

A BILL

FOR

AN ACT TO AMEND THE ELECTORAL ACT (NO. 6), 2010 AND FOR OTHER RELATED MATTERS, 2019

Sponsor Senator Ovie Omo-Agege

Co-sponsor: Senator Abubakar Kyari

[] Commencement

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

1 1. Section 8 of the Principal Act is amended by inserting after
2 subsection (4), a new subsection "(5)", as follows: Amendment of
Section 8

3 "(5) (a) A person who, being a member of a political party or is
4 beneficially affiliated or connected to a political party, seeks appointment or
5 employment with the Commission, shall disclose this membership,
6 affiliation, or connection to the Commission;

7 (b) A person who acts in breach of paragraph (a) of this subsection
8 commits an offence and shall be liable, on conviction, to a minimum
9 imprisonment of five (5) years or a minimum fine of N5,000,000, or both."

10 2. Section 9 of the Principal Act is amended by- Amendment of
Section 9

11 (a) inserting, after subsection (1), a new subsection "(1A)"-

12 "(1A) The Commission shall keep the register of voters as the
13 National Register of Voters in both manual and electronic formats in its
14 National Headquarter and other locations as the Commission may deem.";
15 and

16 (b) in subsection (5) in line 2, by substituting for the figure "30", the
17 figure "60".

18 3. Section 15 of the Principal Act is amended by inserting after the Amendment of
Section 15
19 word "printed" in line 1, the expression "or reproduced, copied, duplicated
20 or saved in an electronic format".

Amendment of Section 19

1 4. Section 19 of the Principal Act is amended by-

2 (a) substituting for subsection (1), a new subsection "(1)", as follows:

3 "(1) Subject to the provisions of section 9(5) of this Act, the

4 Commission shall, not later than 30 days to a general election, appoint a period

5 of 7 days during which a copy of the voters' register for each Local

6 Government, Area Council or Ward shall be displayed or published for public

7 scrutiny at every Registration Area and on its official website or any website

8 established by the Commission for that purpose.";

9 (b) inserting, after subsection (1), a new subsection "(1A)" -

10 "(1A) Upon displaying or publishing the voters register in accordance

11 with this section, the Commission shall accept and consider objections and

12 complaints in relation to the names omitted or included in the voters' register or

13 in relation to any necessary correction, within 14 days of publishing the voters

14 register in accordance with this section."; and

15 (b) inserting after subsection (3), a new subsection "(4)", as follows:

16 "(4) Failure to display or publish the voters' register as provided under

17 subsection (1) of this section shall constitute an offence for which any officer or

18 staff of the Commission responsible for such default shall be guilty and liable,

19 on conviction, to imprisonment for a minimum term of 6 months or a minimum

20 fine of N100,000."

Amendment of Section 36

21 5. Section 36 of the Principal Act is amended by-

22 (a) deleting the words "or the Resident Electoral Commissioner" in

23 line 2/3 of subsection (1); and

24 (b) inserting after subsection (2), a new subsection "(3)", as follows:

25 "(3) If after the commencement of polls and before the announcement

26 of the final result and declaration of a winner, a candidate dies,

27 (a) the Commission shall, being satisfied of the fact of the death,

28 suspend the election for a period not exceeding 21 days;

29 (b) the political party whose candidate died may, if it intends to

30 continue to participate in the election, conduct a fresh primary within 14 days

1 of the death of its candidate and submit the name of anew candidate to the
2 Commission; and

3 (c) subject to paragraphs (a) and (b) of this subsection, the
4 Commission shall continue with the election, announce the final result and
5 declare a winner."

6 6. Section 43 of the Principal Act is amended by inserting after
7 subsection (4), new subsections "(4A)", "(4B)", and "(4C)", as follows:

Amendment of
Section 43

8 "(4A) Polling Agents who are in attendance at a polling unit, shall
9 be entitled, before the commencement of the election, to have originals of
10 electoral materials to be used by the Commission for the election inspected;
11 and this process may be recorded as evidence in writing, on video or by other
12 means by any Polling Agent, accredited observer or official of the
13 Commission.

14 (4B) An election conducted at any polling unit in violation of
15 subsections (3), (4), (4A) or (5) of this section shall be invalid.

16 (4C) A Presiding Officer who contravenes subsections (3), (4),
17 (4A) or (5) of this section commits an offence and shall be liable, on
18 conviction, to a minimum imprisonment term of one (1) year or a minimum
19 fine of N1,000,000, or both."

20 7. Section 44 of the Principal Act is amended by inserting after
21 subsection (2), new subsections "(3)", "(4)" and "(5)" respectively, as
22 follows:

Amendment of
Section 44

23 "(3) The Commission shall, not later than 20 days to an election,
24 invite in writing, a political party that nominated a candidate in the election
25 to inspect its identity appearing on samples of relevant electoral materials
26 proposed for the election; and the political party may state in writing within
27 2 days of being so invited by the Commission that it approves or disapproves
28 of its identity as it appears on the samples.

29 (4) Unless the political party disapproves of its identity under
30 subsection (3) of this section in writing, it shall not complain of unlawful

1 exclusion from the election under this Act in relation to its identity appearing
2 on electoral materials used for the election.

3 (5) A political party that fails to comply with an invitation by the
4 Commission under subsection (3) of this section shall be deemed to have
5 approved its identity on samples of electoral materials proposed to be used for
6 an election."

Amendment of
Section 49

7 8. Substitute for Section 49 of the Principal Act a new Section "49",
8 as follows:

9 "49. Accreditation of Voters, Transmission of accreditation data,
10 Issuance of ballot papers to voters, etc

11 (1) A person intending to vote in an election shall present himself with
12 his voter's card to a Presiding Officer, or any other designated officer of the
13 Commission, for accreditation at a polling unit where he is a registered voter.

14 (2) The Presiding Officer shall use a Smart Card Reader or any other
15 technological device prescribed by the Commission for the accreditation of
16 voters, to verify, confirm or authenticate -

17 (a) the genuineness or otherwise of the voter's card;

18 (b) that the voter's card presented by the voter is registered to the
19 polling unit where the card is presented;

20 (c) the biometric connection or otherwise of the intending voter with
21 the voter's card; and

22 (d) the number of duly accredited voters in the polling unit.

23 (3) An intending voter shall not be accredited to vote in an election if
24 the voter's card presented by him to the Presiding Officer is not -

25 (a) a genuine voter's card issued by the Commission to the intending
26 voter;

27 (b) registered to the polling unit where the card is presented; and

28 (c) biometrically connected to the intending voter.

29 (4) Subject to subsections (1), (2) and (3) of this section, the Presiding
30 Officer shall, upon confirming that the intending voter's name is on the

1 Register of Voters, issue him with a ballot paper and manually record, by
2 ticking in the appropriate box on the Register of Voters, that the intending
3 voter, having been accredited, received a ballot paper to vote in the
4 particular election.

5 (5) The number of intending voters whose names are manually
6 ticked as accredited on the Register of Voters under subsection (4) of this
7 section shall not be inconsistent with the number of intending voters
8 accredited with Smart Card Readers or other technological devices under
9 subsections (2) and (3) of this section.

10 (6) At the end of accreditation of voters, the Presiding Officer shall-

11 (a) manually record or document the total number of intending
12 voters accredited to vote, with other relevant voter accreditation data from
13 the polling unit, in forms or electoral documents as shall be prescribed by the
14 Commission for this purpose; and

15 (b) transmit the voter accreditation data in paragraph (a) of this
16 subsection by secured mobile electronic communication to the:

17 (i) collation center at each level of collation of results to which the
18 polling unit belongs in the constituency where the election is held; and

19 (ii) central database of the Commission kept at the National
20 Headquarter of the Commission.

21 (7) Where there is a breach of the foregoing provisions of this
22 section, the election in the polling of interest shall be invalidated by a
23 Tribunal or Court.

24 (8) A Presiding Officer who knowingly contravenes any provision
25 of this section that applies to him shall be guilty of an offence and shall be
26 liable, on conviction, to minimum imprisonment for at least 5 years, without
27 an option of fine.

28 (9) In respect of data of accreditation of voters, including polling
29 unit results, for an election, the Commission shall not shut down its central
30 database kept at its National Headquarter until all election petitions and

1 appeals pertaining to that election are heard and determined by a Tribunal or
2 Court.

3 (10) A report issued by the Commission and certified by its designated
4 official in its National Headquarter showing the number of voters accredited
5 under subsections (2) and (3) of this section shall be prima facie proof of the
6 record of accreditation of voters in an election."

Amendment of
Section 52

7 9. Section 52 of the principal Act is amended by-

8 (a) substituting for subsection (2), a new subsection "(2)",-

9 "(2) The Commission may adopt electronic voting or any other
10 method of voting in any election it conducts as it may deem fit."

Amendment of
Section 53 (2)

11 10. Section 53 (2) of the Principal Act is amended by inserting after
12 the word:

13 (a) "exceeds" in line 1, the word "either"; and

14 (b) "of" in line 2, the words "accredited or".

Amendment of
Section 63

15 11. Section 63 of the Principal Act is amended by-

16 (a) substituting for subsection (4), a new subsection (4), as follows:

17 "(4) At the end of voting in an election, the Presiding Officer shall-

18 (a) sort and thereafter count the votes at the polling unit;

19 (b) record the sorted and counted votes in forms or electoral
20 documents as shall be prescribed by the Commission for this purpose;

21 (c) announce the result at the polling unit;

22 (d) transmit the result of the election from the polling unit to the first
23 level of collation of results to which the polling unit belongs in the constituency
24 where the election is held."; and

25 (b) by inserting after subsection (4), a new subsection "(5)", as
26 follows:

27 "(5) The process and procedure in subsections (1) to (4) may be
28 recorded by any member of the public, party agent, accredited observer or
29 official of the Commission."

1 (c) by inserting after subsection (5), a new subsection "(6)", as
2 follows:

3 "(6) A Presiding Officer who wilfully contravenes any provision of
4 this section shall be guilty of an offence and shall be liable on conviction to a
5 minimum imprisonment term of 5 years without an option of fine."

6 12. Insert after section 65, a new section 65A:

Insertion of a new
section 65A

7 "National Electronic Register of Election Results;

8 "65A. (1) The Commission shall compile, maintain and update on
9 a continuous basis, a register of election results to be known as the National
10 Electronic Register of Election Results which shall be a database of election
11 results from each polling unit, including collated election results of each
12 election conducted by the Commission.

13 (2) National Electronic Register of Election Results shall be kept
14 by the Commission at its National Headquarter.

15 (3) Any person or political party may obtain from the Commission,
16 on payment of reasonable fees as may be determined by the Commission, a
17 certified true copy of any election result kept in the National Electronic
18 Register of Election Results for the Federation, a State, Local Government,
19 Area Council, Ward or Polling Unit, as the case may be and the certified true
20 copy may be in printed or electronic format."

21 13. Insert after section 67, a new section 67A:

Insertion of a
new section 67A

22 "Verification and confirmation of results

23 67A. (1) A Collation Officer or Returning Officer at an election
24 shall collate and announce the result of an election, subject to his
25 verification and confirmation that the:

26 (a) number of accredited voters stated on the collated result are
27 correct and consistent with the number of accredited voters recorded and
28 transmitted directly from polling units under section 49(6) of this Act; and

29 (b) the votes stated on the collated result are correct and consistent
30 with the votes or results recorded and transmitted directly from polling units

1 under section 63(4) of this Act.

2 (2) Subject to subsection (1) of this section, where the number of
3 accredited voters and votes recorded and transmitted to a Collation or
4 Returning Officer are inconsistent with a polling unit or a collated result, the
5 Collation officer at that level or Returning Officer shall use the number of
6 accredited voters recorded and transmitted directly from polling units under
7 section 49(6) of this Act and the votes or results recorded and transmitted
8 directly from polling units under section 63(4) of this Act to collate and
9 announce the result of the election.

10 (3) Where during collation of results, there is a dispute regarding a
11 collated result or the result of an election from any polling unit, the Collation
12 Officer or Returning Officer shall use the following to determine the
13 correctness of the disputed result:

14 (a) the original of the disputed collated result or manual result for each
15 polling unit where the election is disputed;

16 (b) the Smart Card Reader or other technological device used for
17 accreditation of voters in each polling unit where the election is disputed for the
18 purpose of obtaining accreditation data directly from the Smart Card Reader or
19 technological device;

20 (c) data of accreditation recorded and transmitted directly from each
21 polling unit where the election is disputed, as prescribed under section 49 (6) of
22 this Act; and

23 (d) the votes and result of the election manually recorded and
24 transmitted directly from each polling unit where the election is disputed, as
25 prescribed under section 63(4) of this Act.

26 (4) If the disputed result under subsection (3) is found to be incorrect,
27 the Collation Officer or Returning Officer shall re-collate and announce the
28 correct result using the information in subsection (3) of this section.

29 (5) Where the dispute under subsection (3) of this section arose at the
30 final level of collation and the Returning Officer has satisfied the provision of

1 subsection (3) of this section, the Returning Officer shall accordingly
2 declare the winner of the election.

3 (6) A Returning Officer or Collation Officer, as the case may be,
4 who wilfully and knowingly contravenes a provision of this section that
5 applies to him shall be guilty of an offence if the results he collated or
6 announced are false and he shall be liable on conviction, to a minimum
7 imprisonment term of 5 years without an option of fine."

8 14. Insert after section 76, a new section "76A", as follows:

Insertion of a
new section "76A"

9 "Recording of details of electoral materials;

10 76A. (1) The result of an election conducted at a polling unit
11 without the prior recording in the forms prescribed by the Commission of
12 the quantity, serial numbers and other particulars of results sheets, ballot
13 papers and other sensitive electoral materials made available by the
14 Commission for the conduct of the election shall be cancelled by a Tribunal
15 or Court.

16 (2) A Presiding, Collation or Returning Officer who announces or
17 signs any election result in violation of subsection (1) of this section is guilty
18 of an offence and shall be liable on conviction to a minimum imprisonment
19 term of one (1) year without an option of fine."

20 15. Section 78(5) of the Principal Act is amended by inserting after
21 the word "cancelled" in line 3, the words "and the association and each of its
22 executives or principal officers shall, on account of the false or misleading
23 information, be guilty of an offence and be liable, on conviction-

Amendment of
section 78(5)

24 (a) in the case of the association, to a fine of N5,000,000; and

25 (b) in the case of each executive or principal officer of the
26 association, to a minimum imprisonment term of 6 months or a minimum
27 fine of N1,000,000 or both."

28 16. Substitute for section 87 of the Principal Act a new section "87"
29 as follows:

Substitution for
a new section "87"

30 "87. Nomination of Candidates by Parties:

1 (1) A political party seeking to nominate candidates for elections
2 under this Act shall hold direct or indirect primaries for aspirants to all elective
3 positions, which shall be monitored by the Commission and the result of the
4 primaries may be endorsed or certified by the Commission.

5 (2) A political party shall not impose nomination qualification or
6 disqualification criteria, measures, or conditions on any aspirant or candidate
7 for any election in its constitution, guidelines, or rules for nomination of
8 candidates for elections, except as prescribed under sections 65, 66, 106, 107,
9 131, 137, 177 and 187 of the Constitution of the Federal Republic of Nigeria,
10 1999 (as amended).

11 (3) For the purpose of nomination of candidates for election, the total
12 fees, charges, dues and any payment howsoever named imposed by a political
13 party on an aspirant shall not exceed:

14 (i) One Hundred and Fifty Thousand Naira (N150,000) for a Ward
15 Councillorship aspirant in the FCT;

16 (ii) Two Hundred and Fifty Thousand Naira (N250,000) for an Area
17 Council Chairmanship aspirant in the FCT;

18 (iii) Five Hundred Thousand Naira (N500,000) for a House of
19 Assembly aspirant;

20 (iv) One Million Naira (N1,000,000) for a House of Representatives
21 aspirant;

22 (v) Two Million Naira (N2,000,000) for a Senatorial aspirant;

23 (vi) Five Million naira (N5,000,000) for a Governorship aspirant; and

24 (vii) Ten Million Naira (N10,000,000) for a Presidential aspirant.

25 (4) Any requirement, criteria, measures, or conditions for the
26 nomination of candidates for elections outside the provisions of subsections (2)
27 or (3) of this section shall be invalid.

28 (5) Every political party shall publish the venues, dates, times,
29 guidelines, procedures and other relevant information of its primaries,
30 conventions or any event conveyed for the purpose of nominating candidates

1 for the party in, at least, two (2) national newspapers and, at least, ten (10)
2 days before the date of the event to nominate candidates for the party.

3 *Direct Primaries*

4 (6) A political party that adopts the system of direct primaries for
5 the nomination of its candidate(s) for an election shall ensure that all
6 aspirants are given equal opportunity of being voted for by registered
7 members of the party and comply with the procedure outline below-

8 (a) in the case of nominations to the position of Presidential
9 candidate in a Presidential election, a political party shall, where it intends to
10 sponsor a candidate:

11 (i) conduct direct primaries in the registration areas in the 36 States
12 of the Federation and the FCT where all registered members of the party
13 shall be eligible to vote;

14 (ii) declare the Presidential Aspirant with the highest number of
15 valid votes cast during the primaries across the 36 States of the Federation
16 and the FCT as the winner of the Presidential primaries;

17 (iii) hold a National Convention where it shall present the winner
18 of the primaries to the public as the Presidential candidate of the party; and

19 (iv) forward the name of the winner of the Presidential primaries to
20 the Commission as the Presidential candidate of the party in the Presidential
21 election.

22 (b) in the case of nomination to the position of Governorship
23 candidate in a Governorship election in a State, a political party shall, where
24 it intends to sponsor a candidate:

25 (i) conduct direct primaries in the registration areas in each Local
26 Government Area in the particular State where all registered members of the
27 party in the State shall be eligible to vote;

28 (ii) declare the Governorship aspirant with the highest number of
29 valid votes cast in all Local Government Areas in the particular State as the
30 winner of the Governorship primaries in the State;

1 (iii) hold a State Congress where it shall present the winner of the
2 Governorship primaries to the public as the Governorship Candidate of the
3 party in the Governorship election; and

4 (iv) forward the name of the winner of the primaries to the
5 Commission as the Governorship candidate of the party in the election for the
6 State.

7 (c) in the case of nominations to the position of Senatorial candidate,
8 House of Representatives candidate and State House of Assembly candidate
9 for a Senatorial District, a Federal Constituency and a State House
10 Constituency respectively, a political party shall, where it intends to sponsor
11 candidates in elections for these elective positions:

12 (i) conduct direct primaries in the registration areas in each Local
13 Government Area in the Senatorial District where all registered members of the
14 party in the Senatorial District shall be eligible to vote;

15 (ii) conduct direct primaries in the registration areas in each Local
16 Government Area in the Federal Constituency where all registered members of
17 the party in the Federal Constituency shall be eligible to vote;

18 (iii) conduct direct primaries in the registration areas in each Local
19 Government Area in the State Assembly Constituency where all registered
20 members of the party in the State Assembly Constituency shall be eligible to
21 vote;

22 (iv) subject to sub-paragraph (i) of this paragraph, declare the
23 Senatorial aspirant with the highest number of valid votes cast in all Local
24 Government Areas in the particular Senatorial District as the winner of the
25 primaries in the Senatorial District and forward the name of the winner to the
26 Commission as the Senatorial candidate of the party in the election for the
27 Senatorial District;

28 (v) subject to sub-paragraph (ii) of this paragraph, declare the House
29 of Representatives aspirant with the highest number of votes in all Local
30 Government Areas in the Federal Constituency as the winner of the primaries

1 in the Federal Constituency and forward the name of the winner to the
2 Commission as the House of Representatives candidate of the party in the
3 election for the Federal Constituency; and
4 (vi) subject to sub-paragraph (iii) of this paragraph, declare the
5 State House of Assembly Aspirant with the highest number of votes in all
6 Local Government Areas in the House of Assembly Constituency as the
7 winner of the primaries in the House of Assembly Constituency and forward
8 the name of the winner to the Commission as the State House of Assembly
9 Candidate of the party in the election for the State Assembly Constituency.
10 (d) in the case of the position of a Chairmanship candidate of an
11 Area Council in the Federal Capital Territory, a political party shall, where it
12 intends to sponsor a candidate:
13 (i) conduct direct primaries in the registration areas in the Area
14 Council, where all registered members of the party in the Area Council shall
15 be eligible to vote;
16 (ii) declare the Chairmanship aspirant with the highest number of
17 votes in all registration areas in the Area Council as the winner of the
18 Chairmanship primaries in the Area Council and forward the name of the
19 winner of the Chairmanship primaries to the Commission as the
20 Chairmanship candidate of the party in the election for the Area Council.
21 *Indirect Primaries*
22 (7) (a) Political Party that adopts the system of indirect primaries
23 for the nomination of its candidates for elections shall have both Statutory
24 Delegates and Ad-hoc Delegates who, subject to the provisions of this Act,
25 shall be the only delegates eligible to vote:
26 (b) For the purpose of indirect primaries-
27 (i) Ad-hoc Delegates shall be registered members of the Party
28 elected at Ad-Hoc Delegates Elections conducted by the Party in accordance
29 with subsection (8) of this section;
30 (ii) Statutory Delegates are elected officials of the Party and

1 elected government functionaries identified and listed in **subsection (9)** of this
2 section; and

3 (iii) an Ad-Hoc Delegates Election is an **intra-party** election
4 conducted by the Party under subsection (8) of this section to elect the Party's
5 ad-hoc delegates and this election shall, except for a **delegates** election or
6 primaries in respect of Local Government Council **Chairmanship** and Ward
7 Councillorship offices in a State of the Federation under **subsection (13)** of this
8 section, be monitored by the Commission.

9 *Election of Ad-hoc Delegates*

10 (8) Ad-hoc Delegates to a Political Party's **indirect primaries** shall be
11 elected in Ad-hoc Delegates Elections at-

12 (a) Ward Congresses which shall be held by the **Party** in every Ward in
13 the Local Government Areas in the States of the Federation **and the FCT, Abuja**
14 and where all registered members of the Party in a Ward **shall** be eligible to
15 elect at least Five (5) Ad-hoc Ward Delegates (at least **one (1)** of whom, except
16 otherwise impracticable, shall be a woman) who, being **registered** members of
17 the party in that Ward and not delegates already under **this Act**, presented
18 themselves to be voted for as Ad-hoc Ward Delegates of **the Party** in that Ward;

19 (b) Local Government Congresses, where **Ad-hoc Ward Delegates**
20 elected in every Ward in a Local Government Area under **paragraph (a)** of this
21 subsection shall be eligible to elect in and for that Local **Government Area-**

22 (i) at least Fifty (50) Ad-hoc Local Government **Delegates** (at least
23 Ten (10) of whom, except otherwise impracticable, **shall be** women) who,
24 being registered members of the party in that Local **Government Area** and not
25 delegates already under this Act, presented themselves **to be voted** for as Ad-
26 hoc Local Government Delegates of the Party in that **Local Government Area**,
27 and these delegates shall be reasonably spread across **the Wards** in the Local
28 Government Area;

29 (ii) at least Five (5) Ad-hoc State/FCT Delegates (**at least One (1)** of
30 whom, except otherwise impracticable, shall be a **woman**) who, being

1 registered members of the party in that Local Government Area and not
2 delegates already under this Act, presented themselves to be voted for as Ad-
3 hoc State/FCT Delegates of the Party in that Local Government Area, and
4 these delegates shall be reasonably spread across the Wards in the Local
5 Government Area; and

6 (iii) at least Five (5) Ad-hoc National Delegates (at least One (1) of
7 whom, except otherwise impracticable, shall be a woman) who, being
8 registered members of the party in that Local Government Area and not
9 delegates already under this Act, presented themselves to be voted for as Ad-
10 hoc National Delegates of the Party in that Local Government Area and
11 these delegates shall be reasonably spread across the Wards in the Local
12 Government Area.

13 *Delegates to Nominate Party's Candidates for Elections in Indirect*

14 *Primaries*

15 (9) The Statutory and Ad-hoc Delegates listed in each paragraph
16 hereunder for the type of election in this subsection shall be eligible to vote
17 in a Political Party's indirect primaries to nominate the party's candidate for
18 that election.

19 *Delegates to Nominate Presidential Candidate*

20 (a) For the purpose of a Presidential Election, the Statutory and Ad-
21 hoc Delegates listed hereunder shall be eligible to nominate the Presidential
22 Candidate of a Political Party at the Presidential Indirect Primaries or
23 Special National Convention of the Party convened in the FCT Abuja or the
24 capital of a State of the Federation mainly for that purpose:

25 *Statutory Delegates*

26 (i) Serving members of the Board of Trustees of the Party;

27 (ii) Elected serving members of the National Executive Committee
28 of the Party;

29 (iii) Elected serving members of the Zonal Executive Committees
30 of the Party;

- 1 (iv) Serving and past Presidents and Vice Presidents of Nigeria
- 2 produced by the party and who are still members of the Party;
- 3 (v) Serving and past Governors and Deputy Governors of States of the
- 4 Federation produced by the party and who are still members of the Party;
- 5 (vi) Serving Senators who are registered members of the Party and
- 6 former Senators who served on the Party's platform and who are still registered
- 7 members of the Party;
- 8 (vii) Serving Members of the House of Representatives who are
- 9 registered members of the Party and past Members of the House of
- 10 Representatives who served on the Party's platform and who are still registered
- 11 members of the Party;
- 12 (viii) Serving Presiding and Principal Officers of States' Houses of
- 13 Assembly, and past Presiding Officers of States' Houses of Assembly produced
- 14 by the Party and who are still members of the Party;
- 15 (ix) Elected serving Chairmen, Secretaries, Treasurers, Women
- 16 Leaders and Youth Leaders of State Executive Committees of the Party,
- 17 including those of the FCT, Abuja;
- 18 (x) Elected serving Chairmen and Secretaries of Local Government
- 19 Executive Committees of the Party in the Federation;
- 20 (xi) Elected serving Local Government Council Chairmen produced
- 21 by the Party and who are still members of the Party; and
- 22 Ad-hoc Delegates listed hereunder shall be eligible to nominate the Presidential
- 23 Candidate of a Political Party at the Presidential Indirect Primaries or
- 24 Government Area) elected under subsection (8)(b)(ii) of this section at each
- 25 Local Government Congress held by the Party in every Local Government
- 26 Area in each State of the Federation and the FCT, Abuja.
- 27 (ii) Elected serving members of the Board of Trustees of the Party;
- 28 (b) For the purpose of a Governorship Election in a State of the
- 29 Federation, the Statutory and Ad-hoc Delegates listed hereunder shall be
- 30 eligible to nominate the Governorship Candidate of a Political Party at the

1 Party's State Governorship Indirect Primaries or State Congress which shall
 2 hold in the capital of that particular State for that purpose:

3 *Statutory Delegates*

4 (i) Serving members of the Board of Trustees of the Party who are
 5 registered members of the Party in that State;

6 (ii) Elected serving members of the National Executive Committee
 7 of the Party who are registered members of the Party in that State;

8 (iii) Elected serving members of the Zonal Executive Committees
 9 of the party who are registered members of the Party in that State;

10 (iv) Serving and past Presidents and Vice Presidents of Nigeria
 11 produced by the party and who are still registered members of the Party in
 12 that State;

13 (v) Serving and past Governors and Deputy Governors of the State
 14 produced by the party and who are still registered members of the Party in
 15 that State;

16 (vi) Serving Senators who are registered members of the Party in
 17 that State and former Senators who served on the Party's platform and who
 18 are still registered members of the Party in that State;

19 (vii) Serving Members of the House of Representatives who are
 20 registered members of the Party in that State and past Members of the House
 21 of Representatives who served on the Party's platform and who are still
 22 registered members of the Party in that State;

23 (viii) Serving Presiding, Principal Officers and Members of that
 24 States House of Assembly, and past Presiding Officers of that State House of
 25 Assembly produced by the Party who are still registered carrying members
 26 of the Party in that State;

27 (ix) Elected serving members of the State's Executive Committee
 28 of the Party;

29 (x) Elected serving Chairmen and Secretaries of Local
 30 Government Executive Committees of the Party in that State;

1 (xi) Elected serving Local Government Council Chairmen and
2 Vice/Deputy Chairmen produced by the Party and who are still members of the
3 Party in that State;

4 *Ad-hoc Delegates*

5 (xii) Ad-hoc Ward Delegates (at least Five [5] per Ward) elected under
6 subsection (8)(a) of this section at each Ward Congress held by the Party in
7 every Ward in the Local Government Areas of the States of the Federation;

8 (xiii) Ad-hoc Local Government Delegates (at least Fifty [50] per
9 Local Government Area) elected under subsection (8)(b)(i) of this section at
10 each Local Government Congress held by the Party in every Local
11 Government Area in the particular State;

12 (xiv) Ad-hoc State Delegates (at least Five [5] per Local Government
13 Area) elected under subsection (8)(b)(ii) of this section at each Local
14 Government Congress held by the Party in every Local Government Area in
15 the particular State; and

16 (xv) Ad-hoc National Delegates (at least Five [5] per Local
17 Government Area) elected under subsection (8)(b)(iii) of this section at each
18 Local Government Congress held by the Party in every Local Government
19 Area in the particular State.

20 *Delegates to Nominate Senatorial Candidate*

21 (c) For the purpose of a Senatorial Election to elect a Senator to
22 represent a Senatorial District in a State of the Federation or the FCT, Abuja in
23 the National Assembly, the Statutory and Ad-hoc Delegates listed hereunder
24 shall be eligible to nominate the Senatorial Candidate of a Political Party at the
25 Party's Senatorial Indirect Primaries or Senatorial Congress which shall hold in
26 the headquarters of that Senatorial District (as shall be designated by the
27 Commission) for that purpose:

28 *Statutory Delegates*

29 (i) Serving members of the Board of Trustees of the Party who are
30 registered members of the Party in that Senatorial District;

1 (ii) Elected serving members of the National Executive Committee
2 of the Party who are registered members of the Party in that Senatorial
3 District;

4 (iii) Elected serving members of the Zonal Executive Committees
5 of the Party who are registered members of the Party in that Senatorial
6 District;

7 (iv) Serving and past Presidents and Vice Presidents of the
8 Federation produced by the Party and who are still registered members of
9 the Party in that Senatorial District;

10 (v) Serving and past Governors and Deputy Governors of the State
11 produced by the Party and who are still registered members of the Party in
12 that Senatorial District;

13 (vi) Serving Senators who are registered members of the Party in
14 that Senatorial District and former Senators who served on the Party's
15 platform and who are still registered members of the Party in that Senatorial
16 District;

17 (vii) Serving Members of the House of Representatives who are
18 registered members of the Party in that Senatorial District and past Members
19 of the House of Representatives who served on the Party's platform and who
20 are still registered members of the Party in that Senatorial District;

21 (viii) Serving Presiding and Principal Officers of a State House of
22 Assembly, and former Presiding Officers of a State House of Assembly
23 produced by the Party and who are still registered members of the Party in
24 that Senatorial District;

25 (ix) Elected serving Chairman, Secretary, Treasurer, Women
26 Leader and Youths Leader of the Party's State (or FCT, Abuja) Executive
27 Committee who are registered members of the Party in that Senatorial
28 District;

29 (x) Elected serving Chairmen and Secretaries of Local
30 Government Executive Committees of the Party who are registered

- 1 members of the Party in that Senatorial District;
- 2 (xi) Elected serving Local Government Council Chairmen and
- 3 Vice/Deputy Chairmen produced by the Party who are still registered members
- 4 of the Party in that Senatorial District;
- 5 *Ad-hoc Delegates*
- 6 (xii) Ad-hoc Ward Delegates (at least Five [5] per Ward) elected under
- 7 subsection (8)(a) of this section at each Ward Congress held by the Party in
- 8 every Ward in Local Government Areas in that Senatorial District;
- 9 (xiii) Ad-hoc Local Government Delegates (at least Fifty [50] per
- 10 Local Government Area) elected under subsection (8)(b)(i) of this section at
- 11 each Local Government Congress held by the Party in every Local
- 12 Government Area in that Senatorial District;
- 13 (xiv) Ad-hoc State Delegates (at least Five [5] per Local Government
- 14 Area) elected under subsection (8)(b)(ii) of this section at each Local
- 15 Government Congress held by the Party in every Local Government Area in
- 16 that Senatorial District; and
- 17 (xv) Ad-hoc National Delegates (at least Five [5] per Local
- 18 Government Area) elected under subsection (8)(b)(iii) of this section at each
- 19 Local Government Congress held by the Party in every Local Government
- 20 Area in that Senatorial District.
- 21 *Delegates to Nominate House of Representatives Candidate*
- 22 (d) For the purpose of the election of a Member of the House of
- 23 Representatives to represent a Federal Constituency in a State of the Federation
- 24 or the FCT, Abuja in the National Assembly, the Statutory and Ad-hoc
- 25 Delegates listed hereunder shall be eligible to nominate the House of
- 26 Representatives Candidate of a Political Party at the Party's House of
- 27 Representatives Indirect Primaries which shall hold in the headquarters of that
- 28 Federal Constituency (as shall be designated by the Commission).
- 29 *Statutory Delegates*
- 30 (i) Serving members of the Board of Trustees of the Party who are

1 registered members of the Party in that Federal Constituency;

2 (ii) Elected serving members of the National Executive Committee
3 of the Party who are registered members of the Party in that Federal
4 Constituency;

5 (iii) Elected serving members of the Zonal Executive Committees
6 of the Party who are registered members of the Party in that Federal
7 Constituency;

8 (iv) Serving and past Presidents and Vice Presidents of the
9 Federation produced by the Party and who are still members of the Party in
10 that Federal Constituency;

11 (v) Serving and past Governors and Deputy Governors of the State
12 produced by the Party and who are still members of the Party in that Federal
13 Constituency;

14 (vi) Serving Senators who are registered members of the Party in
15 that Federal Constituency and former Senators who served on the Party's
16 platform and who are still registered members of the Party in that Federal
17 Constituency;

18 (vii) Serving Members of the House of Representatives who are
19 registered members of the Party in that Federal Constituency and past
20 Members of the House of Representatives who served on the Party's
21 platform and who are still registered members of the Party in that Federal
22 Constituency;

23 (viii) Serving Presiding and Principal Officers of a State House of
24 Assembly, and former Presiding Officers of a State House of Assembly
25 produced by the Party and who are still registered/ members of the Party in
26 that Federal Constituency;

27 (ix) Elected serving Chairman, Secretary, Treasurer, Women
28 Leader and Youths Leader of the Party's State (or FCT, Abuja) Executive
29 Committee who are registered members of the Party in that Federal
30 Constituency;

1 (x) Elected serving Chairman, Secretary, Treasurer, Women Leader
2 and Youths Leader of Local Government Executive Committees of the Party
3 who are registered members of the Party in that Federal Constituency;

4 (xi) Elected serving Local Government Council Chairmen and Vice
5 Chairmen produced by the Party and who are still registered members of the
6 Party in that Federal Constituency;

7 *Ad-hoc Delegates*

8 (xii) Ad-hoc Ward Delegates (at least Five [5] per Ward) elected under
9 subsection (8)(a) of this section at each Ward Congress held by the Party in
10 every Ward in Local Government Areas in that Federal Constituency;

11 (xiii) Ad-hoc Local Government Delegates (at least Fifty [50] per
12 Local Government Area) elected under subsection (8)(b)(i) of this section at
13 each Local Government Congress held by the Party in every Local
14 Government Area in that Federal Constituency;

15 (xiv) Ad-hoc State Delegates (at least Five [5] per Local Government
16 Area) elected under subsection (8)(b)(ii) of this section at each Local
17 Government Congress held by the Party in every Local Government Area in
18 that Federal Constituency; and

19 (xv) Ad-hoc National Delegates (at least Five [5] per Local
20 Government Area) elected under subsection (8)(b)(iii) of this section at each
21 Local Government Congress held by the Party in every Local Government
22 Area in that Federal Constituency.

23 (e) Delegates to Nominate House of Assembly Candidate:

24 For the purpose of the election of a Member of a State House of Assembly to
25 represent a State Constituency in a State of the Federation, the Statutory and
26 Ad-hoc Delegates listed hereunder shall be eligible to nominate the House of
27 Assembly Candidate of a Political Party at the Party's House of Assembly
28 Indirect Primaries which shall hold in that State Constituency:

29 *Statutory Delegates*

30 (i) Serving members of the Board of Trustees of the Party who are

1 registered members of the Party in that State Constituency;

2 (ii) Elected serving members of the National Executive Committee
3 of the party who are registered members of the Party in that State
4 Constituency;

5 (iii) Elected serving members of the Zonal Executive Committees
6 of the party who are registered members of the Party in that State
7 Constituency;

8 (iv) Serving and past Presidents and Vice Presidents of the
9 Federation produced by the Party and who are still registered members of
10 the Party in that State Constituency;

11 (v) Serving and past Governors and Deputy Governors of a State
12 produced by the Party and who are still registered members of the Party in
13 that State Constituency;

14 (vi) Serving Senators who are registered members of the Party in
15 that State Constituency and former Senators who served on the Party's
16 platform and who are still registered members of the Party in that State
17 Constituency;

18 (vii) Serving Members of the House of Representatives who are
19 registered members of the Party in that State Constituency and past
20 Members of the House of Representatives who served on the Party's
21 platform and who are still registered members of the Party in that State
22 Constituency;

23 (viii) Serving and past members of a State House of Assembly
24 produced by the Party and who are still registered members of the Party in
25 that State Constituency;

26 (ix) Elected serving members of a State Executive Committee of
27 the Party who are registered members of the Party in that State
28 Constituency;

29 (x) Elected serving members of a Local Government Executive

1 Committee of the Party who are registered members of the Party in that State
2 Constituency;

3 (xi) Elected serving members of a Ward Executive Committee of the
4 Party who are registered members of the Party in that State Constituency;

5 (xii) Elected serving Local Government Council Chairman and Vice
6 Chairman produced by the Party and who are still registered members of the
7 Party in that State Constituency; and

8 *Ad-hoc Delegates*

9 (xiii) Ad-hoc Ward Delegates (at least Five [5] per Ward) elected
10 under subsection (8)(a) of this section at any Ward Congress held by the Party
11 in that State Constituency.

12 (f) Delegates to Nominate Local Government Area Chairmanship
13 Candidate:

14 For the purpose of a Local Government Council Chairman Election, the
15 Statutory and Ad-hoc Delegates listed hereunder shall be eligible to nominate a
16 Local Government Council Chairmanship Candidate of a Political Party at the
17 Party's Local Government Chairmanship Indirect Primaries which shall hold
18 in that Local Government Area headquarters:

19 *Statutory Delegates*

20 (i) Serving members of the Board of Trustees of the Party who are
21 registered members of the Party in that Local Government Area;

22 (ii) Elected serving members of the National Executive Committee of
23 the Party who are registered members of the Party in that Local Government
24 Area;

25 (iii) Elected serving members of the Zonal Executive Committees of
26 the Party who are registered members of the Party in that Local Government
27 Area;

28 (iv) Serving and past Presidents and Vice Presidents of the Federation
29 produced by the Party and who are still registered members of the Party in that
30 Local Government Area;

1 (v) Serving and past Governors and Deputy Governors of the State
2 produced by the Party and who are still registered members of the Party in
3 that Local Government Area;

4 (vi) Serving Senators who are registered members of the Party in
5 that Local Government Area and former Senators who served on the Party's
6 platform and who are still registered members of the Party in that Local
7 Government Area;

8 (i) Serving Members of the House of Representatives who are
9 registered members of the Party in that Local Government Area and past
10 Members of the House of Representatives who served on the Party's
11 platform and who are still registered members of the Party in that Local
12 Government Area;

13 (ii) Serving and past members of the State House of Assembly
14 produced by the Party and who are still registered members of the Party in
15 that Local Government Area;

16 (iii) Elected serving members of a State Executive Committee of
17 the Party who are registered members of the Party in that Local Government
18 Area;

19 (iv) Elected serving members of a Local Government Executive
20 Committee of the Party who are registered members of the Party in that
21 Local Government Area;

22 (v) Elected serving members of a Ward Executive Committee of
23 the Party who are registered members of the Party in that Local Government
24 Area;

25 (vi) Elected serving and past Local Government Council Chairmen
26 and Vice Chairmen produced by the Party and who are still registered
27 members of the Party in that Local Government Area; and

28 *Ad-hoc Delegates*

29 (vii) Ad-hoc Ward Delegates elected at Ward Congresses in that
30 Local Government Area under subsection (8)(a) of this section.

1 *Guidelines, Rules, etc on Primaries and Ad-hoc Delegates Election*

2 (10) A Political Party that adopts the system of indirect primaries for
3 the nomination of its candidates may outline nomination guidelines, rules and
4 procedures to guarantee free, fair, and credible indirect primaries and Ad-hoc
5 Delegates Elections, but such guidelines, rules and procedures shall not be
6 inconsistent with the provisions of this Act.

7 (11) Necessity and Validity of Ad-hoc Delegates Elections:

8 (a) A party that adopts the system of indirect primaries for the
9 nomination of candidates for elections shall not nominate candidates for any
10 election unless it has conducted Ad-hoc Delegates Election to elect its ad-hoc
11 delegates who shall nominate its candidates for the elections, as provided in
12 this Act;

13 (b) Any Ad-hoc Delegates Election and/or indirect primaries
14 conducted in contravention of or contrary to the provisions of subsections (7),
15 (8), (9), (10) and/or 11(a) of this section shall be invalid.

16 (12) Time for Electing Delegate and their Term:

17 (a) A Political Party nominating candidates by indirect primaries for a
18 general election shall conduct its Ad-hoc Delegates Elections to elect its Ad-
19 hoc Delegates not later than 80 days before the date appointed by the
20 Commission for a general election;

21 (b) A Political Party nominating candidates by indirect primaries for
22 any election conducted by the Commission other than a general election shall
23 not conduct a fresh Ad-hoc Delegates Election but the same Ad-hoc Delegates
24 who nominated the candidate(s) of the party for the immediate past general
25 election under paragraph (a) of this subsection shall (with Statutory Delegates)
26 be eligible to nominate the party's candidate(s) for that election,

27 PROVIDED that if more than half of the Ad-hoc Delegates who
28 nominated the Party's candidate in the immediate past general election are no
29 longer members of the party; confirmed dead or otherwise not available, the
30 Party shall conduct fresh Ad-hoc Delegates Election(s) and nominate

1 candidates for that election not later than 10 days before the date of the said
2 election;

3 (c) A Political Party nominating candidates by indirect primaries
4 for a Local Government Council Chairmanship and Ward Councillorship
5 general election conducted by a State Independent Electoral Commission all
6 over a State of the Federation shall conduct its Ad-hoc Delegates Elections
7 to elect its Ad-hoc Delegates not later than 80 days before the date appointed
8 by the State's Independent Electoral Commission for the Local Government
9 Council Chairmanship and Ward Councillorship general election in that
10 State;

11 (d) A Political Party nominating candidates by indirect primaries
12 for any election conducted by a State Independent Electoral Commission
13 other than a general Local Government Council Chairmanship and Ward
14 Councillorship election conducted by a State Independent Electoral
15 Commission all over a State of the Federation shall not conduct a fresh Ad-
16 hoc Delegates Election but the same Ad-hoc Delegates who nominated the
17 candidates of the party for the immediate past general Local Government
18 Council Chairmanship and Ward Councillorship election under paragraph
19 (c) of this subsection shall (with Statutory Delegates) be eligible to nominate
20 the party's candidates for that election,

21 PROVIDED that if more than half of the Ad-hoc Delegates who
22 nominated the Party's candidate in the immediate past general Local
23 Government Council Chairmanship and Ward Councillorship election held
24 all over the State are no longer members of the Party, confirmed dead or
25 otherwise not available, the Party shall conduct fresh Ad-hoc Delegates
26 Election(s) and nominate candidates for that general Local Government
27 Council Chairmanship and Ward Councillorship election not later than 10
28 days before the date of the said election.

29 (13) Any Ad-Hoc Delegates Election or primaries held by a
30 Political Party to nominate Local Government Council Chairmanship and

1 Ward Councillorship candidates in a State of the Federation shall be monitored
2 by the State Independent Electoral Commission in that State and the result of
3 such an Ad-hoc Delegate Election or primaries shall be endorsed or certified by
4 the State Independent Electoral Commission for the correctness and validity of
5 what it states.

6 *Issuance of False Results*

7 (14) Any official of the Commission or a State Independent Electoral
8 Commission who issues, endorses or certifies a false report or result in respect
9 of an Ad-hoc Delegates Election or primaries of a Political Party commits an
10 offence and shall be liable on conviction to minimum imprisonment term of
11 five (5) years, without an option of a fine.

12 *Guarantee of Equal Opportunity for Aspirants*

13 (15) A Political Party that adopts the system of indirect primaries for
14 the nomination of its candidate(s) for election shall ensure that all aspirants are
15 given equal opportunity of being voted for by Ad-hoc and Statutory delegates
16 of the Party who shall be registered members of the Party as provided in this
17 Act.

18 *Procedures for Nominating Candidates by Indirect Primaries*

19 (16) Subject to subsection (17) of this section, a Political Party
20 nominating candidates for elections by the system of indirect primaries shall
21 adopt the procedure outlined hereunder in paragraph (a) to (f) of this subsection
22 for each type of election.

23 *Nomination of Presidential Candidate*

24 (a) In the case of nominations to the position of Presidential candidate
25 for Presidential election, a Political Party shall, where it intends to sponsor a
26 candidate-

27 (i) hold Presidential primaries or a Special Presidential Convention at
28 a designated place in the FCT or the headquarters of a State of the Federation
29 and on a date agreed by the National Executive Committee of the party where
30 both Ad-hoc and Statutory Delegates of the Party listed in subsection (9)(a) of

1 this section shall be eligible to vote for any presidential aspirant of the Party;
2 and

3 (ii) the presidential aspirant with the highest number of votes at the
4 end of voting shall be declared the winner of the Presidential primaries and
5 the Party shall forward the winner's name to the Commission as the
6 Presidential candidate of the Party for the Presidential Election.

7 *Nomination of Governorship Candidate*

8 (b) In the case of nominations to the position of Governorship
9 candidate for Governorship election, a Political Party shall, where it intends
10 to sponsor a candidate in a State-

11 (i) hold Governorship primaries or a Special State Congress in a
12 designated place in the State headquarters and on a date agreed by the party
13 where Ad-hoc and Statutory Delegates of the party identified and listed
14 under sub-section (9)(b) of this section shall be eligible to vote for any
15 Governorship aspirant of the party in the State; and

16 (ii) the Governorship aspirant with the highest number of votes at
17 the end of voting shall be declared the winner of the Governorship primaries
18 of the party in the State and the party shall forward the winner's name to the
19 Commission as the candidate of the party for the Governorship Election in
20 that State.

21 *Nomination of Senatorial Candidate*

22 (c) In the case of nominations to the position of a Senatorial
23 candidate for Senatorial Election, a Political Party shall, where it intends to
24 sponsor a candidate in a Senatorial District-

25 (i) hold Senatorial primaries in a designated place in the
26 headquarters of the Senatorial District (and the headquarters shall be
27 designated by the Commission) and on a date agreed by the Party where both
28 Ad-hoc and Statutory delegates of the party identified and listed under
29 subsection (9)(c) of this section shall be eligible to vote for any Senatorial
30 aspirant of the party in the Senatorial District; and

1 (ii) the Senatorial aspirant with the highest number of votes at the end
2 of voting in the Senatorial primaries shall be declared the winner of the
3 Senatorial primaries of the Party for that Senatorial District and the Party shall
4 forward the winner's name to the Commission as the Senatorial candidate of
5 the party for that Senatorial District.

6 *Nomination of House of Representatives Candidate*

7 (d) In the case of nominations to the position of a House of
8 Representatives candidate for a Federal Constituency Election, a Political
9 Party shall, where it intends to sponsor a candidate in a Federal Constituency-

10 (i) hold House of Representatives primaries in a designated centre or
11 place in the headquarters of the Federal Constituency (and the headquarters
12 shall be designated by the Commission) and on a date agreed by the party
13 where both Ad-hoc and Statutory Delegates of the party identified under
14 subsections (9)(d) of this section shall be eligible to vote for any House of
15 Representatives aspirant of the party in the Federal Constituency; and

16 (ii) the House of Representatives aspirant with the highest number of
17 votes at the end of voting in the Federal Constituency primaries shall be
18 declared the winner of the primaries of the Party for that Federal Constituency
19 and the Party shall forward the winner's name to the Commission as the House
20 of Representatives candidate of the party for that Federal Constituency.

21 *Nomination of House of Assembly Candidate*

22 (e) In the case of nomination to the position of a State House of
23 Assembly candidate of a State Constituency, a Political Party shall, where it
24 intends to sponsor a candidate-

25 (i) hold State House of Assembly primaries in a designated centre or
26 place within the State Constituency and on a date agreed by the Party where
27 both Ad-hoc and Statutory Delegates of the Party identified under subsection
28 (9)(e) of this section shall be eligible to vote for any House of Assembly
29 aspirant of the Party in the State Constituency; and

30 (ii) the House of Assembly aspirant with the highest number of votes

1 at the end of voting in the State Constituency primaries shall be declared the
2 winner of the primaries of the party for the State Constituency and the party
3 shall forward the name of the winner to the Commission as the House of
4 Assembly candidate of the party for that State Constituency.

5 *Nomination of Local Government Council Chairmanship Candidate*

6 (f) In the case of nomination to the position of a Chairmanship
7 candidate of a Local Government Area/Council in a State of the Federation
8 or the FCT, Abuja, a Political Party shall, where it intends to sponsor a
9 candidate-

10 (i) hold Local Government Council Chairmanship primaries in a
11 designated center or place in the headquarters of the Local Government
12 Area/Council and on a date agreed by the Party where both Ad-hoc and
13 Statutory Delegates of the party identified under sub-section (9)(f) of this
14 section shall be eligible to vote for any Local Government Council
15 Chairmanship aspirant of the Party; and

16 (ii) the Chairmanship aspirant with the highest number of votes at
17 the end of voting shall be declared the winner of that Local Government
18 Area/Council primaries and the Party shall forward the winner's name to the
19 Commission (in the case of a Local Government Council in the FCT, Abuja)
20 or a State Independent Electoral Commission (in the case of a Local
21 Government Area of a State in the Federation) as the Chairmanship
22 candidate of the Party for that Local Government Area/Council.

23 (17) Subject to the provisions of this Act, a Political Party shall
24 have the option to and may hold ad-hoc delegates elections or primaries to
25 nominate its candidates for different types of elections at the same dates and
26 venues as it may deem convenient in the same electoral constituencies
27 provided that its Presidential and Governorship primaries convened to
28 nominate its Presidential and Governorship candidates respectively shall
29 stand alone.

30 (18) Where there is only one aspirant in a Political Party for any of

1 the elective positions mentioned in subsections (15)(a), (15)(b), (15)(c) and
2 (15)(d) of this section, the Party shall convene a Special Convention or
3 Congress, as the case may be, at a designated centre in the particular
4 constituency on a specified date to vote to confirm that aspirant as the candidate
5 of the Party and the Party shall forward the name of the aspirant to the
6 Commission as the candidate of the Party for the position in question.

7 (19) Where there is only one aspirant for an elective position in a
8 Political Party that has adopted the system of direct primaries, such an aspirant
9 shall be deemed to be unchallenged and the Party shall forward the name of the
10 aspirant to the Commission as the candidate of the Party in the election in
11 question.

12 *Nomination of Councillorship Candidate*

13 (20) In the case of nomination to the position of a Councillorship
14 candidate of a Ward Constituency, a Political Party shall, where it intends to
15 sponsor a candidate-

16 (a) conduct direct primaries in the Ward Constituency where only
17 registered members of the Party in that Ward shall be eligible to vote for any
18 member of the Party who, subject to the provisions of the Constitution of the
19 Federal Republic 1999 (as amended) and this Act, presents himself or herself to
20 be voted for as the Candidate of the Party in that Ward; and

21 (b) the Party shall forward the name of the Councillorship aspirant
22 with the highest number of votes at the end of voting in the Ward Constituency
23 under paragraph (a) of this subsection to the Commission (in the case of the
24 FCT, Abuja) or a State Independent Electoral Commission (in the case of a
25 State in the Federation) as the Councillorship candidate of the Party for that
26 Ward Constituency.

27 *Political Appointee Not Eligible as Delegate*

28 (21) A political appointee at any level of government shall not be a
29 delegate at the primaries, Convention or Congress of a Political Party
30 convened for the purpose of nominating candidates for any election under the

1 indirect primaries system, except where such a political appointee is also a
2 Statutory or Ad-hoc delegate under subsection (9) of this section.

3 *Commission's Endorsement of Result of Primaries as Proof of Result*

4 (22) A report of a Political Party's primaries or delegates election
5 that is duly issued by the Commission shall be prima facie proof of the
6 holding of the Party's primaries or delegates election and the aspirants who
7 participated in the Party's primaries or delegates election.

8 *Staggered Primaries*

9 (23) Nothing in this section shall prevent a Political Party from
10 organising staggered primaries.

11 *Jurisdiction of Courts*

12 (24) Notwithstanding the provisions of this Act or rules of a
13 Political Party, an aspirant who complains that any of the provisions of this
14 Act or rules of a Political Party has not been complied with in the nomination
15 of a candidate of a Political Party for election, may apply to the Federal High
16 Court or the High Court of a State or the FCT for redress.

17 *Court Cannot Stop General Election, etc*

18 (25) Nothing in this section shall empower the Courts to stop the
19 holding of ad-hoc delegates elections, primaries or general election or the
20 processes thereof under this Act pending the determination of the suit.

21 (26) Except the context otherwise warrants, reference to
22 "registered members" of a Political Party in this section or any other part of
23 this Act means persons of voting age whose names and other relevant
24 personal particulars are duly recorded in the Ward Register of that Party.

25 17. Section 112 of the Principal Act is amended by inserting after
26 subsection (3), a new subsection "(4)", as follows:

Amendment of
Section 112

27 "(4) If after the commencement of polls and before the
28 announcement of the final result and declaration of a winner, a candidate
29 dies:

30 (a) the Commission shall, being satisfied of the fact of the death,

1 suspend the election for a period not exceeding 21 days;

2 (b) the political party whose candidate died may, if it intends to
3 continue to participate in the election, conduct a fresh primary within 14 days
4 of the death of its candidate and submit the name of a new candidate to the
5 Commission; and

6 (c) subject to paragraphs (a) and (b) of this subsection, the
7 Commission shall continue with the election, announce the final result and
8 declare a winner."

Amendment of
Section 138

9 18. Section 138 of the Principal Act is amended by:

10 (a) inserting after the word "Act" in line 2 of subsection (1)(b), the
11 words "and published manuals, guidelines, regulations and or procedures
12 issued by the Commission for the conduct of the election.";

13 (b) inserting after the word "Act" in line 4 of subsection 2, the words
14 "and published manuals, guidelines, regulations and/or procedures issued by
15 the Commission for the conduct of the election."; and

16 (c) inserting after subsection (2), a new subsection "(3)", as follows:
17 "(3) With respect to subsection (1) (a) of this Section, a person shall be deemed
18 to be qualified for an elective office and his election shall not be questioned on
19 grounds of qualification if, with respect to the particular election in question,
20 he meets the applicable requirements of sections 65, 106, 131 or 177 of the
21 Constitution of the Federal Republic of Nigeria, 1999 (as amended) and he is
22 not, as may be applicable, in breach of sections 66, 107, 137 or 182 of the
23 Constitution of the Federal Republic of Nigeria, 1999."

Amendment of
Section 139

24 19. Section 139 of the Principal Act is amended by inserting after the
25 word "Act" in line 4 of subsection (1), the words "and published manuals,
26 guidelines, regulations and/or procedures issued by the Commission for the
27 conduct of the election".

Amendment of
Section 140

28 20. Section 140 of the Principal Act is amended by:

29 (a) adding the small letter "s" to the word "subsection" in line 1 of
30 subsection (1);

1 (b) inserting after the expression "subsection (2)" in line 1 of
2 subsection (1), the expression "and (4)";

3 (c) inserting after the word "election" in line 4 of subsection (1), the
4 words "and shall order the Commission to conduct a fresh election not later
5 than ninety (90) days after the decision if an appeal is not filed against the
6 decision, or not later than ninety (90) days after the nullification of the
7 election by the court having final appellate jurisdiction in respect of the said
8 election.";

9 (d) substituting for subsection (2) a new subsection "(2)", as
10 follows:

11 "(2) Where an election Tribunal or Court nullifies an election on
12 the ground that the person who obtained the highest votes at the election was
13 not qualified to contest the election, the election Tribunal or Court shall
14 declare the person with the second highest number of valid votes cast at the
15 election who satisfies the requirements of the Constitution and this Act as
16 duly elected

17 PROVIDED that the person with the second highest number of
18 valid votes cast at the election remains a member of the political party on
19 which platform he contested the election; otherwise, the candidate with the
20 next highest number of votes in the election and who satisfies the same
21 conditions herein shall be declared the winner of the election."; and

22 (e) inserting after subsection (3), new subsections "(4)" and "(5)",
23 as follows:

24 "(4) Where an election Tribunal or Court nullifies an election on
25 the ground that the election was marred by substantial irregularities or non-
26 compliance with the provisions of this Act, the election tribunal or court
27 shall not declare the person with the second highest votes as elected.

28 (5) All objections filed in an election petition shall be determined at
29 time of final judgment."

Insertion of a
new section
"142A"

1 **21.** Insert after section 142, a new section "142A", as follows:
2 **"Sufficiency of documentary evidence;**
3 **142A.** It shall not be necessary for a party who alleges non-
4 compliance with the provisions of this Act and the published manuals,
5 guidelines, regulations or procedures issued by the Commission for the
6 conduct of elections to call oral evidence if originals or certified true copies of
7 electoral documents or materials used by the Commission to conduct the
8 election in the polling unit(s) where the noncompliance is alleged are listed in a
9 petition and tendered at the trial of the petition in proof of the non-compliance
10 complained of."

Amendment of
Section 151

11 **22.** Section 151 of the Principal Act is amended by inserting after
12 subsection (2), a new subsection "(3)", as follows:

13 "(3) Where there is a breach of an order of a court or tribunal directed
14 at the Commission particularly, order to produce, inspect or take copies of
15 electoral materials, such disobedience shall attract court sanctions, which shall
16 include the committal by the Tribunal or Court of the Commission's official to
17 whom the order is directed to summary conviction to imprisonment for at least
18 two (2) years, without an option of fine."

Insertion of
new sections

19 **23.** The Principal Act is amended by inserting after section "152",
20 new sections "152A", "152B", "152C" and "152D" as follows:

21 "152A. Subject to the Constitution of the Federal Republic of Nigeria,
22 1999 (as amended), the provisions of this Act guaranteeing the conduct of free,
23 fair and credible elections by the Independent National Electoral Commission
24 shall apply with equal force to elections conducted by State Independent
25 Electoral Commissions in the Federation.

26 152B All elections conducted by a State Independent Electoral
27 Commission to a local government council in the Federation shall be in
28 compliance with relevant provisions this Act.

29 152C. Any election conducted by a State Independent Electoral
30 Commission to a local government council in the Federation in violation of

1 section 152B of this Act shall be null, void and of no effect whatsoever.

2 152D. Any official of a State Independent Electoral Commission
3 who acts in contravention of section 152B or any provision of this Act shall
4 be subject to prosecution as if he were an official of the Independent
5 National Electoral Commission."

6 24. Paragraph 46(4) of the First Schedule to the Principal Act is
7 amended by inserting after the word "consent" in line 2, the expression ";
8 such documentary evidence shall be deemed demonstrated in open court;
9 the parties in the petition shall be entitled to address and argue on the content
10 of the document; and the tribunal or court shall evaluate the content of the
11 documents as part of the process of ascribing probative value to them."

Amendment of
First Schedule

12 25. Section 156 of the Principal Act is amended by:

Amendment of
Section 156

13 (a) inserting after the definition of the words "Electoral Officer",
14 the definition of the expression "electronic format", as follows:
15 "electronic format" refers to the electronic version of the Register of Voters
16 or National Electronic Register of Election Results, as the case may be,
17 created, recorded, transmitted or stored in digital form or in other intangible
18 form by electronic, magnetic or optical means or by any other means that has
19 capabilities for creation, recording, transmission or storage similar to those
20 means and which may be converted to or reproduced in a paper document;

21 (b) inserting after the definition of the phrase "National
22 Assembly", the definition of the expression "number of unaccredited
23 voters", as follows:

24 "'number of unaccredited voters" as used in section 49(4) of this Act means
25 number of intending voters not accredited to vote in a polling unit under
26 section 49(3) of this Act."

27 (c) inserting after the definition of the word "President", the
28 definition of the expression "Presiding Officer", as follows:

29 "Presiding Officer" means a person appointed by the Commission to be in
30 charge of the conduct of election in a polling unit or polling station, and this

1 shall include persons who may be under different titles but who are charged by
2 the Commission with the same responsibilities at a polling unit or polling
3 station as a Presiding Officer."; and

4 (d) inserting after the definition of the words "Presiding Officer", the
5 definition of the expression "published manuals, guidelines, regulations and/or
6 procedures issued by the Commission for the conduct of the election", as
7 follows:

8 "published manuals, guidelines, regulations and/or procedures issued by the
9 Commission for the conduct of the election" means any book, booklet or
10 manual published by the Commission-

11 (a) that is consistent with the provisions of this Act;

12 (b) for the purpose of guiding the conduct of free, fair and credible
13 elections; and

14 (c) which is made public by the Commission at least thirty (30) days
15 before the date of a general election."

16 (e) inserting after the definition of the word "Return", the definition of
17 the expression "Returning Officer", as follows:

18 "Returning Officer" means a person appointed by the Commission to declare
19 the result of an election in a constituency, and this shall include persons who
20 may be under different titles but who are charged by the Commission with the
21 same responsibilities in a constituency as a Returning Officer."

22 (f) inserting after the definition of the word "State Commission", the
23 definition of the word "transmit", as follows:

24 "transmit" includes to convey electoral documents or other electoral
25 information or data by manual, electronic or other means (prescribed by the
26 Commission) from one person to another, one place to another, one stage to
27 another, one process to another, or one system to another, as the case may be."

28 26. This Bill may be cited as the Electoral Act No. 6, 2010
(Amendment) Bill, 2019.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Electoral Act (No. 6), 2010 and for related matters.