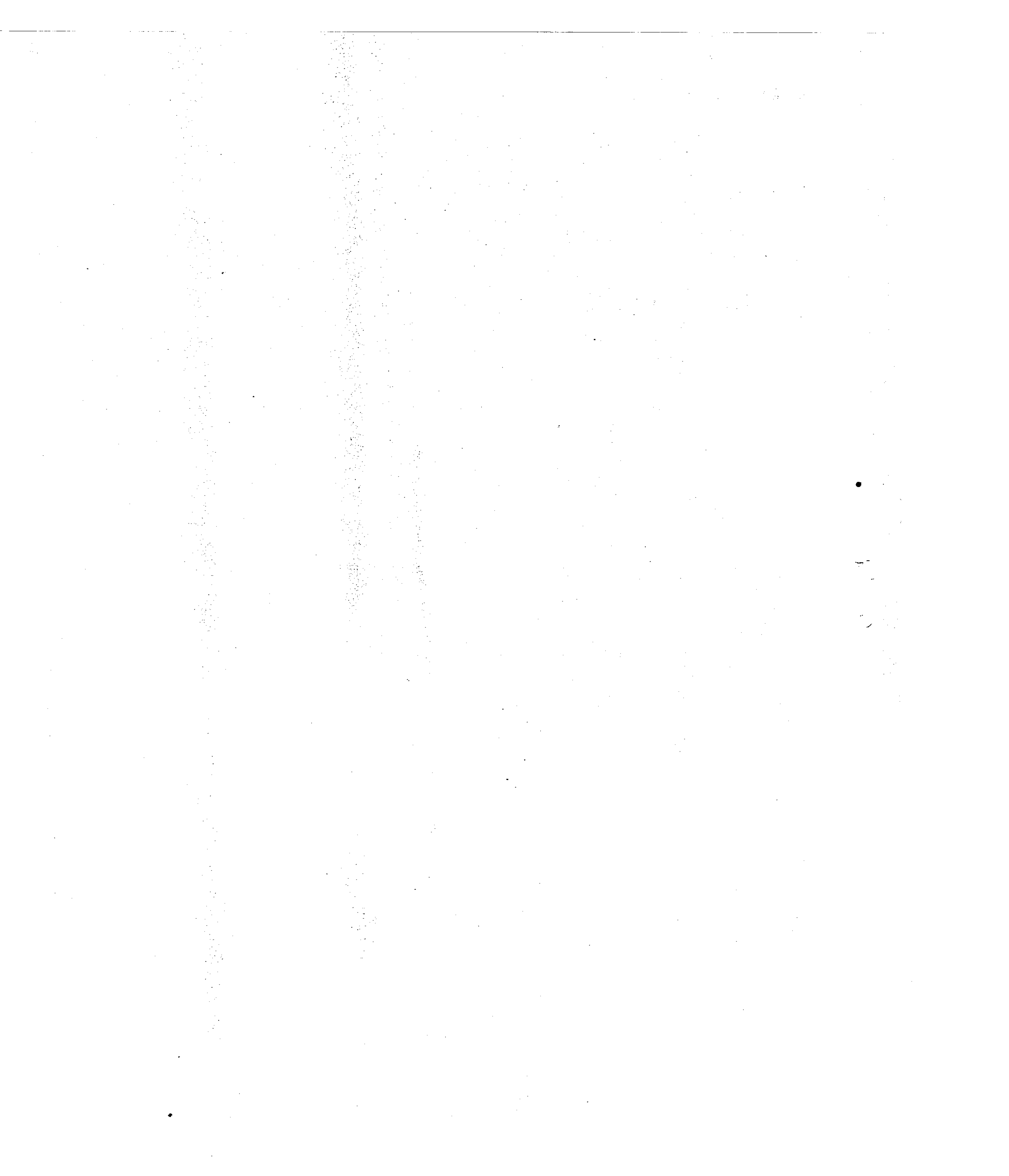


ELECTORAL ACT (AMENDMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

Clause:

1. **Amendment of the Electoral Act of the Federal Republic of Nigeria
1999**
2. **Substitution of section 4(3) of the principal Act**
3. **Amendment of Section 36 of the Principal Act**
4. **Amendment of Section 38 of the Principal Act**
5. **Amendment of Section 78 of the Principal Act**
6. **Insertion of section 87(9A) of section of the Principal Act**
7. **Citation**



A BILL

FOR

AN ACT TO AMEND THE ELECTORAL ACT NO. 16 OF 2010 TO STRENGTHEN INDEPENDENT NATIONAL ELECTORAL COMMISSION TO PROPERLY THE PROVISIONS OF THE ACT IN RELATION TO SUBSTITUTION OF CANDIDATES IN THE EVENT OF DEATH OR OTHERWISE AFTER CONDUCT OF PRIMARY ELECTIONS AND FOR RELATED MATTERS

Sponsored by Senator Ubali Shitu

[] Commencement

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

- 1 1. The Electoral Act No. 16 of 2010 (in 'this bill referred to as "the
2 Principal Act") is amended as set out in this Bill. Amendment of
the Electoral Act
- 3 2. Section 8 of the Principal Act is amended by inserting a new
4 subsection "(5)" - Substitution of
section 8(3) 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 one year without
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 sub- section "(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 number of legal votes in
15 the primary election shall be submitted to the Commission to replace the
16 deceased, and the Commission shall accept such replacement as if the
17 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."

Amendment of
Section 78 of
the Principal Act

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

Insertion of
section 87(9A)
of section of the
Principal Act

11 6. The Principal Act is amended, in section 87 by inserting a new sub-
12 section "(9A)" after the existing sub-section (9) -

13 "(9A) Where a primary election is conducted, and duly attended and
14 certified by the Commission in compliance with this Act, and the result is
15 subsequently changed or altered by a political party, the Commission shall
16 have the power to overrule the alteration made by the political party and uphold
17 such primaries."

Citation

18 7. This Bill is cited as the Electoral Act (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to amend The Electoral Act No. 16 of 2010 to strengthen Independent National Electoral Commission to properly the provisions of the Act in relation to substitution of candidates in the event of death or otherwise after conduct of primary elections.