

ELECTORAL (AMENDMENT) ACT, 2015

EXPLANATORY MEMORANDUM

This Act further amends the Electoral Act, 2010 to, among other things, provide for the tenure of office of the Secretary, increase the number of days for application for and issuance of duplicate voter's card, determine voting procedure as well as addressing other related issues to facilitate electioneering in Nigeria.

ELECTORAL (AMENDMENT) ACT, 2015

ARRANGEMENT OF SECTIONS

Section:

1. Amendment of Act No. 6, 2010
2. Amendment of section 8 (1)
3. Amendment of section 13 (2)
4. Amendment of section 18
5. Amendment of section 26
6. Amendment of section 28
7. Amendment of section 29
8. Substitution for section 45 (1)
9. Amendment of section 52
10. Amendment of section 65
11. Amendment of section 77
12. Amendment of section 94
13. Amendment of section 111
14. Insertion of new sections “115A – 115B”
15. Amendment of section 123
16. Amendment of section 133
17. Amendment of section 135
18. Amendment of section 136
19. Amendment of section 138
20. Amendment of paragraph 51 to the First Schedule
21. Citation

ELECTORAL (AMENDMENT) ACT, 2015

A Bill

For

An Act to amend the Electoral Act No. 6, 2010 to provide for tenure of office of Secretary, power to issue duplicate voter's card, determine voting procedure; and for related matters.

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

1. The Electoral Act No. 6, 2010 in this Act referred to as the Principal Act is amended as set out in this Act. Amendment of Act No. 6, 2010
2. Section 8 (1) of the Principal Act is amended by inserting after paragraph (b), a new paragraph “(c)”:

 “(c) hold office for a period of 4 years from the date of his appointment which may be renewable for another period of 4 years only”.
3. Section 13 (2) of the Principal Act is amended by: Amendment of section 13 (2)
 - (a) inserting after the word “by” in line 2, the words “a copy of”; and
 - (b) substituting the figure “30” in line 2, the figure “60”.
4. Section 18 (1) and (3) of the Principal Act is amended by substituting for the expression, “thirty (30)” in line 2, the expression “sixty (60)”. Amendment of section 18
5. Section 26 of the Principal Act is amended by- Amendment of section 26
 - (a) inserting a new subsection “(1)”:

 “(1) in the event of an emergency affecting an election, the Independent National Electoral

Commission shall, as far as possible, ensure that persons displaced as a result of the emergency are not disenfranchised”;

(b) renumbering the existing section 26 appropriately; and

(c) substituting for the marginal note, a new “marginal note”:
“Conduct and Postponement of Election in Emergency”

6. Section 28 (1) of the Principal Act is amended by substituting for the words, “the High Court” in line 2, the words, “any court of law or Commissioner for Oaths”. Amendment of section 28
(1)

7. Section 29 of the Principal Act is amended by inserting after subsection (2), a new subsection “(3)”:
Amendment of section 29

“(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 only for the purposes of securing the distribution and delivery of election materials and protection of election officials.”

8. Substitute for section 45(1) of the Principal Act, a new section 45 “(1)”:
Substitution for section 45
(1)

“(1) Each political party may, by notice in writing addressed to the Electoral Officer of the Local Government Area or Area Council, appoint a polling agent for each polling unit and collation centre in the Local Government Area or Area Council for which it has a candidate and the notice, which sets out the name and address 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 presently serving as Chairman or member of a Local Government or Area Council, Commissioner of a State, Deputy Governor, or Governor of a State, Minister or any other person holding political office under any tier of Government and who has not resigned his appointment at least 3 months before the 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.”

9. Section 52 of the Principal Act is amended by substituting for subsection (2), a new subsection “(2)”: Amendment of section 52

“(2) Voting at an election under this Act shall be in accordance with the procedure determined by the Independent National Electoral Commission”.

10. Substitute for section 65 of the Principal Act a new section “65”: Substitution for section 65

'Post-election
procedure and collation
of election results

65. 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.”

11. Section 77 of the Principal Act is amended by substituting for subsection (1), a new subsection “(1)”: Amendment of section 77

“(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”.

12. Section 94 of the Principal Act is amended by inserting after subsection (3), new subsections “(4)” and “(5)”: Amendment of section 94

“(4) 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 Nigeria Police Force in political rallies, processions and meetings shall be limited to the provision of adequate security as provided in subsection (1) of this section.

- (5) For the avoidance of doubt, 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.”

13. Section 111 of the Principal Act is amended, in subsections (3), (6) and (7), by substituting for the figure “7”, the figure “14”. Amendment of section 111

14. Insert after section 115, new sections “115A – 115B”: Insertion of new sections
“115A – 115B”

“Permanent incapacity
of Chairman or Vice-
Chairman of an Area
Council

115A (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 office; and
 - (b) the declaration in paragraph (a) of this subsection is verified after such medical examination panel established under subsection (4) of this section in its report to the Speaker of 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) of this section.
- (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.

115B (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 115 or 116 of this Act.

Discharge of
functions of Chairman
or Vice -Chairman of
an Area Council

(2) Where any vacancy occurs in the circumstances mentioned in subsection (1) of this section 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 115 or 116 of this Act,

(b) by his assumption of the office of Chairman of an Area Council in accordance with subsection (1) of this section, 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.”

15. Section 123 of the Principal Act is amended by inserting after subsection (3), a new subsection “(3A)”:
- Amendment of section 123

“(3A) Any Polling Officer, 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 12 months imprisonment or both.”

16. Section 133 (3) of the Principal Act is amended, in paragraph (a) by substituting the figure, “14”, the figure, “30”.
- Amendment of section 133 (3)

17. Section 135 of the Principal Act is amended by inserting new subsections “(4)” and “(5)”:
- Amendment of section 135

“(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 8 days before the election.”

18. Section 136 of the Principal Act is amended by inserting new subsections “(5)”, “(6)” and “(7)”:
- Amendment of section 136

“(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.

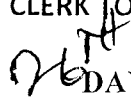
(7) The quorum of the Area Council Election Appeal Tribunal when hearing any appeal from decisions of the Area Council Election Tribunal shall be all three members of the Appeal Tribunal.”

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| 19. | Section 138 (1) is amended by inserting a new paragraph “(e)”: | Amendment of section 138
(1) |
| | “(e) that the person whose election is questioned had submitted to the Commission affidavit containing false information of a fundamental nature in aid of his qualification for the election.” | |
| 20. | Paragraph 51 of the First Schedule to the Principal Act is amended by deleting subparagraphs “(1)” and “(2)”. | Amendment of paragraph
51 to the First Schedule |
| 21. | This Act may be cited as the Electoral (Amendment) Act, 2015 | Citation |

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



SALISU ABUBAKAR MAIKASUWA, OON, mni
CLERK TO THE NATIONAL ASSEMBLY

 DAY OF MARCH, 2015

Schedule to Electoral (Amendment) Bill, 2015

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED THE HOUSE OF REPRESENTATIVES
Electoral (Amendment) Bill, 2015	An Act to amend the Electoral Act No. 6, 2010 to provide for tenure of office of Secretary, power to issue duplicate voter's card, determine voting procedure; and for related matters.	This Bill further amends the Electoral Act, 2010 to, among other things, provide for the tenure of office of the Secretary, increase the number of days for application for and issuance of duplicate voter's card, determine voting procedure as well as addressing other related issues to facilitate electioneering in Nigeria.	10 th March, 2015	5 th March, 2015

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.



SALISU MAIKASUWA, OON mni

Clerk to the National Assembly

26th Day of March, 2015

I ASSENT



DR. GOODLUCK EBELE JONATHAN, GCFR

President of the Federal Republic of Nigeria

26th Day of March, 2015