

A BILL

FOR

AN ACT TO AMEND THE ELECTORAL ACT 2013 AND FOR OTHER MATTERS
CONNECTED THERETO

Sponsored by Senator Alkali Abdulkadir Jajere

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria as follows:

- 1 1. The Electoral act 2010 (in this Act referred to as “the principal
2 Act”) is amended as set out in this Act. Amendment of Section 8. Amendment of
the Electoral
Act 2013
- 3 2. Section 8 of the Principal Act is amended: Amendment of
Section 8
- 4 in subsection (1) by inserting a new paragraph (c) to read as follows “hold
- 5 office for a period of four years from the date of his appointment which may
- 6 be renewable for another period of four years only”.
- 7 3. Section 13 of the principal Act is amended in subsection (2) by
- 8 inserting after the last word “by” the words “a copy of” and substituting the
- 9 figure “30” in line 2 with the figure “60” instead thereof.
- 10 4. Section 84 of the principal Act is amended in subsection (7) by Amendment of
Section 18
- 11 substituting word “thirty” and the figure “30” with the words “sixty and the
- 12 figure 60”.
- 13 5. Section 25 of the principal Act is amended in subsection (1) Amendment of
Section 25
- 14 paragraph 6 Section 106 of the principal Act is amended in:
- 15 (a) subsection (1) by deleting the words “in accordance with the
- 16 Constitution and this Act”;
- 17 (b) subsection (2) by substituting the words “where a the election is
- 18 to fill a vacancy occurring more than 90 days before such date ,not later than
- 19 30days” with words “provided that the Independent National Electoral
- 20 Commission shall appoint not more than two periods in a year to conduct
- 21 elections to fill vacancy”;

6 Commission shall appoint not more than two periods in a year to conduct
7 elections to fill vacancy”;

8 (e) in subsection (5) by deleting the words “in accordance with the
9 constitution and this Act”;

10 (F) in subsection (7) by deleting the words “in accordance with the
11 Constitution and this Act”.

Amendment of
Section 28

12 6. Section 28 of the principal Act is amended in subsection (1) by
13 substituting the words “High Court” in line 2 with the words “any Court of law
14 or commissioner for oaths”.

Amendment of
Section 30

15 7. Section 30 of the principal Act is amended by deleting subsection
16 (3).

Amendment of
Section 31

17 8. Section 31 of the principal Act is amended:

18 (a) by substituting the entire words in subsection (1) with the words
19 “Subject to the provision of section 87 of this Act, every political party shall not
20 later than 60 days before the date appointed for an election under the provision
21 of this Act submit to the Commission, in the prescribe forms, the list of the
22 candidates the party proposes to sponsor”;

23 (b) in subsection (6) by substituting the existing words with the words
24 “if the Court determines that any of the information contained in the affidavit is
25 false the court shall issue an order disqualifying the candidate from contesting
26 the election; if already elected the court shall issue an order directing the person
27 to vacate the office and the next person with the highest number of votes cast
28 and who met the requirement of the constitution shall be declared duly
29 elected”;

30 (c) in subsection (7) by substituting the existing words with the words

1 “Any political party that presents to the Commission the name of a candidate
2 that does not meet the qualification stipulated in the Constitution shall be
3 guilty of an offence and shall on conviction be disqualified from
4 participating in that particular election for that office”;

5 (d) in subsection (8) by substituting the figure “N500,000” with the
6 figure “N1,000,000”.

7 9. Section 45 of the principal Act is amended in subsection (1) to
8 read “Each political party may by notice in writing addressed to the electoral
9 officer of the Local Government Areal Area Council , appoint a polling
10 agent for each pooling unit and collation centre in the Local Government
11 Areal Area Council for which it has a Candidate and the notice which shall
12 set out the name and address of the pooling agent must be accompanied by
13 two passport photographs each pooling agent and be given to the electoral
14 officer at least 14days before the date fixed for the election”.

Amendment of
Section 45

15 10. Sections 48 49 50 52 54 55 and 60 of the principal Act are
16 amended to read “voting at an election under this Act shall be in accordance
17 with the procedure determined by the Independent Electoral Commission”.

Amendment of
Section 48, 49,
50, 52, 54, 55
and 60

18 11. Section 77 of the principal Act is amended in subsection (1) by
19 substituting the existing words with the words “The Resident Electoral
20 Commissioner, in a State where an election is conducted, shall within
21 14days after an application is made to him by any of the parties to an election
22 petition, cause certified true copy of such documents to be issued to the said
23 party”.

Amendment of
Section 77

24 12. Section 87 of the principle Act is amended in subsection (9) by
25 substituting the existing words with the words “Where a political party fails
26 to comply with the provision of the Constitution or this Act in the conduct of
27 primaries or nomination of any candidate for election under this Act, its
28 candidate for the affected constituency shall not be included in the list of
29 nominated candidates for the election”.

Amendment of
Section 87

6 first instance and to a maximum fine of N1,000,000.00 for subsequent
7 conviction;

8 (b) in the case of principal officer(s) and other officer(s) of the media
9 house to a maximum fine of N500,000.00 or to imprisonment for a term of
10 12months”.

Amendment of
Section 116

11 **14.** Section 116 of the principal Act is amended:

12 (a) in subsection (1) by substituting the existing words with the words
13 “the Chairman or Vice Chairman of Area Council shall cease to hold office if:

14 (i) by resolution passed by two - thirds majority of all members of the
15 executive council of the Area Council, it is declared that the chairman or Vice
16 Chairman is incapable of discharging the functions of his office;

17 (ii) the declaration in paragraph (a) of this subsection is verified after
18 such medical examination as may be necessary, by medical panel established
19 under subsection (4) of this section in its report to the speaker of the Area
20 Legislative Council”.

21 (b) by inserting a new subsection (2) to read as follows “Where a
22 medical panel certifies in its report that in its opinion the Chairman or Vice
23 Chairman is suffering from such infirmity of body or mind as renders him
24 permanently incapable of discharging the functions of his office, a new notice
25 thereof signed by the Speaker of the Area Legislative Council shall be
26 published in the official gazette of the Area Council”;

27 (c) by inserting a new subsection (3) to read as follows “The
28 Chairman or Vice Chairman shall cease to hold office, as from the date of
29 publication of the notice of the medical report pursuant to subsection (2) of this
30 section”.

1 (d) by inserting a new subsection (4) to read as follows “The
2 medical panel to which this section relates shall be appointed by the speaker
3 of the Area Legislative Council and shall comprise five medical
4 practitioners in Nigeria”:

5 (a) one of whom shall be the personal physician of the holder of the
6 office concerned;

7 (b) four other medical practitioners who have, in the opinion of the
8 speaker of the Area Council is a reference to the body of supervisory
9 Councilors of the Area councils, however called established by the
10 Chairman and charged with such responsibilities for the function of
11 Government as the Chairman may direct”.

12 **15.** the principal Act is amended by inserting a new section 116A
13 immediately after the existing section 116 to read as follows:

Insertion of a
new section 116A

14 “116A(1) The vice Chairman of an Area Council shall hold office
15 the office of the chairman of the Area Council if the office of the Chairman
16 becomes Vacant by reason of death, resignation, permanent incapacity or
17 removal or of the Chairman from office for any other reason in accordance
18 with section 115 or 116 of this Act”.

19 (2) “Where any vacancy occurs in the circumstances mentioned in
20 subsection (1) of this section during a period when the office of Vice -
21 Chairman of the Area Council is also vacant, the Speaker of the Area
22 Legislative Council shall hold the office of the Chairman for a period of not
23 more than three months, during which there shall be an election of a new
24 Chairman of the Area Council who shall hold office of the last holder of the
25 office”.

26 (3) Where the office of the Vice -Chairman becomes vacant:

27 (a) by reason of death, resignation, permanent incapacity or
28 removal in accordance with section 115 or 116 of this Act;

29 (b) by his assumption of office of Chairman of an Area Council in
30 accordance with subsection (1) of this section;

6 executive council of the Area Council , it is declared that the chairman or Vice
7 Chairman is incapable of discharging the functions of his office;

8 (ii) the declaration in paragraph (a) of this subsection is verified after
9 such medical examination as may be necessary, by medical panel established
10 under subsection (4) of this section in its report to the speaker of the Area
11 Legislative Council”.

12 (b) by inserting a new subsection (2) to read as follows" Where a
13 medical panel certifies in its report that in its opinion the Chairman or Vice
14 Chairman is suffering from such infirmity of body or mind as renders him
15 permanently incapable of discharging the functions of his office, a new notice
16 thereof signed by the Speaker of the Area Legislative Council shall be
17 published in the official gazette of the Area Council”;

18 (c) by inserting a new subsection (3) to read as follows" The
19 Chairman or Vice Chairman shall cease to hold office, as from the date of
20 publication of the notice of the medical report pursuant to subsection (2) of this
21 section”;

22 (d) by inserting a new subsection (4) to read as follows" The medical
23 panel to which this section relates shall be appointed by the speaker of the Area
24 Legislative Council and shall comprise five medical practitioners in Nigeria”:

25 (a) one of whom shall be the personal physician of the holder of the
26 office concerned;

27 (b) four other medical practitioners who have, in the opinion of the
28 speaker of the Area Council is a reference to the body of supervisory
29 Councilors of the Area councils, however called established by the Chairman
30 and charged with such responsibilities for the function of Government as the

Chairman may direct”.

EXPLANATORY MEMORANDUM

This bill seeks to amend the Electoral Act 2010 to, among other things ensures proper conduct of elections in Nigeria.