the Returning Officer.
- (4) The Presiding Officer shall, when he tenders a ballot paper under this section, enter the name of the voter and his number in the register of voters on the list to be called tendered vote list and the tendered vote list shall be produced in any legal proceedings arising out of the election.

Committee's Recommendation:

Leave out the provision in Clause 60 (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Clause 61: Conduct at Polling Units

- (1) The Presiding Officer shall regulate the admission of voters to the polling unit and shall exclude all persons other than the candidates, polling agents, poll clerks and persons lawfully entitled to be admitted including accredited observers, and the Presiding Officer shall keep order and comply with the requirements of this Bill at the polling unit.
- (2) The Presiding Officer may order a person to be removed from a polling unit, who behaves in a disorderly manner or fails to obey a lawful order.
- (3) A person removed from a polling unit under this section shall not, without the permission of the Presiding Officer, again enter the polling unit during the day of the election, and if charged with the commission of an offence in that polling unit, the person shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.
- (4) The provisions of subsection (3) shall not be enforced so as to prevent a voter who is otherwise entitled to vote at a polling unit from having an opportunity of so voting.
- (5) In the absence of the presiding officer, the Poll Clerk shall enjoy and exercise all the powers of the Presiding Officer in respect of a Polling Unit.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 57 do stand part of the Bill, put and agreed to.

Clause 58: Voting at Appropriate Polling Unit

No person shall be permitted to vote at any polling unit other than the one to which he or she is allotted.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 58 do stand part of the Bill, put and agreed to.

Clause 59: Impersonation by Applicant to Vote

- (1) If at the time a person applies to vote and before he or she has left the polling unit, a polling agent, polling unit official or security agent informs the Presiding Officer that he or she has reasonable cause to believe that the person is under the age of 18 years or has committed the offence of impersonation and gives an undertaking on a prescribed form to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest that person and the Presiding Officer's order shall be sufficient authority for the police officer so to act.
- (2) A person in respect of whom a polling agent, polling official, or security agent gives an information in accordance with the provision of subsection (1) shall not by reason of the information, be prevented from voting, but the Presiding Officer shall cause the words "protested against for impersonation" to be placed against his or her name in the marked copy of the register of voters or part of the register of voters.
- (3) Where a person in respect of whom a declaration is made under subsection (2), admits to the Presiding Officer that he or she is not the person he or she held themselves out to be, he or she shall not be permitted to vote and shall be handed over to the Police or security agent.
- (4) A person arrested under the provisions of this section shall be deemed to be a person taken into custody by a police officer.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 59 do stand part of the Bill, put and agreed to.

Clause 60: Tendered Ballot Paper

- (1) If a person claiming to be entitled to vote applies for a ballot paper after some other person has voted in the name given by the claimant he shall, upon satisfactory answers given to any questions put to him by a poll clerk, be entitled to receive a ballot paper in the same manner as any other voter; but the ballot paper (in this Act referred to as "the tendered

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 64 do stand part of the Bill, put and agreed to.

Clause 65: Post-election Procedure and Collation of Election Results

- (1) After the recording and announcement of the result, the presiding officer shall deliver same along with election materials under security and accompanied by the candidates or their polling agents, where available, to such person as may be prescribed by the Commission.
- (2) 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 unit 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.
- (3) 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, Registration Area or Electoral 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 65 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 65 do stand part of the Bill, put and agreed to.

Clause 66: Rejection of Ballot Paper without Official Mark

- (1) Subject to subsection (2), a ballot paper which does not bear official mark prescribed by the Commission shall not be counted.
- (2) If the Returning Officer is satisfied that a ballot paper which does not bear the official mark was from a book of ballot papers which was furnished to the Presiding Officer of the polling unit in which the vote was cast for use at the election in question, he or she shall, notwithstanding the absence of the official mark, count that ballot paper.

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

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

Question that Clause 61 do stand part of the Bill, put and agreed to.

Clause 62: Closing of Poll

- (1) At the prescribed hour for the close of poll, the Presiding Officer shall declare the poll closed and no more person shall be admitted into the Polling unit and only those already inside the Polling unit shall be allowed to vote.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 62 do stand part of the Bill, put and agreed to.

Clause 63: Counting of Votes and Forms

- (1) The Presiding Officer shall, after counting the votes at the polling unit, enter the votes scored by each candidate in a form to be prescribed by the Commission as the case may be.
- (2) The form shall be signed and stamped by the Presiding Officer and counter signed by the candidates or their polling agents where available at the Polling unit.
- (3) The Presiding Officer shall give to the Polling Agents and the police officer where available a copy each of the completed Forms after it has been duly signed as provided in subsection (2).
- (4) The Presiding Officer shall count and announce the result at the Polling unit.
- (5) The Presiding officer shall transmit the results including total number of accredited voters and the results of the ballot in a manner as prescribed by the Commission.
- (6) A Presiding Officer who willfully contravenes any provision of this section commits an offence and is liable on conviction to a fine not more than ₦100,000.00 or imprisonment for a term of at least six months.

Committee's Recommendation:

That the provision in Clause 63 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 63 do stand part of the Bill, put and agreed to.

Clause 64: Recount

A candidate or a Polling Agent may, where present at a polling unit when counting of votes is completed by the Presiding Officer, demand to have the votes recounted provided that the Presiding Officer shall cause the votes to be so recounted only once.

Clause 67: Endorsement on Rejected Ballot Paper without Official Mark

- (1) The Presiding Officer shall endorse the word "rejected" on the ballot paper rejected under section 52 (1) of this Bill and for any other reason, and the ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.
- (2) If an objection to the decision of a Presiding Officer to reject a ballot paper is raised by a candidate or a polling agent at the time the decision is made, the Presiding Officer shall add to the word "rejected", the phrase "but objected to".
- (3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection and their serial number, and he or she shall on request, allow a candidate or a polling agent to copy the statement.
- (4) A Collation Officer or Returning Officer at an election shall collate and announce the result of an election, subject to his or her 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 47 (2) of this Bill.
 - (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 60 (4) of this Bill.
- (5) Subject to subsection (1), a Collation Officer or Returning Officer shall use the number of accredited voters recorded and transmitted directly from polling units under section 47 (2) of this Bill and the votes or results recorded and transmitted directly from polling units under section 60 (4) of this Bill to collate and announce the result of an election if a collated result at his or a lower level of collation is not correct.
- (6) 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 for each polling unit where the election is disputed;
 - (b) the smart card reader or other technology 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 technology device;
 - (c) data of accreditation recorded and transmitted directly from each polling unit where the election is disputed as prescribed under

- section 47 (2) of this Bill;
- (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 60 (4) of this Bill.
- (7) 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-d).
- (8) Where the dispute under subsection (3) arose at the level of collation and the Returning Officer has satisfied the provision of subsection (3), the Returning Officer shall accordingly declare the winner of the election.
- (9) A Returning Officer or Collation Officer, as the case may be, commits an offence if he or she intentionally collates or announces a false result and is liable on conviction to imprisonment for a term of at least three years or a fine of ₦5,000,000.00, or both.

Committee's Recommendation:

That the provision in Clause 67 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 67 do stand part of the Bill, put and agreed to.

Clause 68: Decision of Returning Officer on Ballot Paper

- (1) The decision of the Returning Officer shall be final on any question arising from or relating to —
- (a) unmarked ballot paper;
- (b) rejected ballot paper; and
- (c) declaration of scores of candidates and the return of a Candidate;

Provided that the Commission shall have the power within seven days to review the declaration and return where the Commission determines that the said declaration and return was not made voluntarily or was made contrary to the provisions of the Law, Regulations and Guidelines, and Manual for the election.

- (2) A decision of the Returning Officer under subsection (1) may be reviewed by a Election Tribunal or Court of competent jurisdiction in an election petition proceedings under this Bill.

Committee's Recommendation:

That the provision in Clause 68 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 68 do stand part of the Bill, put and agreed to.

Clause 69: Declaration of Result

In an election to the office of the President or Governor whether or not contested and in any contested election to any other elective office, the result shall be ascertained by counting the votes cast for each candidate and subjected to the provisions of sections 133, 134 and 179 of the Constitution, the candidate that receives the highest number of votes shall be declared elected by the appropriate Returning Officer.

Committee's Recommendation:

That the provision in Clause 69 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 69 do stand part of the Bill, put and agreed to.

Clause 70: Equality of Votes

Where two or more candidates' poll equal number of votes being the highest in an election, the Returning Officer shall not return any of the candidates and a fresh election shall be held for the candidates who polled equal number of votes on a date to be appointed by the Commission.

Committee's Recommendation:

That the provision in Clause 70 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 70 do stand part of the Bill, put and agreed to.

Clause 71: Posting of Results

The Commission shall cause to be posted on its notice board and website, a notice showing the candidates at the election and their scores; and the person declared as elected or returned at the election.

Committee's Recommendation:

That the provision in Clause 71 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 71 do stand part of the Bill, put and agreed to.

Clause 72: Custody of Documents

The Chief Electoral Commissioner or any officer authorised by him or her shall keep official custody of all the documents, including statement of results and ballot papers relating to the election, which are returned to the Commission by the Returning Officers.

Committee's Recommendation:

That the provision in Clause 72 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 72 do stand part of the Bill, put and agreed to.

Clause 73: Step by Step Recording of Poll

Subject to the provisions of this Bill, the Commission shall issue and publish in the Gazette, guidelines for the elections which shall make provisions, among other things, for the step-by-step recording of the poll in the electoral forms as may be prescribed beginning from the polling unit to the last collation centre for the ward or constituency where the result of the election shall be declared.

Committee's Recommendation:

That the provision in Clause 73 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 73 do stand part of the Bill, put and agreed to.

Clause 74: Result Forms to be Signed and Countersigned

Every result form completed at the ward, local government, state and national levels in accordance with the provisions of this Act or any Guidelines issued by the Commission shall be stamped, signed and countersigned by the relevant officers and polling agents at those levels and copies given to the police officers and the polling agents, where available.

Committee's Recommendation:

That the provision in Clause 74 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 74 do stand part of the Bill, put and agreed to.

Clause 75: Certificate of Return

(1) A sealed Certificate of Return at an election in a prescribed form shall be issued within 14 days to every candidate who has been returned by the returning officer in an election under this Bill:

Provided that where the Court of Appeal or the Supreme Court being the final appellate court in any election petition, as the case may be, nullifies any candidate's Certificate of Return, the Commission shall within 48 hours after receipt of the court's order, issue the successful candidate with a valid Certificate of Return.

(2) Where the Commission fails, refuses, or neglects to issue the certificate of return under subsection (1), a certified true copy of the order of the court shall, by that very fact, be sufficient for the purpose of swearing-in a candidate declared as the winner of the election by that court.

Committee's Recommendation:

That the provision in Clause 75 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 75 do stand part of the Bill, put and agreed to.

Clause 76: Forms for use at Elections

- (1) The forms to be used for the conduct of elections under this Bill shall be determined by the Commission.
- (2) 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.
- (3) A Presiding Officer who intentionally announces or signs any election result in violation of subsection (2) commits an offence and is liable on conviction to a fine of ₦200,000.00 or imprisonment for a term of at least one year or both.

Committee's Recommendation:

That the provision in Clause 76 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 76 do stand part of the Bill, put and agreed to.

Clause 77: Access to Election Documents

- (1) The Resident Electoral Commissioner in a State where an election is conducted shall, within 14 days after an application is made to him by any of the parties to an election petition, cause a certified true copy of such document to be issued to the said party.
- (2) Any Resident Electoral Commissioner who willfully fails to comply with the provisions in sub section (1) commits an offence and is liable on conviction to a maximum fine of ₦2,000,000.00 or imprisonment for a term of 12 months or both.

Committee's Recommendation:

That the provision in Clause 77 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 77 do stand part of the Bill, put and agreed to.

PART V — POLITICAL PARTIES

Clause 78: Powers of the Commission to register political parties

- (1) Any political association that complies with the provisions of the Constitution and this Bill for the purposes of registration shall be registered as a political party;

Provided however, that such application for registration as a political party shall be duly submitted to the Commission not later than 12 months before a general election.

- (2) The Commission shall, on receipt of the documents in fulfillment of the

- conditions stipulated by the Constitution, immediately issue the applicant with a letter of acknowledgement stating that all the necessary documents had been submitted to the Commission.
- (3) If the Association has not fulfilled all the conditions under this section, the Commission shall within 90 days from the receipt of its application notify the Association in writing stating the reasons for non-registration.
 - (4) A political association that meets the conditions stipulated in the Constitution and this Bill 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) An association, its executive member or principal officers who gives false or misleading information, commit an offence and is liable on conviction, in the case of —
 - (a) the association to a fine of ₦5,000,000.00;
 - (b) each executive or principal officer of the association to a fine of ₦3,000,000.00 or imprisonment for a term of at least two years or both.
 - (6) An application for registration as a political party shall not be processed unless there is evidence of payment of administrative fee as may be fixed from time to time by the Commission.

Committee's Recommendation:

That the provision in Clause 78 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 78 do stand part of the Bill, put and agreed to.

Clause 79: Decision of the Commission Subject to Judicial Review

The decision of the Commission not to register any association as a political party may be challenged in the Federal High Court, provided that any legal action challenging the decision of the Commission shall be commenced within 14 days from the date of receipt of the decision on non-registration from the Commission.

Committee's Recommendation:

That the provision in Clause 79 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 79 do stand part of the Bill, put and agreed to.

Clause 80: Political Parties to be Bodies Corporate

- (1) A political party registered under this Bill shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its

corporate name.

- (2) Every registered political party shall maintain a register of its members in both hard and soft copy.
- (3) Each political party shall make such register available to the Commission not later than 30 days before the date fixed for the party primaries, Congresses or Convention.

Committee's Recommendation:

That the provision in Clause 80 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 80 do stand part of the Bill, put and agreed to.

Clause 81: Contravention of Section 227 of the 1999 Constitution

- (1) Any Political Party or association, which contravenes the provisions of section 227 of the Constitution, commits an offence and is liable on conviction to a fine of —
 - (a) ₦5,000,000.00 for the first offence;
 - (b) ₦7,000,000.00 for any subsequent offence; and
 - (c) ₦500,000.00 for every day that the offence continues.
- (2) Any person or group of persons who aids or abets a political party in contravening the provisions of section 227 of the Constitution commits an offence and is liable on conviction to a fine of ₦5,000,000.00 or imprisonment for a term of five years or both.

Committee's Recommendation:

That the provision in Clause 81 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 81 do stand part of the Bill, put and agreed to.

Clause 82: Symbols of Political Parties

- (1) The Commission shall keep a register of symbols and name for use at elections.
- (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 distinctive from any other symbol already registered; and
 - (c) its use will not be offensive or otherwise objectionable.

- (3) The Commission shall remove a symbol or name from the register of symbols and names if the —
- (a) Deleted
 - (b) 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 "and names".
- (4) Nothing in this section shall authorise the allotment or registration for use at any election of a symbol or material as symbol of a party, if it portrays —
- (a) the Coat of Arms of the Federation;
 - (b) the Coat of Arms of any other country;
 - (c) a device or emblem which in the opinion of the Commission is normally associated with —
 - (i) the official acts of Government,
 - (ii) any of the Armed Forces of the Federation or the Nigeria Police Force or other uniformed service,
 - (iii) the regalia of a Chief,
 - (iv) any tribe or ethnic group,
 - (v) any religion or cult, or
 - (vi) any portrait of a person living or dead; or
 - (d) any symbol or part of a symbol which under the provision of this section continues to be registered by another political party.
- (5) Subject to the provisions of this section, the symbol allotted to a political party and in use immediately before the coming into force of this Bill shall continue to be available to, and be used by, that political party without payment of the fee.
- (6) Where a Political Party is deregistered, no political association shall be permitted to use the name, symbol, logo or acronym of the deregistered Political Party within five years of deregistration.

Committee's Recommendation:

That the provision in Clause 82 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 82 do stand part of the Bill, put and agreed to.

Clause 83: Allocation of Symbols

Where a symbol is registered by a political party in accordance with this Bill, the Commission shall allot the symbol to any candidate sponsored by the political party at any election.

Committee's Recommendation:

That the provision in Clause 83 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 83 do stand part of the Bill, put and agreed to.

Clause 84: Merger of Political Parties

- (1) Any two or more registered political parties may merge on approval by the Commission following a formal request presented to the Commission by the political parties for that purpose.
- (2) Political Parties intending to merge shall each give to the Commission nine months' notice of their intention to do so before a general election.
- (3) The written request for merger shall be sent to the Chairman of the Commission and shall be signed jointly by the National Chairman, Secretary and Treasurer for the time being of the different Political Parties proposing the merger and shall be accompanied by —
 - (a) a special resolution passed by the national convention of each of the political parties proposing to merge, approving the merger;
 - (b) the proposed full name and acronym, Constitution, manifesto, symbol or logo of the party together with the addresses of the national office of the party resulting from the merger; and
 - (c) evidence of payment of administrative fee as may be fixed by the Commission.
- (4) On receipt of the request for merger of political parties the Commission shall consider the request; and if the parties have fulfilled the requirements of the Constitution and this Bill, approve the proposed merger and communicate its decision to the Parties concerned before the expiration of 60 days from the date of receipt of the formal request.

Provided that where the Commission fails to communicate its decision within 60 days, the parties shall within 14 days thereafter challenge the decision of the Commission at the Court and establish by cogent and verifiable reason that they have met all the constitutional requirements for merger.

- (5) Where the request for the proposed merger is approved, the Commission shall withdraw and cancel the certificates of registration of all the Political Parties opting for the merger and substitute a single certificate of registration in the name of the party resulting from the merger.

Committee's Recommendation:

That the provision in Clause 84 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 84 do stand part of the Bill, put and agreed to.

Clause 85: Notice of Convention, Congress, etc.

- (1) Every registered political party shall give the Commission at least 21 days' notice of any convention, congress, conference or meeting convened for the purpose of "merger" and electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices specified under this Bill.
- (2) The Commission may, with or without prior notice to the political party attend and observe any convention, congress, conference or meeting which is convened by a political party for the purpose of —
 - (a) electing members of its executive committees or other governing bodies;
 - (b) nominating candidates for an election at any level; and
 - (c) approving a merger with any other registered political party.
- (3) The election of members of the executive committee or other governing body of a political party, including the election to fill a vacant position in any of the aforesaid bodies, shall be conducted in a democratic manner and allowing for all members of the party or duly elected delegates to vote in support of a candidate of their choice.
- (4) Notice of any congress, conference or meeting for the purpose of nominating candidates for Area Council elections shall be given to the Commission at least 21 days before such congress, conference or meeting.
- (5) Failure of a political party to notify the Commission as stated in subsection (1) shall render the convention, congress, conference or meeting invalid.

Committee's Recommendation:

That the provision in Clause 85 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 85 do stand part of the Bill, put and agreed to.

Clause 86: Monitoring of Political Parties

- (1) The Commission shall keep records of the activities of all the registered political parties.
- (2) The Commission may seek information or clarification from any

registered political party in connection with any activities of the political party which may be contrary to the provisions of the Constitution or any other law, guidelines, rules or regulations made pursuant to an Act of the National Assembly.

- (3) The Commission may direct its enquiry under subsection (2) to the Chairman or Secretary of the Political Party at the National, State, Local Government or Area Council or Ward level, as the case may be.
- (4) A Political Party which fails to provide the required information or clarification under subsection (2) or carry out any lawful directive given by the Commission in conformity with the provisions of this section is liable to a fine not more than N1,000,000.00.

Committee's Recommendation:

That the provision in Clause 86 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 86 do stand part of the Bill, put and agreed to.

Clause 87: Nomination of Candidates by Parties

- (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 may be monitored by the Commission.
- (2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct or indirect primaries.
- (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.
- (4) A political party that adopts the system of indirect primaries for the choice of its candidate shall adopt the procedure outlined below —
 - (a) in the case of nominations to the position of presidential candidate, a political party shall —
 - (i) hold a special presidential convention at a designated centre in the Federal Capital Territory or any other place within the Federation that is agreed to by the National Executive Committee of the party where delegates shall vote for each of the aspirants, and
 - (ii) the 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 name shall be forwarded to the Commission as the candidate of the party;
 - (b) in the case of nominations to the positions of Governorship

- candidate, a political party shall, where it intends to sponsor candidates —
- (i) hold a special congress in the State Capital or any other place within the State with delegates voting for each of the aspirants at the congress to be held on a specified date appointed by the National Executive Committee (NEC) of the party, 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, for the particular State;
- (c) in the case of nominations to the position of a candidate to the Senate, House of Representatives and State House of Assembly, a political party shall, where they intend to sponsor candidates —
- (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, 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; 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 Council, 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.
- (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.
- (6) Where there is only one aspirant in a political party for any of the elective positions mentioned in subsection (4) (a), (b), (c) and (d), the party shall convene a special convention or 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.

- (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 delegates already prescribed in the constitution of the party.
- (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.
- (9) Notwithstanding the provisions of this Bill or rules of a political party, an aspirant who complains that any of the provisions of this Bill and the guidelines of his political party has not been complied with in the selection or nomination of a candidate of the political party for election, may apply for redress to the Federal High Court
- (10) Nothing in this section shall empower the courts to stop the holding of primaries or general election or the processes thereof under this Bill pending the determination of the suit.

Committee's Recommendation:

That the provision in Clause 87 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 87 do stand part of the Bill, put and agreed to.

Clause 88: Offences in Relation to Finances of a Political Party

Any political Party that —

- (a) holds or possesses any fund outside Nigeria in contravention of section 225 (3) (a) of the Constitution, commits an offence and shall on conviction forfeit the funds or assets purchased with such funds to the Commission and in addition may be liable to a fine of at least ₦5,000,000.00; or
- (b) retains any fund or other asset remitted to it from outside Nigeria in contravention of section 225 (3) (a) of the Constitution is guilty of an offence and shall on conviction forfeit the funds or assets to the Commission and in addition may be liable to a fine of at least ₦5,000,000.00.

Committee's Recommendation:

That the provision in Clause 88 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 88 do stand part of the Bill, put and agreed to.

Clause 89: Period to be Covered by Annual Statement

- (1) Every Political Party shall submit to the Commission a detailed annual statement of Assets and Liabilities and analysis of its sources of funds and other assets, together with statement of its expenditure including hard and soft copy of its list of members or in such a form as the Commission may from time to time require.
- (2) Any official of the political party who contravenes subsection (1) commits an offence and is liable to fine of ₦1,000,000.00 or imprisonment for a term of six months or both.
- (3) A political party shall grant to any officer authorised in writing by the Commission, access to examine the records and audited accounts kept by the political party in accordance with the provisions of this Bill and the political party shall give to the officer all such information as may be requested in relation to all contributions received by or on behalf of the party.
- (4) The Commission shall publish the report on such examinations and audit in two National Newspapers and Commission's website within thirty (30) days of receipt of the results.

Committee's Recommendation:

That the provision in Clause 89 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 89 do stand part of the Bill, put and agreed to.

Clause 90: Power to limit Contribution to a Political Party

- (1) The Commission shall have power to place limitation on the amount of money or other assets which an individual can contribute to a Political Party or candidate and to demand such information on the amount donated and source of the funds.
- (2) Any individual, candidate or political party who exceeds the limit placed by the Commission in subsection (1), commits an offence and is liable on conviction to —
 - (a) in case of a political party, a fine not more than ₦10,000,000.00 and forfeiture of the amount donated; and
 - (b) in case of an individual, a fine of five times the amount donated in excess of the limit placed by the Commission.

Committee's Recommendation:

That the provision in Clause 90 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 90 do stand part of the Bill, put and agreed to.

Clause 91: Limitation on Election Expenses

- (1) Election expenses shall not exceed the sum stipulated in subsections (2) (3) (4) (5) (6) and (7).
- (2) The maximum election expenses to be incurred by a candidate at a presidential election shall not exceed ₦5,000,000,000.00.
- (3) The maximum amount of election expenses to be incurred by a candidate in respect of governorship election shall not exceed ₦1,000,000,000.00.
- (4) The maximum amount of election expenses to be incurred by a Candidate in respect of Senatorial and House of Representatives seat shall not exceed ₦100,000,000.00 and ₦70,000,000.00 respectively.
- (5) In the case of State Assembly election, the maximum amount of election expenses to be incurred by a candidate shall not exceed ₦30,000,000.00.
- (6) In the case of a chairmanship election to an Area Council, the maximum amount of election expenses to be incurred by a candidate shall not exceed ₦30,000,000.00.
- (7) In the case of Councillorship election to an area Council, the maximum amount of election expenses to be incurred by a candidate shall not exceed ₦5,000,000.00.
- (8) No individual or other entity shall donate to a candidate more than ₦50,000,000.00.
- (9) A candidate who knowingly acts in contravention of this section, commits an offence and is liable on conviction to a fine of 1% of the amount permitted as the limit of campaign expenditure under this Bill or imprisonment for a term not more than 12 months or both.
- (10) Any individual who knowingly acts in contravention of subsection (9) is liable on conviction to a maximum fine of ₦500,000.00 or imprisonment for a term of nine months or both.
- (11) An Accountant who falsifies, or conspires or aids a candidate to forge or falsify a document relating to his expenditure at an election or receipt or donation for the election or in any way aids and abets the contravention of the provisions of this section commits an offence and is liable on conviction to a fine of ₦3,000,000.00 or imprisonment for a term of three years or both.

Committee's Recommendation:

That the provision in Clause 91 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 91 do stand part of the Bill, put and agreed to.

Clause 92: Election Expenses of Political Parties

- (1) For the purposes of an election, "election expenses" means expenses incurred by a political party within the period from the date notice is given by the Commission to conduct an election up to and including, the polling day in respect of the particular election.
- (2) Election expenses incurred by a political party for the management or the conduct of an election shall be determined by the Commission in consultation with the political parties.
- (3) Election expenses of a political party shall be submitted to the Commission in a separate audited return within six months after the election and such return shall be signed by the political party's auditors and counter-signed by the Chairman of the party and be supported by a sworn affidavit by the signatories as to the correctness of its contents.
- (4) A political party which contravenes subsection (3) commits an offence and is liable on conviction to a maximum fine of ₦1,000,000.00 and in the case of failure to submit an accurate audited return within the stipulated period, the court may impose a maximum penalty of ₦200,000.00 per day on any party for the period after the return was due until it is submitted to the Commission.
- (5) The return referred to in subsection (3) shall show the amount of money expended by or on behalf of the party on election expenses, the items of expenditure and commercial value of goods and services received for election purposes.
- (6) The political party shall cause the return submitted to the Commission pursuant to subsection (4) to be published in at least two National Newspapers an official website of the party.
- (7) Any political party that incurs election expenses beyond the limit set in subsection (2) commits an offence and is liable on conviction to a maximum fine of ₦1,000,000.00 and forfeiture to the Commission, of the amount by which the expenses exceed the limit set by the Commission.
- (8) The Commission shall make available for public inspection during regular business hours at its headquarters and state offices the audit returns of the political parties required by subsection (3) which shall include the names, addresses, occupation, and amount contributed by each contributor to a party.

Committee's Recommendation:

That the provision in Clause 92 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 92 do stand part of the Bill, put and agreed to.

Clause 93: Disclosure by Political Parties

- (1) A political party shall not accept or keep in its possession any anonymous monetary or other contributions, gifts or property, from any source.
- (2) A political party shall keep an account and asset book into which shall be recorded —
 - (a) all monetary and other forms of contributions received by the party; and
 - (b) the name and address of any person or entity that contributes any money or asset which exceeds ₦1,000,000.00.
- (3) A political party shall not accept any monetary or other contribution which is more than ₦50,000,000.00 unless it can identify the source of the money or other contribution to the Commission.
- (4) A political party sponsoring the election of a candidate shall, within three months after the announcement of the results of the election, file a report of the contributions made by individuals and entities to the Commission.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 93 do stand part of the Bill, put and agreed to.

Clause 94: Conduct at Political Rallies, and Processions, etc.

- (1) The Commissioner of Police in each State of the Federation and the Federal Capital Territory, Abuja, shall provide adequate security for proper and peaceful conduct of political rallies and processions in their respective jurisdictions and, for this purpose, the Police may be supported by the Nigerian Security and Civil Defence Corps and any other security agency of the Federal Government.
- (2) For the purpose of subsection (2), a person shall be deemed to be acting in pursuance of a lawful duty if he is acting in his capacity as a police officer or as a member of a security agency authorised to carry arms and is specifically posted to be present at that political rally or procession.
- (3) Notwithstanding any provision in the Police Act, the Public Order Act and any regulation made thereunder or any other law to the contrary, the role of the Nigerian Police Force and the Nigerian Security and Civil Defence Corps and any other security agency of the Federal Government in political rallies, processions and meetings shall be limited to the provision of adequate security as provided in subsection (1).
- (4) No registered political party in Nigeria, its aspirants or candidate shall be prevented from holding rallies, processions or meetings at any time for their constitutional political purposes, and the Police shall in a consultative manner, resolve any conflict of time and venue between and amongst

parties where such arises.

Committee's Recommendation:

That the provision in Clause 94 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 94 do stand part of the Bill, put and agreed to.

Clause 95: Prohibition of Certain Conduct, etc. at Political Campaigns

- (1) A political campaign or slogan shall not be tainted with abusive language directly or indirectly likely to injure religious, ethnic, tribal or sectional feelings.
- (2) Abusive, intemperate, slanderous or base language or insinuations or innuendoes designed or likely to provoke violent reaction or emotions shall not be employed or used in political campaigns.
- (3) Places designated for religious worship, police station, and public offices shall not be used—
 - (a) for political campaigns, rallies and processions; or
 - (b) to promote, propagate or attack political parties, candidates or their programmes or ideologies.
- (4) Masquerades shall not be employed or used by any political party, aspirant or candidate during political campaigns or for any other political purpose.
- (5) A political party, aspirant or candidate of a political party shall not retain, organise, train or equip any person or group of persons for the purpose of enabling them to be employed for the use or display of physical force or coercion in promoting any political objective or interests, or in such manner as to arouse reasonable apprehension that they are organised, trained or equipped for that purpose.
- (6) A political party, aspirant or candidate shall not keep or use armed private security organisation, vanguard or any other group or individual by whatever name called for the purpose of providing security, assisting or aiding the political party or candidate in whatever manner during campaigns, rallies, processions or elections.
- (7) A political party, aspirant or candidate who contravenes any of the provisions of this section commits an offence and is liable on conviction—
 - (a) in the case of an aspirant or candidate, to a maximum fine of ₦1,000,000.00 or imprisonment for a term of 12 months; and
 - (b) in the case of a political party, to a fine of ₦2,000,000.00 in the first instance, and ₦1,000,000.00 for any subsequent offence.

- (8) Any person or group of persons who aids or abets a political party, an aspirant or a candidate in contravening the provisions of subsection (5) commits an offence and is liable on conviction to a fine of ₦500,000.00 or imprisonment for a term of three years or both.

Committee's Recommendation:

That the provision in Clause 95 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 95 do stand part of the Bill, put and agreed to.

Clause 96: Prohibition of use of Force or Violence During Political Campaign

- (1) A party, candidate, aspirant, or person or group of persons shall not directly or indirectly threaten any person with the use of force or violence during any political campaign in order to compel that person or any other person to support or refrain from supporting a political party or candidate.
- (2) Any political party, candidate, aspirant, or person or group of persons that contravenes the provisions of this section commits an offence and liable on conviction —
- (a) in the case of a candidate, aspirant, or person or group of persons, to a maximum fine of ₦1,000,000.00 or imprisonment for a term of 12 months; and
- (b) in the case of a political party, to a fine of ₦2,000,000.00 in the first instance, and ₦500,000.00 for any subsequent offence.

Committee's Recommendation:

That the provision in Clause 96 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 96 do stand part of the Bill, put and agreed to.

Clause 97: Effect on Elected Officer Where Political Party Ceases to Exist

Where a political party ceases to exist in accordance with the Constitution and this Act, a person elected on the platform of the political party in an election under this Act shall remain validly elected, complete his tenure, and, for purposes of identification, be regarded as a member of the political party under which he was elected.

Committee's Recommendation:

Leave out the provision in Clause 97 (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Clause 98: Existing Political Parties

Any political party registered by the Commission in accordance with the provisions of any law in force immediately before the coming into force of the Constitution of the Federal Republic of Nigeria and this Act shall be deemed to have been duly registered under this Act

Committee's Recommendation:

Leave out the provision in Clause 98 (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Clause 99: Limitation on Political Broadcast and Campaign by Political Parties

- (1) For the purpose of this Bill, 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.
- (2) A registered political party which through any person acting on its behalf during the 24 hours before polling day —
 - (a) advertises on the facilities of any broadcasting undertaking; or
 - (b) procures for publication or acquiesces in the publication of an advertisement in a Newspaper, for the purpose of promoting or opposing a particular candidate, commits an offence under this Bill and is liable upon conviction to a maximum fine of ₦500,000.00.

Committee's Recommendation:

That the provision in Clause 99 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 99 do stand part of the Bill, put and agreed to.

Clause 100: Campaign for Election

- (1) A candidate and his or her party shall campaign for the elections in accordance with such rules and regulations as may be determined by the Commission.
- (2) State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.
- (3) Media time shall be allocated equally among the political parties or candidates at similar hours of the day.
- (4) At any public electronic media, equal airtime shall be allotted to all political parties or candidates during prime times at similar hours each day, subject to the payment of appropriate fees.
- (5) At any public print media, equal coverage and visibility shall be allotted to all political parties.
- (6) Any person who contravenes subsections (3) and (4) commits an offence and is liable on conviction, in a case of —
 - (a) a public media, to a fine of ₦2,000,000.00 in the first instance and ₦5,000,000.00 for subsequent conviction; and
 - (b) principal officers and other officers of the media house, to a fine

of ₦1,000,000.00 or imprisonment for a term of six months.

Committee's Recommendation:

That the provision in Clause 100 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 100 do stand part of the Bill, put and agreed to.

Clause 101: Prohibition of Broadcast, Etc. 24 Hours Preceding or on Polling Day

- (1) A person, print or electronic medium that broadcasts, publishes, advertises or circulates any material for the purpose of promoting or opposing a particular political party or the election of a particular candidate over the radio, television, newspaper, magazine, handbills, or any print or electronic media whatsoever called within twenty four hours immediately preceding or on polling day commits an offence under this Bill.
- (2) Where an offence under subsection (1) is committed by a body corporate, the principal officers of that body shall be deemed to have equally committed the same offence.
- (3) A person convicted of an offence under this section is liable -
 - (a) in the case of a body corporate to a maximum fine of ₦1,000,000.00; and
 - (b) in the case of an individual to a maximum fine of ₦1,000,000.00 or to imprisonment for a term of six months or both.

Committee's Recommendation:

That the provision in Clause 101 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 101 do stand part of the Bill, put and agreed to.

Clause 102: Campaign based on religion, tribe, etc.

- (a) candidate, person or association who engages in campaigning or broadcasting based on religious, tribal, or sectional reason for the purpose of promoting or opposing a particular political party or the election of a particular candidate, commits an offence under this Bill and is liable on conviction to a maximum fine of ₦1,000,000.00 or imprisonment for a term of 12 months or both.
- (b) In the case of political party to a maximum fine of ₦10,000,000.00.

Committee's Recommendation:

That the provision in Clause 102 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 102 do stand part of the Bill, put and agreed to.

PART VI — PROCEDURE FOR ELECTION TO AREA COUNCIL

Clause 103: Powers of the Commission

- (1) The conduct of elections into the offices of Chairman, Vice Chairman and a member of an Area Council and the recall of a member of an Area Council shall be under the direction and supervision of the Commission in accordance with the provisions of this Bill.
- (2) The register of voters compiled and the polling units established by the Commission and any other regulations, guidelines, rules or manuals issued or made by the Commission shall be used for elections into the Area Councils or recall of a member.

Committee's Recommendation:

That the provision in Clause 103 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 103 do stand part of the Bill, put and agreed to.

Clause 104: Election to offices of Chairman, Vice-Chairman and Councilors

- (1) There shall be elected for each Area Council in the Federal Capital Territory a Chairman and Vice-Chairman.
- (2) There shall be a Councilor for each Electoral Ward in an Area Council of the Federal Capital Territory.

Committee's Recommendation:

That the provision in Clause 104 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 104 do stand part of the Bill, put and agreed to.

Clause 105: Division of Area Council into Registration Area

- (1) Subject to the provision of this section, the Commission shall divide each Area Council into Registration Areas or Electoral Wards not being less than 10 and not more than 20 as the circumstance of each Area Council may require.
- (2) The boundaries of each Registration Area or Electoral Ward shall be such that the number of inhabitants of the "Registration Area or Electoral Ward is as nearly equal to the population quota as is reasonably practicable.
- (3) The Commission shall review the division of every Area Council at intervals of not less than 10 years and may alter such Registration Area or Electoral Ward in accordance with subsection (1) to such extent as it may consider desirable in the light of the review.
- (4) Notwithstanding subsection (3), the Commission may, at any time, carry out such a review and alter the Electoral Ward in accordance with the

provisions of this section to such extent as it considers necessary in consequence of any amendment to section 3 of the Constitution or any provision replacing that provision or by reason of the holding of a National Population Census or pursuant to an Act of the National Assembly.

Committee's Recommendation:

That the provision in Clause 105 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 105 do stand part of the Bill, put and agreed to.

Clause 106: Qualification

A person shall be qualified for election under this part of this Act if he or she-

- (a) is a citizen of Nigeria;
- (b) is registered as a voter;
- (c) has attained the age of 25 years for Councillor and 30 years for Chairman and Vice Chairman;
- (d) is educated up to at least School Certificate level or its equivalent; and
- (e) is a member of a political party and is sponsored by that party.

Committee's Recommendation:

That the provision in Clause 106 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 106 do stand part of the Bill, put and agreed to.

Clause 107: Disqualification

- (1) A person shall not be qualified to contest an Area Council election under this Bill if -
 - (a) subject to the provisions of section 28 of the Constitution, he or she has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the National Assembly, has made a declaration of allegiance to such a country;
 - (b) he or she is adjudged to be a lunatic or otherwise declared to be of unsound mind under any law in force in any part of Nigeria;
 - (c) he or she is under a sentence of death imposed on him or her by any competent court of law or tribunal in Nigeria;
 - (d) within a period of less than 10 years before the date of an election to the Area Council, he or she has been convicted and sentenced

- for an offence involving dishonesty or he or she has been found guilty of contravention of the Code of Conduct;
- (e) he or she is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Nigeria;
 - (f) he or she is a person employed in the public service of the Federation or of any State or Area Council (other than a person holding elective office) and he or she has not resigned, withdrawn or retired from such employment 30 days before the date of election;
 - (g) he or she is a member of any secret society;
 - (h) he or she has within the preceding period of 10 years presented a forged certificate to the Commission;
 - (i) he or she has been dismissed from the public service of the Federation, State, Local Government or Area council; or
 - (j) he or she has been elected to such office at any two previous elections in the case of Chairman.
- (2) Where in respect of any person who has been-
- (a) adjudged to be a lunatic;
 - (b) declared to be of unsound mind;
 - (c) sentenced to death or imprisonment; or
 - (d) adjudged or declared bankrupt, any appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or as the case may be, the appeal lapses or is abandoned, whichever is earlier.
- (3) For the purpose of subsection (2), an "appeal" includes any application for an injunction or an order of certiorari, mandamus, prohibition, or habeas corpus, or any appeal from any such application.

Committee's Recommendation:

That the provision in Clause 107 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 107 do stand part of the Bill, put and agreed to.

Clause 108: Date of Area Council Elections and Method of Voting

- (1) Election into all the Area Councils shall be held on the same date and day throughout the Federal Capital Territory.
- (2) Bye-elections to fill vacancies that occur in Area Councils shall be held within 30 days from the date the vacancy occurred.
- (3) The date mentioned in subsection (1) shall not be earlier than one hundred and fifty days before and not later than 30 days before the expiration of the term of office of the last holder of that office.
- (4) Where a vacancy occurs more than three months before the day the Area Council stands dissolved there shall be a bye-election to fill the vacancy not later than 30 days from the date the vacancy occurred.
- (5) Voting shall be by open-secret ballot.

Committee's Recommendation:

That the provision in Clause 108 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 108 do stand part of the Bill, put and agreed to.

Clause 109: Procedure for Area Council elections

The procedure for filing nominations and the casting and counting of votes for Area Council elections shall be the same as is applicable to other elections under this Bill.

Committee's Recommendation:

That the provision in Clause 109 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 109 do stand part of the Bill, put and agreed to.

Clause 110: Procedure for Nomination, Etc.

- (1) If after the expiration of time for the delivery of nomination papers and the withdrawal of candidates for election of Councillors under this Bill only one candidate remains duly nominated, that candidate shall be declared returned unopposed.
- (2) If after the expiration of time for the delivery of Nomination Papers and the withdrawal of candidates for election of Councillors under this section more than one candidate remains duly nominated, a poll shall be taken in accordance with the provisions of this Bill.
- (3) Where at the close of nomination for election to the office of Chairman, only one candidate-
 - (a) has been nominated; or
 - (b) remains nominated by reason of the disqualification, withdrawal,

incapacitation, disappearance, or death of the other candidate, the Commission shall extend the time for nomination by seven days:

PROVIDED that where after the extension, only one candidate remains validly nominated there shall be no further extension.

Committee's Recommendation:

That the provision in Clause 110 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 110 do stand part of the Bill, put and agreed to.

Clause 111: Election of Area Council Chairman

- (1) A candidate for an election to the Office of Chairman shall be deemed to have been duly elected to the office where being the only candidate nominated for the election he or she has -
- (a) a majority of YES votes over NO votes cast at the election; and
 - (b) not less than one-third of the votes cast at the election in each of at least two-thirds of all the wards in the Area Council:

PROVIDED that where the only candidate fails to be elected in accordance with this subsection then there shall be fresh nomination.

- (2) A candidate for an election to the office of the Chairman shall be deemed to have been elected where there being only two candidates for the election he has-
- (a) a majority of the votes cast at the election; and
 - (b) not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the wards in the Area Council, as the case may be.
- (3) If no candidate is duly elected under subsection (2) of this section, the Commission shall within 14 days conduct a second election between the 2 candidates, and the candidate who scored the majority of votes cast at the election shall be deemed duly elected at the election.
- (4) A candidate for an election to the office of Chairman shall be deemed to have been duly elected where, there being more than two candidates for the election-
- (a) he or she has the highest number of votes cast at the election; and
 - (b) he or she has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all wards in the Area Council, as the case may be.
- (5) If no candidate is duly elected in accordance with subsection (4) of this section, there shall be a second election in accordance with subsection (6)

at which the only candidates shall be -

- (a) the candidate who scored the highest number of votes at the election held under subsection (4); and
 - (b) one among the remaining candidates who has the majority of votes in the highest number of wards so however that where there are more than one candidate, the one among them with the highest total number of votes cast at the election shall be the second candidate for the election.
- (6) In default of a candidate duly elected under the foregoing subsections, the Commission shall within 14 days of the result of the election held under the said subsections arrange for another election between the two candidates and a candidate at such an election shall be deemed to have been duly elected to the office of a Chairman of the Area Council if he or she has-
- (a) a majority of the votes cast at the election; and
 - (b) not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the wards in the Area Council, as the case may be.
- (7) If no candidate is duly elected under subsection (6), arrangements shall be made within 14 days of the result of the previous election, for another election between the two candidates specified in subsection (6), and a candidate at this last election shall be deemed duly elected to the office of Chairman of the Area Council if he scores a simple majority of votes cast at the election.

Committee's Recommendation:

That the provision in Clause 111 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 111 do stand part of the Bill, put and agreed to.

Clause 112: Death of Chairman Before Oath of Office

- (1) If a person duly elected as Chairman dies before taking and subscribing to the Oath of Allegiance and Oath of Office, the person elected with him or her as Vice-Chairman shall be sworn in as Chairman who shall then nominate and with the approval of a majority of the members of the Area Legislative Council appoint a new Vice-Chairman.
- (2) Where the Vice-Chairman is appointed from among the Councilors as the new Vice-Chairman, the Commission shall conduct a bye-election to fill the vacant seat created in the Ward from which the new Vice-Chairman has been appointed.
- (3) Where the persons duly elected as Chairman and Vice-Chairman of an Area Council die before taking and subscribing the Oath of Allegiance and Oath of Office during which period the Area Council has not been

inaugurated the Commission shall within 21 days conduct an election to fill the vacancies.

- (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; and
 - (b) in the case of election into a legislative House, the election shall start afresh and 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 the name of a new candidate to the Commission to replace the dead candidate:

Provided that in the case of Area Council Chairmanship election, the running mate of the deceased candidate shall continue with the election and nominate a new running mate.

Committee's Recommendation:

That the provision in Clause 112 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 112 do stand part of the Bill, put and agreed to.

Clause 113: Dissolution of Area Council

- (1) An Area Council shall stand dissolved at the expiration of a period of four years commencing from the date when the -
 - (a) Chairman took the oath of office; or
 - (b) legislative arm of the council was inaugurated, whichever is earlier.
- (2) In the determination of the four years term, where a re-run election has taken place and the person earlier sworn in wins the re-run election, the time spent in office before the date the election was annulled, shall be taken into account.

Committee's Recommendation:

That the provision in Clause 113 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 113 do stand part of the Bill, put and agreed to.

Clause 114: Vacation of Seat of Members

- (1) A member of an Area Council shall vacate his or her seat in the Council -
 - (a) — on the date given in his or her letter of resignation;
 - (b) if he or she takes up full time paid employment at any level of the

government or in the private sector;

- (c) if he or she becomes a member of a secret society or does any other thing disqualifying him or her from holding the office of Chairman or Councillors under this Bill; or
 - (d) if the Leader of the Area Legislative Council receives a certificate under the hand of the Commission stating that the provisions of section 116 of this Bill have been complied with in respect of the recall of that member.
- (2) The Leader of the Area Legislative Council shall give effect to subsection (1), so that the Leader shall first present evidence satisfactory to the Area Council that any of the provisions of that subsection has become applicable in respect of that member.

Committee's Recommendation:

That the provision in Clause 114 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 114 do stand part of the Bill, put and agreed to.

Clause 115: Removal of Chairman or Vice-Chairman

- (1) The Chairman or Vice-Chairman may be removed from office in accordance with the provision of this section.
- (2) Whenever a notice of any allegation of gross misconduct in writing signed by not less than one-third of the members of the Area Legislative Council stating that the holder of the office of Chairman or Vice-Chairman is guilty of misconduct in the performance of the functions of his office, detailed particulars of which shall be specified are presented to the Speaker of the Area Legislative Council.
- (3) The Leader of the Area Legislative Council shall, within seven days of the notice, cause a copy of the notice to be served on the holder of the office and on each member of the Area Legislative Council and shall also cause any statement made in reply to the allegation by the holder of the office to be served on each member of the Area Legislative Council.
- (4) Within 14 days of the presentation of the notice, (whether or not any statement was made by the holder of the office in reply to the allegation contained in notice) the Area Legislative Council, shall resolve by motion without any debate whether or not the allegation shall be investigated.
- (5) A motion of the Area Legislative Council that the allegation be investigated shall not be declared as having been passed unless it is supported by the votes of not less than two-thirds majority of all the members of the Area Legislative Council.
- (6) Within seven days of the passing of a motion under subsection (4), the

leader of the Area Legislative Council shall inform the Chief Judge of the Federal Capital Territory, Abuja, who shall appoint a Panel of seven persons who in the opinion of the Chief Judge are of unquestionable integrity not being members of -

- (a) any public or civil service;
 - (b) a legislative house; or
 - (c) a political party, to investigate the allegation as provided in this section.
- (7) The holder of an office whose conduct is being investigated under this section shall have the right to defend his or herself in person or be represented before the Panel by a legal practitioner of his or her own choice.
- (8) A Panel appointed under this section shall -
- (a) have such powers and exercise its functions in accordance with such procedure as may be prescribed by an Act of the National Assembly; and
 - (b) within three months of its appointment, report its findings to the Area Legislative Council.
- (9) Where the Panel reports to the Area Legislative Council that the allegation has not been proven, no further proceedings shall be taken in respect of the matter.
- (10) Where the report of the Panel is that the allegation against the holder of the office has been proved, then within 14 days of the receipt of the report, the Area Legislative Council shall consider the report and if by a resolution of the Area Council supported by not less than two-thirds majority of all its members the report of the Panel is adopted, then the holder of the office shall stand removed from office as from the date of the adoption of the report.

Committee's Recommendation:

That the provision in Clause 114 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 114 do stand part of the Bill, put and agreed to.

Clause 115A: Permanent incapacity of Chairman or Vice-Chairman of an Area Council

- (1) The Chairman or Vice-Chairman of an Area Council shall cease to hold office if -
 - (a) by resolution passed by two-thirds majority of all members of the Executive Council of the Area Council, it is declared that the Chairman or Vice-Chairman is incapable of discharging the functions of his or her office; and

- (b) the declaration in paragraph (a) is verified, after such medical examination panel established under subsection (4) in its report to the Speaker to the Area Legislative Council.
- (2) Where the medical panel certifies in its report that, in its opinion, the Chairman or Vice-Chairman is suffering from such infirmity of body or mind as renders him permanently incapable of discharging the functions of his office, a notice signed by the Speaker of the Area Legislative Council shall be published in the Official Gazette of the Area Council.
- (3) The Chairman or Vice-Chairman shall cease to hold office as from the date of publication of the notice of the medical report pursuant to subsection (2).
- (4) The medical panel to which this section relates shall be appointed by the Speaker of the Area Legislative Council and shall consist of five medical practitioners in Nigeria -
- (a) one of whom shall be the personal physician of the holder of the office concerned; and
- (b) four other medical practitioners who have, in the opinion of the Speaker of the Area Legislative Council, attained a high degree of eminence in the field of medicine relative to the nature of examination to be conducted in accordance with the provisions of this section.
- (5) In this section, the reference to "Executive Council of the Area Council" is a reference to the body of Supervisory Councilors of the Area Council, established by the Chairman and charged with such responsibility for the functions of government as the Chairman may direct".

Committee's Recommendation:

That the provision in Clause 115A be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 115A do stand part of the Bill, put and agreed to.

Clause 115B: Discharge of functions of Chairman or Vice-Chairman of an Area Council

- (1) The Vice Chairman of an Area Council shall hold the office of the Chairman of the Area Council if the office of the Chairman becomes vacant by reason of death, resignation, permanent incapacity or removal of the Chairman from office for any other reason in accordance with section 110 or 111 of this Bill.
- (2) Where any vacancy occurs in the circumstances mentioned in subsection (1) during a period when the office of Vice-Chairman of the Area Council is also vacant, the Speaker of the Area Legislative Council shall hold office of the Chairman of the Area Council for a period of not less than three months, during which there shall be an election of a new Chairman

of the Area Council who shall hold office for the unexpired term of office of the last holder of the office.

- (3) Where the office of the Vice-Chairman becomes vacant -
- (a) by reason of death, resignation, permanent incapacity or removal in accordance with section 110 or 111 of this Bill,
 - (b) by his assumption of the office of Chairman of an Area Council in accordance with subsection (1), or
 - (c) for any reason, the Chairman shall nominate and, with the approval of the legislative arm of the Area Council, appoint a new Vice-Chairman.

Committee's Recommendation:

That the provision in Clause 115B be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 115B do stand part of the Bill, put and agreed to.

Clause 116: Recall

A member of an area council may be recalled as a member if-

- (a) there is presented to the chairman of the commission a petition in that behalf signed by not less than one-half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member and which signatures are duly verified by the independent national electoral commission; and
- (b) the petition is thereafter approved in a referendum conducted by the commission within 90 days of the date of the receipt of the petition by a simple majority of the votes of the persons registered to vote in that member's constituency.

Committee's Recommendation:

That the provision in Clause 116 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 116 do stand part of the Bill, put and agreed to.

PART VIII — ELECTORAL OFFENCES

Clause 117: Offences in Relation to Registration, Etc.

- (1) A person who -
 - (a) without authority, destroys, mutilates, defaces or remove or makes any alteration in any notice or document required for the purpose of registration under this Bill;
 - (b) Deleted

- (c) presents his or herself to be or does any act whereby he or she is by whatever name or description howsoever, included in the register of voters for a constituency in which he or she is not entitled to be registered or causes his or herself to be registered in more than one registration or revision centre;
- (d) publishes any statement or report which he or she knows to be false or does not believe to be true so as to prevent persons who are qualified to register from registering as voters;
- (e) makes in any record, register or document which he or she is required to prepare, publish or keep for the purpose of registration, any entry or statement which he or she knows to be false or does not believe to be true;
- (f) impedes or obstructs a Registration Officer or a Revision Officer in the performance of his or her duties;
- (g) without proper authority, wears the identification of a registration officer or assistant registration officer or wears any other identification purporting to be the identification of a registration officer or assistant registration officer;
- (h) forges a registration card; or
- (i) carries out registration or revision of voters at a centre or place not designated by the Commission, commits an offence and is liable on conviction to a maximum fine of ₦1,000,000.00 or to imprisonment for a term of 12 months or both.

Committee's Recommendation:

That the provision in Clause 117 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 117 do stand part of the Bill, put and agreed to.

Clause 118: Offences in Respect of Nomination, Etc.

- (1) A person who-
 - (a) forges any nomination paper or result form;
 - (b) willfully defaces or destroys any nomination paper or result form;
 - (c) delivers to an electoral officer any nomination paper or result form knowing it to be forged;
 - (d) signs a nomination paper or result form as a candidate in more than one constituency at the same election;
 - (e) forges any ballot paper or official mark on any ballot paper or

- any certificate of return or result form;
- (f) willfully destroys any ballot paper or official mark on any ballot paper or any certificate of return or result form;
 - (g) without authority gives a ballot paper or result form to any person;
 - (h) willfully places in any ballot box any unauthorised paper or result form;
 - (i) willfully removes from a polling station any ballot paper or result form whether or not the ballot paper or result form was issued to him or her in that polling station;
 - (j) without authority destroys or in any other manner interferes with a ballot box or its contents or any ballot paper or result form then in use or likely to be used for the purpose of an election;
 - (k) signs a nomination paper consenting to be a candidate at an election knowing that he or she is ineligible to be a candidate at that election, commits an offence and is liable on conviction to a maximum term of imprisonment for 2 years.
- (2) A person who-
- (a) without proper authority prints a ballot paper or what purports to be or is capable of being used as a ballot paper or result form at an election;
 - (b) being authorised by the Commission to print ballot papers or result form prints more than the number or quantity the Commission authorised;
 - (c) without authority, is found in possession of a ballot paper or result form when he or she is not in the process of voting and at a time when the election for which the ballot paper or result form is intended is not yet completed;
 - (d) manufactures, constructs, imports into Nigeria, has in his or her possession, supplies to any election official or uses for the purpose of an election, or causes to be manufactured, constructed or imported into Nigeria, supplies to any election official for use for the purpose of any election, any ballot box including any compartment, appliance, voting device or mechanism or by which a ballot paper or result form may or could be secretly placed or stored in, or having been deposited during polling may be secretly diverted, misplaced or manipulated, commits an offence and is liable on conviction to a maximum fine of ₦50,000,000.00 or imprisonment for a term not less than 10 years or both.

- (3) An attempt to commit any offence under this section shall be punishable in the same manner as the offence itself.

Committee's Recommendation:

That the provision in Clause 118 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 118 do stand part of the Bill, put and agreed to.

Clause 119: Disorderly Behavior at Political Meetings

Any person who, at a political meeting -

- (a) acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was convened; or
- (b) has in his possession an offensive weapon or missiles; commits an offence and is liable on conviction to a maximum fine of ₦500,000.00 or imprisonment for a term of 12 months or both.

Committee's Recommendation:

That the provision in Clause 119 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 119 do stand part of the Bill, put and agreed to.

Clause 120: Improper Use of Voters Cards

Any person who-

- (a) being entitled to a voters card, gives it to some other person for use at an election other than an officer appointed and acting in the course of his or her duty under this Bill;
- (b) not being an officer acting in the course of his or her duty under this Bill, receives any voters card in the name of some other person or persons for use at an election uses it fraudulently;
- (c) without lawful excuse has in his possession more than one voters card; or
- (d) buys, sells, procures or deals, with a voters card otherwise than as provided in this Bill, commits an offence and is liable on conviction to a maximum fine of ₦1,000,000 or imprisonment for a term of 12 months or both.

Committee's Recommendation:

That the provision in Clause 120 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 120 do stand part of the Bill, put and agreed to.

Clause 121: Improper Use of Vehicles

- (1) No person shall provide for the purpose of conveying any other person to a registration office or to a polling unit any government vehicle or boat, or any vehicle or boat belonging to a public corporation except in respect

of a person who is ordinarily entitled to use such vehicle or boat and in emergency in respect of an electoral officer.

- (2) Any person who contravenes the provisions of this section, commits an offence and is liable on conviction to a maximum fine of ₦500,000.00 or imprisonment for a term of six months or both.

Committee's Recommendation:

That the provision in Clause 121 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 121 do stand part of the Bill, put and agreed to.

Clause 122: Impersonation and Voting When Not Qualified

- (1) Any person who-
- (a) applies to be included in any list of voters in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
 - (b) having once to his or her knowledge been improperly included in a list of voters under this Bill as a voter entitled to vote at any election, applies, except as authorised by this Bill, to be included in any other list of voters prepared for any constituency as a voter at an election;
 - (c) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
 - (d) having voted once at an election applies at the same election for another ballot paper;
 - (e) votes or attempts to vote at an election knowing that he or she is not qualified to vote at the election; or
 - (f) induces or procures any other person to vote at an election knowing that such other person is not qualified to vote at the election, commits an offence and is liable on conviction to a maximum fine of ₦500,000.00 or imprisonment for a term of 12 months or both.
- (2) Any person who commits the offence of impersonation or who aids, abets, counsels or procures the commission of that offence, is liable on conviction to a maximum fine of ₦500,000.00 or imprisonment for a term of 12 months or both.

Committee's Recommendation:

That the provision in Clause 122 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 122 do stand part of the Bill, put and agreed to.

Clause 123: Dereliction of Duty

- (1) Any officer appointed for the purposes of this Bill, who without lawful excuse commits any act or omits to act in breach of his or her official duty commits an offence and is liable on conviction to a maximum fine of ₦500,000.00 or imprisonment for a term of 12 months or both.
- (2) Any Polling official who fails to report promptly at his or her polling unit on an election day without lawful excuse commits an offence of dereliction of duty and is liable on conviction to maximum fine of ₦500,000.00 or imprisonment for a term of 12 months or both.
- (3) Any polling agent, political party or party agent who conspires to make false declaration of result of an election commits an offence and is liable on conviction to a maximum fine of ₦500,000.00 or imprisonment for a term of 12 months or both.
- (4) Any person who announces or publishes an election result knowing same to be false or which is at variance with the signed certificate of return commits an offence and is liable on conviction to imprisonment for a term of 36 months.
- (5) Any Returning Officer or Collation Officer who delivers or causes to be delivered a false certificate of return knowing same to be false, commits an offence and is liable on conviction to imprisonment for a maximum of three years without an option of fine.
- (6) Any person who delivers or causes to be delivered a false certificate of return knowing same to be false to any news media commits an offence and is liable on conviction to imprisonment for a term of three years.

Committee's Recommendation:

That the provision in Clause 123 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 123 do stand part of the Bill, put and agreed to.

Clause 124: Bribery and Conspiracy

- (1) Any person who does any of the following -
 - (a) directly or indirectly, by his or herself or by any other person on his or her behalf, corruptly makes any gift, loan, offer, promise, procurement or agreement to or for any person, in order to induce such person to procure or to endeavour to procure the return of any person as a member of a legislative house or to an elective office or the vote of any voter at any election;
 - (b) upon or in consequence of any gift, loan, offer, promise, procurement or agreement corruptly procures, or engages or

- promises or endeavours to procure, the return of any person as a member of a legislative house or to an elective office or the vote of any voter at any election;
- (c) advances or pays or causes to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (d) after any election directly, or indirectly, by his or herself, or by any other person on his or her behalf receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting or having induced any candidate to refrain from canvassing for votes for his or herself at any such election, commits an offence and is liable on conviction to a maximum fine of ₦500,000.00 or imprisonment for a term of 12 months or both.
- (2) A voter commits an offence of bribery where before or during an election directly or indirectly by his or herself or by any other person on his or her behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for his or herself, or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election.
- (3) Nothing in this section shall extend or apply to money paid or agreed to be paid for or on account of any lawful expenses bona fide incurred at or concerning any election.
- (4) Any person who commits the offence of bribery is liable on conviction to a maximum fine of ₦500,000.00 or imprisonment for a term of 12 months or both.
- (5) Any person who conspires, aids or abets any other person to commit any of the offences under this part of this Bill commits the same offence and is liable to the same punishment thereto.
- (6) For the purposes of this Bill, a candidate shall be deemed to have committed an offence if it was committed with his or her knowledge and consent.

Committee's Recommendation:

That the provision in Clause 124 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 124 do stand part of the Bill, put and agreed to.

Clause 125: Requirement of Secrecy in Voting

- (1) Every person in attendance at a polling unit including every officer charged with the conduct of an election and his or her assistants and every polling agent and candidate in attendance at a polling station or at the collation centre, as the case may be, shall maintain and aid in maintaining the secrecy of the voting.
- (2) No person in attendance at a polling booth under this section shall, except for some purpose authorised by law, communicate to any person information as to the name or number on the register of any voter who has or has not voted at the place of voting.
- (3) No person shall -
 - (a) interfere with a voter casting his or her vote, or by any other means obtain or attempt to obtain in a polling unit information as to the candidate for whom a voter in that place is about to vote for or has voted for; or
 - (b) communicate at any time to any other person information obtained in a polling unit as to the candidate to whom a voter is about to vote or has voted for.
- (4) Any person acting contrary to the provisions of this section commits an offence and is liable on conviction to a maximum fine of ₦100,000.00 or to imprisonment for a term of three months or both.

Committee's Recommendation:

That the provision in Clause 125 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 125 do stand part of the Bill, put and agreed to.

Clause 126: Wrongful Voting and False Statements

Any person who -

- (a) votes at an election or induces or procures any person to vote at an election, knowing that he or she or such person is prohibited from voting at the election;
- (b) before or during an election, publishes any statement of the withdrawal of a candidate at such election knowing it to be false or reckless as to its truth or falsity; or
- (c) before or during an election publishes any statement as to the personal character or conduct of a candidate calculated to prejudice the chance of election of the candidate or to promote or procure the election of another candidate and such statement is false and was published without reasonable grounds for belief by the person publishing it that the statement is true, commits an offence and is liable on conviction to a maximum fine of ₦100,000.00 or imprisonment for a term of six months or both.

Committee's Recommendation:

That the provision in Clause 126 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 126 do stand part of the Bill, put and agreed to.

Clause 127: Voting by Unregistered Person

- (1) Any person who knowingly votes or attempts to vote in a constituency in respect of which his or her name is not on the register of voters commits an offence and is liable on conviction to a maximum fine of ₦100,000.00 or to imprisonment for a term of six months or both.
- (2) Any person who knowingly brings into a polling unit during an election a voter's card issued to another person commits an offence and is liable on conviction to a fine of ₦100,000.00 or to imprisonment for a term of six months or both.

Committee's Recommendation:

That the provision in Clause 127 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 127 do stand part of the Bill, put and agreed to.

Clause 128: Disorderly Conduct at Elections

Any person who at an election acts or incites others to act in a disorderly manner commits an offence and is liable on conviction to a maximum fine of ₦500,000.00 or imprisonment for a term of 12 months or both.

Committee's Recommendation:

That the provision in Clause 128 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 128 do stand part of the Bill, put and agreed to.

Clause 129: Offences on Election Day

- (1) No person shall do any of the following acts or things in a polling unit or within a distance of 300 metres of a polling unit on the date on which an election is held -
 - (a) canvass for votes;
 - (b) solicit for the vote of any voter;
 - (c) persuade any voter not to vote for any particular candidate;
 - (d) persuade any voter not to vote at the election;
 - (e) shout slogans concerning the election;
 - (f) be in possession of any offensive weapon or wear any dress or

- have any facial or other decoration which in any event is calculated to intimidate voters;
- (g) exhibit, wear or tender any notice, symbol, photograph or party card referring to the election;
 - (h) use any vehicle bearing the colour or symbol of a political party by any means whatsoever;
 - (i) loiter without lawful excuse after voting or after being refused to vote;
 - (j) snatch or destroy any election materials; and
 - (k) blare siren.
- (2) No person shall within the vicinity of a polling unit or collation centre on the day of which an election is held -
- (a) convene, hold or attend any public meeting during the hours of poll as may be prescribed by the Commission;
 - (b) unless appointed under this Bill to make official announcements, operate any megaphone, amplifier or public address apparatus; or
 - (c) wear or carry any badge, poster, banner, flag or symbol relating to a political party or to the election.
- (3) A person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine of ₦100,000.00 or imprisonment for a term of six months for every such offence.
- (4) Any person who snatches or destroys any election material or any election device, commits an offence and is liable on conviction to imprisonment for a term of 24 months.

Committee's Recommendation:

That the provision in Clause 129 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 129 do stand part of the Bill, put and agreed to.

Clause 130: Undue Influence

A person who-

- (a) corruptly by his or herself or by any other person at any time after the date of an election has been announced, directly or indirectly gives or provides or pays money to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election; or

- (b) being a voter, corruptly accepts or takes money or any other inducement during any of the period stated in paragraph (a), commits an offence and is liable on conviction to a fine of ₦100,000.00 or imprisonment for a term of 12 months or both.

Committee's Recommendation:

That the provision in Clause 130 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 130 do stand part of the Bill, put and agreed to.

Clause 131: Threatening

A person who -

- (a) directly or indirectly, by his or herself or by another person on his or her behalf, makes use of or threatens to make use of any force, violence or restraint;
- (b) inflicts or threatens to inflict by his or herself or by any other person, any minor or serious injury, damage, harm or loss on or against a person in order to induce or compel that person to vote or refrain from voting, or on account of such person having voted or refrained from voting;
- (c) by abduction, duress, or a fraudulent device or contrivance, impedes or prevents the free use of the vote by a voter or thereby compels, induces, or prevails on a voter to give or refrain from giving his vote; or
- (d) prevents any political aspirant from free use of the media, designated vehicles, mobilization of political support and campaign at an election, commits an offence and is liable on conviction to a fine of ₦1,000,000 or imprisonment for a term of three years.

Committee's Recommendation:

That the provision in Clause 131 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 131 do stand part of the Bill, put and agreed to.

Clause 132: Offences Relating to Recall

The offences referred to in this Bill shall apply to recall of a member of a Legislative House and a member of an Area Council *mutatis mutandis*.

Committee's Recommendation:

That the provision in Clause 132 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 132 do stand part of the Bill, put and agreed to.

Clause 133: Proceedings to Question an Election

- (1) No election and return at an election under this Bill shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Bill referred to as an "election petition") presented to the competent tribunal or court in accordance with the provisions of the Constitution or of this Bill, and in which the person elected or returned is joined as a party.
- (2) In this part "tribunal or court" means-
 - (a) in the case of Presidential election, the court of Appeal; and
 - (b) in the case of any other elections under this Bill, the election tribunal established under the Constitution or by this Bill.
- (3) The election tribunals shall-
 - (a) be constituted not later than 30 days before the election; and
 - (b) when constituted, open their registries for business seven days before the election.

Committee's Recommendation:

That the provision in Clause 133 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 133 do stand part of the Bill, put and agreed to.

Clause 134: Establishment of Area Council Election Tribunal

- (1) There is established for the Federal Capital Territory one or more Election Tribunals (in this Bill referred to as "the Area Council Election Tribunal") which shall, to the exclusion of any other court or tribunal, have original jurisdiction to hear and determine any question as to whether -
 - (a) any person has been validly elected to the office of Chairman, Vice-Chairman or Councillor;
 - (b) the term of office of any person elected to the office of Chairman, Vice-Chairman or Councillor has ceased;
 - (c) the seat of a member of an Area Council has become vacant; and
 - (d) a question or petition brought before the Area Council Election Tribunal has been properly or improperly brought.
- (2) An Area Council Election Tribunal shall consist of a Chairman and two other members.
- (3) The Chairman shall be a Chief Magistrate and two other members shall be appointed from among Magistrates of the Judiciary of the Federal Capital Territory, Abuja and legal practitioners of at least 10 years



post-call experience, non-legal practitioners of unquestionable integrity or other members of the Judiciary of the Federal Capital Territory not below the rank of a Magistrate.

- (4) The Chairman and other members of the Area Council Election Tribunal shall be appointed by the Chief Judge of the High Court of the Federal Capital Territory, Abuja.
- (5) The Area Council Election tribunal shall -
 - (a) be constituted not later than 21 days before the election; and
 - (b) when constituted, open their registries for business not later than eight days before the election.
- (6) An Area Council Election Tribunal shall deliver its judgement in writing within 90 days from the date of filing of the petition.

Committee's Recommendation:

That the provision in Clause 134 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 134 do stand part of the Bill, put and agreed to.

Clause 135: Establishment of Area Council Election Appeal Tribunal

- (1) There shall be established for the Federal Capital Territory the Area Council Election Appeal Tribunal which shall to the exclusion of any other court or tribunal hear and determine appeals arising from the decision of the Area Council Election Petition Tribunal.
- (2) The decision of the Area Council Election Appeal Tribunal in respect of Area Council elections shall be final.
- (3) An Area Council Election Appeal Tribunal shall consist of a Chairman and two other members and the Chairman shall be a Judge of the High Court and the two other members shall be appointed from among Judges of the High Court of the Federal Capital Territory, Abuja, Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, Judges of the Customary Court of Appeal or other members of the Judiciary of the Federal Capital Territory, Abuja not below the rank of a Chief Magistrate.
- (4) Deleted
- (5) The Chairman and other members of the Area Council Election Appeal Tribunal shall be appointed by the Chief Judge of the High Court of the Federal Capital Territory, Abuja.
- (6) The Area Council Election Appeal Tribunal shall -
 - (a) be constituted not later than 14 days before the election; and



- (b) when constituted, open their registries for business not later than 30 days after the election.
- (7) The quorum of the Area Council Election Appeal Tribunal when hearing any appeal from decisions of the Area Council Election Tribunal shall be all three members of the Appeal Tribunal.
- (8) An election petition shall be filed within 21 days after the date of the declaration of result of the elections.
- (9) The Tribunal shall deliver a judgement in writing within 180 days from the date of the filing of the petition.
- (10) An appeal from a decision of an Area Council Election Tribunal shall be heard and disposed of within 60 days from the date of the delivery of judgement of the Tribunal.
- (11) The court in all appeals from election tribunal may adopt the practice of first giving its decision and reserving the reason to a later date.

Committee's Recommendation:

That the provision in Clause 135 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 135 do stand part of the Bill, put and agreed to.

Clause 136: Persons Entitled to Present Election Petitions

- (1) An election petition may be presented by one or more of the following persons-
- (a) a candidate in an election; or
- (b) a political party which participated in the election.
- (2) A person whose election is complained of is, in this Bill, referred to as the respondent.
- (3) If the petitioner complains of the conduct of an Electoral Officer, a Presiding or Returning Officer, it shall not be necessary to join such officers or persons notwithstanding the nature of the complaint and the Commission shall, in this instance, be -
- (a) made a respondent; and
- (b) deemed to be defending the petition for itself and on behalf its officers or such other persons.

Committee's Recommendation:

That the provision in Clause 136 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 136 do stand part of the Bill, put and agreed to.

Clause 137: Grounds of Petition

- (1) An election may be questioned on any of the following grounds -
 - (a) a person whose election is questioned was, at the time of the election, not qualified to contest the election;
 - (b) the election was invalid by reason of corrupt practices or non-compliance with the provisions of this Bill; or
 - (c) the respondent was not duly elected by majority of lawful votes cast at the election.
- (2) An act or omission which may be contrary to an instruction or directive of the Commission or of an officer appointed for the purpose of the election but which is not contrary to the provisions of this Bill shall not of itself be a ground for questioning the election.
- (3) With respect to subsection (1) (a), a person is 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 and he is not, as may be applicable, in breach of sections 66, 107, 137 or 182 of the Constitution.

Committee's Recommendation:

That the provision in Clause 137 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 137 do stand part of the Bill, put and agreed to.

Clause 138: Certain Defects Not to Invalidate Election

- (1) An Election shall not be liable to be invalidated by reason of non-compliance with the provisions of this Bill if it appears to the Election Tribunal or Court that the election was conducted substantially in accordance with the principles of this Bill and that the non-compliance did not affect substantially the result of the election.
- (2) An election shall not be liable to be questioned by reason of a defect in the title or want of title of the person conducting the election or acting in the office provided such a person has the right or authority of the Commission to conduct the election.
- (3) No election shall be questioned or cancelled by reason that there is a mistake, conflict or inconsistency in the date contained in the result of such election signed by a Returning Officer or any other officer of the Commission.

Committee's Recommendation:

That the provision in Clause 138 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 138 do stand part of the Bill, put and agreed to.

Clause 139: Nullification of Election by Tribunal or Court

- (1) Subject to subsections (2) and (3), if the Tribunal or the Court as the case may be, determines that a candidate who was returned as elected was not validly elected on any ground, the Tribunal or Court shall nullify the election and order the Commission to conduct a fresh election not later than 90 days after the -
 - (a) decision if an appeal is not filed against the decision; or
 - (b) nullification of the election by the court having final appellate jurisdiction in respect of the said election.
- (2) Where an election Tribunal or Court nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, the election Tribunal or Court shall declare the person with the second highest number of valid votes cast at the election who satisfies the requirements of the Constitution and this Act as duly elected.

PROVIDED that the person with the second highest number of valid votes cast at the election remains a member of the political party on which platform he contested the election; otherwise, the candidate with the next highest number of votes in the election and who satisfies the same conditions herein shall be declared the winner of the election.

- (3) If the Tribunal or the Court determines that a candidate who was returned as elected was not validly elected on the ground that he did not score the majority of valid votes cast at the election, the Election Tribunal or the Court, as the case may be, shall declare as elected the candidate who scored the highest number of valid votes cast at the election and satisfied the requirements of the Constitution and this Bill.
- (4) All objections filed in an election petition shall be determined at the time of final judgment.

Committee's Recommendation:

That the provision in Clause 139 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 139 do stand part of the Bill, put and agreed to.

Clause 140: Effect of Non-participation in an Election

It shall not be necessary for a party who alleges non-compliance with the provisions of this Bill for the conduct of elections to call oral evidence if originals or certified true copies manifestly disclose the non-compliance alleged.

Committee's Recommendation:

That the provision in Clause 140 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 140 do stand part of the Bill, put and agreed to.

Clause 141: Accelerated Hearing of Election Petitions

It shall not be necessary for a party who alleges non-compliance with the provisions of this Bill for the conduct of elections to call oral evidence if originals or certified true copies manifestly disclose the non-compliance alleged.

Committee's Recommendation:

That the provision in Clause 141 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 141 do stand part of the Bill, put and agreed to.

Clause 142: Person Elected to Remain in Office Pending Determination of Appeal

- (1) 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.
- (2) If the Election Tribunal or the Court, as the case maybe, determines that a candidate returned as elected was not validly elected, the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal or the Court, remain in office pending the expiration of the period of 21 days within which an appeal may be brought.

Committee's Recommendation:

That the provision in Clause 142 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 142 do stand part of the Bill, put and agreed to.

Clause 143: Legal representation of Commission, etc.

- (1) Where the Commission has been joined as a respondent in an election petition, a Legal Officer of the Commission or a Legal Practitioner engaged by the Commission shall represent the Commission at the Tribunal or Court.
- (3) A private Legal Practitioner or Legal Officer engaged by the Commission under subsection (1) shall be entitled to be paid such professional fees or honorarium, as the case may be, to be determined by the Commission.

Committee's Recommendation:

That the provision in Clause 143 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed*

to.

Question that Clause 143 do stand part of the Bill, put and agreed to.

Clause 144: Rules of Procedure for Election Petition

- (1) The rules of procedure to be adopted for election petitions and appeals arising therefrom shall be as set out in the First Schedule to this Bill.
- (2) The President of the Court of Appeal may issue practice directions to the
 - (a) Court of Appeal, in respect of pre-election and post-election appeals; and
 - (b) Election Tribunal, in respect of post-election matters.

Committee's Recommendation:

That the provision in Clause 144 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 144 do stand part of the Bill, put and agreed to.

PART X — MISCELLANEOUS

PERSONS DISQUALIFIED FROM ACTING AS ELECTION OFFICERS

Clause 145: Persons Disqualified from Acting as Election Officers

No person holding an elective office to which this Bill 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 poll clerk; and any officer appointed to carry out any of those duties shall be ineligible for nomination as a candidate for election while he or she continues to hold any such appointment.

Committee's Recommendation:

That the provision in Clause 145 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 145 do stand part of the Bill, put and agreed to.

Clause 146: Election Expenses by the Commission

- (1) The Commission may prescribe a scale of -
 - (a) remuneration for officers appointed under this Bill for the conduct of elections; and
 - (b) maximum charges in respect of other expenses incurred by an Electoral Officer, a Presiding Officer or a Returning Officer in connection with an election, and may revise the scale as it thinks fit or expedient.

- (2) An Electoral Officer, Presiding Officer, or Returning Officer shall, in addition to any remuneration prescribed under subsection (1) (a), be entitled to such sums in respect of expenses not exceeding the prescribed scale, in connection with the conduct of an election as are reasonable.
- (3) The Commission may pay such honoraria as it may determine to all other persons and officers who may be involved in one way or the other in conducting an election under this Bill, or in carrying out any task in connection with an election or election petition arising therefrom.
- (4) All fees and other remunerations approved under subsection (1) shall be paid from the Fund established under section 3 (1) and shall be paid in such manner as the Commission deems fit.

Committee's Recommendation:

That the provision in Clause 146 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 146 do stand part of the Bill, put and agreed to.

Clause 147: Secrecy of Ballot

No person who has voted in any election under this Bill shall, in any legal proceedings arising out of the election, be required to say for whom he or she voted.

Committee's Recommendation:

That the provision in Clause 147 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 147 do stand part of the Bill, put and agreed to.

Clause 148: Prosecution of Offence Disclosed in Election Petition

The Commission shall consider any recommendation made to it by a tribunal with respect to the prosecution by it of any person for an offence disclosed in any election petition.

Committee's Recommendation:

That the provision in Clause 148 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 148 do stand part of the Bill, put and agreed to.

Clause 149: Trial of Offences

- (1) An offence committed under this Bill shall be triable in a Magistrate Court or a High Court of a State in which the offence is committed, or the Federal Capital Territory, Abuja.
- (2) A prosecution under this Bill shall be undertaken by legal officers of the Commission or any Legal Practitioner appointed by it.

Committee's Recommendation:

That the provision in Clause 149 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 149 do stand part of the Bill, put and agreed to.

Clause 150: Inspection of Documents

- (1) An order for inspection of a polling document or any other document or packet in the custody of the Chief National Electoral Commissioner or any other officer of the Commission may be made by an Election Tribunal or a Court of competent jurisdiction if it is satisfied that the order required is for the purpose of instituting, maintaining or defending an election petition.
- (2) A document other than a document referred to in subsection (1) relating to an election and which is retained by the Chief National Electoral Commissioner or any other officer of the Commission in accordance with this section shall be open for inspection on an order made by the Election Tribunal or the Court in exercise of its powers to compel the production of documents in legal proceedings.
- (3) Where there is a breach of an order of the Election Tribunal or the Court directed at the Commission, particularly order to produce, inspect or take copies of electoral documents or materials, the Commission shall first be summoned to show cause why it cannot comply with the order to establish disobedience before it can be deemed to have disobeyed the order.
- (4) Such disobedience where established, 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 years, without an option of fine.

Committee's Recommendation:

That the provision in Clause 150 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 150 do stand part of the Bill, put and agreed to.

Clause 151: Delegation of Powers of the Commission

Without prejudice to other provisions of this Bill, the Commission may delegate any of its powers and functions to any National Electoral commissioner, Resident Electoral Commissioner, Electoral Officer, any other officer of the Commission or any other officer appointed under the provision of this Bill subject to any conditions or limitations which it may consider necessary or expedient to impose and no such delegation shall be construed to limit the right of the Commission to exercise such power, itself.

Committee's Recommendation:

That the provision in Clause 151 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed

to.

Question that Clause 151 do stand part of the Bill, put and agreed to.

Clause 152: Regulations

The Commission may, subject to the provisions of this Bill, issue regulations, guidelines, or manuals for the purpose of giving effect to the provisions of this Bill and for its administration.

Committee's Recommendation:

That the provision in Clause 152 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 152 do stand part of the Bill, put and agreed to.

Clause 153: Civic Education by the Commission

The Commission shall have power to conduct civic education and enlightenment in the print and electronic media to enhance its functions.

Committee's Recommendation:

Leave out the provision in Clause 153 (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Clause 154: Validation

Notwithstanding any other provisions of this Bill, any defect or error arising from any actions taken by an official of the Commission in relation to any notice, form or document made or given or other things done by the official in pursuance of the provisions of the Constitution or of this Bill, or any rules made thereunder remain valid, unless otherwise challenged and declared invalid by a competent Court of Law or Tribunal.

Committee's Recommendation:

That the provision in Clause 154 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 154 do stand part of the Bill, put and agreed to.

Clause 155: Procedure for Local Government Election in furtherance of paragraph 11 of Part II of the Second Schedule to the Constitution

(1) In furtherance of the provision of Paragraph 11 of Part II of the Second Schedule to the Constitution, the procedure regulating elections conducted by the Commission to Area Councils in the Federal Capital Territory under this Act shall be the same and apply with equal force as the procedure regulating elections conducted to Local Government Areas by any State Commission.

(2) For the purpose of subsection (1), a State Commission shall be deemed to have and exercise the powers of the Commission in respect of the procedure regulating elections to Area Councils under this Act.

- (3) Any election to a Local Government Area that is conducted by a State Commission in violation of subsection (1) shall be invalid.
- (4) Any official of a State Commission who contravenes the provision of subsection (1) commits an offence and shall be subject to prosecution as if he were an official of the Commission who committed the same offence under this Act.

Committee's Recommendation:

That the provision in Clause 155 be retained (*Senator Kabiru I. Gaya — Kano South*) — *Agreed to.*

Question that Clause 155 do stand part of the Bill, put and agreed to.

Clause 156: Interpretation:

In this Act —

"Area Council" means Area Councils recognised and existing by virtue of section 3 (6) of the Constitution and as set out in Part II of the First Schedule thereof and any additional Area Council provided by an Act of the National Assembly in accordance with the Provisions of the Constitution;

"appointment" includes appointment to an office, confirmation of appointment, promotion or transfer;

"Aspirant" means a person who aspires or seeks or strives to contest an election to a political office;

"Association" means a body of persons (corporate or otherwise) who agree to act together for any common purpose and includes an association formed for any ethnic, social, cultural, occupational or religious purpose;

"Attorney-General of the Federation" means the Chief Law Officer of the Federation;

"Area Councils" means Area Councils in the Federal Capital Territory;

"Authority" includes government or government agency and corporate bodies;

"Campaigning in public" referred to in section 94 means the campaign that commences after the publication of the notice of election by the commission pursuant to section 28 of this Act;

"candidate" means a person who has secured the nomination of a political party to contest an election for any elective office;

"Chief Electoral Commissioner" means the Chairman of the Independent National Electoral Commission;

"Civil Servant" means a person employed in the civil service of the Federation or of a State or Local government as contained in the Constitution of the Federal Republic of Nigeria, 1999 as (amended);

"Clerk" means the Clerk of the National Assembly, Clerk of the State House of Assembly, and Clerk of the Legislative House of the Local Government or Area Council or any person acting in that capacity;

"Commission" means the Independent National Electoral Commission established by the Constitution;

"Constitution" means the Constitution of the Federal Republic of Nigeria;

"Conviction" means a pronouncement by a Court or Tribunal that a person is guilty of an offence under this Bill or under the provisions of the Constitution whether or not any punishment is imposed on the person as a result of the conviction. Conviction further includes admission by a person in writing, verbally, or by conduct that he is guilty, or have committed or aided and abetted the commission of the offence or crime concerned;

"Conduct" referred to in the latter is, for instance, where a person reimburses the sums of money or any parts of it obtained through corrupt practice in order to avoid prosecution;

"Decision", means in relation to court or tribunal, any determination of that court or tribunal and includes a judgment, decree, conviction, sentence, order or recommendation;

"Direct Primaries" means an election at which candidates for elective office are chosen by direct vote of political party members instead of by delegates at a convention or congress;

"Election" means any election held under this Act and includes a referendum;

"Electoral Officer" means a staff of the Commission who is the head of the Commission's office at a Local Government Area or Area Council level;

"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 forms 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";

"Federation" means the Federal Republic of Nigeria;

"Function" includes power and duty;

"General Election" means an election held in the Federation at large which may

be at all levels, and at regular intervals to select officers to serve after the expiration of the full terms of their predecessors;

"Government" includes the Government of the Federation, of a State or of a Local Government Area or Area Council, or any person or organ exercising power or authority on its behalf;

"House" or "Legislative House" means the Senate, House of Representatives, House of Assembly of a State and includes the Legislative House of a Local Government Area or Area Council;

"Indirect Primaries" means an intra-party election where a political party's delegates to a party convention or congress elect the party's candidates;

"Leader of an association" means every person holding an executive position in that association, including in particular, the Chairman, Secretary or Treasurer of the association and every member of its committee management, however described;

"Leader of a political party" means every person holding an executive position in that political party, including in particular, the Chairman, Secretary or Treasurer of the political party and every member of its committee of management, however described;

"Legal incapacity" means a person disqualified under the Constitution or the present Act or any other Law, Rules and Regulations from registering as a voter or from contesting elections;

"Local Government" means Local Government recognised and existing by section 3(6) of the Constitution and set out in Parts I and II of the First Schedule and any additional Local Government provided for by an Act of the National Assembly in accordance with section 8(5) of the Constitution;

"National Assembly" means the Senate and the House of Representatives;

"number of accredited voters" means number of intending voters accredited to vote in an election;

"offensive weapon or missile" includes any cannon, gun, rifle, carbine, revolver, pistol or any other firearm, bow and arrow, spear, cutlass, knife, dagger, axe, cudgel, or any other thing capable of being used as an offensive weapon or missile, including teargas, acid, and any inflammable substance capable of injuring a person;

"Office" or "Public Office" means any of the offices the occupation to which is by election or appointment under this Act;

"person with disability" means --

(a) a person who has received temporary or permanent Certificate of

Disability to have condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising and includes any related function or any limitation due to weakness or significantly decreased endurance so that it cannot perform his everyday routine, leaving and working without significantly increased hardship and vulnerability to everyday obstacles and hazards; and

- (b) a person with long time physical, mental, intellectual, or sensory impairment which interaction with various barriers may hinder their full and effective participation in society on equal basis with others;

"person with special needs" means person who requires assistance for disabilities that may be medical, mental, emotional, physical or psychological;

"Petition" means an election petition under this Act;

"Polling Agent" means a person representing a political party or its candidate at the polling unit, ward, Local Government, Federal constituency, Senatorial district, State or Federal collation centres.

"Polling unit" means the place, enclosure, booth, shade or house at which voting takes place under this Act;

"Political party" includes any association of persons whose activities includes canvassing for votes in support of a candidate for election under this Act and registered by the Commission;

"Power" includes function and duty;

"President" means the President of the Federal Republic of Nigeria;

"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;

"Primaries" or "primary election" mean intra-party election by voters of a given political party to nominate candidates for elective office in accordance with a political party's constitution and the law;

"Registrar" includes Chief Registrar, Deputy Chief Registrar and Registrar of other grades of the Supreme Court, Court of Appeal, Federal High Court and the High Court of a State;

"Registration Officer" includes supervisory assistant registration officer and assistant registration officer;

"Resident Electoral Commissioner" means the Commissioner deployed for the time being to a State;

"Return" means the declaration by a Returning Officer of a candidate in an election under this Bill as being the winner of that election;

"Returning Officer" means a person appointed by the Commission to be in charge of the conduct of election in a constituency, and this includes 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."

"School Certificate" has the meaning as defined in the Constitution;

"Secret Society" has the meaning as defined in the Constitution.

"State" when used otherwise than in reference to one of the component parts of the Federal Republic of Nigeria shall include government of a State and all references in this Bill to a State in the Federation shall, where appropriate, be deemed to include references to the Federal Capital Territory;

"State Commission" means State Independent Electoral Commission created under section 197 of the Constitution;

"Vulnerable person" means a woman, child or person living under extreme poverty, person with disability, the sick and the elderly, refugee, internally displaced person, migrant, person in detention or ethnic and religious minority groups,

"Ward Collation Officer" means Registration Area Collation Officer.

Committee's Recommendation:

That the provision in Clause 156 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 156 do stand part of the Bill, put and agreed to.

Clause 157: Repeal of the Electoral Act No. 6, 2010
The Electoral Act No. 6, 2010 is hereby repealed.

Committee's Recommendation:

That the provision in Clause 157 be retained (*Senator Kabiru I. Gaya — Kano South*) — Agreed to.

Question that Clause 157 do stand part of the Bill, put and agreed to.

Clause 158: Citation
This Bill may be cited as the Electoral Bill, 2021.

Committee's Recommendation:

That the provision in Clause 158 be retained (*Senator Kabiru I. Gaya — Kano South*) —
Agreed to.

Question that Clause 158 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE

RULES OF PROCEDURE FOR ELECTION PETITIONS

Section 140 (1)

1. In this Schedule —

Interpretation

"Attorney-General" means the Attorney-General of the Federation and includes the Attorney-General of a State where the context admits;

"Civil Procedure Rules" means the Civil Procedure Rules of the Federal High Court for the time being in force;

"Election" means any election under this Act to which an election petition relates;

"Registry" means a Registry set up for an Election Tribunal established by the Constitution or this Act or the Registry of the Court of Appeal;

"Secretary" means the Secretary of an election Tribunal established by the Constitution or this Act and shall include the Registrar of the Court of Appeal or any officer or Clerk acting for him;

"Tribunal" means an Election Tribunal established under this Act or the Court of Appeal;

"Tribunal Notice Board" means a notice board at the Registry or a notice board at the place of hearing where notice of presentation of election petition or notice of hearing an election petition or any other notice may be given or posted.

Security for costs

2. (1) At the time of presenting an election petition, the petitioner shall give security for all costs which may become payable by him to a witness summoned on his behalf or to a respondent.
- (2) The security shall be of such amount not less than ₦5,000.00 as the Tribunal or Court may order and shall be given by depositing the amount with the Tribunal or Court.
- (3) Where two or three persons join in an election petition, a deposit as may be ordered under subparagraph (2) shall be sufficient.
- (4) If no security is given as required by this paragraph, there shall be no further proceedings on the election petition.

Presentation of Election Petition

3. (1) The presentation of an election petition under this Act shall be made by the petitioner (or petitioners if more than one) in person, or by his Solicitor, if any, named at the foot of the election petition to the Secretary, and the Secretary shall give a receipt.
- (2) The Petitioner shall, at the time of presenting the election petition, deliver to the Secretary a copy of the election petition for each respondent and ten other copies to be preserved by the Secretary.
- (3) The Secretary shall compare the copies of the election petition received in accordance with subparagraph (2) with the original petition and shall certify them as true copies of the election petition on being satisfied by the comparison that they are true copies of the election petition.
- (4) The petitioner or his Solicitor, as the case may be, shall, at the time of presenting the election petition, pay the fees for the service and the publication of the petition, and for certifying the copies and, in default of the payment, the election petition shall be deemed not to have been received; unless the Tribunal or Court otherwise orders.

Contents of election petition

4. (1) An election petition under this Bill shall —
 - (a) specify the parties interested in the election petition;
 - (b) specify the right of the petitioner to present the election petition;
 - (c) state the holding of the election, the scores of the candidates and the person returned as the winner of the election; and
 - (d) state clearly the facts of the election petition and the ground or grounds on which the petition is based and the relief sought by the petitioner.
- (2) The election petition shall be divided into paragraphs each of which shall be confined to a distinct issue or major facts of the election petition, and every paragraph shall be numbered consecutively.
- (3) The election petition shall further —
 - (a) conclude with a prayer or prayers, as for instance, that the petitioner or one of the petitioners be declared validly elected or returned, having polled the highest number of lawful votes cast at the election or that the election may be declared nullified, as the case may be; and
 - (b) be signed by the petitioner or all petitioners or by the Solicitor, if any, named at the foot of the election petition.
- (4) At the foot of the election petition there shall also be stated an address of the petitioner for service at which address documents intended for the petitioner may be left and its occupier.

- (5) The election petition shall be accompanied by —
 - (a) a list of the witnesses that the petitioner intends to call in proof of the petition;
 - (b) written statements on oath of the witnesses; and
 - (c) copies or list of every document to be relied on at the hearing of the petition.
- (6) A petition which fails to comply with sub-paragraph (5) shall not be accepted for filing by the secretary.
- (7) The election petition shall be accompanied by —
 - (a) a list of the witnesses that the petitioner intends to call in proof of the petition;
 - (b) written statements on oath of the witnesses; and
 - (c) copies or list of every document to be relied on at the hearing of the petition.
- (8) A petition which fails to comply with subparagraph (7) shall not be accepted for filing by the Secretary.
- (9) An election petition, which does not comply with, subparagraph (1) of this paragraph or any provision of that subparagraph is defective and may be struck out by the Tribunal or Court.

Further particulars

5. Evidence need not to be stated in the election petition, but the Tribunal or Court may order such further particulars as may be necessary —
 - (a) to prevent surprise and unnecessary expense;
 - (b) to ensure fair and proper hearing in the same way as in a civil action in the Federal High Court; and
 - (c) on such terms as to costs or otherwise as may be ordered by the Tribunal or Court.

Address of service

6. For the purpose of service of an election petition on the respondents, the petitioner shall furnish the Secretary with the address of the respondents' abode or the addresses of places where personal service can be effected on the respondents.

Action by Secretary

7. (1) On the presentation of an election petition and payment of the requisite fees, the Secretary shall immediately —
 - (a) cause notice of the presentation of the election petition, to be served on each of the respondents;

- (b) post on the tribunal notice board a certified copy of the election petition; and
 - (c) set aside a certified copy for onward transmission to the person or persons required by law to adjudicate and determine the election petition.
- (2) In the notice of presentation of the election petition, the Secretary shall state a time, not being less than five days but not more than seven days after the date of service of the notice, within which each of the respondents shall enter an appearance in respect of the election petition.
- (3) In fixing the time within which the respondents are to enter appearance, the Secretary shall have regard to —
- (a) the necessity for securing a speedy hearing of the election petition; and
 - (b) the distance from the Registry or the place of hearing to the address furnished under subparagraph (4).

Personal service on respondent

8. (1) Subject to subparagraph (2) and (3), service on the respondents —
- (a) of the documents mentioned in paragraph 7 (1) (a); and
 - (b) of any other documents required to be served on them before entering appearance, shall be personal.
- (2) Where the petitioner has furnished, under paragraph 6, the addresses of the places where personal service can be effected on the respondents and the respondents or any of them cannot be found at the place or places, the Tribunal or Court on being satisfied, on an application supported by an affidavit showing that all reasonable efforts have been made to effect personal service, may order that service of any document mentioned in subparagraph (1) be effected in any ways mentioned in the relevant provisions of the Civil Procedure Rules for effecting substituted service in Civil cases and that service shall be deemed to be equivalent to personal service.
- (3) The proceedings under the election petition shall not be vitiated notwithstanding the fact that —
- (a) the respondents or any of them may not have been served personally; or
 - (b) a document of which substituted service has been effected pursuant to an order made under subparagraph (2) did not reach the respondent, and in either case, the proceedings may be heard and continued or determined as if the respondents or any of them had been served personally with the document and shall be valid and effective for all purposes.

Entry of appearance

9. (1) Where the respondent intends to oppose the election petition, he shall —
- (a) within such time after being served or deemed to have been served with the election petition; or

- (b) where the Secretary has stated a time under paragraph 7 (2), within such time as is stated by the Secretary, enter an appearance by filing in the registry a memorandum of appearance stating that he intends to oppose the election petition and giving the name and address of the solicitor, if any, representing him or stating that he acts for himself, as the case may be, and, in either case, giving an address for service at which documents intended for him may be left or served.
- (2) If an address for service and its occupiers are not stated, the memorandum of appearance shall be deemed not to have been filed, unless the Tribunal or Court otherwise orders.
- (3) The memorandum of appearance shall be signed by the respondent or his solicitor, if any.
- (4) At the time of filing the memorandum of appearance, the respondent or his solicitor, as the case may be, shall —
- (a) leave a copy of the memorandum of appearance for each of the other parties to the election petition and three other copies of the memorandum to be preserved by the Secretary; and
- (b) pay the fees for service as may be prescribed or directed by the Secretary and in default of the copies being left and the fees being paid at the time of filing the memorandum of appearance, the memorandum of appearance shall be deemed not to have been filed, unless the Tribunal or Court otherwise orders.
- (5) A respondent who has a preliminary objection against the hearing of the election petition on grounds of law may file a conditional memorandum of appearance.

Non-filing of Memorandum of Appearance

10. (1) If the respondent does not file a memorandum of appearance as required under paragraph 9, a document intended for service on him may be posted on the Tribunal notice board and that shall be sufficient notice of service of the document on the respondent.
- (2) The non-filing of a memorandum of appearance shall, not bar the respondent from defending the election petition if the respondent files his reply to the election petition in the Registry within a reasonable time, but, in any case, not later than 21 days from the receipt of the election petition.

Notice of Appearance

11. The Secretary shall cause copies of the memorandum of appearance to be served on, or its notice to be given to the other parties to the election petition.

Filing of reply

12. (1) The Respondent shall, within 21 days of service of the petition on him file in the Registry his reply, specifying in it which of the facts alleged in the election

petition he admits and which he denies, and setting out the facts on which he relies in opposition to the election petition.

- (2) Where the respondent in an election petition, complaining of an undue return and claiming the seat or office for a petitioner intend to prove that the claim is incorrect or false, the respondent in his reply shall set out the facts and figures clearly and distinctly disproving the claim of the petitioner.
- (3) The reply may be signed by the respondent or the solicitor representing him, if any and shall state the name and address of the solicitor at which subsequent processes shall be served; and shall be accompanied by copies of documentary evidence, list of witnesses and the written statements on oath.
- (4) At the time of filing the reply, the respondent or his Solicitor, if any shall leave with the Secretary copies of the reply for services on the other parties to the election petition with 10 extra copies of the reply to be preserved by the Secretary, and pay the fees for service as may be prescribed or directed by the Secretary, and in default of leaving the required copies of the reply or paying the fees for service, the reply shall be deemed not to have been filed, unless the Tribunal or Court otherwise orders.
- (5) A respondent who has an objection to the hearing of the petition shall file his reply and state the objection in it, and the objection shall be heard along with the substantive petition.

Service of Reply

13. The Secretary shall cause a copy of the reply to be served on each of the other parties to the election petition.

Amendment of Election petition and reply

14. (1) Subject to subparagraph (2), the provisions of the Civil Procedure Rules relating to amendment of pleadings shall apply in relation to an election petition or a reply to the election petition as if for the words "any proceedings" in those provisions there were substituted the words "the election petition or reply".
- (2) After the expiration of the time limited by —
 - (a) Section 134 (1) of this Act for presenting the election petition, no amendment shall be made —
 - (i) introducing any of the requirements of paragraph 4 (1) not contained in the original Election petition filed, or
 - (ii) effecting a substantial alteration of the ground for, or the prayer in, the election petition, or
 - (iii) except anything which may be done under subparagraph (2) (a) (ii), effecting a substantial alteration of or addition to, the statement of facts relied on to support the ground for, or sustain the prayer in the election petition; and

- (b) paragraph 12 for filing the reply, no amendment shall be made —
- (i) alleging that the claim of the seat or office by the petitioner is incorrect or false, or
 - (ii) except anything which may be done under the provisions of subparagraph (2) (a) (ii), effecting any substantial alteration in or addition to the admissions or the denials contained in the original reply filed, or to the facts set out in the reply.

Particulars of votes rejected

15. When a petitioner claims the seat alleging that he had the highest number of valid votes cast at the election, the party defending the election or return at the election shall set out clearly in his reply particulars of the votes, if any, which he objects to and the reasons for his objection against such votes, showing how he intends to prove at the hearing that the petitioner is not entitled to succeed.

Petitioner's Reply

16. (1) If a person in his reply to the election petition raises new issues of facts in defence of his case which the petition has not dealt with, the petitioner shall be entitled to file in the Registry, within five days from the receipt of the respondent's reply, a petitioner's reply in answer to the new issues of fact, so however that —
- (a) the petitioner shall not at this stage be entitled to bring in new facts, grounds or prayers tending to amend or add to the contents of the petition filed by him; and
 - (b) the petitioner's reply does not run counter to the provisions of paragraph 14 (1).
- (2) The time limited by subparagraph (1) shall not be extended.
- (3) The petitioner in proving his case shall have 14 days to do so and the respondent shall have 14 days to reply.

Further particulars or directive

17. (1) If a party in an election petition wishes to have further particulars or other directions of the Tribunal or Court, he may, at any time after entry of appearance, but not later than ten days after the filing of the reply, apply to the Tribunal or Court specifying in his notice of motion the direction for which he prays and the motion shall, unless the Tribunal or Court otherwise orders, be set down for hearing on the first available day.
- (2) If a party does not apply as provided in subparagraph (1), he shall be taken to require no further particulars or other directions and the party shall be barred from so applying after the period laid down in subparagraph (1) has lapsed.
- (3) Supply of further particulars under this paragraph shall not entitle the party to go beyond the ambit of supplying such further particulars as have been demanded by the other party, and embark on undue amendment of, or additions to, his petition or reply, contrary to paragraph 14.

Pre-hearing session and scheduling

18. (1) Within seven days after the filing and service of the petitioner's reply on the respondent or seven days after the filing and service of the respondent's reply, whichever is the case, the petitioner shall apply for the issuance of pre-hearing notice as in Form TF 007.
- (2) Upon application by a petitioner under sub-paragraph (1), the Tribunal or Court shall issue to the parties or their Legal Practitioners (if any) a pre-hearing conference notice as in Form TF 007 accompanied by a pre-hearing information sheet as in Form TF 008 for —
- (a) the disposal of all matters which can be dealt with on interlocutory application;
 - (b) giving such directions as to the future course of the petition as appear best adapted to secure its just, expeditious and economical disposal in view of the urgency of election petitions;
 - (c) giving directions on order of witnesses to be called and such documents to be tendered by each party to prove their cases having in view the need for the expeditious disposal of the petition; and
 - (d) fixing clear dates for hearing of the petition.
- (3) The respondent may bring the application in accordance with subparagraph (1) where the petitioner fails to do so, or by motion which shall be served on the petitioner and returnable in three clear days, apply for an order to dismiss the petition.
- (4) Where the petitioner and the respondent fail to bring an application under this paragraph, the Tribunal or Court shall dismiss the petition as abandoned petition and no application for extension of time to take that step shall be filed or entertained.
- (5) Dismissal of a petition under subparagraphs (3) and (4) is final, and the Tribunal or Court shall be functus officio.
- (6) At the pre-hearing session, the Tribunal or Court shall enter a scheduling Order for —
- (a) joining other parties to the petition;
 - (b) amending petition or reply or any other processes;
 - (c) filing and adoption of written addresses on all interlocutory applications;
 - (d) additional pre-hearing session;
 - (e) order of witnesses and tendering of documents that will be necessary for the expeditious disposal of the petition; and
 - (f) any other matters that will promote the quick disposal of the petition in the

circumstances.

- (7) At the pre-hearing session, the Tribunal or Court shall consider and take appropriate action in respect of the following as may be necessary or desirable —
 - (a) amendments and further and better particulars;
 - (b) the admissions of facts, documents and other evidence by consent of the parties;
 - (c) formulation and settlement of issues for trial;
 - (d) hearing and determination of objections on point of law;
 - (e) control and scheduling of discovery; inspection and production of documents,
 - (f) narrowing the field of dispute between certain types of witnesses especially the Commission's staff and witnesses that officiated at the election, by their participation at pre-hearing session or in any other manner;
 - (g) giving orders or directions for hearing of cross-petitions or any particular issue in the petition or for consolidation with other petitions;
 - (h) determining the form and substance of the pre-hearing order; and
 - (i) such other matters as may facilitate the just and speedy disposal of the petition bearing in mind the urgency of election petitions.
- (8) At the pre-hearing session, the Tribunal or Court shall ensure that hearing is not delayed by the number of witnesses and objections to documents to be tendered and shall pursuant to subparagraphs (b), (e), (b) and (e) —
 - (a) allow parties to admit or exclude documents by consent;
 - (b) direct parties to streamline the number of witnesses to those whose testimonies are relevant and indispensable.
- (9) The pre-hearing session or series of the pre-hearing sessions with respect to any petition shall be completed within 14 days of its commencement, and the parties and their legal practitioners shall co-operate with the Tribunal or Court in working within this time table. As far as practicable, pre-hearing sessions shall be held from day to day or adjourned only for purposes of compliance with prehearing sessions, unless extended by the Chairman or the Presiding Justice.
- (10) After a pre-hearing session or series of pre-hearing sessions the Tribunal or Court shall issue a report and this report shall guide the subsequent course of the proceedings, unless modified by the Tribunal or Court.
- (11) If a party or his Legal Practitioner fails to attend the pre-hearing sessions or obey

a scheduling or pre-hearing order or is substantially unprepared to participate in the session or fails to participate in good faith, the Tribunal or Court shall in the case of —

- (a) the petitioner, dismiss the petition; and
 - (b) a respondent enter judgment against him.
- (12) Any judgment given under subparagraph (11) may be set aside upon an application made within seven days of the judgment (which shall not be extended) with an order as to costs of a sum not less than ₦20,000.00.
- (13) The application shall be accompanied by an undertaking to participate effectively in the pre-hearing session jointly signed by the applicant and the Legal Practitioner representing him.

Hearing of petition to be in open tribunal or court

19. Every election petition shall be heard and determined in an open tribunal or court.

Time and place of hearing petition

20. (1) Subject to the provisions of subparagraph (2), the time and place of the hearing of an election petition shall be fixed by the Tribunal or Court and notice of the time and place of the hearing, which may be as in Form TF. 005 set out in Second Schedule to this Act, shall be given by the Secretary at least five days before the day fixed for the hearing by —
- (a) posting the notice on the tribunal notice board; and
 - (b) sending a copy of the notice by registered post or through a messenger to the —
 - (i) the petitioner's address for service,
 - (ii) the respondent's addresses for service, if any, or
 - (iii) the Resident Electoral Commissioner or the Commission as the case may be.
- (2) In fixing the place of hearing, the Tribunal or Court shall have due regard to the proximity to and accessibility from the place where the election was held.

Notice of hearing

21. A tribunal or court, as the case may be, shall publish the notice of hearing by causing a copy of the notice to be displayed in the place which was appointed for the delivery of nomination papers prior to the election or in some conspicuous place or places within the constituency, but failure to do so or any miscarriage of the copy of notice of hearing shall not affect the proceedings if it does not occasion injustice against any of the parties to the election petition.

Posting of notice on tribunal notice board deemed to be good notice

22. The posting of the notice of hearing on the Tribunal notice board shall be deemed and taken to be good notice, and the notice shall not be vitiated by any miscarriage of the copy

or copies of the notice sent pursuant to paragraph 16.

Postponement of hearing

23. (1) The Tribunal or Court may, from time to time, by order made on the application of a party to the election petition or at the instance of the Tribunal or Court, postpone the beginning of the hearing to such day as the Tribunal or Court may consider appropriate having regard at all times to the need for speedy conclusion of the hearing of the election petition.
- (2) A copy of the order shall be sent by the Secretary by registered post or messenger to the Electoral Officer or the Resident Electoral Commissioner or the Commission who shall publish the order in the manner provided in paragraph 20 for publishing the notice of hearing, but failure on the part of the Electoral Officer or Resident Electoral Commissioner or the Commission to publish the copy of the order of postponement shall not affect the proceedings in any manner whatsoever.
- (3) The Secretary shall post or cause to be posted on the tribunal notice board a copy of the order.
- (4) Where the Tribunal or Court gives an order of postponement at its own instance a copy of the order shall be sent by the Secretary by registered post or messenger to the address for service given by the petitioner and to the address for service, if any, given by the respondents or any of them.
- (5) The provisions of paragraph 21 shall apply to an order or a notice of postponement as they do to the notice of hearing.

Non arrival of Chairman of tribunal or Presiding Justice of the court

24. If the Chairman of the tribunal or Presiding Justice of the court has not arrived at the appointed time for the hearing or at the time to which the hearing has been postponed, the hearing shall, by reason of that fact, stand adjourned to the following day and so from day to day.

Hearing continues from day to day

25. (1) No formal adjournment of the Tribunal or Court for the hearing an election petition shall be necessary, but the hearing shall be deemed adjourned and may be continued from day to day until the hearing is concluded unless the Tribunal or Court otherwise directs as the circumstances may dictate.
- (2) If the Chairman of the tribunal or the Presiding Justice of the court who begins the hearing of an election petition is disabled by illness or otherwise, the hearing may be recommended and concluded by another Chairman of the Tribunal or Presiding Justice of the Court appointed by the appropriate authority.

Adjournment of hearing

26. (1) After the hearing of an election petition has begun, if the inquiry cannot be continued on the ensuing day or, if that day is a Sunday or a Public holiday, on the day following the same, the hearing shall not be adjourned sine die but to a definite day to be announced before the rising of the Tribunal or Court and notice

of the day to which the hearing is adjourned shall forthwith be posted by the Secretary on the notice board.

- (2) The hearing may be continued on a Saturday or on a public holiday if circumstances dictate.

Power of Chairman of the tribunal or the Presiding Justice of the court to dispose on interlocutory matters

27. (1) All interlocutory questions and matters may be heard and disposed of by the Chairman of the Tribunal or the Presiding Justice of the court who shall have control over the proceedings as a Judge in the Federal High Court.
- (2) After the hearing of the election petition is concluded, if the Tribunal or Court before which it was heard has prepared its judgment but the Chairman or the Presiding Justice is unable to deliver it due to illness or any other cause, the judgment may be delivered by one of the members, and the judgment as delivered shall be the judgment of the Tribunal or Court and the member shall certify the decision of the Tribunal or Court to the Resident Electoral Commissioner, or to the Commission.

Effect of determination of election petition

28. (1) At the conclusion of the hearing, the Tribunal shall determine whether a person whose election or return is complained of or any other person, and what person, was validly returned or elected, or whether the election was void, and shall certify the determination to the Resident Electoral Commissioner or the Commission.
- (2) If the Tribunal or Court has determined that the election is invalid, then, subject to section 134 of this Bill, where there is an appeal and the appeal fails, a new election shall be held by the Commission.
- (3) Where a new election is to be held under the provisions of this paragraph, the Commission shall appoint a date for the election which shall not be later than three months from the date of the determination.

Withdrawal or abatement of petition

29. (1) An election petition shall not be withdrawn without leave of the tribunal or court.
- (2) Where the petitioners are more than one no application for leave to withdraw the election petition shall be made except with the consent of all the petitioners.
- (3) The application for leave to withdraw an election shall be made by motion after notice of the application has been given to the respondents.
- (4) The notice of motion shall state the grounds on which the motion to withdraw is based, supported with affidavit verifying the facts and reasons for withdrawal, signed by the petitioner or petitioners in the presence of the Secretary.
- (5) At the time of filing the notice of motion the petitioner or petitioners shall leave copies for service on the respondent.

- (6) The petitioner or petitioners shall also file the affidavits required under paragraph 29 together with copies for each respondent and pay the fees prescribed or directed by the Secretary for services.

Affidavits against illegal term of withdrawal

30. (1) Before the leave for withdrawal of an election petition is granted, each of the parties to the petition shall produce an affidavit, stating that —
- (a) to the best of the deponent's knowledge and belief no agreement or term of any kind whatsoever has been made; and
- (b) no undertaking has been entered into, in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement and shall make the foregoing statement subject to what appears from the affidavit.

Time for hearing motion for leave to withdraw petition

31. (1) The time for hearing the motion for leave to withdraw the election petition shall be fixed by the Tribunal or Court.
- (2) The Secretary may give notice of the day fixed for the hearing of the motion to the respondents and post or cause to be posted on the Tribunal notice board a copy of the notice.

Payment of costs to respondents

32. If the election petition is withdrawn, the petitioner shall be liable to pay appropriate costs to the respondents or any of them unless the Tribunal or Court otherwise orders.

Abatement of proceedings in election petition

33. (1) If a sole petitioner or the survivor of several petitioners dies, then, subject to subparagraphs (2) and (3), there shall be no further proceedings on the election petition and the Tribunal or Court may strike it out of its cause list.
- (2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred in the course of proceedings in respect of the election petition prior to its abatement.
- (3) Where notice, with copies for each party to the election petition supported by the affidavit of two witnesses testifying to the death of a sole petitioner or of the survivor of several petitioners, is given to the Secretary, he shall submit the notice to the Tribunal or Court and if the Tribunal or Court so directs, the Secretary shall —
- (a) serve notice on the other parties to the petition;
- (b) post or cause to be posted a notice on the Tribunal notice board; and
- (c) cause notice to be published in conspicuous places in the constituency, in such form as the Tribunal or Court may direct.

Notice of no opposition to petition

34. (1) If before the hearing of an election petition, a respondent, other than the Electoral Officer, the Returning Officer or Presiding Officer, gives to the Tribunal or Court notice in writing signed by him or his Solicitor before the Secretary that he does not intend to oppose the election petition, the Secretary shall —
- (a) serve notice on the other parties to the election petition; and
 - (b) post or cause to be posted a notice on the Tribunal notice board.
- (2) The respondent shall file the notice with a copy for each other party to the election petition not less than six days before the day appointed for hearing of the election petition.
- (3) A respondent who has given notice of his intention not to oppose the election petition shall not appear or act as a party against the election petition in any proceeding on it; but the giving of the notice shall not of itself cause him to cease to be a respondent.

Countermand of notice of hearing

35. (1) Where a notice of —
- (a) the petitioner's intention to apply for leave to withdraw an election petition; or
 - (b) the death of the sole petitioner or the survivor of several petitioners; or
 - (c) the respondent's intention not to oppose an election petition, is received after notice of hearing of the election petition has been given, and before the hearing has begun, the Secretary shall forthwith countermand the notice of hearing.
- (2) The countermand shall be given in the same manner, and, as near as may be, as the notice of hearing.

Discretion of tribunals or court if no reply

36. Where the respondent has not entered an appearance, or has not filed his reply within the prescribed time or within such time as the tribunal or court may have allowed, or has given notice that he does not intend to oppose the petition, then if —
- (a) there remains no more than one other candidate in the election who was not returned;
 - (b) the election petition contains no prayer for a determination that the election was void;
 - (c) there are no facts or grounds stated in the election petition or in the reply, if any, or stated in any further particulars filed in the proceedings or otherwise appearing on proof of which it ought to be determined that election was void; or
 - (d) the election petition is one complaining of undue return and claiming the seat or office for the candidate who was not returned and the respondent has not raised

any formal or written objections to any of the votes relied on by the petitioner, the Tribunal or Court may, if it deems fit, determine the proceedings on the election petition without hearing evidence or further evidence, and in any case, the proceedings shall be continued and determined on such evidence or otherwise as the Tribunal or Court may deem necessary for the full and proper determination of the election petition.

Fees

37. (1) The fee payable on the presentation of an election petition shall not be less than ₦,000.00.
- (2) A hearing fee shall be payable for the hearing at the rate of ₦40.00 per day of the hearing but not exceeding ₦2,000.00 in all, but the Tribunal or Court may direct a different fee to be charged for any day of the hearing.
- (3) For the purpose of subparagraph (2), the petitioners shall make a deposit of not less than ₦2,000.00 at the time of presenting his petition.
- (4) Subject to the provisions of this paragraph, the fees payable in connection with an election petition shall be at the rate prescribed for civil proceedings in the Federal High Court.
- (5) No fees shall be payable by the Attorney-General of the Federation (acting in person or through any other legal officer) or by a respondent who was the Commission or any of its officers appointed pursuant to the provisions of this Act.
- (6) No fees shall be payable for the summoning of witnesses by the Tribunal or Court at its own instance.

Allocation of costs

38. (1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the election petition in such manner and in such proportions as the Tribunal or Court may determine, regard being had to the —
- (a) disallowance of any costs, charges or expenses, which may in the opinion of the Tribunal or Court have been caused by vexatious conduct, unfounded allegation or unfounded objection on the part of the petitioner or of the respondent, as the case may be; and
- (b) discouragement of any needless expenses by throwing the burden of defraying the expenses on the party by whom it has been caused; whether that party is or is not on the whole successful.
- (2) Where the Tribunal or Court declares an election to be void, it may, if satisfied that the invalidity was due either wholly or in part to the culpable default of an officer responsible for the conduct of the election in the performance of his duties, order that the whole or part of the cost awarded to the successful petitioner be paid by that officer.

Return of Security

39. Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it was deposited or to the person entitled to receive it by order of the Tribunal or Court which may be made on motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Tribunal or Court may require.

Payment of costs out of security

40. (1) The Tribunal or Court may, on application made by a person to whom any costs, charges or expenses is payable, order it to be paid out of a deposit made to secure it, after notice to the party by or on whose behalf the deposit was made, requiring him to file a statement within a specified time whether he opposes the application and the ground of his opposition.
- (2) Where a dispute arises on an application under subparagraph (1), the Tribunal or Court shall afford every person affected by the dispute an opportunity of being heard and shall make such order there on as it may deem fit.
- (3) A person shall be deemed to have been afforded the opportunity of being heard if notice of the appointed time for the inquiry into the dispute was given to him, though the person may not have been present at the making of the inquiry.
- (4) A notice to be given to a person under this paragraph may be given by the Secretary handing him the notice or sending it to him by registered letter in the case of —
- (a) a party, at the address for service;
- (b) an application for payment, at the address given in his application, so however, that the provisions of this subparagraph shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorised by the Tribunal or Court.
- (5) Execution may be levied under an order for payment made by the tribunal or court under this paragraph in the same manner and to the same extent as execution may be levied under judgment for the payment of money.

Evidence at Hearing

41. (1) Subject to any statutory provision or any provision of these paragraphs relating to evidence, any fact required to be proved at the hearing of a petition shall be proved by written deposition and oral examination of witnesses in open court.
- (2) Documents which parties consented to at the pre-hearing session or other exhibits shall be tendered from the Bar or by the party where he is not represented by a legal practitioner.
- (3) There shall be no oral examination of a witness during his evidence-in-chief except to lead the witness to adopt his written deposition and tender in evidence all disputed documents or other exhibits referred to in the deposition.
- (4) Real evidence shall be tendered at the hearing.

- (5) The Tribunal or Court may, at or before the hearing of a petition order or direct that evidence of any particular fact be given at the hearing in such manner as may be specified by the order or direction.
- (6) The power conferred by subparagraph (5) of this paragraph extends in particular to ordering or directing that evidence of any particular fact be given at the trial—
 - (a) by statement on oath of information or belief;
 - (b) by the production of documents or entries in books; or
 - (c) in the case of a fact which is of common knowledge either generally or in a particular district by the production of a specified newspaper which contains a statement of that fact.
- (7) The Tribunal or Court may, at or before the hearing of a petition order or direct that the number of witnesses who may be called at the hearing be limited as specified by the order or direction.
- (8) Save with leave of the Tribunal or Court after an applicant has shown exceptional circumstances, no document, plan, photograph or model shall be received in evidence at the hearing of a petition unless it has been listed or filed along with the petition in the case of the petitioner or filed along with the reply in the case of the respondent.
- (9) Such leave may be granted with costs save where in the circumstance the Tribunal or Court considers otherwise.
- (10) The petitioner, in proving his case shall have, in the case of —
 - (a) Councillor, Chairman and State House of Assembly, two weeks;
 - (b) House of Representatives, three weeks;
 - (c) Senate, five weeks;
 - (d) Governor, six weeks; and
 - (e) President, seven weeks,
to do so and each respondent shall have not more than 10 days to present his defence.

Calling of witnesses

42. (1) On the hearing of an election petition, the Tribunal or Court may summon a person as a witness who appears to the Tribunal or Court to have been concerned in the election.
- (2) The Tribunal or Court may examine a witness so summoned or any other person in the Tribunal or Court although the witness or person is not called and examined by a party to the election petition, and thereafter he may be cross-examined by or

on behalf of the petitioner and the respondent.

- (3) The expenses of a witness called by the Tribunal or Court at its own instance shall, unless the Tribunal or Court otherwise orders, be deemed to be costs of the election petition and may, if the Tribunal or Court so directs, be paid in the first instance by the Secretary in the same way as State witness' expenses and recovered in such manner as the Tribunal or Court may direct.
- (4) Where the Tribunal or Court summons a person as a witness under this paragraph, the provisions of the Civil Procedure Rules relating to the expenses of persons ordered to attend a hearing shall apply as if they were part of this paragraph.
- (5) The Tribunal or Court shall in —
 - (a) making and carrying into effect an order for the production and inspection of documents used in the election; and
 - (b) the examination of any witness who produces or will produce a document, ensure that the way in which the vote of a particular person has been given shall not be disclosed.

Privileges of a witness

43. (1) A person called as a witness in a proceeding in the Tribunal or Court shall not be excused from answering a question relating to an offence or connected with an election on the grounds that the answer thereto may incriminate or tend to incriminate him, or on the ground of privilege.
- (2) A witness who answers truly all questions which he is required by the Tribunal or Court to answer shall be entitled to receive a certificate of indemnity under the hand of the Chairman or the Tribunal or Presiding Justice of the court stating that the witness has so answered.
- (3) An answer by a person to a question before the Tribunal or Court shall not, except in the case of a criminal proceeding for perjury in respect of the answer, be admissible in any proceeding, civil or criminal, in evidence against him.
- (4) When a person has received a certificate of indemnity in relation to an election and legal proceedings are at any time brought against him for an offence against the provisions of this Act, committed by him prior to the date of the certificate at or in relation to that election, the Tribunal or Court having cognizance of the case shall, on proof of the certificate, stay the proceeding, and may, at its discretion award to that person such costs as he may have been put to in the proceeding.

Evidence of respondent

44. At the hearing of an election petition complaining of an undue return and claiming the seat or office for a petitioner, the respondent may, subject to the provisions of paragraph 12 (2), give evidence to prove that the election of the petitioner was undue in the same manner as if he were the person presenting the election petition complaining of the election.

Enlargement and abridgement of time

45. (1) The Tribunal or Court shall have power, subject to the provisions of section 134 of this Act and paragraph 11, to enlarge time for doing any act or taking any proceedings on such terms (if any) as the justice of the case may require except otherwise provided by any other provision of this Schedule.
- (2) An enlargement of time may be ordered although the application for the enlargement is not made until after the expiration of the time appointed or allowed.
- (3) When the time for delivering a pleading or document or filing any affidavit, answer or document, or doing anything or act is or has been fixed or limited by any of the sections, paragraphs or rules under or in pursuance of this Act or by a direction or an order of the Tribunal or Court, the costs of an application to extend the time, where allowed or of an order made there on shall be borne by the party making the application unless the Tribunal or Court otherwise orders.
- (4) Every application for enlargement or abridgement of time shall be supported by affidavit.
- (5) An application for abridgement of time may be ex parte, but the Tribunal or Court may require notice of the application to be given to the other parties to the election petition.
- (6) An application for enlargement of time shall be made by motion after notice to the other party to the election petition but the Tribunal or Court may, for good cause shown by affidavit or otherwise, dispense with the notice.
- (7) A copy of an order made for enlargement or abridgement of time shall be filed or delivered together with any document filed or delivered by virtue of the order.

Hearing in a Petition

46. (1) When a petition comes up for hearing and neither party appears, the Tribunal or Court shall, unless there are good reasons to the contrary, strike out the petition and no application shall be brought or entertained to re-list it.
- (2) When a petition comes up for hearing, if the petitioner appears and the respondent does not appear the petitioner may prove his petition so far as the burden of proof lies upon him and the Tribunal or Court shall enter a final judgment in the petition.
- (3) When a petition comes up for hearing, if the respondent appears and the petitioner does not appear, the respondent shall be entitled to final judgment dismissing the petition.
- (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 and 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.

- (5) A party shall close his case when he has concluded his evidence and either the petitioner or respondent may make oral application to have the case closed.
- (6) Notwithstanding the provision of subparagraph (5), the Tribunal or Court may suo-motu where it considers that either party fails to conclude its case within a reasonable time, close that party's case.
- (7) The Secretary shall take charge of every document or object put in as exhibit during the hearing of a petition and shall mark or label every exhibit with a letter or letters indicating the party by whom the exhibit is put in (or where more convenient the witness by whom the exhibit is proved) and with a number so that all the exhibits put in by a party (or proved by a witness) are numbered in one consecutive series.
- (8) The Secretary shall cause a list of all the exhibits in the petition to be made which when completed shall form part of the record of the proceedings.
- (9) For the purpose of subparagraph (8), a bundle of documents may be treated and counted as one exhibit.
- (10) When the party beginning has concluded his evidence, if the other party does not intend to call evidence, the party beginning shall within 10 days after close of evidence file a written address. Upon being served with the written address, the other party shall within seven days file his own written address.
- (11) Where the other party calls evidence, he shall within 10 days after the close of its evidence file a written address.
- (12) Upon being served with other party's written address the party beginning shall within seven days file his written address.
- (13) The party who files the first address shall have a right of reply on points of law only and the reply shall be filed within five days after service of the other party's address.

Motions and Applications

47. (1) No motion shall be moved and all motions shall come up at the pre-hearing session except in extreme circumstances with leave of Tribunal or Court.
- (2) Where by these Rules any application is authorised to be made to the Tribunal or Court, such application shall be made by motion which may be supported by affidavit and shall state under what rule or law the application is brought and shall be served on the respondent.
- (3) Every such application shall be accompanied by a written address in support of the reliefs sought.

- (4) Where the respondent to the motion intends to oppose the application, he shall within seven days of the service on him of such application file his written address and may accompany it with a counter affidavit.
- (5) The applicant may, on being served with the written address of the respondent file and serve an address in reply on points of law within three days of being served and where a counter-affidavit is served on the applicant he may file further affidavit with his reply.

Service of Notice

48. (1) Where a summons, notice or document, other than a notice or document mentioned in paragraph 7 (1), is required to be served on a person for a purpose connected with an election petition, it may be served by delivering it to the person or by leaving it at his last known place of abode in the constituency with any person there found who is a resident of the abode and appears to be 18 years of age or more.
- (2) After a party has given an address for service it shall be sufficient if, in lieu of serving him personally with a document intended for him, the document is served on the person —
- (a) appearing on the paper last filed on his behalf as his Solicitor wherever the person may be found or, if the person is not found at his office, on the clerk there apparently in charge; or
 - (b) named as occupier in his address for service wherever the person may be found or, if the person is not found at the address, on —
 - (i) the person there found apparently in charge, if such address is a place or business, or
 - (ii) a person, other than a domestic servant, there found who is a resident of the address and appears to be 18 years of age or more.
- (3) A party may change his address for service by giving notice of his new address for service and its occupier to the Secretary and to each party to the election petition, but, until a notice, is received by the Secretary, his old address for service shall continue to be his address for service.
- (4) Where service by one of the modes specified in this paragraph has proved impracticable, the Tribunal or Court may, on being satisfied, on an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect service —
- (a) order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules relating to substituted service which service shall be sufficient; or
 - (b) dispense with service or notice as the Tribunal or Court deems fit.

Two or more candidates as respondents

49. Two or more candidates may be made respondents to the same petition and their case may,

for the sake of convenience be heard at the same time but for all purposes (including the taking of security) the election petition shall be deemed to be a separate petition against each of the respondents.

Consolidated petitions

50. Where two or more petitions are presented in relation to the same election or return, all the petitions shall be consolidated, considered and be dealt with as one petition unless the Tribunal or Court shall otherwise direct in order to do justice or an objection against one or more of the petitions has been upheld by the Tribunal or Court.

Electoral Officer, etc. as Respondents

51. (1) Where an election petition complains of the conduct of an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission he shall for all purposes be deemed to be a respondent and joined in the election petition as a necessary party, but an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission shall not be at liberty to decline from opposing the petition except with the written consent of the Attorney-General of the Federation.
- (2) If consent is withheld by the Attorney-General under subparagraph (1) of this paragraph the Government of the Federation shall indemnify the Electoral Officer, Presiding Officer, Returning Officer or such other official of the Commission against any costs which may be awarded against him by the Tribunal or Court in respect of the election petition.
- (3) Where the Commission, an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission has been joined as a respondent in an election petition, a Legal Officer of the Commission or a Legal Practitioner engaged by the Commission or the Attorney-General of the State concerned (acting in person or through any of his Legal Officers), or the Attorney-General of the Federation (acting in person or through any of his Legal Officers) shall represent the Commission Electoral Officer, Presiding Officer, Returning Officer or other official of the Commission at the Tribunal or Court.
- (4) A private Legal Practitioner engaged by the Commission under subparagraph (3) shall be entitled to be paid his professional fees and a Legal Officer so engaged shall be paid such honorarium as may be approved by the Commission.

Duplicate of document

52. In the absence of express provision in this Schedule, a party filing any document or process paper in connection with any step being taken in the proceedings of an election petition shall, unless the Secretary otherwise directs, leave with the Secretary copies of the document or process paper for service on each of the parties to the election petition in addition to three copies which the Secretary may preserve.

Noncompliance with rules, etc.

53. (1) Noncompliance with any of the provisions of this Schedule, or with a rule of practice for the time being operative, except otherwise stated or implied, shall not render any proceeding void, unless the Tribunal or Court so directs, but the

proceeding may be set aside wholly or in part as irregular, or amended, or otherwise dealt with in such manner and on such terms as the Tribunal or Court may deem fit and just.

- (2) An application to set aside an election petition or a proceeding resulting there from for irregularity or for being a nullity, shall not be allowed unless made within a reasonable time and when the party making the application has not taken any fresh step in the proceedings after knowledge of the defect.
- (3) An application to set aside an election petition or a proceeding pertaining thereto shall show clearly the legal grounds on which the application is based.
- (4) An election petition shall not be defeated by an objection as to form if it is possible at the time the objection is raised to remedy the defect either by way of amendment or as may be directed by the Tribunal or Court.
- (5) An objection challenging the regularity or competence of an election petition shall be heard and determined after the close of pleadings.

Application of rules of court

54. Subject to the express provisions of this Act, the practice and procedure of the Tribunal or the Court in relation to an election petition shall be as nearly as possible, similar to the practice and procedure of the Federal High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules shall apply with such modifications as may be necessary to render them applicable having regard to the provisions of this Act, as if the petitioner and the respondent were respectively the plaintiff and the defendant in an ordinary civil action.

Practice and procedure of Court of Appeal and Supreme Court

55. Subject to the provisions of this Act, an appeal to the Court of Appeal or to the Supreme Court shall be determined in accordance with the practice and procedure relating to civil appeals in the Court of Appeal or of the Supreme Court, as the case may be, regard being had to the need for urgency on electoral matters.

FIRST SCHEDULE

Paragraph 4

FORM TF 001

ELECTORAL ACT, 2010

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL

HOLDEN AT.....

Petition No.....

The election to the..... For..... Constituency or the office held on theday of 20....

Between

A.B.....

C.D.....

(Plaintiff(s))

And

E.F.....

G.H.....

Respondent(s)

Petition

The petition of A.B. of (or

A.B. of.....and C.D. of or as the case may be) whose names are subscribed.

Your petitioner A.B. was a candidate at the above election or claims to have had a right to contest or be returned at the above election or was a registered political party and your petitioner..... (here state in like manner the right of each petitioner..... and your petitioner(s) state(s) that the election was held on the..... day of.....20..... when A.B. (and C.D.) and E.F. (and G.H.) were candidate(s). And your petitioner(s) state(s) that (here stated facts and grounds on which the petitioner(s) rely.....

Wherefore your petitioner(s) pray(s) that it may be determined that the said E.F. (and G.H.) was (were) not duly elected (or returned) and that their (or his) election was void or that the said A.B. (and C.D.) was (were) elected and ought to have been returned, or as the case may be.

Signed.....

A.B.....

C.D. Address for service.....

..... The

.....

The name of any (or our) Solicitor is.....Or I (or we) am (or are) acting for myself (or ourselves)

Signed.....B. Petitioners)

..... C.D.

Signed before me this.....day of.....20.....

.....
Secretary

Schedule 1

Paragraph 3

FORM TF 002

ELECTORAL ACT, 2010

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL

HOLDEN AT.....

Petition No.....

Between

.....
.....

(Petitioner(s))

And

.....
.....

Respondent(s)

.....

RECEIPT OF PETITION

Received on the..... day of..... 20..... at the

Registry of the Tribunal, a petition touching the election of as a

member of..... to..... the office

of.....purporting to be signed

by.....

Dated.....this.....day of.....20.....

.....
Secretary

Secretary for Service on: Petitioner

.....
.....
.....

First Schedule

Paragraph 7

FORM TF 003

ELECTORAL ACT, 2010

IN THE NATIONAL ELECTION TRIBUNAL/COURT OF APPEAL

HOLDEN AT.....

Petition No.....

Between

.....Petitioner(s)

.....and.....

.....Respondent(s)

To Respondent(s)

NOTICE OF PRESENTATION OF PETITION

TAKE NOTICE that a petition, a duplicate whereof is attached hereto, has this day been presented in the Registry of the Tribunal/Court of Appeal named above and that you are to enter an appearance in respect of the petition to the said Registry withindays of the date when this notice was left at your address set out below, or as the Court may direct by order under paragraph 8(2) of First Schedule to this Act, otherwise proceedings on the petition may be continued and determined in default of your appearance, and any document intended for you may be posted up on the notice board, which shall be sufficient notice thereof.

Dated this..... day of..... 20.....

.....
Secretary



To.....

.....

.....

First Schedule

FORM TF 004

Paragraph 9

ELECTORAL ACT, 2010

IN THE NATIONAL ELECTION TRIBUNAL/COURT OF APPEAL

HOLDEN AT.....

Petition No.....

Between

.....Petitioner(s)

.....

And Respondent(s)

.....

To: The Secretary

MEMORANDUM OF APPEARANCE

Election Tribunal/Court of Appeal

Please enter appearance for.....

Who is

.....

in the above election petition.

The name and address of his Solicitor are as follows:

.....

.....

.....

Dated this.....day of.....20.....

.....
Signed

For Service on Petitioner.....

FIRST SCHEDULE

FORM TF 005

Paragraph 19

ELECTORAL ACT, 2010

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL
HOLDEN AT.....

Petition No.....

Between

.....Petitioner(s)

And.....(Respondent(s))

The petition ofPetitioner)

of.....

(or.....of.....of.....and

.....(Petitioners) as the case may be) whose name(s) are subscribed.

NOTICE OF HEARING

TAKE NOTICE the above election petition will be heard at on theday
of.....20..... and on such other days as the Court of Appeal may determine.

Dated this.....day of.....20.....

.....
Secretary

Address For Service:

Petitioner

.....
Respondent

FIRST SCHEDULE

Paragraph 25 (3)

FORM TF 006

ELECTORAL ACT, 2010

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL
HOLDEN AT.....

Petition No.....

Between

Petitioner(s)

.....

And

.....

Respondent(s)

.....

.....

NOTICE OF MOTION TO WITHDRAW PETITION

TAKE NOTICE that this Honourable Tribunal/Court will be moved on.....the.....day
of.....20..... at the hour of 9 o'clock in the afternoon or as soon thereafter as the Petitioner
or Counsel on his behalf can be heard praying the Tribunal/Court for an order enabling the
Petitioner to withdraw the above petition on the following ground (s)

Dated.....this.....day of.....20.....

.....
Petitioner(s) or Solicitor

First Schedule

Paragraph 18 (1)

FORM TF 007

ELECTORAL ACT, 2021

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL

HOLDEN AT.....

Petition No.....

Between

Petitioner(s)

.....
.....
.....

And

.....

Respondent(s)

.....
.....

To(Insert Name of parties)

HEARING NOTICE FOR PRE-HEARING SESSION

Take Notice that you are required to attend the Tribunal/Court on the day of 20 at 9 o'clock in the forenoon, for a Pre-Hearing Session for the purposes set out hereunder:

1. (a) disposal of all matters which must or can be dealt with on interlocutory application;
- (b) giving directions as to the future of the petition as appear best adapted to secure its just, expeditious and economical disposal in view of the urgency of election petitions;
- (c) giving directions on order of witnesses to be called and such documents to be tendered by each party to prove their cases having in view of the need to expeditious disposal of the petition;
- (d) fixing clear dates for hearing of the petition.
2. Please answer the questions in the attached Pre-Hearing Information Sheet (Form TF 008)

on a separate sheet and submit seven clear days before the above mentioned date.

Take Notice that if you do not attend in person or by Legal Practitioner at the time and place mentioned such proceeding will be taken and such order will be made as the Tribunal or Court may deem just an expedient.

Dated the day of 20.....

Signed.....
Secretary

First Schedule

Paragraph 18 (2)

FORM TF 008

ELECTORAL ACT, 2021

IN THE NATIONAL ELECTION TRIBUNAL/ COURT OF APPEAL

HOLDEN AT.....

Petition No.....

Between

Petitioner(s)

.....
.....
.....

And

.....
Respondent(s)
.....
.....
.....

PRE-HEARING INFORMATION SHEET

This Pre-Hearing Information Sheet is intended to include reference to all applications which the parties would wish to make at the Pre-Hearing Session. Information Sheet should be entered under item 14 below.

All parties shall not, later than seven days before the first Pre-Hearing Session file and serve on all parties:

- (a) all applications in respect of matters to be dealt with before hearing including but not limited to the matters listed hereunder,
 - (b) written answers to the questions contained in this Pre-Hearing Information Sheet.
1. Do you require that this action be considered with any other action(s)? If so give particulars.
 2. Are amendments to a petition, reply or other process required?
 3. Are further and better particulars of any petition or reply required? If so specify what particulars are required.
 4. If you intend to make any additional admissions, give details.
 5. Are there witnesses you may now wish to call.
 6. Will interpreters be required for any witness? If so, state in what language.
 7. Is this a case in which the use of a single or joint expert might be suitable? If not state reasons.
 8. Is there any way in which the Tribunal or Court can assist the parties to resolve their dispute or particular issues in it without the need for a hearing or full hearing?
 9. Have you considered any lawful means of resolving or narrowing down the dispute or particular issues in it? If yes state the steps that have been taken. If not state reasons.
 10. List the paragraphs of the petition/reply you are admitting.
 11. List the documents you are consenting to.
 12. List the documents you are disputing and the reasons for the dispute.
 13. List the witnesses you feel may not be necessary for any party to call and state your reasons for the opinion.

List the applications you wish to make the Pre-Hearing Session.

Dated this Day of 20.....

Signed

(Legal Practitioner for the)

For service on —

.....

.....

SUPPLEMENTAL
Transitional Provisions

1. The statutory functions, rights, interests, obligations and liabilities of the Independent National Electoral Commission established pursuant to the Electoral Act 2006, existing before the commencement of this Act under any contract or instrument, or in law or in equity shall, by virtue of this Act, be deemed to have been assigned to and vested in the Independent National Electoral Commission established by this Act.
2. Any such contract or instrument as is mentioned in subsection (1), shall be of the same force and effect against or in favour of the Independent National Electoral Commission established by this Act and shall be enforceable as fully and effectively as if instead of the Independent National Electoral Commission existing before the commencement of this Act, the Independent National Electoral Commission established by this Act has been named therein or had been a party thereto.
3. The Independent National Electoral Commission established by this Act shall be subject to all the obligations and liabilities to which the Independent National Electoral Commission existing before the commencement of this Act was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Independent National Electoral Commission established by this Act as they had against the Independent National Electoral Commission of Nigeria existing before the commencement of the Act.
4. Any proceeding or cause of action pending or existing immediately before the commencement of this Act, by or against the Independent National Electoral Commission existing before the commencement of this Act in respect of any right, interest, obligation or liability of the Independent National Electoral Commission existing before the commencement of this Act may be continued or may be commenced and any determination of the court of law, tribunal or other authority or person may be enforced by or against the Independent National Electoral Commission established by this Act to the same extent as would have been against the Independent National Electoral Commission existing before the commencement of this Act.
5. All assets, funds, resources and other movable or immovable property, which immediately before the commencement of this Act, were vested in the Independent National Electoral Commission, existing before the commencement of this Act shall by virtue of this Act and without further assurance, be vested in the Independent National Electoral Commission established by this Act.
6. Any person who immediately before the coming into force of this Act is the holder of any

office in the Independent National Electoral Commission existing before the commencement of this Act shall, on the commencement of this Act, and subject to the provisions of the Constitution, continue in office and be deemed to have been appointed to his office by the Independent National Electoral Commission established by this Act unless the authority by which the person was appointed terminates the appointment.

Question that the provision on this First Schedule stands part of the Bill — Agreed to.

SECOND SCHEDULE

Section 26 (1)

INDEPENDENT NATIONAL ELECTORAL COMMISSION OATH/
AFFIRMATION OF NEUTRALITY

Ido solemnly swear/affirm that I will be faithful to the Federal Republic of Nigeria; that as _____ I will discharge my duties to the best of my ability in accordance with the Constitution of the Federal Republic of Nigeria, the Electoral Act and the Guidelines issued by the Independent National Electoral Commission; that I will do the right to all candidates and political parties according to law without fear or favour, affection or ill-will. So help me God.

Deponent _____

Sworn to / Affirmed at: _____ this: _____ day of

Before me: _____ Resident Electoral Commissioner Electoral officer.

Question that the provision on this Second Schedule stands part of the Bill — Agreed to.

THIRD SCHEDULE

Section 10 (4)

ELECTORAL ACT, 2010
SECTION A

Form Ec. 1

APPLICATION FOR INCLUSION IN REGISTER OF VOTERS

To the Registration Officer,.....

.....Constituency.....20.....of.....

.....apply to be included in the Preliminary List of the Register of Voters for the above constituency upon the grounds:-

- 1. That I am a citizen of Nigeria;

2. That I am 18 years or above 18 years of age;

3. That I am now ordinarily resident at

.....
(here state town or village and if possible the street number if known)

4. And I declare that the above particulars are true to the best of my belief and-

*(a) that I am not already registered in this or any other Preliminary List or Register of Voters under the above Act (or I request that my name be entered in the appropriate list); or

*(b) that I have already registered, but wish my name transferred to the area of my new abode. Particular of my former place of residence are given below-

CODE

STATE.....

LOCAL GOVERNMENT AREA

REGISTRATION AREA

REGISTRATION UNIT.....

VOTER'S NUMBER.....

VOTER'S NAME SECTION B

APPLICANT'S OTHER PARTICULARS (IN CAPITALS)

5. NAME IN FULL.....
(Family Name First)

6. OCCUPATION.....

7. AGE.....

8. SEX MALE (M) FEMALE (F).....

9. ADDRESS (i.e. House Number, Street Name or Name of Village or Hamlet)

.....
.....

*Signed.....

*Right thumb print impressed in the presence of witness to thumb print.

.....
.....
.....

*Cross out whichever is inapplicable

ELECTORAL ACT, 2010

SECTION 21(1)

FORM EC.2

CLAIM FOR CORRECTION OF OUR INSERTION OF NAME IN PRELIMINARY LIST

To the Supervisory Assistant Registration Officer..... WARD

I.....

ofhereby declare.

1. That I applied for inclusion in the Supplementary List for the Updating Register of Voters for the above Ward on the 20..... and that my particulars have been omitted/inaccurately stated.

2. I am a citizen of Nigeria.

3. I am 18 years of age or over

4. I am ordinary resident at the above address

or.....

5. I hereby apply for the Supplementary List to be completed/corrected accordingly.

6. I declare that the above particulars are true to the best of my belief and that I am not already registered in this or any Supplementary List or Register of Voters.

Date

Signature or Thumb Print

FORM EC.3.

Section 19 (2)

OBJECTION TO NAME IN SUPPLEMENTARY LIST

To the Supervisory/Assistant Registration/Officer.....

Constituency..... 20.....

of.....Address).....

Whose name appears in the Supplementary List for the above Ward hereby give notice:

That I object to the inclusion in such list of the name of.....

whose.....address is given as..... on the

on the following grounds.....

.....

..... (Here Insert The Grounds)

I wish to produce the following witnesses.....

.....

..... Signed..... Registered

Voter.....

Dated this.....Day of.....20.....

SECTION 20 (2)

FORM EC 3A

NOTIFICATION OF DEATH OF A PERSON NAMED IN THE REGISTER OF VOTERS

To the Registration Officer,..... Constituency..... 20.....

I,.....of.....

hereby give notice thatthe

Register of Voters.....Registration Centre as.....is dead.

I wish to produce the following evidence witness.....

witness.....

.....

Signed

Question that the provision on this Third Schedule stands part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate in the Committee of the Whole considered the Report of the Committee on Independent National Electoral Commission (INEC) on the Electoral Act (Repeal and Re-Enactment) Bill, 2021 and approved as follows:

| | | |
|------------------------|---|----------------|
| Long Title | - | As Recommended |
| Clauses 1-14 | - | As Recommended |
| Clauses 15-17 | - | As Amended |
| Clauses 18-22 | - | As Recommended |
| Clause 23 | - | As Amended |
| Clauses 24-30 | - | As Recommended |
| Clause 31 | - | As Amended |
| Clauses 32-42 | - | As Recommended |
| Clause 43 | - | As Amended |
| Clauses 44-49 | - | As Recommended |
| Clause 50 | - | As Amended |
| Clause 51 | - | As Recommended |
| Clause 52 | - | As Amended |
| Clauses 53-62 | - | As Recommended |
| Clause 63 | - | As Amended |
| Clauses 64-75 | - | As Recommended |
| Clause 76 | - | As Amended |
| Clauses 77-155 | - | As Recommended |
| Clause 157 | - | As Recommended |
| Interpretation | - | As Recommended |
| Short Title | - | As Recommended |
| Schedules 1-2 | - | As Recommended |
| Explanatory Memorandum | - | As Recommended |

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.

18. Adjournment:

And it being 4:05 p.m. the President of the Senate adjourned the Senate till Thursday 15th July, 2021 at 5:00 p.m.

Adjourned accordingly at 4:05 p.m.

Ahmad Ibrahim Lawan, Ph.D, CON
President,
Senate of the Federal Republic of Nigeria.