



HOUSE OF REPRESENTATIVES
FEDERAL REPUBLIC OF NIGERIA
VOTES AND PROCEEDINGS

Tuesday, 11 April, 2006

1. The House met at 11.05 a.m. Mr Speaker read Prayers.
2. **Molestation of Members — House Resolution No. 51/2006:**
Remarks by the Hon. Speaker:
Mr Speaker referred to the above Resolution and a publication in the Thursday, April 6, 2006 edition of the "Daily Independent" Newspaper titled "Public Order Act: Still alive and kicking". He recalled Hon. Femi Gbajabiamila's failed amendment during debate on the Motion which sought a repeal of the Public Order Act by the National Assembly. In view of the divergent positions on the validity of the said Act, he upheld **Resolution No. 51/2006** of Thursday, 6 April, 2006.
3. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Thursday, 6 April, 2006.

By unanimous consent, the Votes and Proceedings was adopted.

4. **Announcement:**

Mr Speaker read a communication from Hon. Muhammad Sani Ibrahim



FEDERAL REPUBLIC OF NIGERIA
HOUSE OF REPRESENTATIVES
HON. MUHAMMAD SANI IBRAHIM

*Kaduna North Federal Constituency Chairman—House
Sub-Committee (Aviation) on NCAT, Zaria*

OFFICE ADDRESS

Fed. Sec. Complex, Phase III
NASS Members Office
Room 2.19 Podium L,
Abuja
09-2223128

National Assembly Complex
3 Arms Zone, P.M.B. 141
Garki, Abuja
08033050072,08036241220

MHR/MJ55/A.348

April, 2006.

*The Honourable Speaker,
House of Representatives,
National Assembly Complex,
Three Arms Zone, Abuja.*

Mr Speaker Sir,

INVITATION TO MY TURBANNING CEREMONY

I am delighted to notify you and my fellow colleagues that The Emir of Jama 'a has conferred on me the traditional title of WAKILIN JAMA 'A.

The occasion will Insha Allah take place on Saturday, April 15th 2006 at the Emir of Jama's palace, Kafanchan, Kaduna State, By 11:00am Prompt.

I look forward to the honour of receiving you and my colleagues at Kafanchan, for this epoch making event.

Please accept the assurances of my highest esteem.

Yours Sincerely,

(Signed)

HON. MUHAMMED SANI IBRAHIM

5. Petition:

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

Hon. Nev. Tarhuke, from Messrs Orlu Terhumun and Odoabuchi Edwin, praying the House to prevail on Embassy of Republic of Congo (Brazzaville) to pay them their outstanding terminal benefit and allowances.

6. 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. Hatnisa Shira).

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 38: Court or Tribunal order not to affect timing of election.
- (1) Subject to the provisions to the Section 36 of this Act, no interim, interlocutory or any other order, decision or judgment by any Court or Tribunal after the commencement of this Act in respect of any intra-party or inter-party dispute or any other proceedings or matter pertaining to an election under this Act shall affect the candidature or any person cleared by the Commission to contest an election or the timing of an election under this Act.
 - (2) No person or authority shall be liable to prosecution, contempt charge, sanction or penalty by reason only that he conducted an election on the day or time appointed by the Commission for the election.

Committee Recommendation:

Leave out the entire provisions in the Clause (Hon. Hamisu Shira) — Agreed to.

Committee Recommendation:

- Clause 39: Prohibition of double nomination.
- (1) A candidate for an election under this part of the Act shall be nominated in writing by such number of persons as prescribed by the Commission whose names appear on the register of voters in the constituency.
 - (2) No person shall nominate more than one person for an election to the same office.
 - (3) A person who contravenes subsection (2) of this Section shall be guilty of an offence and on conviction be liable to a fine of N20,000 or 1 month imprisonment or both but his action shall not invalidate the nomination.

- (4) No account shall be taken of the signature of a person on a nomination paper where the candidate had died, withdrawn or where the nomination paper was held invalid.
- (5) No person who has subscribed as a nominator shall so long as the candidate stands nominated withdraw his nomination.
- (6) The Commission shall declare invalid any nomination that violates any provision of this Act (*Hon. Hamisu Shim*).

Amendment Proposed:

Leave out the provision in subclause (6) (Hon. C. I. D. Maduabum)

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

Question that Clause 39 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 40: Political Parties changing candidates.**

- (1) A Political Party intending to change any of its candidates for any election shall inform the Commission of such change not later than 30 days to the election.
- (2) Any application made pursuant to subsection 1 of this section shall give cogent and verifiable reasons for the change.
- (3) Except in the case of death, there shall be no substitution or replacement of any candidate whatsoever after the date referred to in subsection (1) of this section.
- (4) The Commission shall issue a certificate of clearance to any candidate that has been validly nominated (*Hon. Hamisu Shira*).

Amendments Proposed:

- (a) In subclause (1), line 2, immediately after the word "change", insert the words "in writing" (*Hon. Andrew Uchendu*).

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

- (b) In subclause (1), line 2, leave out the figure "30" and insert the figure "60" instead thereof (*Hon. Y. D. Baba-Ahmed*).

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

- (c) Leave out the provision in subclause (2) (*Hon. Victor Lar*).

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

- (d) Leave out the provision in subclause (4) (*Hon. Garba Dantiyie*).

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

Question that Clause 40 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 41: Publication of nomination.**

The Commission shall, at least thirty (30) days before the day of the election publish by displaying or causing to be displayed at the place or places appointed for the delivery of nomination paper and such other places as it deems fit, a statement of the full names of all candidates standing nominated and the persons nominating them with their respective addresses and occupations (*Hon. Hamisu Shira*).

Amendments Proposed:

- (0) In line 1, immediately after the word "least", leave out the word and figure "thirty (30)" and insert the word and figure "fifty (50)" instead thereof (*Hon. Uche Onyeagucha*).

Question that the amendment be made, put and negatived.

- (ii) In line 4, immediately after the word "nominated" *leave out* the words "and the persons nominating them with their respective addresses and occupations" (*Hon. C. I. D. Maduabum*).

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

Question that Clause 41 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 42: Withdrawal of candidate.

- (1) A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself to the Political Party that nominated him for the election and the Political Party shall convey such withdrawal to the Commission not later than 40 days to the election.
- (2) Where the Commission is satisfied that a candidate has withdrawn as provided in subsection (1) of this section, his Political Party shall be allowed to nominate another candidate not later than 30 days before the date of the election (*Hon. Hamisu Shira*).

Amendment Proposed:

Retain provision in the Proposed Bill (Hon. Alex Nwofe).

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

Question that Clause 42 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 43: Death of a candidate.

- (1) If after the time for the delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Chief National Electoral Commissioner or the Resident Electoral Commissioner shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate and the Commission shall appoint some other convenient date for the election.
- (2) The list of voters to be used at a postponed election shall be the official register of voters, which was to be used if the election had not been postponed (*Hon. Hamisu Shira*) — *Agreed to.*

Question that Clause 43 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 44: Invalidity of multiple nomination,

- (1) Where a candidate is nominated in more than one constituency his candidature shall be null and void in each of such constituencies.
- (2) Where a candidate is nominated by more than one political party his candidature shall be null and void for that election (*Hon. Hamisu Shira*).

Amendment Proposed:

Leave out the provisions in Clause 44 and *insert* the following instead thereof:

"If a nomination form, signed by a Candidate and by the persons nominating him, is lodged in more than one Constituency, his candidature shall be void in each Constituency" (*Hon. Wunmi Bewaji*).

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

Another Amendment Proposed to Clause 44 as agreed to:

"Where a Candidate knowingly allows himself to be nominated by more than one political party and or in more than one constituency his nomination shall be void" (*Hon. Uche Onyeagucha*).

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

Question that Clause 44 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 45: Failure of Nomination.

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 {*Hon. Hamisu Shira*} — Agreed to.

Question that Clause 45 stand part of the Bill, put and agreed to.

Committee Recommendation;

Clause 46: Contested Election.

Subject to any 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 {*Hon. Hamisu Shira*} — Agree to.

Question that Clause 46 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 47: When poll is required.

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 any election where one person is validly nominated in respect of the office concerned; 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 (*Hon. Hamisu Shira*).

Amendment Proposed:

Retain provision in the proposed Bill (Hon. Adeyemi Adedeji).

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

Question that Clause 47 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 48: Uncontested election.

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

Question that Clause 48 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 49: Establishment of polling stations.

The Commission shall establish sufficient number of Polling Stations in each Registration Area and shall allot voters in such Polling Stations (*Hon. Hamisu Shira*) — Agreed to.

Question that Clause 49 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 50: Materials for Election.

- (1) The Commission shall provide all suitable materials for the conduct of elections.
- (2) The forms to be used for the conduct of elections under the present Act and election petition arising therefrom shall be determined by the Commission.
- (3) The Polling Agents shall be present at the distribution of the election materials from the office to the polling booth (*Hon. Hamisu Shira*).

Amendment Proposed:

Retain the provisions in the Proposed Bill (Hon. Hamisu Shira).

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

Question that Clause 50 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 51: Format of ballot papers.**

- (1) The Commission shall prescribe the format of the ballot papers which shall include the symbol adopted by the Political Party of the candidate and such other information as it may require.
- (2) The ballot papers shall be bound in booklets and numbered serially with differentiating colours for each office being contested {Hon. Hamisu Shira} — Agreed to.

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

Committee Recommendation:**Clause 52: Polling Agents.**

- (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 7 (seven) days before the date fixed for the election:

PROVIDED that no person presently serving 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 present 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 (Hon. Hamisu Shira).

Amendment Proposed:

Leave out all the words in the proviso (Hon. Idris Umar).

Question that the amendment be made, put and negatived. Question

that Clause 52 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 53: Notice of Poll.**

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 (Hon. Hamisu Shira) — Agreed to.

Question that Clause 53 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 54: Hour of Poll.

Voting in any particular election(s) under this Act shall take place on the same day and the same time throughout the Federation (*Hon. Hamisu Shira*) — *Agreed to.*

Question that Clause 54 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 55: Display of Ballot Boxes.

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

Question that Clause 39 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 56: Issue of Ballot Papers.

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

Question that Clause 56 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 57: Right to challenge issue of Ballot Paper.

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 (*Hon. Hamisu Shira*) — *Agreed to.*

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

Committee Recommendation:

Clause 58: Separate queues for men and women.

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 (*Hon. Hamisu Shira*) — *Agreed to.*

Question that Clause 58 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 59: Conduct of Poll by Open Secret Ballot.

- (1) Voting at an election under this Act shall be by open secret ballot or any other method that may be prescribed under the present Act.
- (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 CRN the ballot box in open view of the public (*Hon. Hamisu Shira*).

Amendments Proposed:

- (i) Retain the provision in subclause (1) of the Proposed Bill and renumber as subclause (1) (a) (*Hon. A. Idris Umar*)

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

- (ii) Insert a new subclause (1) (b) as follows:
"The use of Electronic Voting System or machine or any other method other than the method prescribed in subclause (1) (a) of this section is prohibited" (*Hon. A. Idris Umar*).

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

Question that Clause 59 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 60: Over voting.

- (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 of registered voters in that constituency polling station, the election for that constituency 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 subsections (2) and (3) of this section the Commission may, if satisfied that the result of the election will not substantially be affected by voting in the area where the election is cancelled, direct that a return of the election be made {Hon. Hamisu Shira} — *Agreed to.*

Question that Clause 60 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 Clause 38, Clauses 39, 40, 41 and 42 as amended, approved Clause 43, Clause 44 as amended, approved Clause 45, Clauses 46 and 47 as amended, approved Clauses 48 and 49, Clause 50 as amended, approved Clause 51, Clause 52 as amended, approved Clauses 53, 54, 55, 56, 57, 58, Clause 59 as amended and approved clause 60. *He asked leave to sit again.*

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

Executive Session — 1:30 p.m

Plenary Session — 3.00p.m.

7. Adjournment:

That this House do now adjourn till Wednesday, April 12, 2006 at 10.00 a.m. (*Hon. Abdul Ningi*).

Adjourned accordingly at 3.02 p.m.

Aminu Bello Masari
Speaker