



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 2nd March, 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 Wednesday, 1st March, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.

3. **Presentation of Bills:**

(i) Company **Income Tax Act** (Amendment) Bill 2006 (SB.274) — *Read the First Time.*

(ii) National Social **Insurance Trust Fund Act** (Amendment) Bill 2006 (SB.283) — *Read the First Time.*

(Hi) Investment and Security Act (Amendment) Bill 2006 (SB.288) — *Read the First Time.*

(iv) National Social Welfare Commission (**Establishment**, etc) **Bill** 2006 (SB.290) — *Read the First Time.*

4. **Confirmation of Nomination:**

Motion made and Question Proposed: That the Senate do consider the request by Mr. President Commander-in-Chief for the confirmation of the nomination of Engr. (Dr.) Obafemi Anibaba (*Lagos State*) as a Minister **'of The Government of the Federal Republic of "Nigeria (Senate Majority Leader).'**

Question put and agreed to.

Screening of nominee deferred till Tuesday, 14th March, 2006.

5. **Confirmation of Nomination:**

Motion made and Question Proposed: That the Senate do consider the request by Mr. President Commander-in-Chief for the confirmation of the nomination of the following persons as Non-Executive Commissioners of the Nigeria Communications Commission (NCC).

(i) Engr. Olawole Ige

(ii) Engr. Donatus D. Ude

(iii) Engr. Mukhari I. Zimit

(iv) Barr. Bayo Atoyebi (*Senate Majority Leader*).

Question put and agreed to.

Request accordingly referred to the Committee on Communications to report within two (2) weeks.

6. Committee on Independent National Electoral Commission(INEC):

Electoral Act (Amendment) Bill 2006 (SB. 152):

Motion made and Question Proposed: That the Senate do resolve into the Committee of the Whole to resume consideration of the Electoral Act (Amendment) Bill 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 44: Where a candidate is nominated in more than one constituency, his candidature shall be null and void in each of such constituencies.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator David C. Brigidi*) — Agreed to.

Question, That Clause 44 do stand part of the Bill, put and agreed to.

Clause 45: 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.

Committee's Recommendation;

That the provision **in** Clause 45 be retained (*Senator David C. Brigidi*) — Agreed to.

Question; That Clause 45 do stand part of the Bill, put and agreed to.

Clause 46: Subject to the other provisions of this Act, if after the latest time for the delivery of nomination papers and the withdrawal of candidates for an election under this Act more than one person remains validly nominated, a poll shall be taken. .

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator David C. Brigidi*) — Agreed to.

Question; That Clause 46 do stand part of the Bill, put and agreed to.

Clause 47: A poll shall take place in accordance with the provisions of this Act with respect to **the** following, that is-

(a) In the case of an election to the office of President or Governor of a State, whether or not only one person is validly nominated in respect of such office; and

(b) in the case of an election in respect of any other office, if after the expiry of the time for delivery of nomination papers there is more than one person standing nominated

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senator David C. Brigidi*) — Agreed to.

Question; That Clause 47 do stand part of the Bill, put and agreed to.

Clause 48: (1) After the expiry of time for delivery of nomination papers and withdrawal of candidates and the extension of time as provided for in this Act there is only one person whose name is validly nominated in respect of an election other than to the office of *the* President or Governor, that person shall be declared elected.

- (2) Where a person is declared elected under the provisions of subsection (1) of this section, a declaration of result form as may be prescribed shall be completed and copy thereof issued to the person by the Returning Officer, while the original of the form shall be returned to the Commission as in the case of a contested election.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator David C. Brigidi*) — Agreed to.

Question; That Clause 48 do stand part of the Bill, put and agreed to.

Clause 49: The Commission shall establish sufficient number of Polling Stations in each Registration Area and shall allot voters in such Polling Station.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator David C. Brigidi*) — Agreed to.

Question; That Clause 49 do stand part of the Bill, put and agreed to.

Clause 50: The Commission shall provide suitable boxes for the conduct of elections.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator David C. Brigidi*) — Agreed to.

Question; That Clause 50 do stand part of the Bill, put and agreed to.

Clause 51: (1) The Commission shall provide 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 paper shall be bound in booklets and numbered serially with differentiating colours for each office being contested.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator David C. Brigidi*) — Agreed to.

Question that Clause 51 do stand part of the Bill put and agreed to.

Clause 52: (1) Each Political Party may by notice in writing addressed to the Electoral Officer of the Local Government/Area Council appoint a person (in this Act referred to as a "Polling Agent") to attend at each polling unit in the Local Government/Area Council for which it has candidate and the notice shall set out the name and address of the polling agent and be given to the Electoral Officer at least thirty days before the date fixed for the election.

PROVIDED that no person presently serving either as Chairman or member of a Local Government or Area Council, Commissioner of a State, Deputy Governor, or Governor of a State, Minister or any other person holding political office under any tier of Government and who has not resigned his appointment at least three (3) months before the election shall serve as a polling agent of any Political Party, either at the polling station or at any centre designated for collation of results of an election;

(2) Notwithstanding the requirement of subsection (1) of this section, a candidate shall not be precluded from doing any act or thing which he has appointed a Polling Agent to do on his behalf under this Act.

(3) Where in this Act, an act or thing is required or authorized to be done by or in the presence of a Polling Agent, the non-attendance of the Polling Agent at the time and place appointed for the act or thing or refusal by the Polling Agent to do the act or thing shall not, if the act or thing is otherwise done properly, invalidate the act or thing.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 52 do stand part of the Bill, put and agreed to.

Clause 53: The Commission shall, not later than 14 days before the day of the election, cause to be published, in such manner as it may deem fit, a notice specifying (the following matters, that is to say)

- (a) The day and hours fixed for the poll;
- (b) By way of indication, the persons entitled to vote; and
- (c) The location of the polling stations.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 53 do stand part of the Bill, put and agreed to.

Clause 54: Voting in any particular election(s) under this Act shall take place on the same day and time throughout the Federation.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 54 do stand part of the Bill, put and agreed to.

- Clause 55:**
- (1) At the hour fixed for opening of the poll, before the commencement of voting, the Presiding Officer shall open the empty ballot box and show same to such persons as may lawfully be present at the Polling Station and shall then close and seal the box in such manner as to prevent it being opened by unauthorized person(s).
 - (2) The ballot box shall then be placed in full view of all present, and be so maintained until the close of poll.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 55 do stand part of the Bill, put and agreed to.

- Clause 56:**
- (1) Every person intending to vote shall present himself to a Presiding Officer at the polling unit in the constituency in which his name-is-registered-with his "voter's" card.
 - (2) The Presiding Officer shall, on being satisfied that the name of the person is on the Register of Voters, issue him a ballot paper and indicate on the Register that the person has voted.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator David C. Brigidi*) ~ *Agreed to.*

Question; That Clause 56 do stand part of the Bill, put and agreed to.

Clause 57: A candidate or a Polling Agent may challenge the right of a person to receive a ballot paper on such grounds and in accordance with such procedures as are provided for in this Act.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 57 do stand part of the Bill, put and agreed to.

Clause 58: The Presiding Officer shall separate the queue between men and women if in that area of the country the culture is such that it does not permit the mingling of men and women in the same queue.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 58 do stand part of the Bill, put and agreed to.

Clause 59:

- (1) Voting at an election under this Act 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 Act at any polling station shall be deposited in the ballot box in open view of the public.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 59 do stand part of the Bill, put and agreed to.

Clause 60:

- (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 constituency or polling station exceed the number or registered voters in that constituency or polling Station, the election for that constituency or polling station shall be declared null and void by the Commission and another election shall be conducted at a date to be fixed by the Commission.
- (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 subsection (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 60 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 60 do stand part of the Bill, put and agreed to.

Clause 61:

Where a Voter makes any writing or mark on a ballot paper by which he may be identified, such ballot paper shall be rejected provided that any print resulting from the staining of the thumb of the voter in the voting compartment shall not be or be deemed to, be a mark of identification under this section.

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 61 do stand part of the Bill, put and agreed to.

Clause 62:

A voter who by accident deals with his ballot paper in such a manner that it may not be conveniently used for voting, may deliver it to the Presiding Officer and if the Presiding Officer is satisfied that the ballot paper is spoilt he shall issue another ballot paper to the voter in place of the ballot paper delivered up, and the spoilt ballot paper shall be immediately marked cancelled by the Presiding Officer.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 62 do stand part of the Bill, put and agreed to.

- Clause 63:
- (1) A voter who is blind or is otherwise unable to distinguish symbols or who suffers any other physical disability may be accompanied into the polling station by a person chosen by him and the person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting compartment and assist the voter to make his mark in accordance with the procedure prescribed by the Commission.
 - (2) The Commission may take reasonable steps to ensure that voters with disabilities are assisted at the polling place by the provision of suitable means of communication, such as Braille, Large print or electronic devices or sign language interpretation, or off-site voting in appropriate cases.

Committee's Recommendation:

That the provision in Clause 63 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 63 do stand part of the Bill, put and agreed to.

- Clause 64: No voter shall record his vote otherwise than by personally attending at the Polling Station and recording his vote in the manner prescribed by the Commission.

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 64 do stand part of the Bill, put and agreed to.

- Clause 65: No person shall be permitted to vote at any polling station or unit other than the one to which he is allotted.

Committee's Recommendation:

That the provision in Clause 65 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 65 do stand part of the Bill, put and agreed to.

- Clause 66:
- (1) If at the time a person applies for a ballot paper and before he has left the polling station or unit, a polling agent, polling station official or security agent informs the Presiding Officer that he has reasonable cause to believe that the person is under the age of 18 years or has committed the offence of impersonation and gives an undertaking-on-a-prescribed form to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest that person and the Presiding Officer's order shall be sufficient authority for the police officer so-to act.
 - (2) A person in respect of whom a polling agent, polling official, or security agent gives an information in accordance with the provisions of subsection (1) of this section shall not by reason of the information, be prevented from voting, but the Presiding Officer shall cause the words "protested against for impersonation" to be placed against his name in the marked copy of the register of voters or part of the register of voters.
 - (3) Where a person in respect of whom a declaration is made under subsection (2) of this section, admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote and shall be handed over to the Police.
 - (4) A person arrested under the provisions of this section shall be deemed to be a person taken into custody by a police officer

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 66 as do stand part of the Bill, put and agreed to.

- Clause 67:
- (1) If a person claiming to be entitled to vote applies for a ballot paper after some other person has voted in the name given by the claimant he shall, upon satisfactory answers given to any questions put to him by a Poll clerk be entitled to receive a ballot paper in the same manner as any other voter but the ballot paper (in this Act referred to as "the tendered ballot paper") shall be of a colour different from the ordinary ballot papers.
 - (2) The Presiding Officer shall require the voter to deliver the tendered ballot paper to him instead of allowing it to be put in the ballot box, and the Presiding Officer shall endorse on it the name of the voter and his number in the register of voters.
 - (3) The ballot paper shall, on delivery to the Presiding Officer and in view of all present, be set aside by the Presiding Officer in a packet intended for tendered votes and no tendered ballot paper shall be counted by the Returning Officer.
 - (4) The Presiding Officer shall, when he tenders a ballot paper under this section, enter the name of the voter and his number in the register of voters on the list to be called tendered vote list and the tendered vote list shall be produced in any legal proceedings arising out of the election.

Committee's Recommendation:

That the provision in Clause 67 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 67 do stand part of the Bill, put and agreed to.

- Clause 68: (1) The Presiding Officer shall regulate the admission of voters to the polling station and shall exclude all persons other than the candidates, polling agent, poll clerks and persons lawfully entitled to be admitted including accredited observers, and the Presiding Officer shall keep order and comply with the requirements of this Act at the polling station.
- (2) The Presiding Officer may order a person to be removed from a polling station or unit, who behaves in a disorderly manner or fails to obey a lawful order.
 - (3) A person removed from a polling station or unit under this section shall not, without the permission of the Presiding Officer, again enter the polling station or unit during the day of the election and if charged with the commission of an offence in that polling station or unit the person shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.
 - (4) The Poll Clerk shall enjoy and exercise all the powers of the Presiding Officer in respect of a Polling Station or Unit except that he shall not order the arrest of a person or the exclusion or removal of a person from the polling station or unit without the authority of the Presiding Officer.

Committee's Recommendation:

That the provision in Clause 68 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 68 do stand part of the Bill, put and agreed to.

- Clause 69:
- (1) At the prescribed hour for the close of poll, the Presiding Officer shall declare the poll closed and no more person(s) shall be admitted into the Polling Station and only those already inside the Polling Station shall be allowed to vote.

- (2) After the declaration of the close of polls, no voter already inside the polling station shall be permitted to remain in the polling station unless otherwise authorized under this Act.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 69 do stand part of the Bill, put and agreed to.

- Clause 70:
- (1) The Presiding Officer shall, after counting the votes at the polling station or 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 candidate or their polling agents where available at the polling station.
- (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) The Presiding Officer shall count and announce the result at the polling station.

Committee's Recommendation:

That the provision in Clause 70 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 70 do stand part of the Bill, put and agreed to.

- Clause 71: A candidate or a Polling Agent may, where present at a polling station when counting of votes is completed by the Presiding Officer, demand to have the votes recounted, provided that the Presiding Officer shall cause the votes to be so recounted only once.

Committee's Recommendation:

That the provision in Clause 71 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 71 do stand part of the Bill, put and agreed to.

- Clause 72: 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

Committee's Recommendation:

That the provision in Clause 72 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 72 do stand part of the Bill; put and agreed to.

- Clause 73:
- (1) Subject to subsection (2) of this section, a ballot, which does not bear the official mark, shall not be counted.
- (2) If the Returning Officer is satisfied that a ballot which does not bear the official mark was from a book of ballot papers which was furnished to the Presiding Officer of the polling station in which the vote was cast for use at the election in question, he shall, notwithstanding the absence of the official mark, count that ballot.

Committee's Recommendation:

That the provision in Clause 73 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 73 do stand part of the Bill, put and agreed to.

- Clause 74: (1) The Presiding Officer shall endorse the word "rejected" on the ballot rejected under Section 6 I 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 numbers; he shall on request allow a candidate or a polling agent to copy the statement.

Committee's Recommendation:

That the provision in Clause 74 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 74 do stand part of the Bill, put and agreed to.

- Clause 75:** The decision of the Returning Officer on any question arising from or relating to-
- (a) unmarked ballot;
 - (b) rejected ballot; and
 - (c) Declaration of scores of candidates and the return of a candidate
- Shall be final subject to review by a tribunal or court in election petition proceedings under this Act.

Committee's Recommendation:

That the provision in Clause 75 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 75 as do stand part of the Bill, put and agreed to.

- Clause 76:** In an election to the office of the President or Governor, whether or not contested, and in any contested election to any other elective office, **the** result shall be ascertained by counting the votes cast for each candidate and subject to the provisions of Sections 133; 134 and 179 of the Constitution, the candidate that receives the highest number of votes shall be declared elected by the appropriate Returning Officer.

Committee's Recommendation:

That the provision in Clause 76 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 76 do stand part of the Bill, put and agreed to.

- Clause 77:** Where two or more candidates, poll equal number of votes being the highest in an election, the Returning Officer shall not return any of the candidates and a fresh election shall be held for the candidates on a date to be appointed by the Commission.

Committee's Recommendation:

That the provision in Clause 77 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 77 do stand part of the Bill, put and agreed to.

- Clause 78:** The Commission shall cause to be posted on its notice board a notice showing-
- fa) The candidates at the election and their scores;
 - (b) The person declared as elected or returned at the election.

Committee's Recommendation:

That the provision in Clause 78 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 78 do stand part of the Bill, put and agreed to.

- Clause 79:** The Chief National Electoral Commissioner or any officer authorized by him shall keep official custody of all the documents, including statement of results and ballot papers relating to the election, which are returned to the Commission by the Returning Officers.

Committee's Recommendation:

That the provision in Clause 79 be retained (*Senator David C. Brigidi*) — Agreed to.

Question; That Clause 79 do stand part of the Bill, put and agreed to.

- Clause 80:** Subject to the provisions of this Act, the Commission shall issue and publish in the Gazette, guidelines for the elections which shall make provisions, among other things, for the step by step recording of the poll in the electoral forms as may be prescribed beginning from the polling station or unit to the last collation centre for the ward or constituency where the result of the election shall be declared.

Committee's Recommendation:

That the provision in Clause 80 be retained (*Senator David C. Brigidi*) — Agreed to.

Question; That Clause 80 do stand part of the Bill, put and agreed to.

- Clause 81:** Every Result Form completed at the Ward, Local Government, State and National levels in accordance with the provisions of this Act or any Guidelines issued by the Commission shall be stamped, signed and countersigned by the relevant officers and polling agents at those levels and copies given to the police officers and the polling agents, where available.

Committee's Recommendation:

That the provision in Clause 81 be retained (*Senator David C. Brigidi*) ~ Agreed to.

Question; That Clause 81 do stand part of the Bill, put and agreed to.

- Clause 82:** A sealed Certificate of Return of Election in a prescribed form shall be issued to every candidate who has won an election under this Act.

Committee's Recommendation:

That the provision in Clause 82 be retained (*Senator David C. Brigidi*) ~ Agreed to.

Question; That Clause 82 do stand part of the Bill, put and agreed to.

- Clause 83:**
- (1) The forms to be used for the conduct of elections to the officers mentioned in Section 46 of this Act and election petitions arising there from **shall** be determined by the Commission.
 - (2) The Polling Agents shall be present at the distribution of the election materials from the office to the polling booth.

Committee's Recommendation:

That the provision in clause 83-be -(retained Senator-David C Brigidi) — Agreed to.

Question; That Clause 83 do stand part of the Bill, put and agreed to.

**PART V
POLITICAL PARTIES**

- Clause 84:**
- (1) Any political association which complies with the provisions of the Constitution and of this Act for the purposes of registration shall be registered as a political association for registration as a political party shall be duly submitted to the commission not later than 6 months before a general election.

Amendment Proposed:

- (i) Leave out the word "Association" in line 3 and insert the word "party"
- (ii) Immediately after the word "association" in line 3 insert the words "provided that the application by political association" (*Senator Umaru Dahiru*).

Question that the amendment be made put and agreed to.

- (2) The commission shall on receipt of the documents in fulfillment of the conditions stipulated by the constitution immediately issue the applicant with a letter of acknowledgment stating that all the necessary documents had been submitted to the commission.
- (3) Any political association that meets the conditions stipulated in the constitution and this Act shall be registered by the commission as a political party within 30 days and if after the 30 days the association is not registered by the commission it shall be deemed to be so registered.

Amendment Proposed:

Immediately after the words and figure "within 30 days" in line 2 and 3 **insert** the words "from the date of receipt of the application" (*Senator David Mark*).

Question; That the amendment be made put and agreed to.

- (4) If the Association has not fulfilled all the conditions under this section the commission shall within 30 days from the receipt of application notify the Association in writing stating the reasons.
- (5) Any association which through the submission of false or misleading information pursuant to the provision of the section procures a certificate of registration shall have such certificate cancelled.
- (6) No application for registration as political party shall be processed unless there is evidence of payment of administrative fee as may be fixed from time by the **commission**(*Senator David C. Brigidi*).

Question; That Clause 84 as amended do stand part of the Bill, put and agreed to.

Clause 85: The decision of the commission not to register any association as a political party may be challenged in a court of law, provided that any legal action challenging the decision of the commission shall be commenced within 14 days from the date of receipt of the letter of notification of non registration from the Commission or the expiration of the 30 days referred to in section (4) of this Act.

Committee's Recommendation:

That the provision in Clause 85 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 85 do stand part of the Bill, put and agreed to.

Clause 86: Every political party registered under this Act shall be a body corporate with perpetual succession common seal and may sue and be sued in its corporate name. *Committee's Recommendation:*

That the provision in Clause 86 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 86 do stand part of the Bill, put and agreed to.

- Clause 87:**
- (1) Any political party or association, which contravenes the provision of section 227 of the constitution is guilty of an offence and liable on conviction to a fine of:
 - (a) N500,000.00 for the first offence
 - (b) N700,000.00 for any subsequent offence; and
 - (c) N50, 000.00 for every day that the offence continues.

Committee's Recommendation:

Insert a new sub-clause 87(1)(d) as follows:

"(d) forfeit the grant due it from the Commission for the year in which the offence was committed, and for every year in which the offence continue" (*Senator David C. Brigidi*) — *Agreed to.*

- (2) Any person or group of person who aids or abets a political party in contravening the provision of section 227 of the constitution shall be guilty of an offence and be liable on conviction of a fine of N200, 000.00 or two years imprisonment or both.

Committee's Recommendation:

That the provision in Clause 87 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 87 do stand par! of the Bill, put and agreed to.

Clause 88:

- (1) The commission shall keep a register of symbols for use at elections.
- (2) The Commission shall register the symbol of a political party if it is satisfied that-
- (a) no other symbol of the same design is registered
 - (b) the symbol is distinctive from any other symbol already registered; and
 - (c) its use will not be offensive or otherwise objectionable

Committee's Recommendation:

Insert a new sub-clause 88(2)(d) as follows:

"(d) the required administrative fee has been paid" (*Senator David C. Brigidi*) — *Agreed to.*

- (3) The commission shall remove a symbol from the register of symbols if :-
- (a) The political party in whose name it is registered requests the removal; or
 - (b) The 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.
- (4) Nothing in this section shall authorize the allotment or registration for use at any election of a symbol or materials as symbol of a party, if it portrays.
- (a) The Coat of Arm of the Federation
 - (b) The Coat of Arm of any other country
 - (c) Any device or emblem which in the opinion of the commission is normally associated with-
 - (i) the official acts of government;
 - ii) **any of the Armed Forces** of-the Federation or the **Nigeria** —
Police Force or other uniform service;
 - (iii) The regalia of a chief;
 - (iv) Any tribe or ethnic group;
 - (v) Any religion or cult;
 - (vi) Any portrait of a person living or dead.
 - (d) Any symbol or part of a symbol which under the provision of this section continues to be registered by another political party.
- (5) Subject to the provision of this section, the symbol allotted to a political party and in use immediately before the coming into force of this Act shall continue to be available to, and be used by, the political party without payment of the fee mentioned in sub-section (2) of this section.

Committee's Recommendation:

That the provision in Clause 88 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 88 do stand part of the Bill, put and agreed to.

Clause 89: Where a symbol is registered by a political party in accordance with this Act, the commission shall allot the symbol to any candidate sponsored by the political party at any election.

Committee's Recommendation:

That the provision in Clause 89 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 89 do stand part of the Bill, put and agreed to.

Clause 90: (1) Any two or more registered political parties may merge on approval by the commission following a formal request presented to the commission by the political parties for that purpose PROVIDED that there shall at no time be less than three political parties registered in the country.

Committee's Recommendation:

Leave out all the words after the word "purpose" in line 3(*Senator David C. Brigidi*) — *Agreed to.*

(2) Political Parties intending to merge shall each give to the commission 6 months notice of their desire to do so before a general election.

(3) The written request for merger shall be sent to the Chairman of the Commission and shall be signed by the National Chairman, Secretary and Treasurer for the time being of the different political parties proposing the merger and shall be accompanied by:-

(a) a special resolution passed by the National Convention of each of the parties proposing to merge, approving the merger;

(b) The proposed full name and acronym, constitution, manifesto, symbol or logo of the party together with the address of the National office of the merged party; and

(c) Evidence of payment of processing fee of N100, 000.00 or as may be fixed from time to time by an Act of the national Assembly.

(4) On receipt of the request for merger of any political parties the commission shall consider the request; and if the parties have fulfilled the requirements of the constitution and this Act, approve the proposed merger and communicate its decision to the parties concerned before the expiration of thirty (30) days from the date of the receipt of the formal request.

(5) Where the request for the proposed merger is approved, the commission shall forthwith withdraw and cancel the certificate of registration of all the political parties opting for the merger and substitute therefore, a single certificate of registration in the name of the merger party.

(6) Notwithstanding the provision of subsection (2) of this section no merger of political parties received by the commission less than six months before any general election in the country shall be considered by the commission.

Committee's Recommendation:

That the provision in Clause 90 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 90 do stand part of the Bill, put and agreed to.

- Clause 91:
- (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 electing members of its executives committees, other governing bodies or nominating 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 purposed of-
 - (a) electing members of its executive committee or other governing bodies;
 - (b) nominating candidates for an election at any level; or
 - (c) approving a merger with any other registered political party.
 - (3) Notice of any congress, conference or meeting for the purpose of nominating candidates for Area Council election shall be given to the commission at least 21 days before such congress, conference or meeting.

Committee's Recommendation:

That the provision in Clause 91 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 91 do stand part of the Bill, put and agreed to.

- Clause 92:
- (1) The commission shall monitor and keep record of the activities of all the registered political parties.
 - (2) The commission may seek information or clarification from any registered political party in connection with any activity of the political party which may be contrary to the provision of this Act or any other law, guidelines rules or regulations.
 - (3) The commission may direct its enquiry under subsection (2) of this section to the Chairman or Secretary of the political party at the national State, Local Government or Area Council or Ward level, as the case may be.\
 - (4) A political Party which fails to provide the required information or clarification under subsection (2) of this section or carry out any lawful directives given by the Commission in conformity with the provision of this section is guilty of an offence and liable on conviction to a fine of not more than N500,000.00

Committee's Recommendation:

That the provision in Clause 92 be retained (*Se-nator-David-C.-Brigidi*) — *Agreed-to.*

Question; Thai Clause 92 do stand part of the Bill, put and agreed to.

- Clause 93
- (1) Any Political Party that-
 - (a) Holds or possesses any fund outside Nigeria in contravention of section 225(3)(a) of the Constitution of the Federal Republic of Nigeria 1999 commits an offence and shall forfeit the funds or assets to the Commission and on conviction shall be liable to a fine of not more than N500,000.00;
 - (b) retains any funds or other assets remitted or sent to it from outside Nigeria in contravention of section 225(3)(b) of the constitution of the Federal Republic of Nigeria 1999 is guilty of an offence and shall forfeit the funds or assets to the Commission and if on conviction shall; be liable to a fine of not more than N500,000.00
 - (2) Any Political Party that contravenes the provision of sub-section 1 of this section shall not be eligible to receive a grant under section 94 of this Act.

Committee's Recommendation:

That the provision in Clause 93 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 93 do stand part of the Bill, put and agreed to.

Further consideration of the Bill deferred to a later date.

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 Act (Amendment) Bill 2006 and approved as follows:

Clause 44-82	—	As Recommended
Clause 83-84	—	As Amended
Clause 85-87	—	As Recommended
Clause 88	—	As Amended
Clause 89	—	As Recommended
Clause 90	—	As Amended
Clause 91-93	—	As Recommended

7. **Extension of Time of Sitting:**

Motion made and Question Proposed: That the Senate do sit (this day) beyond the time appointed for the termination of the sitting of the Senate (*Senate Majority Leader*).

Question put and agreed to.

8. **Closed Session:**

Motion made and Question Proposed: That the Senate do resolve into a Closed Session to deliberate on matters relevant to the workings of the Senate (*Senate Majority Leader*).

Question put and agreed to.

SENATE IN CLOSED SESSION - 1:40 P.M.

SENATE IN OPEN SESSION - 2:10 P. M.

The Senate President reported that the Senate in Closed Session deliberated on matters concerning the welfare of Senators.

9. **Adjournment:**

And it being 2:15 p.m. the Senate President adjourned the Senate till Tuesday, 14th March, 2006 at 10.00 a.m.

Adjourned accordingly at 2:15p.m.

Ken Nnamani
President of the Senate