



THE SENATE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 23rd October, 2018

1. The Senate met at 10:51 a.m. The Senate President read Prayers.

2. **Closed Session:**
Closed Session — 10:55 a.m.

Open Session — 11:50 a.m.

The Senate President reported that the Senate in a Closed Session deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general.

3. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 18th October, 2018.

Question was put and the Votes and Proceedings were approved.

4. **Announcements:**

(a) **Meeting:**

The Senate President read a letter from Senator Ahmad I. Lawan (*Yobe North*) as follows:



Ahmad I. Lawan
Yobe North Senatorial District
Senate Leader

23rd October, 2018

ANNOUNCEMENT

There will be a meeting of the Ad hoc Committee on the Use of \$3.5 Billion Petroleum Subsidy Recovery Fund.

Time: 2:00 pm prompt

Date: Tuesday, 23rd October, 2018

Venue: Meeting Room 4.15 Opposite Senate Leader's Office.

(Signed)

Senator Ahmad I. Lawan
Senate Leader
Chairman

(b) **Notification of Meeting:**

The Senate President read a letter from Senator Bukar Abba Ibrahim (Yobe East) as follows:



Bukar Abba Ibrahim
Yobe East Senatorial District

23 October 2018.

NOTIFICATION OF MEETING

Members of the Global Legislators Organization for a Balanced Environment (GLOBE Nigeria) wishes to notify her members of a workshop on the Lake Chad Basin taking place on Wednesday and Thursday 24-25 October, 2018 at Senate Meeting Room 224 by 9am prompt.

Experts and Researchers from the Academia and international development institutions will be sharing their perspectives, thus you're all encouraged to attend.

(Signed)

Senator Bukar Abba Ibrahim
President, GLOBE Nigeria and
Chairman, Senate Committee on Climate Change

(c) **Peoples Democratic Party (PDP) Caucus Meeting:**

The Senate President read a letter from Senator Biodun C. Olujimi (Ekiti South) as follows:



Senator Biodun C. Olujimi
Ekiti South Senatorial District

23rd October, 2018

Your Excellency,

There will be Peoples Democratic Party (PDP) Caucus Meeting today after Plenary at the Office of the Minority Leader.

Attendance is mandatory.

(Signed)

Senator Biodun C. Olujimi
Senate Minority Leader

(d) Re-Ad hoc Committee:

The Senate President named the following Senators as members of the *Ad hoc* Committee to Investigate the Application of \$3.5 Billion Petroleum Subsidy by the Nigerian National Petroleum Corporation (NNPC) and Subsidy Recovery Application:

(i)	Senator Ahmad I. Lawan	—	Chairman
(ii)	Senator Yusuf A. Yusuf	—	Member
(iii)	Senator Baba Kaka B. Garbai	—	Member
(iv)	Senator Samuel N. Anyanwu	—	Member
(v)	Senator Matthew A. Urhoghide	—	Member
(vi)	Senator Bareehu O. Ashafa	—	Member
(vii)	Senator Philip T. Aduda	—	Member
(viii)	Senator Rose O. Oko	—	Member
(ix)	Senator Obinna J. Ogba	—	Member
(x)	Senator Gbolahan J. Dada	—	Member
(xi)	Senator Abubakar Kyari	—	Member
(xii)	Senator Dino Melaye	—	Member
(xiii)	Senator Ibrahim A. Gobir	—	Member
(xiv)	Senator Kabiru I. Gaya	—	Member
(xv)	Senator Andy E. Uba	—	Member

(e) Acknowledgment:

The Senate President acknowledged the presence of the following who were at the gallery to observe Senate Proceedings:

- (i) Members of Legislative Council, Igueben, Edo State; and
- (ii) Members of Legislative Council, Owan, Edo State.

5. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Mao A. Ohuabunwa (*Abia North*) drew the attention of the Senate to gully erosion that occurred over the weekend at Isiukwato - Oguduara - Ufuru affecting the people of these Communities accessibility to their Local Government Headquarters of Abia State. He sought and obtained the leave of the Senate to present the matter.

Matter to stand over to the next Legislative Day [Rule 42(2)].

6. Matter of Urgent Public Importance:

Rising on Rule 42, Senator David Umaru (*Niger East*) drew the attention of the Senate to the demise of Justice Idris L. Kutigi, former Chief Justice of Nigeria (CJN) who died on Sunday, 21st October, 2018. He sought and obtained the leave of the Senate to present the matter.

Matter to stand over to the next Legislative Day [Rule 42(2)].

7. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Rose O. Oko (*Cross River North*) drew the attention of the Senate to the appointment of the Members of Federal Civil Service Commission: On the Current Proposal in Cross River/Akwa Ibom States. She sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

notes that there are 14 commissioners of the Federal Civil Service Commission and a Chairman appointed every five (5) years;

further notes that these appointments, by practice are done between some states paired on a rotational basis viz: Cross River/Akwa Ibom; Kogi/Kwara; Delta/Rivers/Bayelsa; Jigawa/Kaduna; Kano/Katsina; Plateau/Benue/Nasarawa; Edo/Ekiti/Ondo; Enugu/Anambra/Ebonyi; Imo/Abia; Osun/ Oyo; FCT/Niger; Sokoto/Kebbi/Zamfara; Bauchi/Borno/Yobe; Lagos/Ogun; Gombe/Adamawa/Taraba States;

observes that Cross River State is paired with Akwa Ibom State;

further observes that in the last four (4) appointments the rotation has been as follows:

a.	Commissioner A.B Odey	1996 -2001	Cross River State
b.	Commissioner Aniefiok Obong Uwa	2001 -2007	Akwa Ibom State
c.	Commissioner Akpama Akpama	2008 -2013	Cross River State
d.	Commissioner Etim J. Simon (mni)	2013 -2018	Akwa Ibom State

notes that the last appointment held by Mr. Simon Etim from Akwa Ibom expired in June, 2018;

alarmed that rather than appoint a Commissioner from Cross River State as has been the practice of the rotation, Mr. Samuel Etim is being put up for confirmation for another five (5) years;

very alarmed that this decision will be unfair and discriminatory to Cross River State;

worried that this action is capable of disenfranchising the teeming youths of Cross River State who are waiting for the opportunity of their own representative to facilitate their employment potentials in the Federal Service;

notes that there are eminently qualified candidates from Cross River state with requisite qualifications for consideration viz:

- a. Dr. Mary Theresa Ikwen (mni 15 years), Rtd Permanent Secretary and former Head of Service.; and
- b. Mr. Bassey Kuffrey (mni), Retired Permanent Secretary; and

appeals that for equity and justice, peace and harmony between the States, the rotation be maintained.

Accordingly resolves:

- (i) to advise government to revert to its practice of rotating appointments of Federal Civil Service Commissioners between Cross River and Akwa Ibom States; and
- (ii) to nominate a qualified person from Cross River State for the appointment into the Federal Civil Service Commission as Commissioner that commences in 2018 for five years.

Debate:

By the leave of the Senate, the Motion was stood down to the next Legislative Day.

8. Presentation of a Bill:

Federal Capital Territory Polytechnic Orozo, Abuja (Establishment, etc.) Bill, 2018 (SB. 703) —
Read the First Time.

9. Committee on Anti-Corruption and Financial Crimes:

Report on the screening of nominees for confirmation as Chairman and Members of the Independent Corrupt Practices and Other Related Offences Commission (ICPC):

Motion made: That the Senate do receive the Report of the Committee on Anti-Corruption and Financial Crimes on the screening of nominees for confirmation as Chairman and Members of the Independent Corrupt Practices and Other Related Offences Commission (ICPC):

S/N	Names	Designation	State of Origin	Geo-political Zone
(i)	Prof. Bolaji Owasanoye	Chairman	Osun	South-West
(ii)	Dr. Grace N. Chinda	Member	Delta	South-South
(iii)	Okolo Titus M.	Member	Enugu	South-East
(iv)	Barr. Obiora Igwedebia	Member	Anambra	South-East
(v)	Mrs. Olubukola Balogun	Member	Lagos	South-West
(vi)	Justice Adamu Bello	Member	Katsina	North-West

(vii)	Hannatu Muhammed	Member	Jigawa	North-West
(viii)	Abdullahi Maikano Saidu	Member	Niger	North-Central
(ix)	Yahaya Umar Dauda	Member	Nasarawa	North-Central

(Senator Monsurat J. A. Sunmonu — Oyo Central).

Question put and agreed to.

Report Laid.

10. Committee on Establishment and Public Service:

Report on the Confirmation of the following persons for Appointment as Chairman and Commissioners for the Federal Civil Service Commission:

Motion made: That the Senate do receive the Report of the Committee on Establishment and Public Service on the confirmation of the following persons for appointment as Chairman and Commissioners for the Federal Civil Service Commission:

S/N	Names	Designation	State of Origin	Geo-Political Zone
(i)	Dr. Bello Tukur Ingawa, OON, mni	Chairman	Katsina	New Appointment
(ii)	Moses Musa Ngbale	Commissioner	Adamawa	New Appointment
(iii)	Waziri Umara Ngurno, mni	Commissioner	Borno	New Appointment
(iv)	Alh. Bello Mahmoud Babura	Commissioner	Jigawa	New Appointment
(v)	Arch. Ahmed M. Sarna (fnia)	Commissioner	Kebbi	New Appointment
(vi)	Princess Iyabode Odulate-Yusuf	Commissioner	Ogun	New Appointment
(vii)	Shehu Umar Danyaya	Commissioner	Niger	New Appointment
(viii)	Fatai Newton Adebayo O. MFR, FNSE	Commissioner	Oyo	New Appointment
(ix)	Chief Ejoh Michael Chukwuemeka	Commissioner	Anambra	New Appointment
(x)	Joe Philip Poroma	Commissioner	Rivers	New Appointment
(xi)	Alhaji Ibrahim Mohammed	Commissioner	Kaduna	Renewal of Appointment
(xii)	Prof. Aminu Dio Sheidu	Commissioner	Kogi	Renewal of Appointment
(xiii)	Mr. Simon Etim	Commissioner	Akwa Ibom	Renewal of Appointment

(Senator Emmanuel I. Paulker — Bayelsa Central).

Question put and agreed to.

Report Laid.

11. Executive Communication:

Confirmation of Nomination:

Motion made: That the Senate do consider the request of Mr. President, Commander-in-Chief of the Armed Forces of the Federation, on the confirmation of the nomination of Mr. Lanre Gbajabiamila for appointment as Director-General, National Lottery Regulatory Commission (*Senate Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Sports and Youth Development to report within two (2) weeks.

12. Motion:

Urgent need to appoint a representative of the South-East into the National Defence Council and the National Security Council:

Motion made: That the Senate notes that by virtue of Section 153 (1) (g) (more particularly third schedule part (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), the National Defence Council shall comprise of the following Members:

- "(a) The President who shall be the Chairman;
- (b) The Vice President who shall be the Deputy Chairman;
- (c) The Minister of the Government of the Federation responsible for Defence;
- (d) The Chief of Defence Staff;
- (e) The Chief of Army Staff;
- (j) The Chief of Naval Staff;
- (g) The Chief of Air Staff; and
- (h) Such other Members as the President may appoint."

notes that the National Defence Council and the National Security Council are constitutionally empowered to advise the President on matters relating to Defence of the Sovereignty and Territorial integrity of Nigeria, and on matters relating to Public Security including matters relating to any Organization or Agency established by Law for ensuring the security of the Federation, respectively;

further notes that Section 218 (2) of the 1999 Constitution (as Amended) conferred on the President the power to appoint the Chief of Defence Staff, the Chief of Army Staff, the Chief of Naval Staff, the Chief of Air Staff and Heads of any other branches of the Armed Forces of the Federation as may be established by an Act of the National Assembly;

aware that in doing that, Section 217(3) of the 1999 Constitution (as Amended) stipulates that "The composition of the Officer Corps and other Ranks of the Armed Forces of the Federation shall reflect the federal character of Nigeria.";

further aware that Section 14(3) of the 1999 Constitution (as Amended) expressly stated that "the Composition of the Government of the Federation or any of its Agencies and the conduct of its Affairs shall be carried out in such a manner as to reflect the Federal Character of Nigeria and the need to promote National Unity, and also to command national Loyalty, thereby ensuring that there shall be no predominance of person's from a few States or from a few Ethnic or other Sectional Groups in that Government or in any of its Agencies,";

worried that none of the Service Chiefs as appointed to the National Defence Council and the National Security Council comes from the South-East of Nigeria as firmly enshrined in the Constitution through the Spirit and Principle of Federal Character;

further worried that the Defence and Security Advice relayed to the President by Members of the Defence and Security Councils (which excluded Security Officers from the five States that make up the South-East of Nigeria) may not likely represent fair and equitable Security Situation of the South-East of Nigeria;

aware that there are qualified Officers from the South-East of Nigeria to be appointed as Service Chiefs but none was appointed in the present Administration;

notes that the beauty, tenet and Cardinal Principle of Democracy, as opposed to all other forms of Government, are inclusiveness, representation, justice and fairness. When these essential ingredients are missing and lacking in any Government, it will create a feeling of alienation;

concerned that the Fundamental Objectives and Directive Principles of State Policy as embedded in Chapter Two of the Constitution shall be negated if the above is not complied with;

disturbed that the exclusion of the South-East from the appointment of Service Chiefs will continue to cause the feeling of alienation, neglect and consequential agitation among the people of the South-East;

convinced that the inclusion of the South-East among the Service Chiefs will automatically accord them Membership of the National Defence Council and the National Security Council and will go a long way in assuaging their feelings of isolation and neglect; and

further convinced that immediate appointment of an Officer from the South-East as Service Chief will enhance the feeling of oneness among the South-Easterners towards other parts of Nigeria.

Accordingly resolves to:

- (i) urge President Muhammadu Buhari, GCFR to reconstitute the Composition of the Membership of the National Defence Council and National Security Council to comply with the Federal Character Principle enshrined in the Constitution of the Federal Republic of Nigeria; and
- (ii) urge President Muhammadu Buhari, GCFR who is the Commander-in-Chief of the Armed Forces to appoint an Officer from the South-East as Service Chief for equitable representation of the people of the South-East of Nigeria in the National Defence Council and the National Security Council (*Senator Victor C. Umeh — Anambra Central*).

Debate:

By the leave of the Senate, the Motion was noted.

13. **School of Mines and Geological Studies (Establishment, etc.) Bill, 2018 (HB. 105) - Concurrence:**
Motion made: That a Bill for Act to Provide for the Establishment of the School of Mines and Geological Studies in Akoko-Edo Local Government Area and for Related Matters, 2018 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to consider a Bill for an Act to Provide for the Establishment of the School of Mines and Geological Studies in Akoko-Edo Local Government Area and for Related Matters, 2018 (*Concurrence*) (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SCHOOL OF MINES AND GEOLOGICAL STUDIES IN AKOKO-EDO LOCAL GOVERNMENT AREA AND FOR RELATED MATTERS, 2018.

PART 1— ESTABLISHMENT OF SCHOOL OF MINES AND GEOLOGICAL STUDIES

Clause 1: Establishment of School of Mines and Geology Studies.

- (1) There is established the School of Mines and Geological Studies (in this Bill referred to as "the School") which shall have such powers and exercise such functions as conferred on it by this Bill.
- (2) The School shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Establishment of the Governing Council.

- (1) There is established for the School a Governing Council (in this Bill referred to as "the Council") which shall be responsible for the consideration and approval of —
 - (a) the plan of activities of the School;
 - (b) the programme of studies, courses, and research to be undertaken by the School;
 - (c) the annual budget estimates of the school; and
 - (d) the investment plans of the School.
- (2) The provisions of the Schedule to this Bill shall have effect with respect to the Council as specified therein.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Membership of the Council of the School.

The Council shall consist of a Chairman and the other members, to be appointed by the Minister —

- (a) The person responsible for tertiary education in the Federal Ministry of Education; a representative of a University/Polytechnic who in the case;
- (b) a representative of the alumni association of the School;
- (c) three persons appointed on individual merit on a nationwide basis who should have wide related experience of service in the public or private sector;
- (d) two representatives of the Academic Board of the School;
- (e) one representative of the National Board for Technical Education; and
- (f) the Provost of the School.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Term of Office of Membership of the Council.

- (1) A member of the Council (other than an ex-officio member) shall hold office for a term of three years and be eligible for reappointment for a further period of three years.
- (2) The office of a member appointed under section 3 of this Bill shall become vacant if —
 - (a) the member resigns his/her appointment by notice in writing under his hand, addressed to the Minister; or
 - (b) the Minister is satisfied that it is not in the interest of the School for the person appointed to continue in office and notifies the member in writing to that effect.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Functions of the School.

The functions of the School shall be —

- (a) to provide full-time courses in Mining and Geological Studies —
 - (i) to serve as a home for research activities in all fields of Geology, Survey and Exploration, in such other fields of applied learning relevant to the needs of the development of Nigeria.;
 - (ii) research in the development and adaptation of techniques as the council may from time to time determine;
 - (iii) to train manpower for the mineral exploration, mining, processing and extraction industries.
- (b) to conduct courses in Mining and Geological Studies for miners;

- (c) to arrange conferences, seminars and workshops in relevant fields of learning; and
- (d) to perform such other functions as in the opinion of the Council may promote the objectives of the School.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Powers of the Council.

The Council shall have powers to —

- (a) hold examination and grant diploma, professional certificates and other distinctions to persons who have pursued a course of study approved and accredited by the National Board for Technical Education;
- (b) demand and receive from any student or any other person attending the School for the purpose of instruction such fees as the council may, with the prior approval of the Minister, from time to time determine;
- (c) hold public lectures and undertakes printing, publishing and selling;
- (d) provide amenities for the welfare of the staff of the School;
- (e) invest the surplus funds of the School on programmes that by law as may be approved by the Council; enter into such contracts as may be necessary or expedient for carrying into effect the objectives of the School;
- (f) recruit staff of the right caliber and determine the career structure of such staff;
- (g) establish and maintain such schools and other units within the school or extra-mural departments as the Council may, from time to time decide;
- (h) institute and award fellowships, medals, prizes and other titles;
- (i) mount exhibitions and display designs to foster appreciation of techniques and technology; erect, provide, equip and maintain such educational, recreational and residential facilities as the School may require;
- (j) create lectureships and other academic posts and offices to make appointments thereto;
- (k) encourage and make provision for research in the School and; do such things incidental to the foregoing powers as may advance the objects of the school.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Visitation.

- (1) The Minister of Education shall be the visitor of the School.
- (2) The Visitor shall, not less than once in every two years, conduct a visitation of the School or appoint a visitation panel consisting of not less than five experts to conduct the visitation —
 - (a) for the purpose of evaluating the academic and administrative performance of the School; or
 - (b) for such other purpose the Visitor may deem fit.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: The Academic Board and its Functions.

- (1) There shall be established for the School a board to be known as the Academic Board which shall consist of the following members —
 - (a) the Provost of the School who shall be the Chairman;
 - (b) the Deputy Provost, Deans of Departments, Professors Reader/Chief- Readers and the Registrar who shall be the Secretary;
 - (c) the School Librarian; and
 - (d) not more than two members of the academic staff other than heads of departments to be elected by the Congregation.
- (2) The Academic Board shall be responsible for —
 - (a) the direction and management of academic matters to the School including the regulation of admission of students, the award of certificates, scholarships, prizes, and other academic distinctions;
 - (b) making periodic reports on such academic matters to the Council as the Council may from time to time direct;
 - (c) discharging any other functions which the Council may from time to time delegate to it.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Power of Minister to Give Direction to the Council.

Subject to the provisions of this Bill, the Minister may give to the Council directions of a general character or relating generally to matters of policy with regards to the exercise by the Council of its functions under this Bill and it shall be the duty of the Council to comply with such directions.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: The Provost of the School.

- (1) There shall be a Provost of the School (in this Bill referred to as the Provost") who shall be appointed by the Minister of Education, in accordance with the provisions of this section.
- (2) where a vacancy exists in the post of Provost, the Council shall —
 - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria specifying —
 - (i) the qualifications of the person who may apply for the post;
 - (ii) the terms and conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for consideration;
 - (b) constitute a search team consisting of —
 - (i) a member of the Council not being a member of the Academic Board, as Chairman;
 - (ii) two members of the Academic Board not below the rank of Chief Lecturer;
 - (iii) two members of the academic community of the School not below the rank of Chief Lecturer to be selected by the Council, to identify and draw up a short list of suitable person who are not likely to apply for the post for any reason whatsoever.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Deputy Provost.

- (1) There shall be for the School a Deputy Provost.
- (2) The Council shall appoint the Deputy Provost from among the Chief Lecturers in the School in the following ways, that is —
 - (a) from a list three candidates in order of preference, submitted by the Provost;
 - (b) on the recommendation of a selection Board constituted under this section for that purpose; or
 - (c) on the nomination of the Provost.
- (3) The selection Board referred to in this subsection (2) of this section shall —
 - (a) consist of —
 - (i) the Chairman of the Council;
 - (ii) the Provost;
 - (iii) two members of the Council not being members of the Academic Board, one of whom shall be the member appointed by the Minister;
 - (iv) two members of the Academic Board; and

- (b) make such inquiries as it deems fit before making the recommendation required under that subsection.
- (4) The Deputy Provost shall —
 - (a) be in charge of academic activities and assist the Provost in the performance of his functions;
 - (b) act in the place of Provost when the post of Provost is vacant or if for any reason the Provost is unable to perform his functions as Provost, and
 - (c) perform such other functions as the Provost or the Council may assign to him.
- (5) The Deputy Provost —
 - (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of two years and no more.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: The Registrar or Other Staff of the School.

- (1) The Council of the School shall appoint a Registrar to the School (hereinafter referred to as the Registrar) who shall keep the records and conduct the correspondence of the Council and shall perform such other duties as the Council and subject thereto as the Provost may from time to time direct.
- (2) The Registrar shall, in addition to other duties conferred on him by or under this Bill, be the Secretary of the Council, the Academic Board and any committee of the Council and in his absence, the Councilor of any such Committee may appoint some other person to act as Secretary, and he shall not vote on any question before the Councilor count towards a quorum.
- (3) A Registrar —
 - (a) shall hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of five years and no more.
- (4) where on the commencement of this section a Registrar appointed before the commencement of the section has held office —
 - (a) for five years or less he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
 - (b) for more than five years but less than ten years, he shall complete the maximum period often years and thereafter relinquish his post and be assigned other duties in the School;
 - (c) for ten years or more, the Council may allow him serve as Registrar for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the School.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Other Principal Officers of the School.

- (1) There shall be for the School the following principal officers in addition to the Registrar, that is —
 - (a) the Bursar; and
 - (b) the School Librarian, who shall be appointed by the Council on the recommendation of the selection Board constituted under section 10 this Bill.
- (2) The Bursar shall be the Chief financial officer of the School and be responsible to the Provost for the day-to-day administration and control of the financial affairs of the School.
- (3) The School Librarian shall be responsible to the Provost for the administration of the School Library and the coordination of the School library services in the teaching units of the School.
- (4) A Bursar or Librarian —
 - (a) shall each hold office for a period of five years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for a further period of five years and no more.
- (5) Where on the commencement of this section a Bursar or Librarian has held office —
 - (a) for five years or less he shall be deemed to be serving his first term of office and may be reappointed for a further term of five years;
 - (b) for more than five years but less than ten years, he shall complete the maximum period of ten years and thereafter relinquish his post and be assigned other duties in the School;
 - (c) for ten years or more, the Council may allow him to serve in that capacity for a further period of one year only and thereafter he shall relinquish his post and be assigned other duties in the School.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Resignation of Appointment of Principal Officer.

- A principal officer may resign his appointment —
- (a) in the case of the provost Rector, by notice of the Visitor; and of
 - (b) in any other case, by notice of the Council.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Other Employee.

- (1) The Council may appoint such other persons to be employees of the School as the Council may determine to assist the Provost and the Principal Officers of the School in the performance of their functions under this Bill.
- (2) Subject to the provisions of this Bill the remuneration, tenure of and conditions of service of the employees of the Council shall be determined by the Council in consultation with the Federal Civil Service Commission.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Selection Board for Other Principal Officer.

- (1) There shall be for the School, a selection Board which shall consist of —
 - (a) the Chairman of the Council;
 - (b) the Provost;
 - (c) four members of the Council not being members of the Academic Board; and
 - (d) two members of the Academic Board.
- (2) The functions, procedures and other matters relating to the selection Board constituted under subsection (1) of this section shall be as the Council may, from time to time, determine.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Pension.

- (1) It is hereby declared that service in the School shall be approved service for the purposes of the Pension Reform Act 2004 and accordingly, officers and other persons employed in the School shall in respect of their service in the School be entitled to pension, gratuities and other retirement benefits as are prescribed thereunder, however, that nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.
- (2) For the purpose of the application of the provisions of the pension Reform Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (other than the power to make regulations) shall be exercisable by the School and not by any other person or authority.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

PART II — FINANCIAL PROVISIONS

Clause 18: Financial Provisions.

- (1) The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Bill.
- (2) There shall be paid and credited to the fund established under subsection (1) of this section —
 - (a) such sums as may from time to time be granted to the Council by the Minister of Education or as may be renamed at any point in time;
 - (b) all moneys raised for the purposes of the Council by way of gifts, grants-in-aids or testamentary disposition; and all subscriptions, fees and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.
- (3) The Council shall submit to the Minister not later than three months before the end of each financial year or at such other time as he may direct, an estimate of its revenue and expenditure for the next succeeding financial year.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Power to Accept Gift.

The Council may accept gifts of land, money, or other property upon such terms and conditions if any, as may be specified by the person making the gift provided such conditions do not conflict with or undermined the objectives of the School as provided in this Bill.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Account and Audit.

The Council shall keep proper accounts of its receipts, payments, assets and liabilities and shall in respect of each year cause the accounts to be audited.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Annual Report.

The Council shall soon as may be after the expiration of each financial year prepare and submit to the Minister a report of its activities during the immediately preceding financial year and shall include in the report copy of the audited accounts of the School for that year and of the auditor's report on the accounts.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Offices and Premises.

- (1) for the purposes of providing offices and premises necessary for the performance of its functions, the Council may —
 - (a) purchase any interest in or take on lease any land; and
 - (b) build, equip and maintain offices and premises.
- (2) The Council may with the approval of the Minister sell any interest in or lease any land, offices or premises held by it and no longer required for the performance of its function.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Discipline of Staff and Student.

- (1) The Council may make rules providing for the Provost to conduct enquiries into alleged breaches of discipline, dereliction of duties and gross misconduct a (including lack of diligence) by students or staff, and such rules may make different provisions for different circumstances.
- (2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.
- (3) Subject to the provisions of subsection (1) of this section, where it is proved during the enquiry that any staff or student of the School has been guilty of misconduct, the Provost may, without prejudice to any other disciplinary powers conferred on him by this Bill or any regulations made hereunder direct —
 - (a) that the staff or student shall not, during such period as may be specified in the direction, participate in such activities of the School, or make use of such facilities of the School, as may be so specify;
 - (b) that the activities of the staff or student shall during such period as maybe;
 - (c) specified on the directions, be restricted in such manner as may be so specified; or that the staff or student may be suspended for such period as may be specified in the direction; or
 - (d) that the staff or student be expelled from the School.
- (4) Where there is temporarily no Provost or where the Provost refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary actions as are specified in subsection (a) of this section to any staff or student of the School who is guilty of misconduct.
- (5) where a direction is given under subsection (3)(a) or (d) of this section in respect of any student, the staff or student may, within twenty-one days from the date of the letter communicating the decision to him, appeal from the direction to the Council, and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may think fit.

- (6) The fact that an appeal from a direction is brought in pursuance of subsection of this section shall not affect the operation while the appeal is pending.
- (7) The Provost may delegate his powers under this section to a disciplinary committee consisting of such members of the School as he may nominate.
- (8) Nothing in this section shall be construed as preventing the restriction or termination of a staff's appointment or student's activities at the School otherwise than on the ground of misconduct.
- (9) It is hereby declared that the direction under subsection (3) (a) of this section may be combined with a direction under subsection (3) (b) of this section.
- (10) In all cases under this section, the decision of the Council shall be final unless reversed by the Minister on appeal by the staff or student.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Interpretation.

In this Bill, unless the context otherwise requires —

"Chairman" means the Chairman of the Council;

"School" means the School of Mines and Geological Studies established by section 1 of this Bill and "Schools" shall be construed accordingly;

"Council" means the Governing Council of the School established by section 2 of this Bill;

"Congregation" means academic and non-academic staff of the School with first degree or Higher National Diploma (HND);

"Functions" includes powers and duties;

"Member" means a member of Council including the Chairman;

"Minister" means the Minister charged with responsibility for matters relating to the Federal Ministry of Mines and Steel Development;

"Provost" means the Provost of the School appointed under section 9 of this Bill;

"The person responsible for the advancement and development of Mining and Geological Studies" means the person appointed by the Minister to oversee the School in Akoko-Edo Local Government Area.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Short Title.

This Bill may be cited as the School of Mines and Geological Studies (Establishment, etc.) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

SCHEDULE

Section 2 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service.

1. There may be paid to the members of the council any committee, other than ex-officio members, such remunerations and allowances as may from time to time be determined by the Minister.
2. Where a vacancy occurs in respect of the membership specified in section 3 (1) (d), it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and such successor shall represent the same interest as his predecessor.
3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Proceedings of the Council.

4. (1) The Council shall meet for the conduct of business at such times, places and on such days the Chairman may appoint but shall meet not less than once every four months.
 - (2) The Chairman may at any time at the request in writing of not less than 6 members, convene a meeting of the Council.
 - (3) At any meeting of the Council the Chairman shall preside; but in his absence, member present shall elect one of their members to preside at the meeting.
 - (4) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the Council but persons co-opted shall not be entitled to vote at a meeting.
 - (5) The quorum of the Council shall be one half of the total members of the Council at least one of whom shall be a member appointed by the Minister.
 - (6) Decisions of the Council shall be made on approval by a simple majority of members.

Miscellaneous.

5. (1) The fixing of the seal of the School shall be authenticated by the signature of the Chairman, Provost and of some other members of the Council authorized generally or specially by the Council to act for that purpose.
 - (2) Any contract or instrument which, if made or executed by a person other than a body corporate would not be required to be under seal may be made or executed on behalf of the School by any person generally or specially authorized to act for that purpose by the Council.
 - (3) Any document purporting to be duly executed under the seal of the School shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

Question that the provisions of this Schedule stand part of the Bill — Agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for Act to Provide for the Establishment of the School of Mines and Geological Studies in Akoko-Edo Local Government Area and for Related Matters, 2018 and approved as follows:

Clauses 1- 25 — As Recommended

Schedule — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

**14. Committee on Independent National Electoral Commission (INEC):
Report on the Independent National Electoral Commission (INEC) Act 2010 (Amendment) Bill, 2018 (SB. 699)**

Motion made: That the Senate do consider the Report of the Committee on Independent National Electoral Commission (INEC) on the Independent National Electoral Commission (INEC) Act 2010 (Amendment) Bill, 2018 (*Senator Suleiman M. Nazif — Bauchi North*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to Consider a Bill for An Act to Amend the Independent National Electoral Commission Act No. 6, 2010 and for Other Matters Connected Therewith, 2018 (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO AMEND THE INDEPENDENT NATIONAL ELECTORAL COMMISSION ACT NO. 6, 2010 AND FOR OTHER MATTERS CONNECTED THEREWITH, 2018

**Clause 1: Amendment of Clause 8:
Secretary to the Commission.**

8.(1) There shall be a Secretary to the Commission who shall —

(a) be appointed by the Commission;

(b) have such qualifications and experience to be determined by the Commission as are appropriate for a person required to perform the functions of his office under this Act.

(2) Subject to the general direction of the Commission, the Secretary shall be —

(a) responsible for keeping of proper records of the proceedings of the Commission;

(b) the head of the Commission's secretariat and be responsible for the administration thereof; and

- (c) responsible for the direction and control of all other employees of the Commission with the approval of the Commission.
- (3) The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff as may be prescribed by this Act or any other enactment or law.
- (4) All employees of the Commission appointed pursuant to subsection (3) of this section excluding such as are appointed on a temporary basis for an honorarium shall have the same right and obligation as provided for in the Pension Reform Act.

Insertion of new Sub-Section (5)

- (5) A person, who being a member of a political party, misrepresents himself by not disclosing his membership, affiliation, or connection to any political party in order to secure an appointment with the Commission in any capacity, commits an offence and is liable on conviction to imprisonment for a term of 5 years or a fine of ₦5,000,000, or both.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

**Clause 2: Amendment of Clause 9:
National Register of Voters and Voters' Registration.**

- 9.(1) The Commission shall compile, maintain, and update on a continuous basis, a National Register of Voters, in this Act referred to as the "Register of Voters" which shall include the names of all persons entitled to vote in any Federal, State or Local Government or Area Council elections.
- (2) The Commission shall keep the Register of Voters as the National Register of Voters in its National Headquarters and or other locations as the Commission may determine from time to time:

Provided that the Commission shall keep the Register of Voters in —

- (a) electronic format in its central database.
- (b) manual, printed, paper-based record or hard copy format.
- (5) The registration of voters, updating and revision of the register of voters under this section shall stop not later than 60 days before any election covered by this Bill.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

**Clause 3: Amendment of Clause 15:
Power to Print and Issue Register of Voters.**

- 15.(1) the Commission shall cause a voters' register for each State to be "printed, reproduced, copied, duplicated or saved in an electronic format" and any person or political party may obtain from the Commission, on payment of such charges, a certified-true copy of any voters' register for the State or for a Local Government or Area Council or registration area within it.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4:**Amendment of Clause 18:****Power to Issue Duplicate Voters' Card.**

- 18.(1) Whenever a Voter's card is lost, destroyed, defaced, torn or otherwise damaged, the owner of such card, not less than 60 days before the polling day shall, apply in person to the Electoral Officer or any other duly authorised officer for that purpose by the Resident Electoral Commissioner, stating the circumstances of the loss, destruction, defacement or damage.
- (2) If the Electoral Officer or any other authorized officer is satisfied as to the circumstances of the loss, destruction, defacement or damage of the voters' card, he shall cause to be issued to the voter a replacement of a permanent voter's card.
- (3) No person shall issue a replacement of a permanent voters card to any voter on polling day or less than 30 days before polling day
- (4) Any person who contravenes subsection (3) of this section commits an offence and is liable on conviction to 5 years imprisonment or a fine of N5,000,000.00 or both.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5:**Amendment of Clause 19:****Display of the Copies of the Voters' List.**

19. (1) Subject to the provisions of section 9 (5) of this Bill, the Commission shall, not later than 30 days to a general election, appoint a period of 7 days during which a copy of the voters' register for each Local Government, Area Council or Ward shall be displayed or published for public scrutiny at every Registration Area and on its official website or any website established by the Commission for that purpose"
- (2) Upon displaying or publishing the voters' register in accordance with this section, the Commission shall accept and consider objections and complaints in relation to the names omitted or included in the voters' register or in relation to any necessary correction, within 14 days of publishing the voters' register in accordance with this section.
- (3) An official or staff of the Commission who wilfully fails to display or publish the voters' register as provided under subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term of 6 months or a fine of ₦100,000.00 or both.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 5 do stand part of the Bill, put and agreed to.

- 30.(1) The Commission shall not later than 150 days before the day appointed for holding of an election under this Act publish a notice in each State of the Federation and the Federal Capital Territory —
- (a) stating the date of the election; and
 - (b) appointing the place at which nomination papers are to be delivered.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Amendment of Clause 31:

Submission of List of Candidates and Their Affidavits by Political Parties.

- 31.(6) If the Court determines that any of the information contained in the affidavit is false, the Court shall issue an order disqualifying the candidate from contesting the election, if already elected, shall not be eligible to re-contest another election which shall be conducted within 90 days by the Commission.
- (8) A political party which presents to the Commission the name of a candidate who does not meet the qualification stipulated in this section commits an offence and is liable on conviction to a fine of ₦5,000,000.00'

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Amendment of Clause 33:

Political Parties Changing Candidates.

- 33.(1) No Political Party shall be allowed to change or substitute its candidate whose name has been submitted pursuant to Section 32 of this of this Act, except in the case of death or withdrawal by the candidate;
- (2) provided that in the case of such withdrawal or death of a candidate, the political party affected shall, within 10 days of the occurrence of the event, hold a fresh primary election to produce and submit a fresh candidate to the Commission for the election concerned.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Amendment of Clause 34:

Publication of Nomination.

- 34.(1) The Commission shall, at least thirty days before the day of the election publish by displaying or causing to be displayed at the relevant office or offices of the Commission and on the Commission's website, a statement of the full names and addresses of all candidates standing nominated.

New insertion

- (2) Any candidate who observes his name or that of his party missing on the list published in accordance with subsection (1), shall notify the Commission in writing, signed by himself and supported with an affidavit not later than 28 days to the election.
- (3) Where the candidate fails to notify the Commission in accordance with subsection (2), the candidate shall be deemed to have waived his right.
- (4) The Commission shall produce ballot papers for the relevant elections in accordance with the list published after corrections in conformity with subsection (2).

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

**Clause 10: Amendment of Clause 36:
Death of a Candidate.**

- 36.(1) If after the time for the delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Chief National Electoral Commissioner or the Resident Electoral Commissioner shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate and the Commission shall appoint some other convenient date for the election within 14 days. (DSP)

Provided that the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 7 days of the death of its candidate and submit a new candidate to the Commission to replace the dead candidate.

Amendment Proposed.

Immediately after the word "primary" in line 2, insert the word "election" (*Senator Mohammed Hassan — Yobe South*).

Question that the amendment be made, put and agreed to.

- (2) The list of voters to be used at a postponed election shall be the official voters register, which was to be used if the election had not been postponed.
- (3) If after the commencement of poll and before declaration of a winner, a leading candidate whose votes affect the results of the election dies —
 - (a) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 21 days.
 - (b) the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 7 days of the death of its candidate and submit a new candidate to the Commission to replace the dead candidate.
 - (c) subject to paragraphs (a) and (b), the Commission shall continue with the election, announce the final result and declare a winner (*Senator Suleiman M. Nazif —Bauchi North*).

Question that Clause 10 as amended do stand part of the Bill, put and agreed to.

Clause 11: Amendment of Clause 38:**Failure of a Nomination.**

- 38.(1) Where at the close of nomination there is no candidate validly nominated, the Commission shall extend the time for nomination and fix a new date for the election.
- (2) Where there is a valid nomination by at least one political party, failure of a political party to validly nominate a candidate shall not constitute ground for extension of time for nomination or postponement of election.
- (3) Polling Agents who are in attendance at a polling unit, are entitled, before the commencement of the election, to have originals of electoral materials, including ballot papers, result sheets, ballot papers' account and verification documents and other electoral forms to be used by the Commission for the election inspected, and this process may be recorded in writing, on video or by other means by any Polling Agent, accredited observer or official of the Commission.
- (4) Where it is determined that there has been a substantial compliance with this provision in respect of the polling unit, the elections at that polling unit shall not be invalidated.
- (5) A Presiding Officer who contravenes subsection (3) or (4) commits an offence and is liable on conviction to at least a term of one year imprisonment or a fine of ₦1,000,000, or both.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Amendment of Clause 44:**Format of Ballot Papers.**

- 44.(1) The Commission shall prescribe the format of the ballot papers which shall include the symbol adopted by the Political Party of the candidate and such other information as it may require.
- (2) The ballot papers shall be bound in booklets and numbered serially with differentiating colours for each office being contested.
- (3) The Commission shall, not later than 40 days to an election, invite in writing, a political party that nominated a candidate in the election to inspect its identity appearing on samples of relevant electoral materials proposed for the election, and the political party shall state in writing two days of being so invited by the Commission that it approves or disapproves of its identity as it appears on the samples.
- (4) Unless the political party disapproves of its identity as provided under subsection (3), it shall not complain of unlawful exclusion from the election under this Act in relation to its identity appearing on electoral materials used for the election.
- (5) A political party that fails to comply with an invitation by the Commission under subsection (3) shall be deemed to have approved its identity on samples of electoral materials proposed to be used for an election."

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

**Clause 13: Amendment of Clause 48:
Display of Ballot Boxes.**

- 48.(1) At the hour fixed for opening of the poll, before the commencement of accreditation and voting, the Presiding Officer shall open the empty ballot box and show same to such persons as may lawfully be present at the Polling unit and shall then close and seal the box in such manner as to prevent its being opened by unauthorized person(s).

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

**Clause 14: Amendment of Clause 49:
Issue of Ballot Papers.**

- 49.(1) A person intending to vote in an election shall present himself with his voter's card to a Presiding Officer for accreditation at the polling unit in the constituency in which his name is registered.
- (2) The Presiding Officer shall use a Smart Card Reader or any other similar technological device that may be prescribed by the Commission, for the accreditation of voters, to verify, confirm or authenticate the particulars of the voter in the manner prescribed by the Commission."
- (3) The presiding officer shall on being satisfied with the accreditation of the voter in the manner prescribed by the commission issue the voter a ballot paper and indicate on the register that the person has voted
- (4) Where a smart card reader deployed for accreditation of voters fails to function in any polling unit and a fresh card reader is not deployed 3 hours before the close of the election in that unit or units, then the election shall not hold but be rescheduled and conducted within 24 hours thereafter.

Provided that where the total possible votes from all the affected card readers in the unit or units does not affect the overall result in the constituency or election concerned, the commission shall notwithstanding the fact that a fresh card reader is not deployed as stipulated, announce the final results and declare a winner.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

**Clause 15: Amendment of Clause 52:
Conduct of Poll by Open Secret Ballot.**

- 52.(1) (a) Voting at an election under this Bill shall be by open secret ballot.
- (2) A voter on receiving a ballot paper shall mark it in the manner prescribed by the Commission.
- (3) 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.

- (4) The Commission shall adopt electronic voting in all elections or any other method of voting as may be determined by the Commission from time to time."

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Amendment of Clause 53:

Over Voting.

- 53.(1) No voter shall vote for more than one candidate or record more than one vote in favour of any candidate at any one election.
- (2) Where the votes cast at an election in any polling unit exceed the number of accredited voters in that polling unit, the result of the election for that polling unit shall be declared null and void by the Commission and another election may be conducted at a date to be fixed by the Commission where the result at that polling unit may affect the overall result in the Constituency.
- (3) Where an election is nullified in accordance with subsection (2) of this section, there shall be no return for the election until another poll has taken place in the affected area.
- (4) Notwithstanding the provisions of subsections (2) and (3) of this section the Commission may, if satisfied that the result of the election will not substantially be affected by voting in the area where the election is cancelled, direct that a return of the election be made.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Amendment of Clause 63:

Counting of Votes and Forms.

- 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.
- (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.
- (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) of this section.
- (4) Presiding Officer shall announce the result at the polling unit and transmit same in the manner prescribed by the Commission.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Amendment of Clause 65:**Post-election Procedure and Collation of Election Results.**

- 65.(1) After the recording of the result of the election, the Presiding Officer shall announce the result and deliver same and election materials under security to such persons as may be prescribed by the Commission.
- (2) The Commission shall compile, maintain and update, on a continuous basis, a register of election results to be known as the National Electronic Register of Election Results which shall be a distinct database or repository of polling unit by polling results, including collated election results, of each election conducted by the Commission in the Federation, and the Register of Election Results shall be kept in electronic format by the Commission at its National Headquarters.
- (3) Any person or political party may obtain from the Commission, on payment of such fees as may be determined by the Commission, a certified true copy of any election result kept in the National Electronic Register of Election Results for a State, Local Government, Area Council, Ward or Polling Unit, as the case may be and the certified true copy may be in printed or electronic format."

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Amendment of Clause 67:**Endorsement of Rejected Ballot Paper Without Official Mark.**

- 67.(1) The Presiding Officer shall endorse the word "rejected" on the ballot paper rejected under section 54(1) of this Act and for any other reason, and the ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.
- (2) If an objection to the decision of a Presiding Officer to reject a ballot paper is raised by a candidate or a polling agent at the time the decision is made, the Presiding Officer shall add to the word "rejected", the phrase "but objected to".
- (3) The presiding officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection and their serial number, he shall on request allow a candidate or a polling agent to copy the statement.

Insertion of new Sub-Sections (4-9)

- (4) A Collation Officer or Returning Officer at an election shall collate and announce the result of an election, subject to his verification and confirmation that the —
- (a) number of accredited voters stated on the collated result are correct and consistent with the number of accredited voters recorded and transmitted directly from polling units under section 49 (2) of this Bill.
- (b) The votes stated on the collated result are correct and consistent with the votes or results recorded and transmitted directly from polling units under section 63 (4) of this Bill.

- (5) Subject to subsection (1), a Collation Officer or Returning Officer shall use the number of accredited voters recorded and transmitted directly from polling units under section 49 (2) of this Bill and the votes or results recorded and transmitted directly from polling units under section 63 (4) of this Bill to collate and announce the result of an election if a collated result at his or a lower level of collation is not correct.
- (6) Where during collation of results, there is a dispute regarding a collated result or the result of an election from any polling unit, the Collation Officer or Returning Officer shall use the following to determine the correctness of the disputed result: —
 - (a) the original of the disputed collated result for each polling unit where the election is disputed.
 - (b) the smart card reader or any other similar technological device used for accreditation of voters in each polling unit where the election is disputed for the purpose of obtaining accreditation data directly from the Smart Card Reader or any other similar technological device.
 - (c) date of accreditation recorded and transmitted directly from each polling unit where the result is disputed as prescribed under section 49 (2) of this Bill.
 - (d) the votes and result of the election recorded and transmitted directly from each polling unit where the result is disputed, as prescribed under section 63 (4) of this Bill.
- (7) If the disputed result under subsection (6) were otherwise found not to be correct, the Collation Officer or Returning Officer shall re-collate and announce a new result using the information in subsection (6) (a-d).
- (8) Where the dispute under subsection (6) arose at the level of collation and the Returning Officer has satisfied the provision of subsection (6), the Returning Officer shall accordingly declare the winner of the election.
- (9) A Returning Officer or Collation Officer, as the case may be, commits an offence if he intentionally collates or announces false result, he shall be liable on conviction, to a term of at least 5 years imprisonment, without an option of fine.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

**Clause 20: Amendment of Clause 76:
Forms for Use at Elections.**

76.(1) The forms to be used for the conduct of elections under this Act shall be determined by the Commission.

Insertion of new Sub-Section (2)

- (2) An election conducted at a polling unit without the prior recording in the forms prescribed by the Commission of the quantity, serial numbers and other particulars of results sheets, ballot papers and other sensitive electoral materials made available by the Commission for the conduct of the election shall be invalid, provided that the election shall not be invalidated where it is determined that the extent of the non-compliance is not such that would affect the integrity of the process at the polling unit.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Amendment of Clause 78:**Powers of the Commission to Register Political Parties.**

78.(4) A political association that meets the conditions stipulated in the Constitution and this Act shall be registered by the Commission as a political party within 60 days from the date of receipt of the application, and if after the 60 days such association is not registered by the Commission, unless the Commission informs the association to the contrary, it shall be deemed to have been registered.

- (5) An association, its executive members or principal officers who give false or misleading information, commit an offence and is liable on conviction, in the case of —

Insertion of new Sub-Paragraphs (a) and (b)

(a) the association to a fine of ₦5,000,000;

(b) each executive or principal officer of the association to imprisonment for a term of 6 months or a fine of ₦1,000,000 or both.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Amendment of Clause 82:**Symbols of Political Parties.**

82.(1) The Commission shall keep a register of symbols and names for use at elections.

- (2) The Commission shall register the symbol and name of a political party if it is satisfied that —

(a) no other symbol and name of the same design is registered.

(b) the symbol and name is distinctive from any other symbol and name already registered.

(c) its use will not be offensive or otherwise objectionable.

- (3) The Commission shall remove a symbol or name from the register of symbols and names if the —

(a) political party in whose name it is registered requests the removal; or

(b) Commission is of the opinion that the political party in whose name the symbol is registered has ceased to exist or to use the symbol "and names".

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Amendment of Clause 85:

Notice of Convention, Congress, etc.

- 85.(1) Every registered political party shall give the Commission at least 21 days' notice of any convention, congress, conference or meeting convened for the purpose of "merger and fusion and" electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices specified under this Act.
- (2) The Commission may with or without prior notice to the political party monitor and attend any convention, congress, conference or meeting which is convened by a political party for the purpose of:- (a) electing members of its executive committees or other governing bodies; (b) nominating candidates for an election at any level; (c) approving a merger with any other registered political party.
- (3) The election of members of the executive committee or other governing body of a political party, including the election to fill a vacant position in any of the aforesaid bodies, shall be conducted in a democratic manner and allowing for all members of the party or duly elected delegates to vote in support of a candidate of their choice.
- (4) Notice of any congress, conference or meeting for the purpose of nominating candidates for Area Council elections shall be given to the Commission at least 21 days before such congress, conference or meeting

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Amendment of Clause 87:

Nomination of Candidates by Parties.

- 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.
- (2) A political party shall not impose nomination qualification or disqualification criteria, measures, or conditions on any aspirant or candidate for any election in its constitution, guidelines, or rules for nomination of candidates for elections, except as prescribed under sections 65, 66, 106, 107, 131, 137, 177 and 187 of the Constitution of the Federal Republic of Nigeria.
- (3) For the purpose of nomination of candidates for election, the total fees, charges, dues and any payment howsoever named imposed by a political party on an aspirant or candidate shall not exceed: —
- (a) ₦150,000 for a Ward Councillorship aspirant in the FCT;
 - (b) ₦250,000 for an Area Council Chairmanship aspirant in the FCT;
 - (c) ₦500,000 for a House of Assembly aspirant;
 - (d) ₦1,000,000 for a House of Representatives aspirant;
 - (e) ₦2,000,000 for a Senatorial aspirant;
 - (f) ₦5,000,000 for a Governorship aspirant; and

- (g) ₦10,000,000 for a Presidential aspirant.
- (4) Any requirement, criterion, measures, or condition for the nomination of candidates for elections outside the provisions of subsections (2) or (3) shall be invalid.
- (5) Every political party shall publish the venues, dates, times, guidelines, procedures and other relevant information of its primaries, conventions or any event conveyed for the purpose of nominating candidates for the party in at least two national newspapers and, at least, ten days before the date of the event to nominate candidates for the party.
- (6) A political party that adopts the system of direct primaries for the nomination of its candidate for an election shall ensure that all aspirants are given equal opportunity of being voted for by registered members of the party and comply with the following procedure-

Insertion of new sub-paragraph (a - d) —

- (a) in the case of nominations to the position of presidential candidate in a presidential election, a political party shall, where it intends to sponsor a candidate —
 - (i) conduct direct primaries in the registration areas in the 36 States of the Federation and the FCT where all registered members of the party are eligible to vote and may freely vote for any Presidential aspirant of their choice,
 - (ii) declare the presidential aspirant with the highest number of valid votes cast during the primaries across the 36 States of the Federation and the FCT as the winner of the presidential primaries,
 - (iii) hold a National Convention where it shall present the winner of the primaries to the public as the presidential candidate of the party and the venue of the National Convention shall be determined by the political party, and
 - (iv) forward the name of the winner of the presidential primaries to the Commission as the presidential candidate of the party in the presidential election;
- (b) in the case of nomination to the position of Governorship candidate in a Governorship election in a State, a political party shall, where it intends to sponsor a candidate —
 - (i) conduct direct primaries in the registration areas in each Local Government Area in the particular State where all registered members of the party in the State are eligible to vote and may freely vote for any Governorship aspirant of their choice,
 - (ii) declare the governorship aspirant with the highest number of valid votes cast in all Local Government Areas in the particular State as the winner of the governorship primaries in the State,
 - (iii) hold a State Congress where it shall present the winner of the governorship primaries to the public as the governorship candidate of the party in the governorship election and the

venue of the State Congress shall be determined by the political party, and

- (iv) forward the name of the winner of the primaries to the Commission as the governorship candidate of the party in the election for the State;
- (c) in the case of nominations to the position of Senatorial candidate, House of Representatives candidate and State House of Assembly candidate for a Senatorial District, a Federal Constituency and a State House Constituency respectively, a political party shall, where it intends to sponsor candidates in elections for these elective positions —
 - (i) conduct direct primaries in the registration areas in each Local Government Area in the Senatorial District where all registered members of the party in the Senatorial District are eligible to vote and may freely vote for any Senatorial aspirant of their choice,
 - (ii) conduct direct primaries in the registration areas in each Local Government Area in the Federal Constituency where all registered members of the party in the Federal Constituency are eligible to vote and may freely vote for any House of Representatives aspirant of their choice,
 - (iii) conduct direct primaries in the registration areas in each Local Government Area in the State Assembly Constituency where all registered members of the party in the State Assembly Constituency are eligible to vote and may freely vote for any State House of Assembly aspirant of their choice,
 - (iv) subject to subparagraph (i), declare the Senatorial aspirant with the highest number of valid votes cast in all Local Government Areas in the particular Senatorial District as the winner of the primaries in the Senatorial District and forward the name of the winner to the Commission as the Senatorial candidate of the party in the election for the Senatorial District,
 - (v) subject to subparagraph (ii), declare the House of Representatives aspirant with the highest number of votes in all Local Government Areas in the Federal Constituency as the winner of the primaries in the Federal Constituency and forward the name of the winner to the Commission as the House of Representatives candidate of the party in the election for the Federal Constituency, and
 - (vi) subject to subparagraph (iii), declare the State House of Assembly Aspirant with the highest number of votes in all Local Government Areas in the House of Assembly Constituency as the winner of the primaries in the House of Assembly Constituency and forward the name of the winner to the Commission as the State House of Assembly Candidate of the party in the election for the State Assembly Constituency;

- (d) in the case of the position of a Chairmanship candidate of an Area Council in the Federal Capital Territory, a political party shall, where it intends to sponsor a candidate —
 - (i) conduct direct primaries in the registration areas in the Area Council, where all registered members of the party in the Area Council are eligible to vote and may vote for any chairmanship aspirant of their choice;
 - (ii) declare the chairmanship aspirant with the highest number of votes in all registration areas in the Area Council as the winner of the chairmanship primaries in the Area Council and forward the name of the winner of the chairmanship primaries to the Commission as the chairmanship candidate of the party in the election for the Area Council.
- (7) A political party that adopts the system of indirect primaries for the nomination of its candidates for election shall conduct a delegates election in all registration areas in the constituency where the election is to be held and all registered members of the party in that registration area are eligible to vote for any contestant who presents himself to be a delegate of the party:
- (8) A political party leader or official who is not elected in his or her registration area as a delegate of his or her party under subsection (7) shall not be a voting delegate of the party and shall not vote in his party's indirect primaries but may perform his functions in a neutral manner as may be prescribed in his party's constitution in relation to indirect primaries:

Provided that in performing his functions as a party leader or official in relation to indirect primaries, the party leader or official shall not conduct himself in any manner whatsoever to impact the election in favour of any aspirant in the indirect primaries.

- (9) A party leader or official who contravenes the provisions of subsection (8) of this section commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of ₦1,000,000.
- (10) All National, State, Local Government Area or Area Council and Ward executives of a party and elected officials of government mentioned in this section who are members of the party are automatic or super delegates who are eligible to vote in their party's indirect primaries —
 - (a) President and former Presidents;
 - (b) Vice President and former Vice Presidents;
 - (c) Governors and former Governors;
 - (d) Deputy Governors and former Deputy Governors;
 - (e) Senators and former Senators;
 - (f) Members of the House of Representatives and former Members of the House of Representatives;
 - (g) Members of State Houses of Assembly;
 - (h) Chairmen of Local Government Councils; and

- (i) Councilors of Wards,

Provided that the party shall have the power to determine in its constitution or nomination guidelines and manuals, the particular indirect primaries or election to particular elective offices that automatic or super delegates shall vote.

Insertion of new paragraphs (11 - 23)

- (11) A political party that adopts the system of indirect primaries for the choice of its candidate may outline further guidelines, rules and procedures to guarantee free, fair, and credible election of delegates to vote at a convention or congress of the party, but such further guidelines, rules and procedures shall not be inconsistent with the provisions of this Act.
- (12) The Primaries of political parties shall follow the following sequence —
- (a) National Assembly;
 - (b) State Houses of Assembly;
 - (c) Governorship; and
 - (d) Presidential.
- (13) The dates for the primaries shall not be earlier than 150 days and not later than 90 days before the date of elections to the offices.
- (14) Any official of the Commission who issues, endorses or certifies a false report or result in respect of a delegates election or primaries of a political party commits an offence and is liable on conviction to imprisonment for a term of one year or a fine of ₦1,000,000, or both.
- (15) A political party that adopts the system of indirect primaries for the nomination of its candidates for election shall ensure that all aspirants are given equal opportunity of being voted for by delegates of the party who shall be registered members of the party.
- (16) Where a political party adopts the system of indirect primaries for the nomination of its candidates for elections, the party shall adopt the following procedure —
- (a) in the case of nominations to the position of presidential candidate, a political party shall, where it intends to sponsor a candidate —
 - (i) hold a special presidential convention at a designated centre in the Federal Capital Territory or any other place within the Federation and on a date agreed by the National Executive Committee of the party where delegates of the party shall vote for each of the presidential aspirants of the party, and
 - (ii) the presidential 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's name shall be forwarded to the Commission as the presidential candidate of the party;
 - (b) in the case of nomination to the position of Governorship candidate, a political party shall, where it intends to sponsor candidates —
 - (i) hold a special congress at a designated centre in the State Capital or any other place within the State and on a date agreed by the party where delegates of the party shall vote

for each of the governorship aspirant of the party, and

- (ii) the governorship aspirant with the highest number of votes at the end of voting shall be declared the winner of the governorship primaries of the party and the party shall forward the aspirant's name to the Commission as the candidate of the party, for the particular State;
- (c) in the case of nomination to the position of a candidate to the Senate, House of Representatives and State House of Assembly, a political party shall, where it intends to sponsor candidates —
 - (i) hold special congresses in the Senatorial District, Federal Constituency and the State Assembly Constituency respectively in designated centres and on a date or dates agreed by the party where delegates of the party shall vote for each of the Senatorial, House of Representatives and House of Assembly Aspirants of the party, and
 - (ii) the Senatorial, House of Representatives and House of Assembly Aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party for Senatorial District, Federal Constituency and the State Assembly Constituency respectively and the aspirant's names shall be forwarded to the Commission as the Senatorial, House of Representatives and House of Assembly candidates of the party, as the case may be; and
- (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 —
 - (i) hold special congresses in the Area Councils, with delegates voting for each of the aspirants at designated centres on a specified date, and
 - (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.
- (17) 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 submitted to the Commission as the candidate of the party.
- (18) Where there is only one aspirant for an elective position in a party that has adopted the direct system of primaries, such an aspirant is deemed to be unchallenged and the party shall forward the name of the aspirant to the Commission as the candidate of the party.
- (19) Where there is only one aspirant for any of the elective positions mentioned in subsection (16) (a) - (d), the party shall convene a special convention or congress, as the case may be, at a designated centre in the particular constituency on a specified date to confirm that aspirant as the candidate of the party and the party shall forward the name of the aspirant to the Commission as the candidate of the party.

- (20) A political appointee at any level of government shall not be an automatic or super delegate at the convention or congress of any political party for the purpose of nomination of candidates for any election under the indirect primaries system, except where such a political appointee is also an officer of a political party or otherwise elected as a delegate under subsection (7).
- (21) Nothing in this section shall prevent a political party from organizing staggered primaries.
- (22) Notwithstanding the provisions of this Act or rules of a political party, an aspirant who complains that any of the provisions of this Act or rules of a political party has not been complied with in the nomination of a candidate of a political party for election, may apply to the Federal High Court or the High Court of a State or the FCT for redress.
- (23) Nothing in this section shall empower the Courts to stop the holding of primaries or general election or the processes under this Act pending the determination of the suit.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

**Clause 25: Amendment of Clause 91:
Limitation on Election Expenses.**

- 91.(1) Election expenses shall not exceed the sum stipulated in Sub-Sections (2) (3) (4) (5) (6) and (7).
- (2) The maximum election expenses to be incurred by a candidate at a presidential election shall not exceed ₦5,000,000,000.00.
- (3) The maximum amount of election expenses to be incurred by a candidate in respect of governorship election shall not exceed ₦1,000,000,000.00.
- (4) The maximum amount of election expenses to be incurred by a Candidate in respect of Senatorial and House of Representatives seat shall not exceed ₦100,000,000.00 and ₦70,000,000.00 respectively.

Amendment Proposed:

Leave out the figures and word "₦100,000,000.00 and ₦70,000,000.00" and insert the figures and word "₦250,000,000.00 and ₦100,000,000.00" instead thereof (Senator Ahmad I. Lawan — Yobe North).

Question that the amendment be made, put and agreed to.

- (5) In the case of State Assembly election, the maximum amount of election expenses to be incurred by a candidate shall not exceed ₦30,000,000.00.
- (6) In the case of a chairmanship election to an Area Council, the maximum amount of election expenses to be incurred by a candidate shall not exceed ₦30,000,000.00.
- (7) In the case of Councillorship election to an area Council, the maximum amount of election expenses to be incurred by a candidate shall not exceed ₦5,000,000.00.

- (8) In determining the total expenditure incurred in relation to the candidature of any person at any election no account shall be taken of: —
- (a) any deposit made by the candidate on his/her nomination in compliance with the law ;
 - (b) any expenditure incurred before the notification of the date fixed for the election with respect to services rendered or material supplied before such notification.
 - (c) Political party expenses in respect of the candidate standing for a particular election.
- (9) No individual or other entity shall donate to a candidate more than ₦10,000,000.00.
- (10) A candidate who knowingly acts in contravention of this section, commits an offence and is liable on conviction to a fine of 1 % of the amount permitted as the limit of campaign expenditure under this Bill or imprisonment for a term not exceeding 12 months or both (*Senator Suleiman M. Nazif—Bauchi North*).

Question that Clause 25 as amended do stand part of the Bill, put and agreed to.

Clause 26: Amendment of Clause 99:

Limitation on Political Broadcast and Campaign by Political Parties.

- 99.(1) For the purpose of this Bill, the period of campaigning in public by every political party shall commence 150 days before polling day and end 24 hours prior to that day.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Amendment of Clause 100:

Campaign for Election.

- 100.(1) A candidate and his party shall campaign for the elections in accordance with such rules and regulations as may be determined by the Commission.
- (2) State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.
 - (3) Media time shall be allocated equally among the political parties or candidates at similar hours of the day.
 - (4) At any public electronic media, equal airtime shall be allotted to all political parties or candidates during prime times at similar hours each day, subject to the payment of appropriate fees.
 - (5) At any public print media, equal coverage and conspicuity shall be allotted to all political parties.
 - (6) Any person who contravenes subsections (3) and (4) commits an offence and is liable on conviction, in a case of —

New insertion

- (a) a public media, to a fine of ₦2,000,000.00 in the first instance and to a fine of ₦5,000,000.00 for subsequent conviction; and
- (b) principal officers and other officers of the media house to a fine of ₦2,000,000.00 or to imprisonment for a term of 12 months.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Amendment of Clause 112:**Death of Chairman Before Oath of Office.**

- 112.(1) If a person duly elected as Chairman dies before taking and subscribing to the Oath of Allegiance and Oath of Office, the person elected with him as Vice-Chairman shall be sworn in as Chairman who shall then nominate and, with the approval of the majority of members of the Area Legislative Council appoint a new Vice-Chairman
- (2) Where the Vice Chairman is appointed from among the Councilors as the new Vice-Chairman, the Commission shall conduct a bye-election to fill the vacant seat created in the ward from which the new Vice-Chairman has been appointed.
- (3) Where the persons duly elected as Chairman and Vice-Chairman of an Area Council die before taking and subscribing the oath of allegiance and oath of office during which period the Area Council has not been inaugurated the Commission shall within 21 days conduct an election to fill the vacancies.
- (4) If after the commencement of poll and before the announcement of the final result and declaration of a winner, a leading candidate whose votes affects the final result dies —
 - (a) the Commission shall, being satisfied of the fact of the death, suspend the election for a period not exceeding 14 days;
 - (b) the political party whose candidate died may, if it intends to continue to participate in the election, conduct a fresh primary within 7 days of the death of its candidate and submit a new candidate to the Commission to replace the dead candidate; and
 - (c) subject to paragraphs (a) and (b), the Commission shall continue with the election, announce the final result and declare a winner.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 28 do stand part of the Bill, put and agreed to.

**Clause 29: Amendment of Clause 120:
Offences in Relation to Registration, etc.**

120.(d) Section 120 (d) of the Principal Act is amended by deleting ₦1,000,000.00 and substituting it with ₦2,000,000.00 and by deleting 12 months and substituting it with 2 years.

Insertion of new sub-paragraph (e)

(e) any person who procures, deals, obtains, or possesses any fake voters' card, commits an offence and is liable on conviction to a maximum of 5 years imprisonment with an option of fine.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 29 do stand part of the Bill, put and agreed to.

**Clause 30: Amendment of Clause 138:
Grounds of Petition.**

- 138.(1) An election may be questioned on grounds that —
- (a) a person whose election is questioned was, at the time of the election, not qualified to contest the election; or
 - (b) the election was invalid by reason of corrupt practices or non-compliance with the provisions of this Act, published manuals, guidelines, regulations and or procedures issued by the Commission for the election.
 - (c) that the respondent was not duly elected by majority of lawful votes cast at the election; or
 - (d) subject to the provisions of this Act, the petitioner or its candidate was validly nominated but unlawfully excluded from the election.
- (2) An act or omission which may be contrary to an instruction or directive of the Commission or of an officer appointed for the purpose of the election but which is not contrary to the provisions of this Act and published manuals, guidelines, regulations or procedures issued by the Commission for the conduct of the election shall not of itself be a ground for questioning the election.

Insertion of new Sub-Section (3)

- (3) With respect to subsection (1) (a), a person is deemed to be qualified for an elective office and his election shall not be questioned on grounds of qualification if, with respect to the particular election in question, he meets the applicable requirements of sections 65, 106, 131 or 177 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and he is not, as may be applicable, in breach of sections 66, 107, 137 or 182 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — Agreed to.

Question that Clause 30 do stand part of the Bill, put and agreed to.

**Clause 31: Amendment of Clause 139:
Certain Defects Not to Invalidate Elections.**

- 139.(1) An Election shall not to be invalidated by reason of non-compliance with the provisions of this Act and published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election, if it appears to the Election Tribunal or Court that the election was conducted substantially in accordance with the principles of this Act and that the non-compliance did not affect substantially the result of the election.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 31 do stand part of the Bill, put and agreed to.

**Clause 32: Amendment of Clause 140:
Nullification of Election by Tribunal or Court.**

- 140.(1) Subject to subsection (2) of this section, if the Tribunal or the Court as the case may be, determines that a candidate who was returned as elected was not validly elected on any ground, the Tribunal or the Court shall nullify the election.
- (2) Where an election tribunal or court nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, the election tribunal or court shall not declare the person with the second highest votes as elected, but shall order a fresh election.
- (3) If the Tribunal or the Court determines that a candidate who was returned as elected was not validly elected on the ground that he did not score the majority of valid votes cast at the election, the Election Tribunal or the Court, as the case may be, shall declare as elected the candidate who scored the highest number of valid votes cast at the election and satisfied the requirements of the Constitution and this Act.

Insertion of new Sub-Section (4) (a-c)

- (4) Subject to the provisions of this Act, if at the point of display or distribution of ballot papers by the Commission, a candidate or his agent discovers that his name or the name or logo of his party is omitted, a candidate or his agent shall notify the Commission and the Commission shall —
- (a) postpone the election to rectify the omission; and
- (b) appoint another date to conduct the election, not later than 90 days.
- (c) where the election is postponed due to omission of a political party's name or logo, the Commission's Officer responsible for such printing of party names or logos commits an offence and is liable on conviction to a fine of ₦2,000,000.00 or imprisonment for 2 years or both.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Amendment of Clause 143:**Person Elected to Remain in Office Pending Determination of Appeal.**

- 143.(1) Where the nomination of an elected candidate is nullified by the Court and notice of appeal against the decision is given within the stipulated period for appeal, the elected candidate shall notwithstanding the contrary decision of the court remain in office pending the determination of the appeal.
- (2) Where the Appellate court determines that a candidate was not validly nominated, the elected candidate shall, notwithstanding the contrary decision of the Court, remain in office within the period for which an appeal may be filed and shall not be sanctioned for the benefits he derived while in office pursuant to this section, provided that where the Appellate Court in this instance is the Supreme Court, the candidate shall cease to hold that office.
- (3) Where the Election Tribunal or the Court, as the case may be, determines that a candidate returned as elected was not validly elected, then if notice of appeal against that decision is given within twenty-one days from the date of the decision, the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal or the Court, remain in office pending the determination of the appeal.
- (4) Where the Election Tribunal or the Court, as the case may be, determines that a candidate returned as elected was not validly elected, the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal or the Court, remain in office pending the expiration of the period of twenty-one days within which an appeal may be brought.
- (5) Where the election is nullified by the Court and notice of appeal against the decision is given within the stipulated period for appeal, the elected candidate shall, notwithstanding the contrary decision of the Court remain in office and enjoy all the benefits that accrued to the office pending the determination of the appeal and shall not be sanctioned for the benefits derived while in office.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Amendment of Clause 151:**Inspection of Documents.**

- 151.(1) An order for an inspection of a polling document or an inspection of a document or any other packet in the custody of the Chief National Electoral Commissioner or any other officer of the Commission may be made by the election tribunal or the court if it is satisfied that the inspection is required for the purpose of instituting, maintaining or defending an election petition.

- (2) A document other than a document referred to in subsection (1) of this section relating to an election and which is retained by the Chief National Electoral Commissioner or any other officer of the Commission in accordance with this section shall be open for inspection on an order made by the Election Tribunal or a Court in exercise of its powers to compel the production of documents in legal proceedings, but shall not otherwise be open for inspection.

Insertion of new Sub-Section (3)

- (3) Where there is a breach of an order of a court or tribunal directed at the Commission particularly, order to produce, inspect or take copies of electoral materials, such disobedience shall attract court sanctions, which shall include the committal by the Tribunal or Court of the Commission's official to whom the order is directed, to a conviction of imprisonment for a term of at least 2 years, or fine of not less than ₦10,000,000.00 or both.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Amendment of Clause 156:

Interpretation.

156. In this Act, unless the context otherwise requires: —

"Appointment" includes appointment to an office, confirmation of appointment, promotion or transfer;

"Area Council" means Area Councils recognized and existing by virtue of section 3 (6) of the Constitution and as set out in Part I and Part II of the First Schedule thereof and any additional Area Council provided by an Act of the National Assembly in accordance with the Provisions of the Constitution"

"Association" means a body of persons (corporate or otherwise) who agree to act together for any common purpose and includes an association formed for any ethnic, social, cultural, occupational or religious purpose; "Attorney-General of the Federation" means the Chief Law Officer of the Federation;

"Authority" includes government or government agency and corporate bodies;

"Campaigning in public" referred to in section 99 means the campaign that commences after the publication of the notice of election by the commission pursuant to section 30 of this Bill;

"Candidate" means a person who has secured the nomination of a political party to contest an election for any elective office;

"Chief Electoral Commissioner" means the Chairman of Independent National Electoral Commission;

"Civil Servant" means a person employed in the civil service of the Federation or of a State or Local government as contained in the Constitution of the Federal Republic of Nigeria, 1999 as (amended).

"Clerk" means the Clerk of the National Assembly, Clerk of the State House of Assembly, and Clerk of the Legislative House of the Local Government/Area Council or any person acting in that capacity;

"Commission" means the Independent National Electoral Commission established by the Constitution;

"Constitution" means the Constitution of the Federal Republic of Nigeria;

"Conviction" means a pronouncement by a Court or Tribunal that a person is guilty of an offence under this Bill or under the provisions of the Constitution whether or not any punishment is imposed on the person as a result of the conviction. Conviction further includes admission by a person in writing, verbally, or by conduct that he is guilty, or have committed or aided and abetted the commission of the offence or crime concerned;

"Electronic format" refers to the electronic version of the Register of Voters or National Electronic Register of Election Results, as the case may be, created, recorded, transmitted or stored in digital form or in other intangible forms by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means and which may be converted to or reproduced in a paper document."

"Fusion" means a process by which a political party fuses with another political party by dropping its name and symbol and become subsumed in another political party, thereby cease to exist;

"The Conduct" referred to in this subsection is, for instance, where a person reimburses the sums of money or any parts thereof obtained through corrupt practice in order to avoid prosecution;

"Decision", means in relation to court or tribunal, any determination of that court or tribunal and includes a judgment, decree, conviction, sentence, order or recommendation;

"Election" means any election held under this Bill and includes a referendum;

"Electoral Officer" means a staff of the Commission who is the head of the Commission's office at a Local Government Area or Area Council level;

"Federation" means the Federal Republic of Nigeria;

"Function" includes power and duty;

"General Election" means an election held in the Federation at large which may be at all levels, and at regular intervals to select officers to serve after the expiration of the full terms of their predecessors;

"Government" includes the Government of the Federation, of a State or of a Local Government Area or Area Council, or any person or organ exercising power or authority on its behalf;

"House" or Legislative House" means the Senate, House of Representatives, House of Assembly of a State and includes the Legislative House of a Local Government Area or Area Council;

"Leader of an association" means every person holding an executive position in that association, including in particular, the Chairman, Secretary or Treasurer of the association and every member of its committee of management, however described;

"Leader of a political party" means every person holding an executive position in that political party, including in particular, the Chairman, Secretary or Treasurer of the political party and every member of its committee of management, however described;

"Legal incapacity" means a person disqualified under the Constitution or the present Act or any other Law, Rules and Regulations from registering as a voter or from contesting elections;

"Local Government" means Local Government recognized and existing by virtue of section 3(6) of the Constitution and set out in Parts I and II of the First Schedule thereof and any additional Local Government provided for by an Act of the National Assembly in accordance with section 8 (5) of the Constitution;

"National Assembly" means the Senate and the House of Representatives;

"Offensive weapon or missile" includes any cannon, gun, rifle, carbine, revolver, pistol or any other firearm, bow and arrow, spear, cutlass, knife, dagger, axe, cudgel, or any other thing capable of being used as an offensive weapon or missile, including teargas, acid, and any inflammable substance capable of injuring a person;

"Office or "Public Office" means any of the offices the occupation to which is by election or appointment under this Bill;

"Petition" means an election petition under this Bill;

"Polling Agent" means a person representing a political party or independent candidate at the polling unit, ward, Local Government, Federal constituency, Senatorial district, State or Federal collation centres.

"Polling unit" means the place, enclosure, booth, shade or house at which voting takes place under this Act ;

"Political party" includes any association of persons whose activities includes canvassing for votes in support of a candidate for election under this Bill and registered by the Commission;

"Power" includes function and duty;

"President" means the President of the Federal Republic of Nigeria;

New insertion

"Presiding Officer" means a person appointed by the Commission to be in charge of the conduct of election in a polling unit or polling station, and this shall include persons who may be under different titles but who are charged by the Commission with the same responsibilities at a polling unit or polling station as a Presiding Officer;

"Published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of the election" means that which is made public by the Commission at least seven days before the date of general elections;

"Registrar" includes Chief Registrar, Deputy Chief Registrar and Registrar of other grades of the Supreme Court, Court of Appeal, Federal High Court and the High Court of a State;

"Registration Officer" includes supervisory assistant registration officer and assistant registration officer;

"Resident Electoral Commissioner" means the Commissioner deployed for the time being to a State;

"Return" means the declaration by a Returning Officer of a candidate in an election under this Act as being the winner of that election;

New insertion

"Returning Officer" means a person appointed by the Commission to be in charge of the conduct of election in a constituency, and this includes persons who may be under different titles but who are charged by the Commission with the same responsibilities in a constituency as a Returning Officer."

"School Certificate" has the meaning as defined in the Constitution;

"Secret Society" has the meaning as defined in the Constitution.

"State" when used otherwise than in reference to one of the component parts of the Federal Republic of Nigeria shall include government of a State;

"State Commission" means State Independent Electoral Commission established by section 197 of the Constitution;

New Insertion

"Ward Collation Officer" means Registration Area Collation Officer.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 35 do stand part of the Bill, put and agreed to.

Clause 36: Short Title.

157. This Bill may be cited as the Electoral Act No. 6, 2010 (Amendment) Bill, 2018.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Suleiman M. Nazif—Bauchi North*) — Agreed to.

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: Amendment to First Schedule

The First schedule to the Principal Act is amended —

Insert immediately after paragraph 41(1), a new paragraph "41(1A)" —

A PETITIONER

"41(1A).-it is not necessary for a petitioner who alleges non-compliance with the provisions of this Act, the published manuals, guidelines, regulations, procedures or directives issued by the Commission for the conduct of elections to call oral evidence if originals or certified true copies of electoral documents or materials used by the Commission to conduct the election in the polling unit where the non-compliance is alleged are listed in the petition and tendered at the trial of the petition by the petitioner in proof of the non-compliance complained of.; and

DOCUMENTARY EVIDENCE

Substitute Sub-paragraph 46(4), with a new sub-paragraph "46(4)" —

"Documentary evidence shall be put in and may be read or taken as read by consent, such documentary evidence shall be deemed demonstrated in open court and the parties in the petition shall be entitled to address and urge argument on the content of the document, and the tribunal or court shall scrutinize or investigate the content of the documents as part of the process of ascribing probative value to the documents or otherwise."

Committee's Recommendation:

That the provision in First Schedule be retained (*Senator Suleiman M. Nazif —Bauchi North*) — *Agreed to.*

Question that First Schedule do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Independent National Electoral Commission (INEC) on the Independent National Electoral Commission (INEC) Act 2010 (Amendment) Bill, 2018 and approved as follows:

Clauses 1- 9	—	As Recommended
Clause 10	—	As Amended
Clauses 11- 24	—	As Recommended
Clause 25	—	As Amended
Clauses 26- 37	—	As Recommended
Schedule	—	As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the*

Affirmative.

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

15. Committee on Establishment and Public Service:

Report on the Counselling Practitioners Council of Nigeria (Establishment, etc.) Bill, 2018 (SB.636):

Consideration of Report deferred to another Legislative Day.

16. Committee on Judiciary, Human Rights & Legal Matters:

Report on the Nigerian Law Reform Commission Act (Amendment) Bill, 2018 (SB. 26):

Consideration of Report deferred to another Legislative Day.

17. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 24th October, 2018 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:51 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.