



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 4 April, 2006

1. The House met at 11.10 a.m. Mr Deputy Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Deputy Speaker announced that he had examined and approved the Votes and Proceedings of Thursday, 30 March, 2006.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcements:**
(i) **National Assembly Journal:**
Mr Deputy Speaker addressed the House as follows:

3 April, 2006

Hon. Members

ESTABLISHMENT OF NATIONAL ASSEMBLY JOURNAL

I am pleased to announce that the National Assembly Journal which was last published in 1983 has been re-established. As you are aware the publication of the Journal as the authoritative organ of the National Assembly is authorized by the Constitution and our Rules. The Journal is akin to the Federal Government's Official Gazette which is published by the Executive Branch of Government.

2. *By this development, all legislative instruments such as Bills, Resolutions, Orders, etc. as well as information pertaining to staff movement (Promotions, Appointments) and National Assembly Tenders Notices will be published in the Journal. This simply means that publication of legislative instruments before the National Assembly will no longer be at the pleasure and convenience of the Federal Government Press.*

3. *Two copies of the current edition have been posted into Members mail boxes. All Hon Members of the House are advised to acquaint themselves with the information contained in the Journal, please.*

(Signed)
HON AUSTIN OPARA
Deputy Speaker
House of Representatives

- (ii) **Visitors:**
Mr Deputy Speaker recognized the presence, in the Gallery, of a Delegation of the Association of Commonwealth Parliamentarians, United Kingdom. The Delegation would meet with the Joint Committee on Education, Foreign Affairs, Inter-Parliamentary Relations and Governmental Affairs on adjournment.

4. Presentation of Bill:

Same Sex Marriage (Prohibition) Bill, 2006 — *Read the First Time.*

5. 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 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

Committee Recommendation:

Clause 5: (3) Disbursement from the fund shall be made in accordance with rules and regulations that may be established by the Commission and/or by the National Assembly (*Hon. Hamisu Shira*).

Amendment Proposed:

Retain provision in the Proposed Bill (*Hon. Abdul Ningi*).

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

Question that Clause 5 as amended, stand part of the Bill, put and agreed to.

Clause 6: Maintenance of separate fund by the Commission.

- (1) The Commission shall establish and maintain a separate fund from which there shall be defrayed all expenditure incurred by the Commission except such expenditure as may be incurred by it pursuant to Section 5 of this Act.
- (2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this Section, such payments as may be made to it by the Federal Government for the running expenses of the Commission and all other assets from time to time accruing to the Commission otherwise than in pursuance of Section 5 of this Act.

Committee Recommendation:

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

Consequential Amendment:

Retain the provisions in the Clause — *Agreed to.*

Question that Clause 6 stand part of the Bill, put and agreed to.

Clause 7: Expenditure of the Commission.

The Commission may, from time to time, apply the proceeds of the fund established in pursuance of Section 6 (1) of this Section—

- (a) to defray the cost of administration of the Commission;
- (b) for reimbursing members or members of any Committee set up by the Commission for such expenses as may be expressly authorized by the Commission in accordance with the rates approved by it;

- (c) to the payment of the salaries, fees or other remuneration or allowances and pensions, superannuation allowance and gratuities payable to the officers and servants of the Commission, so however that no payment of any kind under this paragraph (except such as may be expressly authorized as aforesaid) shall be made to any person who in receipt of emoluments from the Government of the Federation or the Government of a State;
- (d) for the maintenance of any property vested in the Commission; and
- (e) for and in connection with all or any of its functions under this Act.

Committee Recommendation:

Leave out the entire provisions in the Clause (Hon. Hamisu Shim).

Consequential Amendment:

Retain the provisions in the Clause — *Agreed to.*

Question that Clause 7 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 8: Annual Estimates and Accounts.

- (1) The Commission shall submit to the Ministry of Finance not later than 31st October in each financial year an estimate of its expenditure and income (including payments to the Independent National Electoral Commission Fund) during the next succeeding financial year.
- (2) The Commission shall keep proper accounts in respect of each financial year (and proper records in relation thereto) and shall cause its accounts to be audited as soon as may be after the end of each financial year by the Auditor-General of the Federation (*Hon. Hamisu Shira*).

Amendments Proposed:

- (a) **In** subclause (1), lines 1 and 2, *leave out* the date "31st October" and *insert* the date "30th June" instead thereof (*Hon. John Eno*).

Question that the amendment be made, put and negatived.

- (b) In subclause (1), lines 1 and 2, *leave out* the date "31st October" **and insert the date** "30th September" instead thereof (*Hon. Cairo Ojough*).

Question that the amendment be made, put and negatived.

- (c) In subclause (1), lines 1 and 2, *leave out* the date "31st October" and **insert** the date "31st August" instead thereof (*Hon. Aminu Tambuwal*).

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

- {d) In subclause (2), lines 3 and 4, *leave out* the words "by the Auditor General of the Federation" (*Hon. H. A. B. Fasinro*).

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

Question that Clause 8 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 9: Commencement of review of State Constituencies.

The Commission shall make a proposed review of the constituencies of each State. The proposed review shall set out the proposed changes to the boundaries of the constituencies of the States pursuant to section 114 of the Constitution (*Hon. Hamisu Shira*).

Amendment Proposed:

Leave out the provision in the Clause (Hon. Abubakar Momoh),

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

*Committee Recommendation:***Clause 10: Establishment of office in each State and FCT.**

- (1) There shall be established in each State of the Federation and FCT, an office of the Commission which shall perform such functions as may be assigned to it, from time to time, by the Commission.
- (2) There shall be for each State of the Federation and the Federal Capital Territory, Abuja, a Resident Electoral Commission who shall—
 - (a) be a person of unquestionable integrity;
 - (b) not be less than 40 years of age; and
 - (c) be appointed by the President, Commander-in-Chief of the Armed Forces.
- (3) The Resident Electoral Commissioner appointed pursuant to subsection (2) of this Section, may be removed by the President, Commander-in-Chief of the Armed Forces (*Hon. Hamisu Shira*).

Amendments Proposed:

Leave out the entire provisions in subclauses (2) and (3) {*Hon. Almajir Geidam*}.

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

Another Amendment Proposed to subclause (3) as agreed to:

Leave out all the words in the subclause and *insert* the following instead thereof:

"The Resident Electoral Commissioner appointed pursuant to the 1999 Constitution may only be removed by the President, Commander-in-Chief of the Armed Forces of the Federation acting on an address supported by 2/3 majority of the Senate praying that he be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct" (*Hon. C. I. D. Maduabum*).

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

Question that Clause 10 as amended, stand part of the Bill, put and agreed to.

Clause 11: Commission not to be subject to the control any other person or authority.

In the discharge of its functions under this Act, the Commission shall not be subject to the direction or control of any other person or authority.

Committee Recommendation:

Leave out the provision in the Clause (*Hon. Hamisu Shira*) — *Agreed to.*

Clause 12: Proceedings, etc. of the Commission.

- (1) The Commission shall meet for the conduct of its business at such times, places and on such days as the Chairman may appoint.
- (2) The Chairman shall preside at all meetings of the Commission but if he is absent from any meeting of the Commission the members present shall elect one of their number to preside at that meeting.
- (3) During the Chairman's absence on leave or if the Chairman is otherwise not available or is unable to perform his functions, the President, Commander-in-Chief of the Armed Forces may appoint any member of the Commission to act as Chairman for any specified period.
- (4) The quorum for meetings of the Commission shall be as provided in Section 159 (1) of the Constitution.
- (5) Questions put before the Commission at a meeting shall be decided by consensus failing which decision shall be by simple majority of members present and voting.
- (6) The Chairman shall in the case of an equality of votes have a casting vote in addition to his deliberative vote.

- (7) Subject to this Section, the Commission shall have power to regulate its proceedings and may make standing orders with respect to the holding of meetings, the notice to be given, the procedure thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.
- (8) The validity of any proceedings of the Commission shall not be affected by any vacancy in its membership or any defect in the appointment of a member or by reason that a person not entitled to do so took part in the proceedings.
- (9) Where the Commission desires to obtain the advice or service of any person on a particular matter, the Commission may co-opt him to attend the Commission's meeting for such period as it thinks fit; but a person who is in attendance by virtue of this subsection shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

Committee Recommendation:

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

Committee Recommendation:

Clause 13: Committees of the Commission.

- (1) The Commission may appoint one or more committees to carry out any of its functions under this Act.
- (2) A committee, appointed pursuant to subsection (1) shall consist of such number of persons as may be determined by the Commission (*Hon. Hamisu Shira*) — *Agreed to.*

Question that Clause 13 stand part of the Bill, put and agreed to.

PART II — STAFF OF THE COMMISSION

Committee Recommendation:

Clause 14: Secretary to the Commission.

- (1) There shall be a Secretary to the Commission who shall—
 - (a) be appointed by the Commission;
 - (b) have such qualifications and experience to be determined by the Commission as are appropriate for a person required to perform the functions of his office under this Act.
- (2) Subject to the general direction of the Commission, the Secretary shall be
 - ta) responsible for keeping of proper records of the proceedings of the Commission;
 - (b) the head of the Commission's secretariat and be responsible for the administration thereof; and
 - (c) responsible for the direction and control of all other employees of the Commission with the approval of the Commission.
- (3) The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff as may be prescribed by this Act or any other enactment or law.
- (4) All employees of the Commission appointed pursuant to subsection (3) of this section excluding such as are appointed on a temporary basis for an honorarium shall have the same right and obligation as provided for in the Pension Act (*Hon. Hamisu Shira*) — *Agreed to.*

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

PART III — NATIONAL REGISTER OF VOTERS AND VOTERS' REGISTRATION

*Committee Recommendation:***Clause 15: National Register of Voters and Voters' Registration.**

- (1) The Commission shall compile, maintain, and update on a continuous basis, a National Register of Voters, in this Act referred to as the "Register of Voters" which shall include the names of all persons entitled to vote in any Federal, State or Local Government/Area Council Elections.
- (2) The Commission shall maintain as part of the National Register of Voters, a register of voters for each State of the Federation and for the Federal Capital Territory;
- (3) The Commission shall maintain as part of the Register of Voters for each State and the Federal Capital Territory, a Register of Voters for each Local Government/Area Council within the State and the Federal Capital Territory.
- (4) The register shall contain in respect of every person the particulars required in the Form prescribed by the Commission.
- (5) The registration of voters, updating and revision of the register of voters under this section shall stop not later than 120 days before any election covered by this Act.
- (6) The registration of voters shall be at the registration centers designated for that purpose by the Commission and notified to the public (*Hon. Hamisu Shira*).

Amendments Proposed:

- (i) In line 2, subclause (5), *leave out* "120 days" and *insert* "90 days" instead thereof (*Hon. H. A. B. Fasinro*).

Question that the amendment be made, put and negatived.

- (it) *Insert* a new subclause (7) as follows:

"Political Parties may send their agents to observe the registration exercise" (*Hon. N. C. Ughanze*),

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

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

*Committee Recommendation:***Clause 16: Continuous registration.**

- (1) There shall be continuous registration of all persons qualified to be registered as voters in each constituency on a date to be fixed by the Commission—
 - (a) Each applicant for registration under the continuous registration system shall appear in person at the registration venue with the following documents, i.e. Birth or Baptismal Certificate, National Passport or Driver's License, or any other document certified by the appropriate authority that will prove the identity, age, and nationality of the applicant.
 - (e) When a general election is notified by the Commission pursuant to section 31 of this Act, the current official register of voters certified by the Commission in accordance with the provisions of this Act shall be the official voters' register for those elections. In the case of every bye-election conducted under this Act, the official voters' register for use at such elections shall be the existing current register relating to the Senatorial district or the constituency concerned (*Hon. Hamisu Shira*).

Amendments Proposed:

- (a) *Leave out* the provision in subclause (1) and *insert* the following instead thereof:
"Without prejudice to Clause 15 (5), there shall be continuous registration of all persons qualified to be registered as voters" (*Hon. Uche Onyeagucha*).

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

- (b) Leave out the provision in subclause (1) (a) and insert the following instead thereof:
"Each applicant for registration under the continuous registration system shall appear in person at the registration venue with any of the following documents: Birth or Baptismal Certificate, National Passport/Identity Card or Driver's Licence or any other document that will prove the identity, age and Nationality of the applicant" (Hon. Aminu Tambuwal).

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

- (c) Retain the following provision in subclause (1) (b) of the proposed Bill:
"(b) the Commission may within sixty days after each year make available to every political party, the names and address of each person registered during that year" (Hon. Usman Bugaje).

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

Another Amendment Proposed to Subclause (1) (b):

In line 1, leave out the word "may" and **insert** the word "shall" instead thereof {Hon. Usman Bugaje}.

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

Question that Clause 16 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 17: Appointment of officers.

- (1) For the purpose of maintaining and updating the Voters' Register, the Commission shall appoint such registration, revision or update officers as it may require, provided that such officers shall not be members of any political party.
- (2) Any person may raise an objection against any officer during the registration or updating exercise and failure to raise such objection shall not vitiate the register.
- (3) 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 they 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 17 stand part of the Bill, put and agreed to.

Committee Recommendation:

Clause 18: Qualification for registration.

- (1) A person shall be qualified for registration as a voter if such a person:
 - (a) is a citizen of Nigeria
 - (b) has attained the age of eighteen years
 - (c) is ordinarily resident, works in, originates from the Local Government/Area Council or Ward covered by the registration centre;
 - (d) presents himself to the registration officers of the Commission for registration as a voter within the period stipulated by the Commission for registration of voters; and
 - (e) is not subject to any legal incapacity to vote under any law, rule or regulations in force in Nigeria.
- (2) No person shall register in more than one registration centre or register more than once in the same registration centre.
- (3) Any person who contravenes the provisions of subsection (2) of this section commits an offence and is liable on conviction to a fine not exceeding N100,000 or imprisonment for a term not exceeding one year or both {Hon. Hamisu Shira}.

Amendment Proposed:

In subclause (1) (d), line 2, after the word "voter" *leave out* the words "within the period stipulated by the Commission for registration of voters" (*Hon. Musa I. Ahmadu*).

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

Question that Clause 18 as amended, stand part of the Bill, put and agreed to.

Committee Recommendation:**Clause 19: Transfer of Registered voters.**

- (1) A person who before the election is resident in a Constituency other than the one in which he was registered may apply to the Resident Electoral Commissioner of the State where he is currently resident for his name to be entered on the Transferred Voters List for the Constituency
- (2) An application under subsection (1) of this Section shall be accompanied by the applicant's voters' card and be made not less than 30 days before the date of an election in the Constituency where the applicant is resident; and
- (3) The Resident Electoral Commissioner to whom an application is made under the provision of this Section shall cause to be entered the applicant's name in the Transferred Voters' List if he is satisfied that the applicant is resident in a polling area in the Constituency and is registered in another Constituency.
- (4) Whenever an Electoral Officer on the direction of the Resident Electoral Commissioner enters the name of any person on the Transferred Voters' List for his Constituency he shall—
 - (a) assign that person to a polling station or a polling area in his Constituency and indicate in the list the Polling area or polling station to which that person is assigned.
 - (b) issue the person with a new voters' card; and
 - (c) send a copy of the entry to the Electoral Officer of the Constituency where the person whose name has been so entered was originally registered and upon receipt of this entry, that Electoral Officer shall delete the name from his voters' list (*Hon. Hamisu Shira*) — *Agreed to.*

Question that Clause 19 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 5 (3) as amended, approved Clauses 6, 7, 8, 9 and Clause 10 as amended, deleted Clauses 11 and 12, approved Clauses 13 and 14, Clauses 15 and 16 as amended, approved Clause 17, Clause 18 as amended and Clause 19. He asked leave to sit again.

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

6. Adjournment:

And it being I Ad p.m. the House adjourned till Wednesday, 5 April, 2006 at 2.00 p.m.

Adjourned accordingly at 1.40 p.m.

Austin Opara
Deputy Speaker