

# A BILL

## FOR

AN ACT TO AMEND THE ELECTORAL ACT 2010 TO EMPOWER NATIONAL TRIBUNALS AND COURTS TO DECLARE CANDIDATES WHO SCORED THE SECOND HIGHEST VOTES WINNER OF ELECTIONS WHEN THE TRIBUNAL OR COURTS FINDS/HOLDS THAT THE WINNER OF THE ELECTION IS UNQUALIFIED FOR THE ELECTION *AB INITIO*

*Sponsored by Hon. Karimi Sunday Steve*

[ ] Commencement

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

1           1. Section 140(2) of the Electoral Act 2010, which is referred to in  
2 this Bill as the Principal Act, is hereby amended by repealing subsection (2)  
3 thereof and substituting it with the following subsection:

4           “(2) Where an election tribunal or court nullifies an election on the  
5 ground that the person who obtained the highest votes at the election was not  
6 qualified to contest the election, or that the election was marred by  
7 substantial irregularities or non-compliance with the provisions of this Act,  
8 the Election Tribunal or Court may declare the person with the second  
9 highest votes as winner or may make such order as it deems fit depending on  
10 the circumstance of the case and the provisions of the Constitution of the  
11 Federal Republic of Nigeria.”

2. This Bill may be cited as the Electoral (Amendment) Bill, 2015. Citation

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Electoral Act 2010 in order to bring it in tandem with the Electoral Jurisprudence of the Federal Republic of Nigeria by ensuring that the Act complies with the doctrine of separation of powers and that the Act does not in any way usurp the Constitutional Powers of the Court in Election Petition Proceedings in Nigeria.