

No. 14: Independent Candidature

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide for independent candidature in elections; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF HARMONIZED BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria as follows -	
		<p>Alteration of the Constitution</p> <p>1. The Constitution of the Federal Republic of Nigeria 1999 (in this Bill referred to as “Constitution”) is altered as set out in this Bill.</p>	
Section 7	<p>Local Government System</p> <p>7. (1) The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to section 8 of this Constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils.</p> <p>(2)</p> <p>(3).....</p> <p>(4) The Government of a State shall ensure that every person who is entitled to vote or be voted for at an</p>	<p>Alteration of section 7</p> <p>2. Section 7 of the Principal Act is altered in subsection (4), by inserting before the word "the" in line 1, the words, <i>“Subject to the provisions of section 106 of this Constitution”</i>;</p>	

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	<p>election to House of Assembly shall have the right to vote or be voted for at an election to a local government council.</p> <p>(5)</p> <p>(6).....</p>		
Section 65	<p><i>C - Qualifications for Membership of National Assembly and Right of Attendance</i></p> <p>65. (1) Subject to the provisions of section 66 of this Constitution, a person shall be qualified for election as a member of:</p> <p>(a) the Senate, if he is a citizen of Nigeria and has attained the age of 35 years; and</p> <p>(b) the House of Representatives, if he is a citizen of Nigeria and has attained the age of 30 years;</p> <p>(2) A person shall be qualified for election under subsection (1) of this section if:</p> <p>(a) he has been educated up to at least School Certificate level or its equivalent; and</p> <p>(b) he is a member of a political party and is sponsored by that party.</p>	<p>Alteration of section 65</p> <p>3. Section 65 of the Principal Act is altered –</p> <p>(a) in subsection (2) (b), by inserting, after the last word, “party”, the words, “or he is an independent candidate”; and</p> <p>(b) by inserting, after subsection (2), a new subsection “(3)” –</p> <p>“(3) The requirements and conditions for the nomination of an independent candidate under this Constitution shall be as specified by the Independent National Electoral Commission”.</p>	
Section 106	<p><i>C -Qualification for Membership of House of Assembly and Right of Attendance</i></p> <p>106. Subject to the provisions of section 107 of this Constitution, a person shall be qualified for election as a member of a House of Assembly if -</p> <p>(a) he is a citizen of Nigeria;</p> <p>(b) he has attained the age of thirty years;</p>	<p>Alteration of section 106</p> <p>4. Section 106 (d) of the Principal Act is altered after the last of word, “party”, the words, “or he is an independent candidate.”</p>	

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	(c) he has been educated up to at least the School Certificate level or its equivalent; and (d) he is a member of a political party and is sponsored by that party.		
Section 131	<p style="text-align: center;">Qualification for election as president</p> <p>131. A person shall be qualified for election to the office of the President if - (a) he is a citizen of Nigeria by birth; (b) he has attained the age of forty years; (c) he is a member of a political party and is sponsored by that political party; and (d) he has been educated up to at least School Certificate level or its equivalent.</p>	<p style="text-align: center;">Alteration of section 131</p> <p>5. Section 131 (c) of the Principal Act is altered by inserting after the word, “party” in line 2, the words, “or he is an independent candidate.”</p>	
Section 177	<p style="text-align: center;">Qualification for election as governor</p> <p>177. A person shall be qualified for election to the office of Governor of a State if (a) he is a citizen of Nigeria by birth; (b) he has attained the age of thirty-five years; (c) he is a member of a political party and is sponsored by that political party; and (d) he has been educated up to at least School Certificate level or its equivalent.</p>	<p style="text-align: center;">Alteration of section 177</p> <p>6. Section 177 (c) of the Principal Act is altered by inserting after the word, “party” in line 2, the words, “or he is an independent candidate.”</p>	
Section 228	<p style="text-align: center;">Powers of the national Assembly with respect to political parties (Section 228 & section (22), 1st Alteration Act)</p> <p>228. The National Assembly may by law provide - (a) <i>guidelines and rules to ensure internal</i></p>	<p style="text-align: center;">Alteration of section 228</p> <p>7. Section 228 of the Principal Act is altered by inserting, after paragraph (c), a new paragraph “(ca)” –</p>	

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	<p><i>democracy within political parties, including making laws for the conduct of party primaries, party congresses and party conventions; and;</i></p> <p><i>(b) the conferment on the Independent National Electoral Commission of powers as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the Commission more effectively to ensure that political parties observe the practices of internal democracy, including the fair and transparent conduct of party primaries, party congresses and party conventions;</i></p> <p>(c); and</p> <p>(d)</p>	<p>“(ca) for procedures, guidelines and qualifications for access to the ballot by political parties and independent candidates”</p>	
		<p>Citation</p> <p>8. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 14, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to provide for independent candidature in elections.</p>	