



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 15th 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 Tuesday, 14th March, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.

3. **Announcements:**
The Senate President acknowledged the presence of Students of Premier International School, Wuse II, Abuja in the gallery to observe Senate proceedings.
4. **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 Act (Amendment) Bill 2006.

- Clause 94:**
- (1) Every political party shall submit to the Commission a detailed annual statements and analysis of its sources of funds and other assets together with statement of its expenditure in such a form as the Commission may from time to time require.
 - (2) The statements of Assets and Liabilities refereed to in sub-section (1) of this section shall be in respect of the period 1st January to 31st December in each year, and that in the year in which this Act comes into operation, it shall be for the period beginning with the registration of such party and ending on the following 31st December.
 - (3) Every political party shall grant to any officer authorized in writing by the Commission, access to examine the records and audited accounts kept by the political party in accordance with this section and on request shall give all such

information as may be requested in relation to all contribution received by and on behalf of the party.

- (4) The Commission shall publish the report on such examination and audit in three National Newspapers.

Committee's Recommendation:

That the provision in Clause 94 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 94 do stand part of the Bill, put and agreed to.

- Clause 95:
- (1) Notwithstanding any other provision of this Act, the statement relating to the election expenses of a political party as prescribed in section 101 of this Act shall be submitted to the Commission in a separate audited account as in the prescribed form not later than 90 days from the date of the election.
 - (2) Any political party which commits a breach of this section is guilty of an offence and shall be liable on conviction to a fine of (N1, 000,000.00) and in the case of failure to submit an accurate return within the stipulated period, the court may imposed a penalty of (N200, 000.00) a day on any party for the period after the return was due until it is submitted to the Commission.

Committee's Recommendation:

That the provision in Clause 95 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 95 do stand part of the Bill, put and agreed to.

- Clause 96: The National Assembly may approve a grant for disbursement to the political parties to assist them in their operation.

Committee's Recommendation:

That the provision in Clause 96 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 96 do stand part of the Bill, put and agreed to.

- Clause 97:
- (1) Notwithstanding the provision of this Acts, the National Assembly may make an annual grant to the Commission for distribution to the registered political parties to assist them in their operation.
 - (2) The Commission shall distribute such grant as follows-
 - (a) 30% of the grant shall be shared equally among all the registered political parties.

Amendment Proposed:

Leave out the figure "30%" in line] and insert "10%" instead thereof (Senator Udoma Udo Udoma).

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

- (b) The remaining 70% of the grant shall be shared among the registered political parties in proportion to the number of seats won by each party in the National Assembly.

Amendment Proposed:

Leave out the figure "70%" in line 1 and insert "90%" instead thereof (Senator Udoma Udo Udoma).

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

- (c) Any Political Party that contravenes the provision of section 81 of this Act shall not be eligible to receive a grant under this section (*Senator David C. Brigidi*) — *Agreed w.*

*Question; That Clause 97 as amended stand part of the **Bill**, put and agreed to.*

- Clause 98:**
- (1) The Commission shall have power to place limitation on the amount of money or other assets, which an individual or group of persons can contribute to a political party.
 - (2) Every political party shall maintain a record of all contribution and the amounts contributed.

Committee's Recommendation:

That the provision in Clause 98 be retained (*Senator David C. Brigidi*) — *Agreed to.*

Question; That Clause 98 do stand part of the Bill, put and agreed to.

- Clause 99:**
- Election expenses shall not exceed the sum stipulated in subsection (2) of this section.
- (i) The maximum of election expenses to be incurred by a candidate at a Presidential election shall be (N50 000,000.00)
 - (ii) The maximum of election expense to be incurred by a candidate at a Governorship election shall be (N20, 000,000.00).
 - (iii) The maximum amount of election expense to be incurred in respect of Senatorial seat by a candidate at an election to the National Assembly shall be { N8, 000,000.00). While the seat for House of Representative shall be (N5, **000,000.00**) respectively.
 - (iv) In the case of a State Assembly election, the maximum amount of election expenses to incurred shall be N2,000,000.000
 - (v) In the case of Chairmanship election, the maximum amount of election expenses to be incurred shall be **N2,000,000.000**
 - (vi) In the case of Councillor-ship election expenses to be incurred shall be N500,000.00

Amendment Proposed:

Leave out the **provisions** in sub-clauses (1) to (7) *and insert* a new sub-clauses (1)(i) to(vi) and renumber existing clauses as follows;

"(1) the Commission shall have the power, from time to time, to determine the maximum amount of election expenses to be incurred by each candidate, provided that the amount fixed shall not be less than:-

- (i) N50,000,000.00 by a candidate at a Presidential election
- (ii) N20,000,000.00 by a candidate at Governorship election
- (iii) N8,000,000,00 in respect of a Senatorial scat by a candidate at an election to the National Assembly. While seat for House of Representative shall be N5,000,000.00 **respectively.**
- (iv) N2,000,000.00 by a candidate at State Assembly election
- (v) N2,000,000.00 by a candidate at Local Government Chairmanship election
- (vi)N500,000.00 by a candidate at Councilorship election (*Senator Udoma Vdo Udoma*).

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

- (2) In determining the total expenditure incurred in relation to the candidature of any person at any election no account shall be taken of:-
- (i) Any deposit made by the candidate on his/her nomination in compliance with the law
 - (ii) Any expenditure incurred before the notification of the date fixed for the election with respect to services rendered or material supplied before such notification.

Another Amendment Proposed:

Insert a new sub-clause 99(2)(iii) as follows:

"(iii) Political Party expenses in respect of the candidate standing for a particular election" (*Senator Adeleke O. Mamora*).

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

- (3) A candidate who knowingly acts in contravention of this section committee an offence and on conviction is liable to fine of N500,000.00 or nine (9) months imprisonment or both.
- (a) In the case of Presidential election to a fine of N1,000,000.00 or imprisonment for 12 months or both.
 - (b) In the case of a governorship election to a fine of N800, 000.00 or imprisonment for 9 months or both.
 - (c) In case of Senatorial seat in the National Assembly election to a fine of N600,000.00 or imprisonment for 6 months or both;
 - (d) In the case of House of Representatives seat in the National Assembly election to a fine of N500, 000.00 or imprisonment for 5 months or both.
 - (e) In the case of a State House of Assembly election to a fine of N300,000.00 or 3 months imprisonment or both;
 - (f) In the case of Chairmanship election to a fine of N300,000.00 or 1 month imprisonment or both;
 - (g) In the case of Councilorship election to a fine of N100,000.00 or 1 month imprisonment or both.
- (4) No individual or other entity shall donate more than N100,000.00 to any candidate.
- (5) Any individual who knowingly acts in contravention of subsection 10 shall be liable to N500, 000.00 fines or 9 months imprisonment or both (*Senator David C. Brigidi*).

Question; That Clause 99 as amended do stand part of the Bill, put and agreed to.

- Clause 100:
- (1) Every candidate at an election shall submit in a prescribed form a return of his election expenses to the Commission within three months after the result of the election are published.
 - (2) Every return shall be supported by a declaration sworn to before a commission of Oath by the candidate stating; -
 - (a) That the return fully and accurately sets out all payments made by the candidate himself; and
 - (b) That to the best of his knowledge, information and belief the return is a full and accurate return of all expenditure incurred by any other and

all monies, securities or equivalent of money received by the candidate from any source in connection with the election, provided that where a candidate acts as his own agent these provisions do not apply.

Amendment Proposed:

Leave out all the provisions in Clause (2)(a) and (b) (Senator Jonathan S. Zwingina).

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

- (3) The Commission, within ten days after it receives any return shall publish a summary thereof.

Committee's Recommendation:

That the provision in Clause 100 be retained (Senator David C. Brigidi) — Agreed to.

Question; That Clause 100 as amended do stand part of the Bill, put and agreed to.

- Clause 101:
- (1) For the purpose of this section, "election expenses" means expenses incurred by a political party within the period from the date notice is given by the commission to conduct an election up to, and including, the polling day in respect of the particular election.
- (2) Election expenses incurred by a political party for the management or the conduct of an election shall not exceed in the aggregate the sum determined by multiplying 10 Naira by the number of names appearing in the final voters' list for each constituency where there is a candidate sponsored by the political party.

Amendment Proposed:

Leave out all the words after the word "shall" in line 2 insert the words "be determined by Independent National Electoral Commission (INEC) in consultation with the political parties" instead thereof (Senator Udoma Udo Udoma).

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

- (3) Election expenses of a Political Party shall be submitted to the Commission in a separate audited return within 6 months after an election and such return shall be signed by the party's auditors and counter-signed by the Chairman of the party and be supported by a sworn affidavit by the signatories as to the correctness of its contents.
- (4) The return referred to in subsection (3) of this section shall show the amount of money expended by or on behalf of the party on election expenses, the items of expenditure and commercial value of goods and service received for election purposes.
- (5) The political party shall cause the return submitted to the commission pursuant to subsection (4) of this section to be published in at least two National Newspapers.
- (6) Any political party which incurs election expenses beyond the limit stipulated in this Act is guilty of offence and shall be liable on conviction to a fine of N1,000,000.00 and forfeiture of the excess amount to the commission.
- (7) The commission shall make available for public inspection during regular business hours at its headquarters and state offices the audit returns of the political parties required by subsection (3) of this section which shall include the name, address, occupation, and amount contributed to a party (Senator David C. Brigidi).

Question; Thai Clause 101 as amended stand pan 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 (INEC) on the Electoral Act (Amendment) Bill 2006 and approved as follows:

Clause 94-96	—	As Recommended
Clause 97	—	As Amended
Clause 98	—	As Recommended
Clause 99 - 101	-	As Amended

Further consideration deferred to a later date.

7. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Wednesday, 15th March, 2006 at 10.00 a.m. *(Senate Majority Leader).*

Adjourned accordingly at 1:40 p.m.

Ken Nnamani
President of the Senate