



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 25 April, 2006

1. The House met at 10.55 a.m. **Mr** Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, 12 April, 2006.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Messages:**
Mr Speaker read the following Messages from the President, Federal Republic of Nigeria:
(0)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/51

April 12, 2006

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

Dear Hon, Speaker,

CONDOLENCE MESSAGE

I received, with deep shock, the sad news of the death of Hon, Usman M. Bapparu, a member of the House of Representatives from Gombe State on Tuesday, 11th April 2006.

Hon. Usman, who I understand was an active member of various House Committees among which are Disaster Management, Education and Health, was an astute politician who made his mark in the lower house of the National assembly. He has left behind a legacy for which he will be remembered for a long time to come. My sympathies and thoughts go out to the family in this hour of grief.

Please convey my sincere condolences to the entire family and the Honourable Members of the House of Representatives for this huge loss.

May his soul rest in perfect peace.

Yours sorrowfully,

(Signed)



OLUSEGUN OBASANJO

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**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

PRES/134

20 April, 2006

*Honourable Aminu Bello Masari,
Speaker, House of Representatives,
National Assembly Complex, Abuja.*

Dear Hon. Speaker,

**REQUEST FOR PRESIDENT HU JINTAO OF THE PEOPLE'S
REPUBLIC OF CHINA TO ADDRESS THE JOINT SESSION OF
THE NATIONAL ASSEMBLY OF THE FEDERAL REPUBLIC
OF NIGERIA ON 27TH APRIL, 2006 AT 11.00 HOURS**

I am delighted to inform you that at my invitation, the President of the People's Republic of China, His Excellency, Mr. Hu Jintao, will pay a State visit to Nigeria from 26 - 27 April, 2006.

Honourable Speaker, since the beginning of this Administration, we have found the People's Republic of China a worthy friend and a committed friend of Africa. President Hu Jintao has recognized the pivotal role of Nigeria in Africa and has requested to make an important declaration on Africa-China relations during his visit to Nigeria. The most appropriate place for such a declaration is the hallowed Chamber populated by the Distinguished Senators and Honourable Representatives of the Federal Republic of Nigeria.

The facilitation of the acceptance of the request for H.E. Mr Hu Jintao, President of the People's Republic of China, to address the Joint Session of the National Assembly of the Federal Republic of Nigeria on April 27, 2006 at 11:00 hours would serve very well the scheme of the Nigeria's diplomacy in Africa and the world.

Honourable Speaker, while I am confident that this request would be well received and accepted, I extend my greetings and esteem.

Yours sincerely,

(Signed) OLUSEGUN

OBASANJO

(iii)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

. 12 April, 2006.

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

Dear Hon. Speaker,

CENTRAL BANK OF NIGERIA ACT

I hereby present, for formal consideration and passage into law by the House of Representatives, the attached Bill for an Act which makes provisions for the continuance of the Central Bank of Nigeria with the Board of Directors consisting of the Governors and five Directors, and charges the Bank with the overall . control and administration of the monetary and banking policies of the Federal Government both within and outside Nigeria.

I hope the Bill will receive prompt attention of Honourable Members of the House.

Yours sincerely,

(Signed)

OLUSEGUN OBASANJO

(iv)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

12 April, 2006.

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

Dear Hon. Speaker,

BANKS AND OTHER FINANCIAL INSTITUTIONS ACT

I hereby present, for formal consideration and passage into law by the House of Representatives, the attached Bill for an Act which, among other things, regulates banking and other financial institutions by prohibiting the carrying on of such businesses in Nigeria except under licence and by a company incorporated in Nigeria.

The Honourable Members may wish to note that adequate provisions have been made regarding the proper supervision of such institutions by the Central Bank of Nigeria.

/ hope the Bill will receive prompt attention of Honourable Members of the House.

Yours sincerely,

(Signed)

OLUSEGUN OBASANJO

4. Announcements:

- (i) Mr Speaker read a condolence message from the Nigeria Labour Congress:



NIGERIA LABOUR CONGRESS

MOTTO: LABOUR CREATES WEALTH

NATIONAL
HEADQUARTERS:
Labour House

Plot 820/821
Central Business District
Federal Capital Territory Abuja.
S : 09-2343345, 09-2346042
Fax: 09-2344342
E-mail: gsec@nlcng.org, Website: www.nlcng.org

LAGOS OFFICE:
29, Olajuwon Street,
Off Ojuelegba Road,
P.O. Box 620, Yaba,
Lagos - Nigeria
» : 234 -1 - 7743988, 5840288
Fax: 01-5840288

April 14, 2006

*Rt. Honourable Aminu Masari
Honourable Speaker House of
Representatives National
Assembly Abuja.*

Your Excellency,

CONDOLENCE MESSAGE ON THE DEATH OF RT. HON. USMAN BAPPARU

I wish to convey to Mr Speaker and members of the House of Representatives the sincere condolences of the Nigeria Labour Congress (NLC) over the death of Rt. Hon. Usman Bapparu, who represented Gombe, Funakaye, Kwani Federal Constituency.

We share your grief over the loss of a dear colleague, who served his constituents and the nation with devotion. We pray Allah SWT to give you, your colleagues and Hon. Bapparu's family the fortitude to bear loss. We also pray for the repose of his soul and for Allah SWT's mercy on behalf of our brother.

Kindly convey our commiseration and prayers to Hon. Bapparu's family and colleagues in House.

Please accept the renewed assurance of highest esteem and my warmest personal regards.

Yours sincerely,

FOR AND ON BEHALF OF THE NIGERIA LABOUR CONGRESS

(Signed)

*John E. Odah mni
General Secretary*

(ii) Visitors:

Mr Speaker recognized the presence in the Gallery, of Members of Owan West Local Government Legislative Council, Sabongida Ora, Edo State.

(Hi) *Bereavement*-Mr Speaker informed the House that late Pa Udeh, father of Hon. Okey Udeh, Member, House of Representatives, 1999 - 2003 would be laid to rest on Friday, 28 April, 2006, He advised Members who wishes to attend the burial ceremonies to contact Hon. Mao Ohuabunwa.

5. **Presentation of a Bill**

Chemical Weapons (Prohibition) Bill, 2006 (HB.230) — *Read the First Time.*

6. **Presentation of Reports:**

(i) *Committee on Solid Minerals:* **Hon.**

Ogbuefi Ozomgbachi:

"That this House do receive the Report of the Committee on Solid Minerals on a Bill for an Act to Repeal the Minerals and Mining Act, No. 34 of 1999 and Re-Enact the Minerals and Mining Act for the Purposes of Regulating all Aspects of the Exploration and Exploitation of Solid Minerals in Nigeria and for Connected Purposes, 2004".

Deferred.

(ii) *Joint Committee on Justice and Environment:*

Hon. Alex Nwofe:

"That this House do receive the Report of the Joint Committee on Justice and Environment on a Bill for an Act to Enable Effect to be Given in the Federal Republic of Nigeria to the Convention on the Montreal Protocol on Substances that Deplete the Ozone Layer (Ratification and Enforcement) Bill, 2003".

Deferred.

(Hi) *Joint Committee on Justice, Communications and Co operation and Integration in Africa:* Hon. Alex Nwofe:

"That this House do receive the Report of the Joint Committee on Justice, Communications and Cooperation and Integration in Africa on a Bill for an Act to Enable Effect to be Given in the Federal Republic of Nigeria to the Constitution and Convention of the African Telecommunications Union (Ratification and Enforcement) Bill, 2003" *{Referred: 12/8/2003}*.

Deferred.

(iv) *Committee on Justice:*

Hon. Alex Nwofe:

"That this House do receive the Report of the House Committee on Justice on a Bill for an Act to Provide for the Registration of Persons or Group of Persons Willing to Carry on Business as Lobbyists in the National Assembly; and for Connected Purposes Bill, 2003".

Deferred.

(V) *Joint Committee on Health and Justice:* **Hon.**

Aminu Safana:

"That this House do receive the Report of the Joint Committee on Health and Justice on a Bill for an Act for Corrosive Acid Prohibition from Sale, 2003" *(Referred: 3/3/2004)*.

Deferred.

(vi) *Joint Committee on Justice and Human Rights:*

Hon. Alex Nwofe:

"That this House do receive the Report of the House Committee on Justice and Human Rights on a Bill for an Act to Make Provisions for Nigerian Content Development in the Upstream Sector of the Nigerian Petroleum Industry and for Matters Connected Therewith" *(Referred: 9/3/2004)*.

Deferred.

(vii) **Joint Committee on Foreign Affairs and Co operation and Integration in Africa:** Hon.

XJsman Bugaje:

"That this House do receive the Report of the Joint Committee on Foreign Affairs and Cooperation and Integration in Africa on a Bill for an Act to Enable Effect to be Given in the Federal Republic of Nigeria to the Treaty Establishing the Gulf of Guinea Commission" (*Referred: 28/7/2004*).

Deferred.

(viii) **Joint Committee on Justice and Judiciary:**

Hon. Alex Nwofe:

"That this House do receive the Report of the Joint Committee on Justice and Judiciary on a Bill for an Act to Provide for the Periodic Revision of the Laws of the Federation of Nigeria and for Matters Connected Therewith, 2004" (*Referred: 25/11/2004*).

Deferred.

(ix) **Joint Committee on National Planning and Finance:** Hon.

Collins Abayomi:

"That this House do receive the Report of the Joint Committee on National Planning and Finance on a Bill for an Act to Prohibit Award of Inflated Contracts and Excess Costs, Charges and Returns Over and Above Actual Market Prices on Contracts; and for Related Purposes 2004" (*Referred: 16/12/2004*).

Deferred.

(x) **Committee on Works:** Hon.

Yunusa Yahaya:

"That this House do receive the Report of the House Committee on Works on a Bill for an Act to Amend the Federal Road Maintenance Agency Act, 2002 by Providing Among Other Things, an Additional Source of Funds for the Agency; and for Connected Purposes, 2004" (*Referred: 25/1/2005*).

Deferred.

(xi) **Committee on Aviation:**

Hon. K. G. B. Oguakwa:

"That this House do receive Report-of the House Committee on Aviation on a Bill for an Act to Establish the Chartered Institute of Aviation Management of Nigeria, Charged with Responsibility of Advancing Aviation Management and Other Related Matters, 2004" (*Referred: 8/2/2004*).

Deferred.

7. 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. Alex Nwofe*).

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

Committee Recommendation:

Clause 61: Ballot not to be marked by voter for identification.

- (1) 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.
- (2) The Commission shall use indelible ink for any thumb mark by voters on ballot papers (*Hon. Alex Nwofe*) — *Agreed to.*

Question that Clause 61 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 62: Accidental destruction or marking of Ballot Papers.

A vote 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 canceled by the Presiding Officer (*Hon. Alex Nwofe*) — *Agreed to.*

Question that Clause 62 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 63: Blind and incapacitated voters.

- (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 embossed print or electronic devices or sign language interpretation, or off-site voting in appropriate cases (*Hon. Alex Nwofe*) — *Agreed to.*

Question that Clause 63 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 64: Personal attendance.

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 (*Hon. Alex Nwofe*) — *Agreed to.*

Question that Clause 64 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 65: Voting at appropriate Polling Station,

No person shall be permitted to vote at any polling station or unit other than the one to which he is allotted (*Hon. Alex Nwofe*) — *Agreed to.*

Question that Clause 65 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 66: Impersonation by Applicant for ballot paper.

- (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 a written undertaking 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 station 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 (*Hon. Alex Nwofe*) — *Agreed to.*

Question that Clause 66 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 67: Tendered Ballot Paper.

- (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 the view of all present be set aside by the Presiding Officer in a packet intended for tendered votes and the tendered ballot papers 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 (*Hon. Alex Nwofe*) ~ *Agreed to.*

Question that Clause 67 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 68: Conduct at Polling Stations.

- (1) The Presiding Officer shall regulate the admission of voters to the polling station and shall exclude all persons other than the candidates, polling agents, 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 provisions of subsection (3) of this section shall not be enforced so as to prevent a voter who is otherwise entitled to vote at a polling station or unit from having an opportunity of so voting.

- (5) In the absence of the Presiding Officer, the Poll Clerk shall enjoy and exercise all the powers of the Presiding Officer in respect of a Polling Station or Unit (*Hon. Alex Nwofe*) ~ Agreed to.

Question that Clause 68 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 69: Closing of Poll.

- (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 (*Hon. Alex Nwofe*) — Agreed to.

Question that Clause 69 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 70: Counting of votes and forms.

- (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 candidates 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 (*Hon. Alex Nwofe*) — Agreed to.

Question that Clause 70 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 71: Recount.

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, but the Presiding Officer shall cause the votes to be so recounted only once (*Hon. Alex Nwofe*) — Agreed to.

Question that Clause 71 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 72: Post-election procedure and collation of election results.

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 (*Hon. Alex Nwofe*) — Agreed to.

Question that Clause 72 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 73: Rejection of Ballot Paper without official mark.

- (1) Subject to subsection (2) of this section, a ballot paper, which does not bear the official mark, shall not be counted.
- (2) If the Returning Officer is satisfied that a ballot paper 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 paper (*Hon. Alex Nwofe*) — Agreed to.

Question that Clause 73 stand part of the Bill, put and agreed to.

*Committee Recommendation:***Clause 74: Endorsement on Rejected Ballot Paper without official mark.**

- (1) The Presiding Officer shall endorse the word "rejected" on the ballot paper rejected under Section 61 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 number, he shall on request allow a candidate or a Polling Agent to copy the statement (*Hon. Alex Nwofe*) — *Agreed to*.

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

*Committee Recommendation:***Clause 75: Decision of Returning Officer on Ballot Paper.**

The decision of the Returning Officer on any question arising from or relating to—

- (a) unmarked ballot paper;
- (b) rejected ballot paper; 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 an election petition proceedings under this Act (*Hon. Alex Nwofe*) — *Agreed to*.

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

*Committee Recommendation:***Clause 76: Declaration of Result.**

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 (*Hon. Alex Nwofe*) — *Agreed to*.

Question that Clause 76 stand part of the Bill, put and agreed to.

*Committee Recommendation:***Clause 77: Equality of votes.**

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 (*Hon. Alex Nwofe*) — *Agreed to*.

Question that Clause 11 stand part of the Bill, put and agreed to.

*Committee Recommendation:***Clause 78: Posting of Results.**

The Commission shall cause to be posted on its notice board, the website, a notice showing— (a) the candidates at the election and their scores; and

- (b) the person declared as elected or returned at the election (*Hon. Alex Nwofe*) — *Agreed to*.

Question that Clause 78 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 79: Custody of documents.**

The Chief 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 (*Hon. Alex Nwofe*) ■— *Agreed to.*

Question that Clause 79 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 80: Step by step recording of poll.**

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 (*Hon. Alex Nwofe*) — *Agreed to.*

Question that Clause 80 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 81: Result forms to be signed and counter-signed.**

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 (*Hon. Alex Nwofe*) — *Agreed to.*

Question that Clause 81 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 82: Certificate of Return at Election.**

A sealed Certificate of Return at an election in a prescribed form shall be issued within 7 days to every candidate who has won an election under this Act; where the Court of Appeal or the Supreme Court being the final Appellate Court in any election petition as the case may be nullifies the election of any candidate, the Commission shall within 48 hours after the receipt of the order of such Court issue the successful candidate with a valid Certificate of Return (*Hon. Alex Nwofe*).

Amendment Proposed:

Insert a new subclause (it) as follows:

"Provided that where the Commission refuses and, or neglects to issue a Certificate of Return, a certified True Copy of the Order of a Court of Competent Jurisdiction shall, *ipso facto*, be sufficient for the purpose of swearing-in a candidate declared as the winner by that Court" (*Hon. Bala Ibn Na 'Allah*).

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

Question that Clause 82 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 83: Forms for use at election.**

- (1) The forms to be used for the conduct of elections to the offices mentioned in Section 47 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 Recommendation:

Leave out the entire provisions in the Clause (Hon. Alex Nwofe) — Agreed to.,

PART V — POLITICAL PARTIES

Committee Recommendation;

Clause 84: Powers of the Commission to register Political Parties.

- (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 party. Provided however, that the application by political association for registration as a political party shall be duly submitted to the Commission not later than 6 months before a general election.
- (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.
- (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 provisions of this section procures a certificate of registration shall have such certificate canceled.
- (6) No applications for registration as a political party shall be processed unless there is evidence that there is payment of administrative costs of N100,000 only or such sum as may be fixed from time to time by an Act of the National Assembly (*Hon. Gilbert Nnaji*).

Amendment Proposed:

In subclause (6), line 2, *leave out* the figure "N100,000" and *insert* the figure "N1,000,000" instead thereof (*Hon. Muktar Dikko*).

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

that Clause 84 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 85: Decision of the Commission subject to judicial review.

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 30 days from the date of receipt of the letter of notification of non-registration from the Commission (*Hon. Alex Nwofe*) — *Agreed to.*

Question that Clause 85 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 86: Political Parties to be bodies corporate.

Every Political Party registered under this Act shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name (*Hon. Alex Nwofe*) — *Agreed to.*

Question that Clause 86 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 87: Contravention of Section 227 of the 1999 Constitution.

- (1) Any political party or association, which contravenes the provisions 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) De-registration.

(2) Any person or group of persons who aids or abets a political party in contravening **the** provisions of section 227 of the Constitution shall be guilty of an offence and be liable on conviction to a fine of N500,000 or 3 years imprisonment or both (*Hon. Alex Nwofe*).

Amendments Proposed:

(0) In subclause (1) (a) **and** (b), *leave out* the figures "N500,000.00" and "N700,000.00" **and insert** the figures "N1,000,000.00" and "N2,000,000.00" respectively instead thereof (*Hon. Oguniyi*).

Question that the amendment be made, put and negatived.

(ii) Retain the following provision in subclause (1) (c) of **the** Bill:

"(c) N50,000 for every day that the offence continues" (*Hon. Tsegbe*).

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

Question that Clause 87 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 88: Symbols of Political Parties.

- (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.
- (3) The Commission shall remove a symbol from the register of symbols if—
 - (a) a 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 material as symbol of a party, if it portrays—
 - (a) **the** Coat of Arms of the Federation;
 - (b) the Coat of Arms of any other country;
 - (c) **any** device or emblem which in the opinion of the Commission is normally associated with—
 - (0) **the** official acts of Government;
 - (ii) **any** of the Armed Forces of the Federation or the Nigerian Police Force or other uniformed service;
 - (iii) the regalia of a **chief**;
 - (iv) **any** tribe or ethnic group;
 - (v) any religion or cult;
 - (v0) any portrait of a person living or dead.

- (d) any symbol or part of a symbol which under the provisions of this section continues to be registered by another political party.

(5) Subject to the provisions 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, that political party without payment of the fee mentioned in subsection (2) of this Section (*Hon. Alex Nwofe*) — *Agreed to*.

Question that Clause 88 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 89: Allocation of Symbols.

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 (*Hon. Alex Nwofe*) — *Agreed to*.

Question that Clause 89 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 90: Merger of Political Parties.

- (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.

- (2) Political Parties intending to merge shall each give to the Commission 90 days 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 jointly by the National Chairman, Secretary and Treasurer for the time being of the different Political Parties proposing the merger and shall be accompanied by-
- fa) 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 addresses of the National office of the merged party; and
 - (c) evidence of payment of administrative costs of N100,000 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 certificates of registration of all the Political Parties opting for the merger and substitute therefore, a single certificate of registration in the name of the merged Party.
- (6) Notwithstanding the provisions of subsection (2) of this section no merger of Political Parties received by the Commission less than three months before any general election in the country shall be considered by the Commission (*Hon. Alex Nwofe*).

Amendments Proposed:

- (i) In subclause (1), *leave out* the words "PROVIDED that there shall at no time be less than three political parties registered in the country" {Hon. Gabriel Fom).

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

- (ii) In subclause (2), *leave out* the figure "90" and *insert* the figure "30" instead thereof (Hon. T. Tsegba).

Question that the amendment be made, put and negatived.

Question that Clause 90 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 91: Notice of Convention, Congress, etc.**

- (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 executive committees, other governing bodies or nominating candidates 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 purpose of—
 - (a) electing members of its executive committees or other governing bodies;
 - (b) nominating candidates for an election at any level;
 - (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 elections shall be given to the Commission at least 21 days before such congress, conference or meeting (Hon. Alex Nwofe).

Amendment Proposed:

In subclause (1), line 1, *leave out* the figure "21" and *insert the figure* "14" instead thereof (Hon. Victor Lar).

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

that Clause 91 stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 92: Monitoring of Political Parties.**

- (1) The Commission shall monitor and keep records 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 activities of the political party which may be contrary to the provisions of the Constitution or any other law, guidelines, rules or regulations made pursuant to an Act of the National Assembly.
- (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 directive given by the Commission in conformity with the provisions of this section is guilty of an offence and liable on conviction to a fine of not less than N500,000.00 {Hon. Alex Nwofe} — Agreed to.

Question that Clause 92 stand part of the Bill, put and agreed to.

Committee Recommendation:

Leave out the entire provision in the Clause (Hon. Alex Nwofe) — Agreed to.

Committee Recommendation:

Clause 97; Annual grants to Political Parties for their operations.

- (1) Notwithstanding the provisions of this act, 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.
 - (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 (*Hon. Alex Nwofe*).

Amendments Proposed:

- (i) In subclause (2) (a) and (b), *leave out* the figures "30" and "70" and *insert* the figures "50" and "50" respectively instead thereof (*Hon. Utnar El-Yakub*).

Question that the amendment be made, put and negatived.

- (ii) In subclause (2) (a) and (b), *leave out* the figures "30" and "70" and *insert* the figures "10" and "90" respectively instead thereof (*Hon. Abdul Ningi*).

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

Another Amendment to subclause (2) (b) as amended:

In line 3, immediately after the word "Assembly" *insert* the following:

"State Houses of Assembly and Local Government Councils elections" (*Hon. Ita Enang*).

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

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

Committee Recommendation:

Clause 98: Power to limit contribution to a Political Party.

- (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 contributors and the amounts contributed (*Hon. Alex Nwofe*).

Amendment Proposed:

Leave out all the words in subclause (1) (*Hon. Almajir Geidam*).

Question that the amendment be made, put and negatived. Question that Clause 98 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 99: Limitation on election expenses.

- (1) Election expenses shall not exceed the sum stipulated in subsections (2) - (7) of this section.
- (2) The maximum of election expenses to be incurred by a candidate at a presidential **election** shall be N500,000,000.
- (3) The maximum of election expenses to be incurred by a candidate at a Governorship election shall be N100,000,000.

- (4) The maximum amount of election expenses to be incurred in respect of senatorial seat by a candidate at an election to the National Assembly shall be N20,000,000). While the seat for House of Representative shall be N10,000,000 respectively.
- (5) In the case of State Assembly election, the maximum amount of election expenses to be incurred shall be N5,000,000.
- (6) In the case of Chairmanship election, the maximum amount of election expenses to be incurred shall be N5,000,000.
- (7) In the case of Councillorship election the maximum amount of election expenses to be incurred shall be N500,000.
- (8) In determining the total expenditure incurred in relation to the candidature of any person at any election no account shall be taken of—
 - (a) any deposit made by the candidate on his/her nomination in compliance with the law;
 - (b) any expenditure incurred before the notification of the date fixed for the election with respect to services rendered or material supplied before such notification.
- (9) No individual or entity shall donate more than N100,000 to any candidate.
- (10) A candidate or person who acts in contravention of this section commits an offence and shall be liable on conviction to a term of imprisonment for 3 years.
- (11) Any Accountant who falsifies or conspires or aids a candidate to forge or falsify a document relating to his expenditure at an election or receipt or donation for the election or in any way aids and abets the breach of the provision of this section of this Act commits an offence and on conviction is liable to 10 years imprisonment (*Hon. Alex Nwofe*).

Amendment Proposed:

In subclause (9), *leave out* the figure "N100,000" and **insert** the figure "N1,000,000" instead thereof (*Hon. Mao Ohuabunwa*).

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

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

Committee Recommendation: Clause

100: Candidate's return.

- (1) Every candidate at an election shall submit an audited return of his election expenses to the Commission -within two months after the result of the election are published.
- (2) Every return shall be supported by a declaration sworn to before a Commissioner 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 person and of 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 provision do not apply.
- (3) The Commission, within ten days after it receives any return shall publish a summary thereof (*Hon. Alex Nwofe*).

Amendment Proposed:

Leave out the entire provisions in the Clause (Hon. Francis Amadugu).

Question that the amendment be made, 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 Committee on Electoral Matters 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. It approved Clauses 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80 and 81, amended Clause 82, approved Clauses 83, 84, 85 and 86, amended Clause 87, approved Clauses 88 and 89, amended Clause 90, approved Clauses 91, 92, 93, 94, 95 and 96, amended Clause 97, approved Clauses 98 and 99 and deleted Clause 100. *He asked leave to sit again.*

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

8. Adjournment:

That this House do adjourn till Wednesday, 26 April, 2006 at 2.00 p.m. *(Hon. Abdul Ningi).*

Adjourned accordingly at 1.28 p.m.

Aminu Bello Masari

Speaker