

# LEAD DEBATE ON THE ELECTORAL ACT, 2026 (AMENDMENT) BILL, 2026 (SB 1035)

Sponsor: *Senator Simon, Bako Lanlong (Plateau South)*

Mr. President of the Senate, Distinguished Colleagues, I rise to lead the debate on a Bill for an Act to amend the Electoral Act, 2026 to provide for jurisdiction in pre-election matters and for related matters.

This Bill seeks to address one of the most persistent procedural and constitutional challenges in our electoral jurisprudence – the uncertainty, multiplicity, and inconsistency associated with the jurisdiction for the determination of pre-election matters.

Distinguished Colleagues, democracy thrives not merely on the conduct of elections, but also on the credibility, certainty, and predictability of the legal processes that precede those elections. The legitimacy of candidates and the integrity of party primaries are foundational pillars of representative democracy. Where the legal framework regulating pre-election disputes is uncertain or conflicting, the entire electoral architecture becomes vulnerable to confusion, forum shopping, contradictory judgments, and unnecessary delays.

Mr. President, it is in recognition of these realities that this Bill proposes targeted amendments to Section 29 of the Electoral Act and introduces a new Section 29A to clearly delineate jurisdictional competence in pre-election matters.

Distinguished Colleagues, Section 285(14) of the Constitution of the Federal Republic of Nigeria, 1999 (as altered), defines pre-election matters to include disputes arising from party primaries, nomination of candidates, and compliance with electoral laws and guidelines. However, despite this constitutional recognition, our legal system has continued to witness conflicting interpretations, regarding the appropriate court with jurisdiction to entertain such disputes.

This uncertainty has resulted in:

- (a) conflicting decisions from courts of coordinate jurisdiction;
- (b) abuse of judicial process through forum shopping;
- (c) undue delay in the resolution of electoral disputes; and
- (d) avoidable constitutional tension between courts.

The amendment before this distinguished Chamber therefore seeks to bring clarity, order, and constitutional harmony to the adjudication of pre-election matters.

Mr. President, Distinguished Colleagues, clause 2 of the Bill amends Section 29(5) of the Principal Act to provide that an aspirant may institute an action either in the Federal Capital Territory or in the jurisdiction where the cause of action arose. This amendment is both practical and equitable. It reduces hardship on litigants, improves access to justice, and aligns electoral adjudication with territorial realities surrounding political primaries and nomination processes.

More fundamentally, clause 3 introduces a new Section 29A, which is the substantive innovation of this Bill. The proposed Section 29A establishes a clear jurisdictional framework as follows:

1. Pre-election matters relating to elections into the National Assembly, Governorship, and State Houses of Assembly shall originate at the Federal High Court, with appeals lying to the Court of Appeal; and
2. Pre-election matters relating to the offices of President and Vice President shall originate at the Court of Appeal exercising original jurisdiction, with appeals lying to the Supreme Court.

Mr. President, this proposal is not arbitrary. It is rooted firmly in constitutional logic, judicial efficiency, and the doctrine of hierarchy of courts.

Distinguished Colleagues, presidential elections are national in character and constitutional significance. Given the sensitivity and urgency associated with such offices, vesting original jurisdiction in the Court of Appeal ensures expeditious determination by a superior court of record with nationwide competence and institutional capacity.

Similarly, assigning jurisdiction over other pre-election matters to the Federal High Court promotes specialization and consistency, especially given the federal nature of electoral administration through the Independent National Electoral Commission (INEC).

Mr. President, this Bill also seeks to eliminate the dangerous practice where litigants deliberately institute multiple suits in different judicial divisions in search of favourable orders. Such practices erode public confidence in the judiciary and undermine electoral stability.

By expressly providing that no court shall entertain pre-election matters except in accordance with the proposed Section 29A, this amendment introduces certainty and procedural discipline into electoral adjudication.

Distinguished Colleagues, this Bill is also consistent with the constitutional objective of speedy determination of electoral disputes. Electoral matters are sui generis and time-bound in nature. Delays in their resolution often create constitutional crises capable of destabilizing governance and democratic continuity.

Indeed, the Supreme Court has repeatedly emphasized the necessity for certainty and urgency in electoral litigation. This Bill therefore codifies a streamlined judicial pathway that will reduce delays and enhance judicial efficiency.

Mr. President and Distinguished Colleagues, the amendment before us is not merely procedural; it is institutional. It strengthens electoral justice, deepens democratic accountability, and reinforces public confidence in our electoral process. It is a reform intended to:

- (a) promote uniformity in electoral adjudication;
- (b) reduce conflicting judgments;
- (c) discourage forum shopping;
- (d) ensure timely resolution of disputes; and
- (e) preserve the sanctity of democratic mandates.

At a time when Nigerians continue to demand greater transparency and credibility in our electoral process, this National Assembly must continue to refine the legal architecture that sustains constitutional democracy.

This Bill is therefore timely, necessary, and in the national interest.

I respectfully urge Distinguished Colleagues to support this Bill and allow it to scale Second Reading.

Mr. President, I so move.