

ELECTORAL ACT (AMENDMENT) ACT, 2004



ARRANGEMENT OF SECTIONS

Section :

1. Amendment of Act No. 4, 2002.
2. Substitution for section 131 of the Principal Act.
3. Substitution of section 132 of the Principal Act.
4. Short title.

ELECTORAL ACT (AMENDMENT) ACT, 2004**2004 ACT No.**

[26th May, 2004]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria —

1. Electoral Act 2002 (in this Act referred to as “the Principal Act”) is amended as set out in this Act.

Amendment
of Act No. 4,
2002.

2. Substitute section 131 of the Principal Act for a new section 131 :

Substitution
for section
131 of the
Principal
Act.

“131 (1) No election and no return at an election under this Act shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Act referred to as an “election petition”) presented to the competent tribunal or court in accordance with the provisions of the Constitution or this Act, and in which the person elected or returned is joined as a party.

(2) In this section “tribunal or court” means :

- (a) in the case of presidential election, the Court of Appeal ;
- (b) in the case of National Assembly, Governorship and State House of Assembly election, the Election Tribunal established by the Constitution or by this Act ; and
- (c) in the case of an Area Council in the Federal Capital Territory, an Area Council Election Tribunal.

(3) The Election Tribunals provided for under the Constitution and this Act shall be constituted not later than 14 days before the election, but not more than 60 days after the election.

(4) There shall be established for the Federal Capital Territory (FCT) the Area Council Election Appeal Tribunal which shall to the exclusion of any other court or tribunal hear and determine appeals arising from the decision of the Area Council Election Petition Tribunal.

(5) The decision of the Area Council Election Appeal Tribunal in respect of Area Council elections shall be final.

(6) An Area Council Election Tribunal shall consist of a chairman and four other members.

(7) The Chairman shall be a Chief magistrate and four other members shall be appointed from among Magistrate of the Judiciary of the Federal Capital Territory, Abuja and legal practitioners of at least 10 years post-call experience, non-legal practitioners of unquestionable integrity or other members of the Judiciary of the Federal Capital Territory not below the rank of a Magistrate.

(8) An Area Council Election Appeal Tribunal shall consist of a chairman and four other members and the Chairman shall be a Judge of the High Court and the four other members shall be appointed from among judges

of the High Court of the Federal Capital Territory, Abuja, Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, Judges of the Customary Court of Appeal or other members of the Judiciary of the Federal Capital Territory, Abuja not below the rank of a Chief Magistrate.

(9) Subject to the express provisions of this Act, the practice and procedure of the Area Council Election Tribunal shall be governed by the Magistrate Court of the Federal Capital Territory Civil Procedure Rules.

(10) Subject to the express provisions of this Act, the practice and procedure of the Area Council Appeal Tribunal shall be governed by the High Court of the Federal Capital Territory Civil Procedure Rules.

(11) The Chairman and Members of the Area Council Election Tribunal and Area Council Appeal Tribunal shall be appointed by the Chief Judge of the Federal Capital Territory, Abuja.”

Substitution
of section
132 of
the Principal
Act.

3. Substitute section 132 of the Principal Act for a new section 132 :

“132. An election petition under this Act shall be presented within 30 days from the date the result of the election is declared, or twenty-one (21) days after the constitution of the election tribunal.”

Short title.

4. This Act may be cited as the Electoral Act (Amendment) Act 2004.

EXPLANATORY MEMORANDUM

This Act amends the Electoral Act 2002 for the establishment of an Area Council Tribunal and an Area Council Election Appeal Tribunal for the Federal Capital Territory, Abuja.

SCHEDULE TO ELECTORAL ACT (AMENDMENT) BILL, 2004

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by Senate</i>	(5) <i>Date Passed by House of Representatives</i>
Electoral Act (Amendment) Bill, 2004.	An Act to amend the Electoral Act 2002 ; and for related purposes.	This Bill seeks to amend the Electoral Act 2002 for the establishment of an Area Council Tribunal and an Area Council Election Appeal Tribunal for the Federal Capital Territory, Abuja.	22nd April, 2004	18th May, 2004

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria 1990.

IBRAHIM SALIM, CON
Clerk to the National Assembly
26th Day of May, 2004.

I ASSENT.



CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
26th Day of May, 2004.