



**THE SENATE  
FEDERAL REPUBLIC OF NIGERIA**

***RECOMMITTAL OF AMENDED CLAUSES  
OF A  
BILL FOR AN ACT TO REPEAL THE ELECTORAL BILL 2021, NO. 6, 2010 AND  
ENACT THE ELECTORAL ACT 2021, (SB.122)  
BY THE SENATE***

**DATED THIS 12<sup>TH</sup> DAY OF OCTOBER, 2021**

**RECOMMITTAL OF AMENDED CLAUSES OF A BILL FOR AN ACT TO REPEAL THE ELECTORAL BILL 2021, NO. 6, 2010 AND ENACT THE ELECTORAL ACT 2021 (SB. 122) BY THE SENATE**

POSITION OF THE SENATE	RECOMMITTAL	REMARKS
<p><b>Clause 43: Ballot boxes and voting devices</b></p> <p>43. (1) The Commission shall provide suitable boxes or any other voting device for the conduct of elections.</p> <p>(2) The forms to be used for the conduct of elections to the offices mentioned in this Bill shall be determined by the Commission.</p> <p>(3) The Polling Agents shall be entitled to be present at the distribution of the election materials <u>and voting devices</u> from the office to the polling booth.</p> <p>(4) Polling Agents who are in attendance at a polling unit, may be entitled, before the commencement of the election, to have originals of electoral materials to be used by the Commission for the election inspected, and this process may be recorded as evidence in writing, on video or by other means by any Polling Agent, accredited observer or official of the Commission.</p>	<p><b>Clause 43: Ballot boxes and voting devices</b></p> <p>(1) The Commission shall provide suitable boxes, <b>electronic voting machine</b> or any other voting device for the conduct of elections.</p> <p>(2) The forms to be used for the conduct of elections to the offices mentioned in this Bill shall be determined by the Commission.</p> <p>(3) The Polling Agents shall be entitled to be present at the distribution of the election materials, <b>electronic voting machine</b> and voting devices from the office to the polling booth.</p> <p>(4) Polling Agents who are in attendance at a polling unit, may be entitled, before the commencement of the election, to have originals of electoral materials to be used by the Commission for the election inspected, and this process may be recorded as evidence in writing, on video or by other means by any Polling Agent, accredited observer or official of the Commission.</p>	<p>Insert the words “<b>electronic voting machine</b>” as already used in subsections (1) &amp; (3).</p> <p>This is to ensure that, in case the Commission decided to use electronic voting machine, polling agents will not be excluded from being present during distribution.</p>

<p>(5) A Polling Agent who is in attendance at a polling unit, may observe originals of the electoral materials and this may be recorded as evidence.</p>	<p>(5) A Polling Agent who is in attendance at a polling unit, may observe originals of the electoral materials and this may be recorded as evidence.</p>	
<p>(6) The Commission shall, before the commencement of voting in each election, provide all election materials for the conduct of such election at the polling unit.</p>	<p>(6) The Commission shall, before the commencement of voting in each election, provide all election materials for the conduct of such election at the polling unit.</p>	
<p><b>Clause 52: Conduct of poll by open secret ballot</b>  52. (1) Voting at an election under this Bill shall be by open secret ballot.</p> <p>(2) Voting at an election under this Bill shall be in accordance with the procedure determined by the Commission, which may include electronic voting.</p> <p>(3) The Commission may consider electronic transmission of results provided that the national coverage is adjudged to be adequate and secure by</p>	<p><b>Clause 52: Conduct of poll by open secret ballot</b>  (1) Voting at an election under this Bill shall be by open secret ballot.</p> <p>(2) <b>Subject to section 63 of this Bill, voting at an election and transmission of results under this Bill shall be in accordance with the procedure determined by the Commission, which may include electronic voting.</b></p> <p>(3) A voter on receiving a ballot paper shall mark it in the manner prescribed by the Commission.</p>	<p>Amend subsection (2) by substituting a new subsection (2) as indicated.</p> <p>This amendment will address the concern that informed the initial draft on possible disenfranchisement and security of the results.</p> <p>The amendment is tied to section 63 which provide safeguards that authentic results must be counted entered into forms, signed by Presiding Officers and announced at the polling units before transfer or transmission, as the case may be.</p> <p><b>Delete subsection (3) and renumber subsection (4) as subsection (3)</b></p>

<p>the Nigeria Communication Commission and approved by the National Assembly.</p>	<p>(4) All ballots at an election under this Bill at any polling station shall be deposited in the ballot box in the open view of the public.</p>	<p>Renumbering</p>
<p>(4) A voter on receiving a ballot paper shall mark it in the manner prescribed by the Commission.</p>		
<p>(5) All ballots at an election under this Bill at any polling station shall be deposited in the ballot box in the open view of the public.</p>		
<p><b>Clause 63: Counting of votes and forms</b></p>	<p><b>Clause 63: Counting of votes and forms</b></p>	
<p>63. (1) The Presiding Officer shall, after counting the votes at the polling unit, enter the votes scored by each candidate in a form to be prescribed by the Commission as the case may be.</p>	<p>(1) The Presiding Officer shall, after counting the votes at the polling unit, enter the votes scored by each candidate in a form to be prescribed by the Commission as the case may be.</p>	
<p>(2) The form shall be signed and stamped by the Presiding Officer and counter signed by the candidates or their polling agents where available at the Polling unit.</p>	<p>(2) The form shall be signed and stamped by the Presiding Officer and counter signed by the candidates or their polling agents where available at the Polling unit.</p>	
<p>(3) The Presiding Officer shall give to the Polling Agents and the police officer where available a copy each of the completed Forms after it has been duly signed as provided in subsection (2).</p>	<p>(3) The Presiding Officer shall give to the Polling Agents and the police officer where available a copy each of the completed Forms after it has been duly signed as provided in subsection (2).</p>	
<p>(4) The Presiding Officer shall count and announce the result at the Polling unit.</p>	<p>(4) The Presiding Officer shall count and announce the result at the Polling unit.</p>	
<p>(5) The Presiding officer shall transmit the results including total number of accredited voters and the results of the ballot in a manner as prescribed by the Commission.</p>	<p>(5) The Presiding officer shall <b>transfer</b> the results including total number of accredited voters and the results of the ballot in a manner as prescribed by the Commission.</p>	<p>Additionally, deleting the word "transmit" in clause 63(5) and replace with "transfer" because the word transfer will also cover for</p>

		physical transmission of results
<p>(6) A Presiding Officer who wilfully contravenes any provision of this section commits an offence and is liable on conviction to a fine not more than <u>N500,000.00</u> or imprisonment for a term of at least six months.</p> <p><b>Clause 87: Nomination of candidates by parties.</b></p> <p>87. (1) A political party seeking to nominate candidates for elections under this Act shall hold direct or indirect primaries for aspirants to all elective positions, which may be monitored by the Commission.</p> <p>(2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct or indirect primaries.</p> <p>(3) A political party that adopts the direct primaries procedure shall ensure that all aspirants are given equal opportunity of being voted for by members of the party.</p>	<p>(6) A Presiding Officer who wilfully contravenes any provision of this section commits an offence and is liable on conviction to a fine not more than N500,000.00 or imprisonment for a term of at least six months.</p> <p><b>Clause 87: Nomination of candidates by parties.</b></p> <p>87. (1) <b>“A political party seeking to nominate candidates for elections under this Bill shall hold direct primaries for aspirants to all elective positions, which shall be monitored by the Commission”.</b></p> <p>(2) Deleted</p> <p>(3) <b>The procedure for the nomination of candidates by political parties for the various elective positions by direct primaries shall ensure that all aspirants are given equal opportunity of being voted for by members of the party and given opportunity to have agents for the purpose of monitoring the primaries.</b></p>	<p>The amendments here is necessitated by the need to specifically provide for adoption of direct primary because it is more conducive to inclusiveness and transparency. There is also need to insert provisions to ensure that the direct primary worked effectively.</p> <p>New Insertion</p>

<p>(4) A political party that adopts the system of indirect primaries for the choice of its candidate shall adopt the procedure outlined below –</p>	<p><b>(4) The procedure adopted for the direct primaries shall be spelt out in a guideline to be issued by the political party and filed with the Commission at least 14 days before the primary election.</b></p>	<p><b>Delete subsections (4), (5), (6), (7) and (8)</b></p>
<p>(a) in the case of nominations to the position of presidential candidate, a political party shall –</p> <p>(i) hold a special presidential convention at a designated centre in the Federal Capital Territory or any other place within the Federation that is agreed to by the National Executive Committee of the party where delegates shall vote for each of the aspirants, and</p> <p>(ii) the aspirant with the highest number of votes at the end of voting, shall be declared the winner of the Presidential primaries of the political party and the aspirant name shall be forwarded to the Commission as the candidate of the party;</p> <p>(b) in the case of nominations to the positions of Governorship candidate, a political party shall, where it intends to sponsor candidates –</p> <p>(i) hold a special congress in the State Capital or any other place within the State with delegates voting for each of the aspirants at the congress to be held on a specified date appointed by the National Executive Committee (NEC) of the party, and</p> <p>(ii) the aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party, for the particular State;</p>		<p>Subsection (4): New Insertion</p>

<p>(c) in the case of nominations to the position of a candidate to the Senate, House of Representatives and State House of Assembly, a political party shall, where they intend to sponsor candidates –</p> <p>(i) hold special congresses in the Senatorial District, Federal Constituency and the State Assembly constituency respectively, with delegates voting for each of the aspirants in designated centre on specified dates, and</p> <p>(ii) the aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party; and</p> <p>(d) in the case of the position of a Chairmanship candidate of an Area Council, a political party shall, where it intends to sponsor candidates –</p> <p>(i) hold special congresses in the Area Council, with delegates voting for each of the aspirants at designated centres on a specified date, and</p> <p>(ii) the aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party.</p> <p>(5) In the case of a Councillorship candidate, the procedure for the nomination of the candidate shall be by direct primaries in the ward and the name of the candidate with the highest number of votes shall be</p>	<p><b>(5) A political party shall maintain register of its members and provide in the guideline for the conduct of the primaries that the register of its members shall be used for accreditation for the primaries.</b></p>	<p>New Insertion</p>
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<p>submitted to the Commission as the candidate of the party.</p>		
<p>(6) Where there is only one aspirant in a political party for any of the elective positions mentioned in subsection (4) (a), (b), (c) and (d), the party shall convene a special convention or congress at a designated centre on a specified date, for the confirmation of such aspirant and the name of the aspirant shall be forwarded to the Commission as the candidate of the party.</p>	<p><b>(6) The Commission shall deploy personnel to monitor the primaries in all the centers where the direct primaries are held.</b></p>	<p>New Insertion</p>
<p>(7) A political party that adopts the system of indirect primaries for the choice of its candidate shall clearly outline in its constitution and rules the procedure for the democratic election of delegates to vote at the convention, congress or meeting, in addition to delegates already prescribed in the constitution of the party.</p>	<p><b>(7) Every aspirant cleared by the party to contest at the primary shall be entitled to a copy of the guideline for the conduct of the primaries in which he or she is participating.</b></p>	<p>New Insertion</p>
<p>(8) A political appointee at any level shall not be an automatic voting delegate at the convention or congress of any political party for the purpose of nomination of candidates for any election, except where such a political appointee is also an officer of a political party.</p>	<p>(8) ) Notwithstanding the provisions of this Bill or rules of a political party, an aspirant who complains that any of the provisions of this Bill and the guidelines of his political party has not been complied with in the selection or nomination of a candidate of the political party for election, may apply for redress to the Federal High Court.</p>	<p>Renumbering And amended to delete "High Court of a State or FCT".</p>
<p>(9) Notwithstanding the provisions of this Bill or rules of a political party, an aspirant who complains that any of the provisions of this Bill and the guidelines of his political party has not been complied with in the selection or nomination of a candidate of the political party for election, may apply for redress to the Federal High Court of State or FCT within whose territorial jurisdiction the election was conducted.</p>	<p>(9) Nothing in this section shall empower the courts to stop the holding of primaries or general election or the processes thereof under this Bill pending the determination of the suit.</p>	<p>Renumbering</p>



(10) Nothing in this section shall empower the courts to stop the holding of primaries or general election or the processes thereof under this Bill pending the determination of the suit.