



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 6 April, 2006

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1. The House met at 11.45 a.m. Mr Speaker read Prayers.
 2. **Late Commencement of Proceedings:**
Mr Speaker apologized and ascribed the late commencement of proceedings to a meeting of the Leadership and the Management of Power Holding Company of Nigeria on the persistent power outage at the Apo Legislators' Quarters.
 3. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, 5 April, 2006.

By unanimous consent, the Votes and Proceedings was adopted.
 4. **Matter of Privilege:**
Rising on a Matter of Privilege, Hon. Olusola Adeyeye, informed the House that on Wednesday, 5 April, 2006, a group of Members of the House of Representatives, along with other dignitaries, gathered at the Sheraton Hotel, Abuja with intent to hold a meeting. They were not only barred from meeting, they were brutalized and tear-gas deployed by men of the Nigeria Police Force and of the State Security Service to disperse the gathering. Hon. Adeyeye deplored the action of the Security Agents and described it as repressive and a violation of the fundamental rights to human dignity and to peaceful assembly and association of the Hon. Members and their political associates. A Member of the House, Hon. Francis Amadiogwu was brutalized and hospitalized as a result. Hon. Adeyeye viewed the action of the Security Agents, in a democratic dispensation, not only as a breach of the Privilege of the Hon. Members so affected, but as an outrageous contempt of the House. Concluding, he sought to move a Motion without notice that contempt had been committed in breach of Section 19 of the Legislative Houses (Powers and Privileges) Act, Cap. 208, 1990.

Leave granted.
 5. **Molestation of Members:**
The House,

Notes that on Wednesday, 5 April, 2006, a group of Hon. Members gathered with other dignitaries at the Sheraton Hotel, Abuja with intent to hold a meeting;

Is informed that men of the Nigeria Police Force and the State Security Service brutalized the gathering and deployed tear-gas to disperse the meeting;

Is disturbed that a Member of the House, Hon. Francis Amadiogwu was part of the gathering and he was brutalized and hospitalized for injuries he sustained;

Disturbed that men of the Nigeria Police Force were involved in perpetrating acts of brutality and violation of the fundamental rights of law abiding citizens of the country;

Resolves:

- (i) That the Inspector-General of Police and Director, State Security Services be summoned to appear before a Committee of the Whole House to explain why their officers and men have flagrantly been violating citizens' right to freedom of assembly;
- (ii) That the Commissioner of Police, Abuja be made to explain why he allowed his officers and men to molest Honourable Francis Amadiogwu;
- (iii) That the House led by the Speaker should pay a get well and solidarity visit to Hon. Amadiogwu (**Hon. SolaAdeyeye**).

Debate:

Amendments proposed:

- (i) *Insert* a new prayer (i) as follows:
Condemn the action of the Nigeria Police Force and State Security Service (**Hon. Farouk Adamu**).

Question that the amendment be made put and agreed to.

- (ii) *Insert* a new prayer (v) as follows:
Mandate the Leadership of the House to bring this particular action of the Nigeria Police Force to the attention of the President of the Federal Republic of Nigeria (**Hon. Chidi Duru**).

Question that the amendment be made put and agreed to.

Main Question, put and agreed to.

Resolved, that:

- (i) The House condemn the action of the Nigeria Police Force and the State Security Service in the matter;
- (ii) The Inspector-General of Police and the Director, State Security Service be summoned to appear before a Committee of the Whole House to explain why their officers and men have flagrantly been violating citizens' right to freedom of assembly;
- (iii) The Commissioner of Police, Abuja be made to explain why he allowed his officers and men to molest Hon. Francis Amadiogwu;
- (iv) The House Leadership led by the Speaker pay a get well and solidarity visit to Hon. Amadiogwu in the hospital;
- (v) The Leadership of the House bring this particular action of the Nigeria Police Force to the attention of the President of the Federal Republic of Nigeria (**HR. 51/2006**).

6. Petition:

A petition was received and referred to the House Committee on Public Petitions:

Hon. Taufeek Arapara, from Mrs L. S. Kareem, praying the House to investigate her alleged wrongful dismissal from the Service of Nigerian Postal Service in the interest of justice.

7. Presentation of Bill:

- (i) National Youth Service Corps (Amendment) Bill, 2006 — *Read the First Time*.
- (ii) Digital Storage Centres, Communications and Transactions Bill, 2006 — *Read the First Time*.

8. Consideration of Report:

Joint Committee on Electoral Matters and Justice:

Motion made and Question proposed, "That this House do resume consideration of the Report of the Joint Committee on Electoral Matters and Justice on a Bill for an Act to Regulate the Conduct of Federal, State and Local Government Elections and to Repeal the Electoral Act, 2001; and for Connected Purposes" (**Hon. Hamisa Shim**).

Question put and agreed to.

Question that the House do resolve into Committee of the Whole to resume consideration of the Report, agreed to.

HOUSE IN COMMITTEE)

{Mr Deputy Speaker in the Chair}

A BILL FOR AN ACT TO REGULATE THE CONDUCT OF ELECTIONS IN THE
FEDERAL, STATE, AND LOCAL GOVERNMENTS, AND THE REGISTRATION OF VOTERS
AND MATTERS CONNECTED THEREWITH

Clause 33 (4) as approved *vide* Votes and Proceedings of Wednesday, 5 April, 2006:

Amendment Proposed:

Leave out the provision in subclause (4) (Hon. Andrew Uchendu).

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

Committee Recommendation:

Clause 30: Offences relating to registration of voters.

(1) Any person who—

- (a) makes a false statement in any application for registration as a voter knowing it to be false or;
- (b) after demand or requisition made of him under (a) or (b) of Section 6 without just cause, fails to give any such information as he or she possesses or does not give the information within the time specified,
- (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 voters' 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;
- (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 N100,000 or imprisonment not exceeding one year or both.

(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 or imprisonment not exceeding two years (*Hon. Hamisu Shira*).

Amendment Proposed:

In subclause (1) (b), line 1, immediately after the word "Section", *leave out* the figure "6" and *insert* the figure "20" instead thereof (*Hon. Alex Nwofe*).

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

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

Committee Recommendation:**Clause 34: Oath of Neutrality by election officers.**

- (1) All staff appointed by the Commission taking part in the conduct of an election shall affirm or swear before the High Court an Oath of Neutrality as in the second schedule to this Act.
- (2) Nothing in this Act shall render invalid any act done by an officer required to take Oath or affirmation under this Act by reason only of the omission by the officer to take an Oath or to make any affirmation if the act was done substantially in accordance and in conformity with the provisions of this Act.
- (3) No irregularity in the form in which an Oath or affirmation is administered or taken shall invalidate the performance of the official duties (*Hon. Hamisu Shira*).

Amendment Proposed:

Leave out the provisions in subclauses (2) and (3) and **insert** the following provision in the Electoral Act, 2002 as amended, as new subclause (2):

"All Electoral Officers, Presiding Officers, Returning Officers and all staff appointed by the Commission taking part in the conduct of an election shall affirm or swear 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 interests of the Federal Republic of Nigeria without fear or favour" (*Hon. Wunmi Bewaji*).

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

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

Committee Recommendation:**Clause 35A: Appointment of other officers for the conduct of elections.**

- (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 (*Hon. Hamisu Shira*) — *Agreed to.*

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

Committee Recommendation:**Clause 35B: Electronic Voting System.**

- (1) Notwithstanding the procedure for open secret balloting prescribed under this Act, the Commission may as it deems fit, introduce Electronic Voting System for elections under this Act.
- (2) Where the Electronic Voting system is introduced as prescribed under subsection (1) of this section the Commission shall issue Guidelines on the procedures to be adopted in the accreditation, voting, counting or transmission and announcement of election results, which shall be such that will guarantee the secrecy of the ballot.
- (3) Notwithstanding the provisions of the Evidence Act on the admissibility of documents, the copies of any documents, print out or paper trails generated from the Electronic Voting System as evidence of the scores of candidates or parties at an election or results of such election shall for the purposes of proceedings at Election Petition Tribunals or Courts be admission as primary evidence proof of the scores or results.
- (4) The Commission shall upon request by a Petitioner or Respondent in an election petition or by an Order of Court or Tribunal certify such documents, print outs or paper trails generated from the Electronic Voting System for the purposes of initiating or maintaining an action or election petition (*Hon. Hamisu Shira*).

Consequential Amendment:

Leave out the entire provisions.

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

Committee Recommendation:**Clause 36: Notice of election,**

- (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-
 - fa) stating the date of the election; and
 - (b) appointing the place at which nomination papers are to be delivered.
- (2) The notice shall be published in each constituency in respect of which an election is to be held.
- (3) In the case of a bye-election, the Commission shall, not later than 30 days before the date appointed for the election, publish a notice stating the date of the election.
- (4) Every political party shall not later than 14 days before the date appointed for a bye-election by the Commission submit the list of candidates from the party for the bye-election (*Hon. Hamisu Shim*),

Amendments Proposed:

- (0) Insubclause (1), line 1, *leave out* the figure "150" **and insert the figure "180"** instead thereof (*Hon. Matazu*).

Question that the amendment be made, put and negatived.

- (ii) Insubclause (1), line 1, *leave out* the figure "150" and *insert* the figure "120" instead thereof (*Hon. Olaka Nwogu*).

Question that the amendment be made, put and negatived.

- (iii) *Transfer* new subclause (4) to Clause 37::
 "Every political party shall not later than 14 days before the date appointed for a bye-election by the Commission submit the list of candidates from the party for the bye-election" (*Hon. Almajir Geidam*)
 — *Agreed to.*

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

Committee Recommendation:**Clause 37: Submission of list of candidates and their affidavits by political parties.**

- (1) Every political party shall not later than 120 days before the date appointed for a general election under the provisions of this Act, submit to the Commission in the prescribed forms the list of the candidates the Party proposes to sponsor at the elections.
- (2) The list shall be accompanied by an Affidavit sworn to by each of the candidate at the High Court of a State, indicating that he has fulfilled all the constitutional requirements for election into that office.
- (3) The Commission shall, within 7 days of the receipt of the personal particulars of the candidate, publish same in the constituency where the candidate intends to contest the election.
- (4) Any person who has reasonable grounds to believe that any information given by a candidate in the Affidavit is false may petition the Commission.
- (5) If the Commission, after investigation, determines that any of the information contained in the Affidavit is false the Commission shall disqualify the candidate from contesting the election.

- (6) A Political Party which presents to the Commission the name of a candidate who does not meet the qualifications stipulated in the Constitution, shall be disqualified from participating in that particular election for that office in the same Constituency (*Hon. Hamisu Shira*).

Amendment Proposed:

Leave out the provisions insubclauses (4), (5) and (6) and *insert* the following provisions in the Electoral Act, 2002 as amended as new subclauses (4) and (5) instead thereof:

"(4) Any person who has reasonable grounds to believe that any information given by a candidate in the Affidavit is false may file a suit at the High Court of a State or Federal High Court against such person seeking a declaration that the information contained in the Affidavit is false.

(5) 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" (*Hon. Wunmi Bewaji*).

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

Question that Clause 37 as amended, stand part of the Bill, put and agreed to.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole resumed consideration of the Report of the Joint Committee on Electoral Matters and Justice on a Bill for an Act to Regulate the Conduct of Federal, State and Local Government Elections and to Repeal the Electoral Act, 2001; and for Connected Purposes, 2005. It approved Clauses 30 and 34 as amended, approved Clause 35A and deleted Clause 35B, approved Clauses 36 and 37 as amended. *He asked leave to sit again.*

Question that the House do adopt the report of the Committee of Whole, put and agreed to.

9. Adjournment:

That this House do now adjourn till Tuesday, April 11, 2006 at 10.00 a.m. (*Hon. Abdul Ningi*)

Adjourned accordingly at 2.55 p.m.

Aminu Bello Masari
Speaker

CORRIGENDA

In the Votes and Proceedings of Wednesday, 5 April, 2006, page 747:

- (i) In paragraph 1, line 1, *leave out* the word "Legislative" and *insert* the word "Legislators" instead thereof;
- (ii) In paragraph 2, line 1, *leave out* the word "Steel" and *insert* the word "Power" instead thereof.