

A BILL

FOR

AN ACT TO AMEND THE PROVISIONS OF THE ELECTORAL ACT NO.6, 2010 TO PROVIDE A TIME LINE FOR THE SUBMISSION OF LIST OF CANDIDATES, CRITERIA FOR SUBSTITUTION OF CANDIDATES, DISCLOSURE OF SOURCE OF FUNDS CONTRIBUTED FOR POLITICAL PARTIES AND TO EMPOWER THE COMMISSION TO UPHOLD PARTY PRIMARIES WHERE THERE IS A CHANGE IN THE RESULT AND FOR RELATED MATTERS

Sponsored by Hon. Aishatu Jibril Dukku

[] Commencement

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

- 1 1. The provisions of the Electoral Act No.6, 2010 (in this Act
2 referred to as “the Principal Act”) is hereby amended as set out in this Bill. Amendment of
the Electoral Act
No. 6, 2010
- 3 2. Section 8 of the Principal Act is amended by inserting a new
4 subsection (5): Amendment of
Section 8 of the
Principal Act
5 “(5) A person, who being a member of a political party
6 misrepresents himself as such in order to secure an appointment with the
7 Commission in any capacity, commits an offence and shall be liable on
8 conviction to imprisonment for a term not below five (5) years without an
9 option of fine”.
- 10 3. Section 36 of the Principal Act is amended by inserting a new Amendment of
Section 36 of the
Principal Act
11 subsection (3):
12 “(3) where a nominated candidate dies in the circumstances stated
13 under sub-section 1 of this section, the next person, from the same political
14 party where the deceased emerged, with the highest votes in the primary
15 election shall be submitted to the Commission to replace the deceased, and
16 the Commission shall accept such replacement as if the deceased is alive”.

Amendment of
Section 38 of the
Principal Act

1 4. Section 38 of the Principal Act is amended by inserting a new
2 subsection (2):

3 “(2) Where there is a valid nomination by at least one political party,
4 failure of a political party to validly nominate a candidate shall not constitute
5 ground for extension of time for nomination or postponement of election”; and

6 (b) renumbering the section appropriately.

Amendment of
Section 78 of the
Principal Act

7 5. Section 78 (5) of the Principal Act is amended by inserting after the
8 word "cancelled", the words, "and the Association, on account of such false or
9 misleading information, commits an offence and is liable on conviction to a
10 fine of N1,000,000 and the executives of the Association shall serve a term of
11 imprisonment not exceeding 2 months".

Amendment of
Section 87 of the
Principal Act

12 6. Section 87 of the Principal Act is amended by inserting a new
13 subsection (9A) after section (9):

14 “(9A) Where a primary election is conducted, and duly attended and
15 certified by the Commission in compliance with this Act, and the result is
16 subsequently altered by a political party, the Commission shall have the power
17 to overrule the alteration made by the political party and uphold such
18 primaries”.

Amendment of
Section 31 of the
Principal Act

19 7. Section 31 of the principal Act is amended by substituting for a
20 new subsection "(1)", "(6)" and "(7)":

21 “(1) Subject to the provisions of section 87 of this Act, the National
22 Chairman and Secretary of every political party shall, not later than 120 days
23 before the date appointed for an election under the provisions of this Act,
24 submit to the Commission, in the prescribed forms, the list of the candidates the
25 party proposes to sponsor at the election.”

26 “(6) if the Court determines that any of the information contained in
27 the Affidavit is false, the Court shall issue an order disqualifying the candidate
28 from contesting the election, if already elected, the Court shall issue an order
29 directing the person to vacate the office and the next person with highest
30 number of votes cast and who met the requirement of the Constitution shall be

1 declared duly elected”.

2 “(7) any political party that presents to the Commission the name
3 of a Candidate that does not meet the qualification stipulated in the
4 Constitution commits an offence and shall, on conviction, not be allowed to
5 participate in the contest to that particular office”; and

6 (b) in subsection (8), by substituting for the expression,
7 “N500,000”, in line 3, the expression, “N1,000,000”.

8 8. Section 33 of the Principal Act is amended by inserting a new
9 subsection “(2)”:

Amendment of
Section 33 of the
Principal Act

10 “(2) if a candidate whose name was submitted to the Commission
11 dies or withdraws from the election, the political party which nominated the
12 candidate shall forward to the Commission the name of the aspirant who
13 scored the second highest number of votes as the substitute candidate”.

14 9. Substitute for section 90(1) of the Principal Act, a new section
15 90:

Amendment of
Section 90 of the
Principal Act

16 “(90) The Commission shall have power to place limitation on the
17 amount of money or other assets which an individual can contribute to a
18 political party and to demand such information on the amount donated as
19 source of the funds”.

20 10. This Bill may be cited as the Electoral Act (Amendment) Bill,
21 2017.

Short Title

EXPLANATORY MEMORANDUM

This Bill seeks to amend the provisions of the Electoral Act No.6, 2010 to provide a time line for the submission of list of candidates, criteria for substitution of candidates, disclosure of source of funds contributed for Political Parties and to empower the Commission to uphold Party primaries where there is a change in the result.