

# A BILL

## FOR

AN ACT TO AMEND THE ELECTORAL ACT CAP. E6 LFN 2010, AND FOR RELATED MATTERS, 2016

*Sponsored by Hon. Eucharia Azodo*

[ ] Commencement

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

- 1           1. The Electoral Act No.6 of 2010 (in this Bill referred to  
2 Amendment of as "the principal Act" is amended as is amended as set out in  
3 this Bill. Amendment of  
the Electoral Act  
No. 6, 2010
- 4           2. Section 9 (1) of the Principal Act is amended by inserting the Amendment of  
Section 9  
5 words "or any country outside of Nigeria where, Nigerians there who are  
6 qualified to vote, will vote in the Presidential elections" after the words "or  
7 area Councils Elections".
- 8           3. Section 9 (2) of the Principal Act is amended by inserting the Amendment of  
Section 9 (2)  
9 words "for any' country outside of Nigeria where Nigerians resident there  
10 can vote in the Presidential Elections" after the words "Federal Capital  
11 Territory".
- 12          4. Section 9 (3) of the Principal Act is amended by inserting the Amendment of  
Section 9 (3)  
13 words "or in the Nigeria Embassy or place (s) that the Commission will  
14 determine within a country outside Nigeria where a Presidential election  
15 will hold" after the words "Federal Capital Territory".
- 16          5. Section 12 (1) (a) Section 12 (1 a) of the Principal Act is Amendment of  
Section 12 (1) (a)  
17 amended by inserting the word "or holds a Nigerian International Passport".
- 18          6. Section 12 (2) Section 12 (2) of the Principal Act is amended by Amendment of  
Section 12 (2)  
19 inserting the words "but Nigerians who are resident in a country outside  
20 Nigeria can only register once in a registration centre, in the c entre (s) to be

1 designated by the Commission" after the words "in same registration centre".

Amendment of  
Section 12 (3)

2 7. Section 12 (3) Section 12 (3) of the principal Act is amended by  
3 inserting the words "However, Nigerians in Diaspora, who are qualified to vote  
4 who violates subsection (2) of this Section shall be disqualified from voting for  
5 two consecutive Presidential elections following the one for which the person  
6 has violated this subsection".

Amendment of  
Section 26 (1)

7 8. Section 26 (1) Section 26 (1) of the principal Act is amended by  
8 subsection (1) becoming subsection (l), while a new subsection (1) (b) and (1)  
9 (c) are inserted after the words "reason for the postponement is cogent and  
10 verifiable".

Amendment of  
Section 26 (1) (b)

11 Subsection 26 (1) (b) reads thus "the Commission shall fix a date for  
12 any country outside Nigeria where a Presidential election shall hold, such that  
13 the Diaspora voting will hold not later than twenty four (24) hours to the date  
14 the Presidential election will hold in Nigeria".

Amendment of  
Section 26 (1) ©

15 Subsection 26 (1) (c) reads thus "the result of voting in a Presidential  
16 Election conducted in any country outside Nigeria shall only be announced by  
17 the Chief Electoral Commissioner or the Returning Officer for the Presidential  
18 Election same day as for the states of the Federation and FCT results".  
19 The following new Sections shall be added to this Act:

20 PART VIII - PROCEDURE FOR DIASPORA VOTING IN A PRESIDENTIAL  
21 ELECTIONS

22 *Powers of the Commission for Diaspora voting*

Insertion of New  
Section 117

23 9. Section 117 (l) - "The conduct of elections into the office of the  
24 President of Nigeria and participation of Nigerians outside the country shall be  
25 under the direction and supervision of the Commission in accordance with this  
26 Act".

27 (2) "The Embassy/liaison office in any country outside Nigeria where  
28 Diaspora voters will vote and the centres where voting will take place,  
29 established by the Commission and any other regulations, guidelines, rules or

1 manual issued or made by the Commission shall be used for the Diaspora  
2 voting”.

3 **10.** Section 118 (1) – “For the avoidance of doubts, only Nigerians  
4 who are legally residing in any country where the Commission is to organize  
5 Diaspora voting, shall be qualified to be registered by the Commission to  
6 vote in Nigeria's Presidential elections in that country”.

Insertion of New  
Section 118

7 Section 118 (2) - "The Commission shall decide with the Nigerian  
8 Embassy/liaison office, outside Nigeria the number of registration and  
9 voting centre for any country where Diasporas will vote".

10 **11.** Section 119 – “The procedure for voting shall be the same as  
11 the procedure adopted for the Presidential election in Nigeria”.

Insertion of New  
Section 119

12 Following this amendments, former PART VIII becomes PART  
13 IX; former PART IX becomes PART X; former PART X becomes PART XI.  
14 While section 117 (1) becomes section 120; section 118 (1) becomes section  
15 121; section 119 becomes section 122; section 120 becomes section 123;  
16 section 121 becomes section 124; section 122 becomes section 126; section  
17 123 becomes section 126, the whole of the sections changes by adding three  
18 (3) to each proceeding figures such that the last section of this Act which was  
19 section 158 now becomes section 161.

Amendment /  
Modification

20 **12.** In this Bill:

Interpretation

21 “Nigerians in Diaspora” means persons who are citizens of Nigeria  
22 according to the 1999 Constitution and are resident outside Nigeria;

23 “Diaspora voters” are Nigerians resident outside the country who comply  
24 with the conditions as to be set out by the Commission before they can vote  
25 outside Nigeria.

26 **13.** This Bill may be cited as Electoral Act (Amendment) Bill,  
27 2016.

Short Title

## EXPLANATORY NOTE

This Bill seeks to amend the Electoral Act to incorporate Diaspora voting in the Presidential Elections in the Nigeria Electoral Act, 2010, as a germane amendment to the promotion of Democracy in the country.