

NATIONAL INSTITUTE FOR ELECTORAL STUDIES

[ESTABLISHMENT] BILL, 2019

ARRANGEMENT OF CLAUSES

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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL INSTITUTE FOR ELECTORAL STUDIES TO SERVE AS A HIGH-LEVEL INTELLECTUAL CENTRE FOR ACADEMIC AND PROFESSIONAL RESEARCH, TRAINING ON ELECTION MANAGEMENT, ELECTORAL STANDARDS AND ELECTORAL STUDIES, TO FACILITATE EFFECTIVE DEMOCRATIC GOVERNANCE IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Onofiok Akpan Luke

[] Commencement

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

1 PART 1

2 1.-(1) There is hereby established a body to be known as the Establishment
3 National Institute for Electoral Studies (in this Bill referred to as "the of the National
4 Institute"). Institute for
Electoral Studies

5 (2) The Institute shall:

6 a) Be a body Corporate with perpetual succession and a common
7 seal;

8 (b) Have power to sue and be sued in its corporate name; and

9 (c) Be capable of holding, purchasing, acquiring and disposing of
10 property movable or immovable, for the purpose of carrying out its
11 functions under this Bill.

12 2.-(1) There is established for the management of the Institute, a Governing
13 Governing Council [in this Bill referred to as "the Council"]. Council of the
Institute

14 (2) Without prejudice to the generality of sub-clause (1) of this
15 clause, it shall be the responsibility of the Council to consider and approve-

16 (a) The plan of activities and training programmes of the Institute;

17 (b) The programme of studies, courses and research to be

- 1 undertaken by the Institute;
- 2 (c) The annual budget of the Institute; and
- 3 (d) Promote or undertake any other activity that in the opinion of the
- 4 Governing Council of the Institute is calculated to help and achieve the
- 5 purposes of the Institute.
- 6 (2) The Council shall consist of:
- 7 (a) The Chairman of the Independent National Electoral Commission
- 8 as its Chairman;
- 9 (b) Four National Electoral Commissioners of the Independent
- 10 National Electoral Commission;
- 11 (c) Four Resident Electoral Commissioners of the Independent
- 12 National Electoral Commission;
- 13 (d) A judge of a superior court nominated by the Chief Justice of
- 14 Nigeria in consultation with the National Judicial Council;
- 15 (e) A representative of the Nigerian Bar Association (NBA);
- 16 (f) A representative of Political Science Association of Nigeria
- 17 (PSAN);
- 18 (g) A representative of Secretary to the Government of the Federation
- 19 (SGF);
- 20 (h) A representative of Head of Service of the Federation;
- 21 (i) A representative of the Ministry of Finance; and
- 22 (j) The Director General of the Institute.
- 23 (3) The Chairman and Members of the Governing Council other than
- 24 ex-offio members shall be appointed by the President.
- 25 (4) The Council is vested with the power to make decisions and
- 26 formulate general policies for the guidance of the Institute.
- 27 (5) The supplementary provisions contained in the schedule to this
- 28 Bill shall have effect with respect to the proceedings of the Council and other
- 29 matters therein mentioned in the schedule.

PART II

3.-(1) The Institute shall:

Objectives and
functions of the
Institute

(a) Serve as a high-level intellectual centre for scientific, academic and professional research and training on election management and administration, electoral practices and standards, electoral studies, and democratic election processes;

(b) Conduct courses for all categories of electoral officers and their supporting and ad hoc staff with a view to expanding and improving their overall knowledge and performance in the conduct and management of elections;

(c) provide continuing education for all categories of electoral officers by undertaking, organizing, conducting and facilitating study courses, lectures, seminars, workshops, conferences and other programmes related to electoral management and education;

(d) Conduct courses of instruction in electoral management and administration;

(e) organize, host, arrange and conduct national or international seminars, symposia, conferences, workshops, lectures and other action-oriented programmes (whether on a continuing or ad hoc basis) for leaders of political parties, political organizations, civil society groups and other relevant stakeholders in electoral sector with a view of deepening internal democracy within political parties, and promoting free and fair elections;

(f) Award certificates of attendance to those who participate in a sufficient and satisfactory manner in any of its courses and programmes.

(g) disseminate by way of publication of books, journals, records, reports or otherwise, information about any part of its activities, to the extent deemed justified by the Council and generally as a contribution towards knowledge and for better and national and international understanding; and

(h) Promote or undertake any other activity which in the opinion of the Council is calculated to help achieve the purpose for which the Institute

1 was established.

2 (i) The Institute shall establish and maintain a library comprising such
3 books, records, law reports, other reports and publications as may be directed
4 by the Council for the advancement of knowledge in the areas of activities
5 undertaken by it, for research purposes and for other purposes connected with
6 the functions conferred on the Institute by or pursuant to this act.

7 (2) The Institute shall carry out its functions in an objective, non-
8 partisan manner, independently of anybody or group in the polity.

9 PART III

Structure of
the Institute

10 4.-(1) There shall be established for the Institute, such Departments as
11 the Institute may deem necessary subject to approval of the Council.

12 (2) Each Department shall be headed by a Director who shall be a
13 professionally qualified person appointed through a competitive process.

Establishment
of the Management
Committee

14 5.-(1) There is established for the Institute, a management Committee
15 comprising the Directors of various Departments.

16 (2) The Director General shall be a Chairman of the Management
17 Committee.

18 (3) The Management Committee shall be responsible for the general
19 administration of the Institute particularly recruitment, discipline and
20 promotion of Staff.

21 PART IV

22 *Staff of the Institute*

The Director-
General of the
Institute

23 5.-(1) There shall be an officer of the Institute to be known as the
24 Director-General.

25 (2) The Director General shall be appointed by the President on the
26 recommendation of the Chairman of the Independent National Electoral
27 Commission.

28 (3) The Director-General shall be the Chief Executive and Chief
29 Academic Officer of the Institute who shall be responsible for the day-to-day
30 running of the affairs of the Institute.

1 (4) The Director-General shall hold office for a period of 4 years
2 and, may be reappointed for another term of 4 years and no more.

3 6.-(1) There shall be appointed by the Council the following Officers of the
4 officers of the Institute, that is- Institute

5 (a) A Secretary and Director of Administration;

6 (b) A Director of Studies;

7 (c) A Director of Research; and

8 (d) A Librarian.

9 (2) The Secretary and Director of Administration shall be
10 responsible to the Director-General for the day-to-day administration of the
11 affairs of the Institute and for its finances.

12 (3) The Director of Studies shall be responsible to the Director-
13 General for organizing and conducting the courses and other studies
14 undertaken by the Institute, including the collation and publication of course
15 materials and other publications relating thereto.

16 (4) The Director of Research shall be responsible to the Director-
17 General for organizing the research staff and research projects of the
18 Institute and the collation and publication of research materials.

19 (5) There may be appointed, from time to time, by the Council such
20 other staff as may be required for the efficient performance of the functions
21 conferred on the Institute under or pursuant to this Bill.

22 7.-(1) Notwithstanding the provisions of the Pensions Act, service Service in the
23 in the Institute shall be approved service for the purposes of that Act and, Institute to be
24 accordingly, officers and other persons employed in the Institute shall in pensionable
25 respect of their service in the Institute be entitled to pensions, gratuities and
26 other retirement benefits as are enjoyed by persons holding equivalent
27 grades in the civil service of the Federation, so however that nothing in this
28 Bill shall prevent the appointment of a person to any office on terms which
29 preclude the grant of pension and gratuity in respect of that office.

30 (2) For the purposes of the application of the provisions of the

1 Pensions Act, any power exercisable thereunder by a Minister or other
2 authority of the Government of the Federation, other than the power to make
3 regulations under section 23 thereof, is hereby vested in and shall be
4 exercisable by the Institute and not by any person or authority.

5 PART V

6 *Financial provisions*

Establishment
of the fund of
the Institute

7 **8.**-(1) The Institute shall establish and maintain a fund which shall be
8 applied towards the realization of the objectives specified in this Bill.

9 (2) There shall be paid and credited to the fund established pursuant to
10 sub-clause (1) of this clause-

11 (a) Such sums of money as may be provided by the Government of the
12 Federation or of a State for payment into the fund;

13 (b) Fees charged for services rendered by the Institute; and

14 (c) All sums accruing to the Institute by way of gifts, testamentary
15 dispositions and endowments or contributions from philanthropic persons or
16 organizations or otherwise howsoever.

Power to accept
gifts

17 **9.**-(1) The Institute may accept gifts of money or of movable or
18 immovable property upon such terms and conditions, if any, as may be
19 specified by the person or organization making the gift.

20 (2) The Institute shall not accept any gift if the conditions attached by
21 the person or organization making the gift to the acceptance thereof are
22 inconsistent with or inimical to the objectives and functions of the Institute or
23 its status as a non-partisan institution, free from any undue external influence.

24 (3) The Institute may, subject to the provisions of this Bill and the
25 conditions of any trust created in respect of any property, invest its funds,
26 including any of its surplus funds, in any securities as may be approved by the
27 Council.

Estimates,
accounts and
audits

28 **10.**-(1) The Council shall cause to be prepared, not later than 31
29 October in each year, an estimate of the income and expenditure of the Institute
30 for the next succeeding year, and when prepared the estimate shall be

1 submitted to the President for consideration and approval.

2 (2) The Council shall cause to be kept proper accounts and proper
3 records in relation thereto and when certified by the Board such accounts
4 shall be audited as provided in sub-clause(3) of this clause.

5 (3) The accounts of the Institute shall be audited within six months
6 after the end of each year by auditors appointed by the Council from the list
7 of auditors and in accordance with guidelines supplied by the Auditor-
8 General for the Federation and the fees of the auditors and the expenses of
9 the audit generally shall be paid from the funds of the Institute.

10 PART VI

11 MISCELLANEOUS PROVISIONS

12 11.-(1) No suit against the Institute, a member of the Council or any
13 employee of the Institute for any act done in pursuance or execution of the
14 functions conferred upon the Institute by this Bill or in respect of any alleged
15 neglect or defect in such execution or pursuant thereto shall lie or be
16 instituted in any court unless it is commenced within twelve months next
17 after the act, neglect or default complained of or, in the case of a continuance
18 of damage or injury, within twelve months after the cessation thereof.

Notice of intention
to sue to be given
to the Institute

19 (2) No suit shall commence against the Institute before the
20 expiration of a period of one month after written notice of intention to
21 commence the suit shall have been served upon the Institute by the party
22 intending to sue the Institute or by his solicitor and such notice shall clearly
23 and explicitly state-

24 (a) The cause of action;

25 (b) The particulars of the claim;

26 (c) The name and place of abode of the party intending to sue; and

27 (d) The relief which he claims.

28 12. The notice referred to in sub-clause (2) of clause 11 of this Bill
29 and any summons, other notice, process or other document required or
30 authorized to be served on the Institute under the provisions of this Bill, or

Mode of service
of documents on
the Institute

	1	any other law, shall be served by delivering the same to the Director-General,
	2	the secretary or any officer of the Institute authorised to receive documents, or
	3	by sending it by registered post addressed to the Director-General at the
	4	principal office of the Institute.
Provisions for satisfying judgments against the Institute	5	13. In any action or suit against the Institute no execution or
	6	attachment or process in the nature thereof shall issue against the Institute but
	7	any sums of money which by judgment of court is awarded against the Institute
	8	shall, subject to any direction given by the Council, be paid from the general
	9	reserve fund of the Institute.
Indemnity of members of the Council, etc.	10	14. Every member of the Council, agent or employee of the Institute
	11	shall be indemnified from the funds of the Institute against any liability
	12	incurred by him in defending any proceeding, if any such proceedings are
	13	brought against him in his capacity as such member, agent or employee as
	14	aforesaid.
Annual report	15	15. The Council shall, not later than 30 September in each year,
	16	submit to the President through the Chairman of the Independent National
	17	Electoral Commission report on the activities of the Institute and its
	18	administration during the immediately preceding year and shall include in such
	19	report, the audited accounts of the Institute.
Staff regulations	20	16.-(1) Subject to the provisions of this Bill, the Council may make
	21	staff regulations relating generally to the conditions of service of the
	22	employees of the Institute and without prejudice to the generality of the
	23	foregoing such regulations may provide for-
	24	(a) The appointment, promotion and disciplinary control (including
	25	dismissal) of employees of the Institute; and
	26	(b) Appeals by such employees against dismissal or other disciplinary
	27	measures, and until such regulations are made, any instrument relating to the
	28	conditions of service in the civil service of the Federation shall be applicable to
	29	the employees of the Institute and without prejudice to the generality as may be
	30	necessary.

1 (2) Staff regulations made under sub-clause (1) of this clause shall be
2 published in the Gazette.

3 **17.** In this Bill, unless the context otherwise requires-

Interpretation

4 "Council" means the Governing Council of the Institute constituted as
5 provided in clause 2 of this Bill;

6 "Chairman" means the chairman of the Council;

7 "Director-General" means the Director-General of the Institute;

8 "Institute" means the National Institute for Electoral Studies established by
9 clause 1 of this Bill;

10 "Member" includes the member of the Council.

11 **18.** This Bill may be cited as the National Institute for Electoral
12 Studies [Establishment] Bill, 2019.

Short title

13 SCHEDULE

14 [Clause 2 (4).]

15 *Proceedings of the Council*

16 1.-(1) Subject to this Bill and to section 27 of the Interpretation Act,
17 the Council may make standing orders regulating its proceedings or those of
18 any of its proceedings or those of any of its committees.

19 (2) The quorum of the Council shall be the chairman and ten other
20 members and the quorum of any committee of the Board shall be determined
21 by the Council.

22 2.-(1) The Council shall meet not less than two times in each year
23 and subject thereto, the Council shall meet whenever it is summoned by the
24 chairman; and if the chairman is required to do so by notice given to him by
25 not less than five other members, he shall summon a meeting of the council
26 to be held within fourteen days from the date on which the notice is given.

27 (2) At any meeting of the Council, the chairman shall preside but if
28 he is absent, the members present at the meeting shall appoint one of their
29 number to preside at the meeting.

30 (3) Where the Council desires to obtain the advice of any person on

1 a particular matter, the Council may co-opt him as a member for such period as
2 it thinks fit; but a person who is a member by virtue of this sub-paragraph shall
3 not be entitled to vote at any meeting of the Board and shall not count towards a
4 quorum. Committees

5 3. -(1) The Council may appoint one or more committees to carry out,
6 on behalf of the Council, such of its functions as the Council may determine.

EXPLANATORY MEMORANDUM

This Bill seek to establish the National Institute for Electoral Studies to serve as a high-level intellectual centre for academic and professional research and training on election management, electoral standards and electoral studies to facilitate effective democratic governance in Nigeria.