

A BILL

FOR

AN ACT TO FURTHER AMEND THE ELECTORAL ACT 2010 (AS AMENDED)
ON NULLIFICATION OF ELECTIONS BY TRIBUNAL OR COURT AND FOR
RELATED MATTERS

Sponsored by Hon. Raphael Nnanna Igbokwe

[] Commencement

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

1 1. The Electoral Act, 2010 hereinafter referred to as "the Principal
2 Act" is hereby amended as set out in this Bill.

3 2. Section 34 of the Principal Act is amended by adding a new sub
4 section (2) and (3) to read.

5 3. Any candidate who observes his name or that of his party
6 missing on the list published in accordance to sub section (1) above, shall
7 notify the commission in writing, signed by himself and supported with an
8 affidavit not later than 21 days to the election

9 4. Where the candidate fails to notify the commission in
10 accordance to sub section (2) above, the candidate shall be deemed to have
11 waived his right and the outcome of the election cannot be impeached in the
12 any Court or Tribunal.

13 5. Section 49 of the principal Act is amended by adding sub section
14 (3) to read:

15 (3) Where an eligible voter or candidate in an election observe or
16 discovers the omission of the party logo of his preferred party, the presiding
17 officer shall be notified immediately and in the case of the candidate shall
18 notify the Electoral officer immediately.

19 6. Section 140 of the Principal Act is amended by deleting sub
20 section (2) replacing it with a new one to read:

21 (2) where an election Tribunal or Court nullifies an election on the

1 grounds that the person who obtained the highest votes at the election was not
2 qualified to contest the election, the person with the second highest votes shall
3 be declared the winner.

4 7. Section 140 of the principal Act is further amended by adding a new
5 sub-section 4 to read:

6 (4) Where the party Logo of any Candidate or his party is omitted on
7 the ballot paper for an election, the Tribunal shall call for a by election between
8 the winner of the first election and the candidate whose logo was omitted.

9 8. This Bill may be cited as the Electoral Act (Amendment) Bill,
10 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to better define the powers of Tribunals in Election Matters.