

No. 21: Determination of Pre-Election Matters

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide time for the determination of pre-election matters; and for related matters

Sections	Provisions of the Constitution	Provisions of the Bill	Remarks
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>Alteration of Constitution</p> <p>1. The Constitution of the Federal Republic of Nigeria 1999 (in this Bill referred to as “the Principal Act”) is altered as set out in this Bill.</p>	
285	<p>ESTABLISHMENT OF ELECTION TRIBUNALS AND TIME FOR DETERMINATION OF ELECTION PETITIONS</p> <p>Section 29 of the First Alteration Act and Section 285 of the Constitution are substituted for the following new section-</p> <p>“(1) There shall be established for each State of the Federation and Federal Capital Territory, one or more election tribunals to be known as the National and State Houses of Assembly Election Tribunals which shall, to the exclusion of any Court or tribunal, have</p>	<p>Alteration of section 285 of the Constitution</p> <p>2. Section 285 of the Principal Act is further altered by-</p> <p>(a) by substituting for the marginal note, a new “marginal note”-</p> <p>“Time for Determination of Pre-Election Matters, Establishment of Election Tribunals and Time for Determination of Election Petitions”;</p>	

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	<p>original jurisdiction to hear and determine petitions as to whether-</p> <p>(a).....</p> <p>(b).....</p> <p>(2) There shall be established in each State of the Federation as election tribunal to be known as the Governorship Election Tribunal which shall, to the exclusion of any court or tribunal, have original jurisdiction to hear and determine petitions as to whether any person has been validly elected to the office of Governor or Deputy Governor of a State.</p> <p>(3) The composition of the National and State Houses of Assembly Election Tribunal and the Governorship Election Tribunal, respectively, shall be as set out in the Sixth Schedule to this Constitution.</p> <p>(4).....</p> <p>(5).....</p> <p>(6) An election tribunal shall deliver its judgment in writing within 180 days from the date of the filing of the petition;</p> <p>(7) An appeal from a decision of an election tribunal or court shall be heard and disposed of within 60 days from the date of the delivery of judgment of the tribunal;</p>	<p>(b) by substituting for subsection (8), anew subsection “(8)” –</p> <p>“(8) Where a preliminary objection or any other interlocutory issue touching on the jurisdiction of the tribunal or court in any pre-election matter or on the competence of the petition itself is raised by a party, the tribunal or court shall suspend ruling thereon and deliver same at the stage of final judgment”; and</p> <p>(c) by inserting, after subsection (8), new subsections “(9) – “(13)”:</p> <p>“(9) Notwithstanding anything to the contrary in this Constitution, every pre-election matter shall be filed not later than 14 days from the date of the occurrence of the event, decision or action complained of in the suit.</p> <p>(10) A Court in every pre-election matter shall deliver its judgment in writing within 180 days from the date of filing of the suit.</p> <p>(11) An appeal from a decision in a pre-election matter shall be filed within 14 days from the date of delivery of the</p>	

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	<p>(8) The court, in all final appeals from an election tribunal or court may adopt the practice of first giving its decision and reserving the reasons therefore to a later date;</p> <p>(10).....</p>	<p>judgment appealed against.</p> <p>(12) An appeal from a decision of a Court in a pre-election matter shall be heard and disposed of within 60 days from the date of filing of the appeal”.</p> <p>(13) for the purpose of this section, “pre-election matter” means any suit by –</p> <p>(a) an aspirant who complains that any of the provisions of the Electoral Act or any Act of the National Assembly regulating the conduct of primaries of political parties and the provisions of the guidelines of a political party for conduct of party primaries has not been complied with by a political party in respect of the selection or nomination of candidates for an election;</p> <p>(b) an aspirant challenging the actions, decisions or activities of the Independent National Electoral Commission in respect of his participation in an election or who complains that the provisions of the Electoral Act or any Act of the National Assembly regulating elections in Nigeria</p>	

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		<p>has not been complied with by the Independent National Electoral Commission in respect of the selection or nomination of candidates and participation in an election; and</p> <p>(c) a political party challenging the actions, decisions or activities of the Independent National Electoral Commission disqualifying its candidate from participating in an election or a complaint that the provisions of the Electoral Act or any other applicable law has not been complied with by the Independent National Electoral Commission in respect of the nomination of candidates of political parties for an election, timetable for an election, registration of voters and other activities of the Commission in respect of preparation for an election”.</p>	
		<p>Citation 3. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 21, 2017.</p>	
		EXPLANATORY MEMORANDUM	

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		This Bill seeks to make provisions for pre-election matters and time for the determination of pre-election disputes.	