



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 15th February, 2006

1. The Senate met at 10: 15 a. m. The Senate President read Prayers.
2. Votes and Proceedings:
The Senate President announced that he had examined the Votes and Proceedings of Tuesday, 14th February, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.

3. Petition:
Ruling of Justice Ishaq Bella, Presiding Judge, Abuja High Court in the case of the State Vs Francis Okoye and Others:
Senator Ben Obi presented a petition on behalf of Professor Dora Akunyeli, Director-General National Food and Drugs Administration Council (NAFDAC). The petitioner alleged that Francis Okoye and six others attempted to assassinate her on 26th December, 2003 which resulted in the death of a bus driver, Mr. Emeka Onuekutu. The petitioner claimed that after 19 months of trial the suspects were freed by Justice Ishaq Bello on grounds of lack of jurisdiction and venue.

He urged the Senate to look critically and dispassionately at the matter with a view to ensuring that justice is done.

Petition ordered to lie upon the Table and referred to the Committee on Ethics, Code of Conduct and Public Petition to report within two weeks.

4. Presentation of Bill:
Regulation and Control of Dredging and Excavation of Land Bill 2006 (SB. 272) — *Read the First Time*,
5. Committee on Independent National Electoral Commission (INEC):
Electoral Bill 2006 (SB. 153);
Motion made and Question Proposed: That the Senate do resolve into the Committee of the Whole to resume consideration of the Report of the Committee on Independent National Electoral Commission (INEC) on the Electoral Bill 2006 (*Adjourned Debate, Tuesday 14th February, 2006*) (*Senate Majority Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

(MR. PRESIDENT IN THE CHAIR)

Report of the Committee on Independent National Electoral Commission on the Electoral Bill 2006.

- Clause 8:**
- (1) The Commission shall submit to the Ministry of Finance not later than 31st October in each financial year an estimate of its expenditure and income (including payments to the National Electoral Commission Fund) during the next succeeding financial year.
 - (2) The Commission shall keep proper accounts in respect of each financial year (and proper records in relation thereto) and shall cause its accounts to be audited as soon as may be after the end of each financial year by the Auditor-General of the Federation

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 9:**
- The Commission shall make a proposed review of the constituencies of each State. The proposed review shall set out the proposed changes to the boundaries of the constituencies of the States pursuant to section 114 of the constitution.

Committee's Recommendation:

Leave out the provision in Clause 9 (*Senator David C. Brigidi*) — *Agreed to.*

- Clause 10:**
- (1) There shall be established in each State of the Federation and FCT, an office of the Commission which shall perform such functions as may be assigned to it, from time to time, by the Commission.
 - (2) There shall be for each State of the Federation and the Federal Capital Territory, Abuja, a Resident Electoral Commissioner who shall-
 - (a) be a person of unquestionable integrity;
 - (b) not be a less than 40 years of age; and
 - (c) Be appointed by the President, Commander-in-Chief of the Armed Forces.
 - (3) The Resident Electoral Commissioner appointed pursuant to subsection (2) of this section, may be removed by the President, Commander-in-Chief of the Armed Forces.

Committee's Recommendation:

Leave out the provision in Clause 10 (*Senator David C. Brigidi*).

Amendment Proposed:

Leave out the provision in Clause 10 and *insert* a new Clause 10 as follows:

- "(1) There shall be established in each state of the Federation and **the** Federal Capital Territory an office of the Commission which shall perform such function as may be assigned to it by the Commission.

Tenure of Office of Resident Electoral Commissioner:

- (2) A person appointed to the office of a Resident Electoral Commissioner shall:-
 - (a) Be answerable to and under the disciplinary control of the Commission;and

Amendment Proposed:

Immediately after the word "to" in line 1 *leave out* the words "and under the disciplinary control of" (*Senator James E. Manager*).

Question that the amendment be made put and agreed to.

- (b) Hold office for a period of five years subject to renewal for another term of five years and no more

Amendment Proposed:

Leave out all the words after "years" in line 1 (Senator Baba Tela).

Question that the amendment be made put and agreed to.

- (3) Notwithstanding the provision of subsection (2)(b) of this section, a person holding the office of Resident Electoral Commissioner may be removed from that office by the President for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct (Senator Umaru Dahiru).

Question that the amendment be made put and agreed to.

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

Clause 11: In the discharge of its functions under this Act, the Commission shall not be subject to the direction or control of any other person or authority.

Committee's Recommendation:

Leave out the provision in Clause 11 (Senator David C. Brigidi) — Agreed to.

- Clause 12:
- (1) The Commission shall meet for the conduct of its business at such times, places and on such days as the Chairman may appoint.
 - (2) The Chairman shall preside at all meetings of the Commission but if he is absent from any meeting of the Commission, the members present shall elect one of their member to preside at that meeting.
 - (3) During the Chairman's absence on leave or if the Chairman is otherwise not available or is unable to perform his functions, the President, Commander-in-Chief of the Armed Forces may appoint any member of the Commission to act as Chairman for any specified period.
 - (4) The quorum for meetings of the Commission shall be as provided in section 159(1) of the Constitution.
 - (5) Question put before the Commission at a meeting shall be decided by consensus failing which decision shall be by simple majority of members present and voting.

Committee's Recommendation:

Leave out the provision in sub-clause 5 (Senator David C. Brigidi) — Agreed to.

- (6) The Chairman shall in the case of an equality of votes have a casting vote in addition to his deliberative vote.

Committee's Recommendation:

Leave out the provision in sub-clause 6 (Senator David C. Brigidi) — Agreed to.

- (7) Subject to this section, the Commission shall have power to regulate its proceedings and may make standing orders with respect to the holding of meetings, the notice to be given, the procedure thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
- (8) The validity of any proceedings of the Commission shall not be affected by any vacancy in its membership or any defect in the appointment of a member or by reason that a person not entitled to do so took part in the proceedings.

Committee's Recommendation:

Leave out the provision in sub-clause 8 (Senator David C. Brigidi) — Agreed to.

- (9) Where the Commission desires to obtain the advice or service of any person on a particular matter, the Commission may co-opt him to attend the Commission's meeting for such period as it thinks fit; but a person who is in attendance by virtue of this subsection shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

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

- Clause 13:
- (1) The Commission may appoint one or more committees to carryout any of its functions under this Act.
- (2) A Committee, appointed pursuant to subsection (1) shall consist of such number of persons as may be determined by the Commission,

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

PART II STAFF OF

THE COMMISSION.

- Clause 14:
- (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
- ta) 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 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 Act"

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

PART III

NATIONAL REGISTER OF VOTERS AND VOTER'S REGISTRATION

- Clause 15:
- (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/Area Council Elections.

- (2) The Commission shall maintain as part of the National Register of Voters, a register of voters for each State of the Federation and for the Federal Capital Territory.
- (3) The Commission shall maintain as part of the Register of Voters for each State and the Federal Capital Territory, a Register of Voters for each Local Government /Area Council within the State and the Federal Capital Territory.
- (4) The register shall contain in respect of every person the particulars required in the Form prescribed by the Commission.
- (5) The registration of voters, updating and revision of the register of voters under this section shall stop not later than 120 days before any election covered by this Act.
- (6) The registration of voters shall be at the registration centers designated for that purpose by the Commission and notified to the public

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

Clause 16: There shall be continuous registration of all persons qualified to be registered as voters in each constituency on a date to be fixed by the Commission.

- (a) Each applicant for registration under the continuous registration system shall appear in person with any of the following documents, namely: birth or baptismal certificate, passport or driver's license containing his photograph or any other document required by the registration officer that will prove the identity, age and nationality of the Applicant.

Committee's Recommendation:

Immediately after the word "certificate" in line 2 *insert* the words "National Identity Card" (*Senator David C. Brigidi*) — *Agreed to.*

- (b) The commission may within sixty days after each year make available to every political party, the names and address of each person registered during that year.

Committee's Recommendation:

Immediately after the word "commission" in line 1 *leave out* the word "may" and *insert* the word "shall" instead thereof (*Senator David C. Brigidi*) — *Agreed to.*

Amendment Proposed:

Immediately after the word "party" in line 2 *insert* the words "and any other interested person" (*Senator Titus O. Olupitan*).

Question that the amendment be made put and agreed to.

- (c) The procedure applicable to claims and objections made hereunder may be elaborated in the Registration Rules.

Committee's Recommendation:

Immediately after the word "hereunder" in line 1 *leave out* the word "may" and *insert* the word "shall" instead thereof (*Senator David C. Brigidi*) — *Agreed to.*

- (d) As soon as claims and objections have, been dealt with or the period for making 'claims and objections has expired, the supplementary list shall be included in the revised register, which shall be certified by the Commission as the official register of voters for the purposes' of any election conducted under this Act and supercedes all previous registers
- (e) when a general election is notified by the Commission pursuant to section 25 (1) of this Act, the current official register of voters certified by the Commission in accordance with subsection (d) of this section shall be the official voters 'register

for those elections. In the case of every by-election, conducted under this Act, the official voters' register for use at such, elections shall be the existing current register relating to the Senatorial district or the constituency concerned. (*Senator David C. Brigidi*) — *Agreed, to.*

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

- Clause 17:**
- (1) For the purpose of maintaining and updating the Voters' Register; the Commission shall appoint such registration, revision or update officers as it may require, provided that such officers shall not be members of any political party.
 - (2) Any person may raise an objection against any officer during the registration or updating exercise and failure to raise such objection shall not vitiate the register.
 - (3) **The** officers appointed under subsection (1) of this section shall exercise, such functions and duties as may be specified by the Commission, in accordance with the provisions of this Act, and they shall not be subject to the direction or control of any person or authority other than the Commission in the performance of their functions' and duties.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 18:**
- (1) A person shall be qualified for registration as a voter if such a person:-
 - (a) is a citizen of Nigeria
 - (b) has attained the age of eighteen years
 - (c) is ordinarily resident, works in, originates from the Local Government/Area Council or Ward covered by the registration centre;
 - (d) presents himself to the registration officers of the Commission for registration as a voter within the period stipulated by the Commission for registration of voters; and
 - (e) Is not subject to any legal incapacity to vote under any law; rule or regulations in force in Nigeria.
 - (2) No **person** shall register in more **than** one registration centre or register more **than** once in the same registration centre.
 - (3) Any person who contravenes the provisions of subsection (2) of this section commits an offence and **is liable** on conviction to a fine not exceeding N100,000.00 or imprisonment for a term not exceeding one year or both.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 19:**
- (1) A person who before the election is resident in a constituency other than the one in which he was registered may apply to the Resident Electoral Commissioner of **the** State where he is currently resident for his name to be entered on the Transferred Voters List for the constituency.
 - (2) An application under subsection (1) of this section shall be accompanied by the applicant's voter's card and be made not less than 30 days before the date of an election in the constituency where the applicant is resident.
 - (3) The Resident Electoral Commissioner to whom an application is made under the provision of this section shall cause to be entered the applicant's name in the Transferred Voters 'List if he is satisfied that the applicant is resident in a polling area in the constituency and is registered in another constituency.

- (4) Whenever an Electoral Officer on the direction of the Resident Electoral Commissioner enters the name of any person on the Transferred Voters' List for his constituency he shall -
- (a) Assign that person to a polling station or polling area in his Constituency and indicate in the list the polling area or polling station to which that person is assigned.
 - (b) issue the person with a new voters' card and
 - (c) Send a copy of the entry to the Electoral Officer of the constituency where the person whose name has been so entered was originally registered and upon receipt of this entry, the Electoral Officer shall delete the name from his voters' list.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 20: In the performance of his or her duties under this Act, a registration officer and an update officer may;
- (a) demand from any applicant the information necessary to enable him' to ascertain whether the applicant is qualified to be registered as a voter in accordance with the provisions of this Act; and
 - (b) Require any voter or applicant to complete an application form within a period specified by the Commission.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 21: The Commission shall cause a voters' register for each State to be printed, and any person may obtain from the Commission, on payment of such charges and subject to such conditions as may be prescribed, copies of any voters' register for the State or for a Local Government/Area Council or Registration Area within it

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 22:
- (1) The Commission shall design, print and control the issuance of voters cards to voters whose names appear in the register.
 - (2) No voter shall hold more than one valid voters' card.
 - (3) Any person who contravenes subsection (2) of this section commits an offence and is liable on conviction, to a fine not exceeding N100,000.00

Amendment Proposed:

Immediately after the figure "N100,000.00" in line 2 *insert* the words "or imprisonment not exceeding one year" (*Senator David Mark*)

Question that the amendment be made put and agreed to.

- (4) The Commission may, whenever it considers it necessary, replace all or any voter¹ cards for the time being held by voters (*Senator David C. Brigidi*) — *Agreed to.*

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

Clause 23: Each Electoral Officer shall take custody of the voters' register for his Local Government Area under the general supervision of the Resident Electoral Commissioner.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

Clause 24: (1) Whenever a Voter card is lost, destroyed, defaced, torn or otherwise damaged, the voter shall, at least thirty (30) days before polling day apply in person to Electoral Officer or any officer duly authorized for that purpose by the Resident Electoral Commissioner, stating the circumstances of the loss, destruction, defacement or damage .

(2) If the Electoral Officer or that other is satisfied as to the circumstances of the loss, destruction, defacement or damage of the Voter's card, he shall issue to the voter another copy of voter's original voter's card with the word "DUPLICATE" clearly marked or printed on it, showing the date of issue.

Amendment Proposed:

Immediately after the word "or" in line 1 *leave out* the words "that other" and *insert* the words "any other officer" instead thereof (*Senator Umaru Dahiru*).

Question that the amendment be made put and agreed to.

(3) No person shall issue a duplicate voter's card to any voter on polling day or within thirty (30) days before polling day

(4) Any person who contravenes sub-section (3) of this section commits an offence and is liable on conviction to a fine not exceeding N100, 000.00 or imprisonment not exceeding one year or both.

Committee's Recommendation:

(i) Immediately after the word "exceeding" in line 2 *leave out* the figure "N100.000.00" and *insert* the figure N 200,000.00" instead thereof

(ii) Immediately after the word "exceeding" in line 3 *leave out* the word "one year or both" and *insert* the words "two years" instead thereof (*Senator David C. Brigidi*) — *Agreed to.*

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

Clause 25: (1) Subject to the provisions ,of section 16 (I) of this Act, the Commission shall, by notice: appoint a period of not less than 5 days and not exceeding 14 days, during which a copy of the voters' register for each Local Government/ Area Council or Ward shall be displayed for public scrutiny and during which period any objection or complaint in relation to the names omitted or included in the voters' register or in relation to any necessary correction, shall be raised or filed.

(2) During the period of the display of the supplementary Voters' register under this Act, any person may:

(a) raise an objection on the form prescribed by the Commission against the inclusion in the supplementary Voters' register of the name of a person on grounds that the person is not qualified to be registered as a voter in the State, Local Government/Area Council, Ward or Registration Area or that the name of a deceased person is included in the register; or

(b) Make a claim on the form prescribed by the Commission that the name of a person registered to vote has been omitted.

(3) Any objection or claim under subsection (2) of this section shall be addressed to the Resident Electoral Commissioner through the Electoral. Officer in charge of the Local Government/Area Council.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 26: Not later than 60 days before a general election, the supplementary voters' list shall be integrated with the voters register and published.

Committee's Recommendation:

Immediately after the word "register" in line 2 insert the word "certified" (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 27: The Commission may appoint as a Revision Officer any person to hear and determine claim for and objection to any entry in or omission from the preliminary list and may appoint such number of other persons as it deems necessary to assist the Revision Officer.

Committee's Recommendation :

That the provision in Clause 27 be retained (*Senator David C. Brigidi*) ~ *Agreed to.*

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

- Clause 28: The proprietary rights in any voters' card issued to any voter shall vest in the Commission.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 29: Any person who:
- (a) Is in unlawful possession of any voter's card whether issued in the name of any voter or not: or
 - (b) Sells or attempts to sell or offers to sell any voter's card whether issued in the name of any voter or not: or
 - (c) Buys or offers to buy any voter's card whether on his own behalf or on behalf of any other person. Commits an offence and is liable, on conviction, to a fine not exceeding N200, 000.00 or imprisonment not exceeding two years or both.

Committee's Recommendation:

Immediately after the word "fine" leave out all the words and insert the following instead thereof

" of N500, 000.00 or to imprisonment for 5 years. He shall in addition be banned from exercising any political rights for 5 years commencing from the date of conviction" (*Senator David C. Brigidi*).

Amendment Proposed:

That the provision in the original Act be retained (*Senator Zik S. Ambuno*).

Question that the amendment be made put and agreed to.

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

- Clause 30: (1) Any person who-
- (a) makes a false statement in any application for registration as a voter knowing it to be false or;

Amendment Proposed:

Leave out the provision in sub-clause 30(l)(b)(Senator Bassey Ewa-Henshaw).

Question that the amendment be made put and agreed to.

- (c) in the name of any other person, whether living, dead or fictitious, signs an application form for registration as a voter to have that other person registered as a voter;
- (d) transmits or is concerned in transmitting to any person as genuine a declaration relating to registration which is false in any material particular, knowing it to be false;
- (e) by himself or any other person procures the registration of himself or any other person on a voters¹ register for a State, knowing that he or that other person is not entitled to be registered on that voters' register or is already registered on it or on another voters' register; or
- (f) by himself or any other person procures the registration of a fictitious person, commits an offence and is liable on conviction to a fine not exceeding N 100,000.00 or imprisonment not exceeding one year or both.

Committee's Recommendation:

Immediately after the word "fine" in line 3 *leave out* the words and figure "not exceeding N100,000.00 or imprisonment not exceeding one year or both" and *insert* the words and figures "of N200,000.00 or imprisonment for 2 years or both" instead thereof (*Senator David C. Brigidi*).

Amendment Proposed:

That the provision in the original Act be retained (*Senator Farouk B. Bunza*).

Question that the amendment be made put and agreed to.

- (2) Any person who-
 - (a) By duress, including threats of any kind, causes or induces any person or persons generally to refrain from registering as a voter or voters;
 - (b) In any way hinders another person from registering as a voter, commits an offence and is liable on conviction, to a fine not exceeding N200,000.00 or imprisonment not exceeding two years.

Committee's Recommendation:

Immediately after the word "exceeding" in line 3 *leave out* the figure and words "N200,000.00 or imprisonment not exceeding two years" and *insert* the figures and words "N500,000.00 or imprisonment for 5 years or both" instead thereof (*Senator David C. Brigidi*) — *Agreed to.*

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

PART IV PROCEDURE AT**ELECTION**

Clause 31: Elections into the offices of the President and Vice-President, the Governor and Deputy Governor of a State, and to the Membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation and Chairman and Vice-Chairman and Membership of an Area Council shall be held on the dates' to be appointed by the Independent National Electoral Commission.

Amendment Proposed:

Insert a new sub-clause (2) as follows:

"(2) Notwithstanding the provision in sub-clause (1) of this Clause, election into the legislative houses shall precede elections into executive offices (*Senator Sule Gandi Yari*).

Question that the amendment be made put and agreed to.

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

- Clause 32:
- (1) Where a date has been appointed for the holding of an election, and there is reason to believe that a serious breach of the peace is likely to occur if the election is proceeded with on that date or it is impossible to conduct the election as a result of natural disasters or other emergencies, the Commission may postpone the election and shall in respect of the area, or areas cancelled, appoint another date for the holding of the postponed election.
 - (2) Where an election is postponed under this Act on or after the last date for the delivery of nomination papers, and a poll has to be taken between the candidates then nominated, the Electoral Officer shall, on a new date being appointed for the election, proceed as if the date appointed were the date for the taking of the poll between the candidates.
 - (3) Where the Commission appoints a substituted date in accordance with subsections (1) and (2) of this section, there shall be no return for the election until polling has taken place in the area or areas affected,
 - (4) Notwithstanding the provision of subsection (3) of this section, the Commission may, if satisfied that the result of the election will not be affected by voting in the area or areas in respect of which substituted dates have been appointed, direct that a return of the election be made.
 - (5) The decision of the Commission under subsection (4) maybe challenged by any of the contestants at a Court of Law or Tribunal of competent jurisdiction and on such challenge, the decision shall be suspended until the matter is determined.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 33:
- (1) The Commission shall for the purposes of an election or registration of voters under this Act appoint and designate such officers as may be required provided that no person who is a member of a Political Party or who has openly expressed support for any candidate shall be so appointed.
 - (2) The Officers appointed under subsection (1) of this section shall exercise such functions and duties as may be specified by the Commission, in accordance with the provisions of this Act, and shall not be subject to the direction or control of any person or authority other than the Commission in the performance of their functions and duties.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator David C. Brigidi*) — *Agreed to.*

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

- Clause 34:
- (1) The Electoral Officer Shall act as Returning Officer for election to the office of Chairman of Area Council.
 - (2) Results of all elections shall be announced by-
 - (a) The Presiding Officer at the polling station;
 - (b) The Ward Returning Officer at the ward collation centre;
 - (c) The Returning Officer at the Local Government/Area Council
 - (d) The Returning Officer at the State Constituency collation centre;
 - (e) The Returning Officer at the Federal Constituency collation centre;

- (f) The Returning Officer at the Senatorial District collation centre;
- (g) The Resident Electoral Commissioner who shall be the Returning Officer at the Governorship election; and
- (h) The Chief Electoral Commissioner who shall be the Returning Officer at the Presidential election.

(3) Electoral Officers, Presiding Officers, and Returning Officers shall affirm or swear to an Oath of Loyalty and Neutrality indicating that they would not accept bribe or gratification from any person, and shall perform their functions and duties impartially and in the interest of the Federal Republic of Nigeria without fear or favour.

Committee's Recommendation:

Insert a new sub-clause (4) as follows:

*"(4) The Oath of Loyalty and Neutrality referred to in subsection (3) of this section shall be in **the** form provided for in 2nd schedule to this Act" (Senator David C. Brigidi) — Agreed to.*

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

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole resumed consideration of the Report of the Committee on Independent National Electoral Commission on the Electoral Bill 2006 and approved as follows:

Clause 8-10	As Recommended
Clause 11	Deleted
Clause 12-16	As Recommended
Clause 17	As Amended
Clause 18-22	As Recommended
Clause 23	As Amended
Clause 24	As Recommended
Clause 25	As Amended
Clause 26-29	As Recommended
Clause 30-32	As Amended
Clause 33-34	As Recommended

Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Thursday, 16th February, 2006 at 10.00 a.m.

Adjourned accordingly at 1.58p. m.

Ken Nnamani
President of the Senate