

No. 9: Political Parties and Electoral Matters

**A Bill
For**

An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide the Independent National Electoral Commission with sufficient time to conduct bye-elections and provide grounds for de-registration of political parties; and for related matters

SECTIONS OF THE CONSTITUTION	PROVISIONS OF THE CONSTITUTION	PROVISION OF THE BILL	REMARKS
		ENACTED by the National Assembly of the Federal Republic of Nigeria -	
		<p>Alteration of the 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>	
134	<p>Election: Two or more Presidential candidates</p> <p>134. (1) A candidate for an election to the office of President shall be deemed to have been duly elected, where, there being only two candidates for the election –</p> <p>(2).....</p> <p>(3).....</p> <p>(4) In default of a candidate duly elected under the foregoing subsections, the Independent National Electoral Commission shall within 7 days of the result of the election held under the said subsections, arrange for an election between the two candidates and a candidate at such election shall be deemed elected to the office of President if -</p> <p>(a) he has a majority of votes cast at the election; and</p> <p>(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the</p>	<p>Alteration of section 134</p> <p>2. Section 134 of the Principal Act is altered -</p> <p>(a) in subsection (4), by substituting for the figure, “7” in line 2, the figures, “21”; and</p> <p>(b) in subsection (5), by substituting the figure, “7” in line 2, the figures, “21”.</p>	

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	<p>Federation and the Federal Capital Territory, Abuja</p> <p>(5) In default of a candidate duly elected under subsection (4) of this section, the Independent National Electoral Commission shall, within 7 days of the result of the election held under the aforesaid subsection (4), arrange for another election between the two candidates to which the subsection relates and a candidate at such election shall be deemed to have been duly elected to the office of President, if he has a majority of the votes cast at the election.</p>		
179	<p>Election: single candidate and two or more candidates</p> <p>179. (1) A candidate for an election to the office of Governor of a State shall be deemed to have been duly elected to such office where, being the only candidate nominated for the election-</p> <p>((2).....</p> <p>(3).....</p> <p>(4) In default of a candidate duly elected under subsection (2) of this section, the Independent National Electoral Commission shall within 7 days of the result of the election held under that subsection, arrange for an election between the two candidates and a candidate at such election shall be deemed to have been duly elected to the office of Governor of a State if -</p> <p>(a) he has a majority of the votes cast at the election; and</p> <p>(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the local</p>	<p>Alteration of Section 179</p> <p>3. Section 179 of the Principal Act is altered-</p> <p>(a) in subsection (4), by substituting for the word, “seven” in line 2, the figures, “21”; and</p> <p>(b) in subsection (5), by substituting for the word, “seven” in line 2, the figures, “21”</p>	

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	<p>government areas in the State.</p> <p>(5) In default of a candidate duly elected under subsection (4) of this section, the Independent National Electoral Commission shall within 7 days of the result of the election held under that subsection, arrange for another election between the two candidates to which that sub-paragraph relates and a candidate at such election shall be deemed to have been duly elected to the office of governor of a State if he has a majority of the votes cast at the election.</p>		
225.	<p style="text-align: center;">Finances of political parties</p> <p>225. (1) Every political party shall, at such times and in such manner as the independent National Electoral Commission may require, submit to the independent National Electoral Commission and publish a statement of its assets and liabilities.</p> <p>(2) Every political party shall submit to the Independent National Electoral Commission a detailed annual statement and analysis of its sources of funds and other assets together with a similar statement of its expenditure in such form as the Commission may require.</p> <p>(3) No political party shall -</p> <p>(a) hold or possess any funds or other assets outside Nigeria; or</p> <p>(b) be entitled to retain any funds or assets remitted or sent to it from outside Nigeria.</p> <p>(4) Any funds or other assets remitted or sent to a political</p>	<p>Insertion of section 225A</p> <p>4. Insert, after section 225, a new section “225A” -</p> <p>“225A. The Independent National Electoral Commission shall have power to de-register a political party for -</p> <p>(a) breach of any of the requirements for registration;</p> <p>(b) failure to win at least twenty-five percent of votes cast in -</p> <p style="padding-left: 20px;">(i) one State of the Federation in a Presidential election, or</p> <p style="padding-left: 20px;">(ii) one Local Government of the State in a Governorship election;</p> <p>(c) failure to win at least-</p> <p style="padding-left: 20px;">(i) one ward in the Chairmanship election,</p> <p style="padding-left: 20px;">(ii) one seat in the National or State House of Assembly election, or</p> <p style="padding-left: 20px;">(iii) one seat in the Councillorship election”.</p>	

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	<p>party from outside Nigeria shall be paid over or transferred to the Commission within twenty-one days of its receipt with such information as the Commission may require.</p> <p>(5) The Commission shall have power to give directions to political parties regarding the books or records of financial transactions which they shall keep and, to examine all such books and records.</p> <p>(6) The powers conferred on the Commission under subsection (4) of this section may be exercised by it through any member of its staff or any person who is an auditor by profession, and who is not a member of a political party.</p>		
		<p>Citation</p> <p>5. This Bill may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fourth Alteration) Bill, No. 9, 2017.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to provide the Independent National Electoral Commission with sufficient time to conduct bye-elections and provide grounds for de-registration of political parties.</p>	