

A

BILL FOR

A Law to amend the Independent Electoral Commission Law Cap. 69, Laws of Akwa Ibom State 2022, and for other matters connected therewith.

Commencement ()

BE IT ENACTED by the Akwa Ibom State House of Assembly as follows -

1. Amendment of Independent Electoral Commission Law, Cap. 69, Laws of Akwa Ibom State 2022.

The Independent Electoral Commission Law Cap. 69, Laws of Akwa Ibom State 2022 (in this Law referred to as the "Principal Law") is hereby amended as set out in this Law.

2. Amendment of Section 8

(1) Section 8 of the Principal Law is amended by inserting a new sub-section (3) immediately after sub-section (2) as follows -

"(3) The Secretary shall hold office for a single term of 4 years from the date of appointment and shall be paid such remuneration as may be contained in his/her letter of appointment.

(2) Sub-sections (3) to (5) of Section 8 of the Principal Law are renumbered as sub-sections (4) to (6) respectively.

3. Amendment of Section 13.

The Principal Law is hereby amended by deleting Section 13 in its entirety and replacing it with a new Section 13 as follows –

"13, Date of Elections and Method of Voting

(1) Elections into all Local Government councils in the State shall be held on the same date and day throughout the State.

- (2) The date stated in sub-section (1) of this Section shall not be earlier than one hundred and fifty days before and not later than thirty days before the expiration of the term of office of the last holder of that office.
- (3) Bye-elections to fill vacancies that occur in the Local Government Councils shall be held within thirty days from the date the vacancy occurred.
- (4) Where a vacancy occurs more than three months before the day the Local Government Council stands dissolved, there shall be a bye election to fill the vacancy not later than thirty days from the date the vacancy occurred.
- (5) Voting shall be by open-secret ballot."

4. Insertion of new PART III.

- (J) The Principal Law is hereby amended by inserting a new Part III Immediately after the provisions of Part II as follows –

PART III

Funds and Accounts

13A. Establishment of Akwa Ibom State Independent Electoral Commission Fund.

- (1) There is established the Akwa Ibom State Independent Electoral Commission Fund (in this Law referred to as "the Fund").
- (2) There shall be paid into the Fund
 - (a) such sums and payments received from the State Government by the Commission for the performance of its functions under this Law;

- (b) aids, grant or any other accruals to the Commission in order to perform its functions; and
 - (c) such sums as may be credited to the Fund by way of interest from investments made from the Fund.
- (3) The election funds due to the Commission for any election shall be released to the Commission at least twelve months before the next election provided (hat such funds may be released in tranches according to programme need.
- (4) Disbursements from the Fund shall be made in accordance with rules set out by the Commission.

13B Accounts and Audits. Cap. 18.

The Commission -shall keep proper accounts and records in respect of each financial year and shall cause its accounts to be audited in accordance with the Audit Law.

13C. Annual Estimates.

The Commission shall prepare and submit to the Governor not later than the date stated in the appropriate call memo, an estimate of its revenue and expenditure for the next financial year.

13D Investment

The Commission May, through any Investment Agency of the State, invest any sum standing to its credit in such securities as the Governor may approve and may also dispose of such securities.

13B Borrowing

Subject to the approval of the Governor and the provisions of the relevant jaw, the Commission may borrow such sum of money as it may require in the exercise of its functions under this Law."

- (2) **Parts III, IV, V and VI of the Principal Law are hereby renumbered as IV, V, VI, and VII respectively.**

5 Amendment of Section 190

(1) The Principal Law is hereby amended by deleting Section 19 in its entirety and replacing it with a new Section 19 as follows-

"19, Notice and Procedure at Primaries and General Elections.

- (1) The Commission shall later than one hundred and eighty days but not less than ninety days before the day appointed for holding an election under this Law, publish a notice in the - State-
- (a) stating the date of election and communicate same to all political parties: and
 - (b) appointing •the place at 'which nomination papers are to be delivered.
- (2) In the case of bye-election. the• Commission shall not later than fourteen- days before the date appointed for the election, publish a notice stating the date of the election.
- (3) There shall be no substitution of candidate in the bye-election except where (he candidate of a political party in a bye-elections dies, the Party shall submit to the Commission the name of its substitute candidate within seven days of the death of the candidate in the Form prescribed by the Commission.
- (4) A Party which intends to nominate candidates for elective offices in the Local Government Councils shall hold primaries for aspirants which shall be monitored by the Commission.
- (5) The procedure for nomination of candidates by political parties for the various elective offices in the Local Government Councils shall be by direct, indirect primaries or consensus.

- (6) Parties' Primaries conducted either by direct, indirect primaries or consensus shall be conducted in line with the Electoral Act 2022 or any other enactment replacing same.
- (7) The conduct of Party Primaries in respect of elections into elective positions in Local Government Councils shall be as follows -
 - (a) every Political Party shall give the Commission at least twenty-one days' notice of any convention, congress or meeting convened for the purpose of nominating candidate for election;
 - (b) all Parties' Primaries shall be concluded sixty days before the date fixed for election;
 - (c) all political Parties shall communicate to the Commission indicating the names of all contestants, date, time and venue for the primaries within twenty-one days before the conduct of such primaries.
- (8) Any person who participated in the primary election of his Party and is dissatisfied with the results of any primaries may present a pre-election matter in the High Court within ten days from the date of declaration of the results.
- (9) A court in every pre-election matter shall deliver its judgment in writing within fifty days from the date of filing of the Suit, which decision shall be final."

6. Insertions of new Sections 19A to 19G.

The Principal Law is amended by inserting new Sections 19A to 19G immediately after Section 19 as follows-

19A. Political Broadcast and Campaigns

The period of campaigning in public by every political party shall commence sixty days before polling day and end twenty-four hours prior to polling day.

19B. Submission of Candidates and 'their affidavits by Political Parties

- (1) Every Political Party shall, not later than forty-five days before the date appointed for election under the provisions of this Law, submit to the Commission in the prescribed Form, the list of the candidate(s) the party proposes to sponsor at the election.
- (2) The list submitted by the Political Party shall be accompanied by an affidavit deposed to at the High Court by each candidate, stating that such candidate has fulfilled all the requirements and qualification for that office.
- (3) Any person who participated in the primary election of his Political Party may apply to the Commission for a copy of the nomination form, affidavit and any other document submitted by a candidate at an election and the Commission shall, upon payment of the prescribed fee, issue such person a certified copy of the document within fourteen days of such application.
- (4) Any person who participated in the information of his .Political Party and has reasonable grounds to believe that any information given by a Candidate .in the affidavit or any document submitted by that Candidate is false, may file a suit at t-ne State High Court within fourteen days from the date of being furnished with the documents referred to in sub-section (3) above, seeking a declaration that the information. contained in the affidavit is false.

- (5) If the Court determines that any information contained in the affidavit, or any document submitted by the Candidate is false, the Court shall issue an order disqualifying the Candidate from contesting the election.

19C. Withdrawal of Candidate

A candidate may withdraw his candidature by notice in writing signed and delivered by him personally to the political party that nominated him and the Political Party shall convey such withdrawal to the Commission not later than thirty days before the elections.

19D. Final publication of list of nominated candidates.

The Commission shall, not less than thirty days before the day of elections, publish at the relevant office or offices of the Commission, the names of all nominated candidates.

19E. Death of Candidate

- (1) If after the time of delivery of nomination paper and before the commencement of the poll, a nominated candidate dies, the Commission shall postpone the poll in which the deceased candidate was to participate and appoint such other convenient date for the election within fourteen days of notice of death.

Provided that the Political Party affected shall, within fourteen days of the occurrence of the event, hold a fresh primary election to produce and submit a fresh candidate to the Commission for the election concerned.

- (2) The list of voters to be used at a postponed election shall be the official voters register which was to be used if the election had not been postponed.

19F. Conduct of Election.

The Commission shall have power to conduct Local Government elections every three years; provided the Commission is not prevented from conducting elections by reason of war, unrest, persistent or reoccurring violence or any other situation.

19G Swearing-in

The swearing-in of the elected Local Government officials shall hold on the 7th day of December of the election year or such other date as the Commission may determine.

7. Amendment OF Section 44.

"44. Membership of Local Government Election Petition Tribunal.

- (1) The Local Government Election Petition Tribunal shall consist of a Chairman and two other Members.
- (2) A person shall be qualified for appointment as a Chairman/Member of a Local Government Election Petition Tribunal if he is qualified to practice as a legal practitioner in Nigeria and has been so qualified for a period not less than ten years."

8. Amendment of Section 47.

The Principal Law is amended by deleting Section 47 in its entirety and replacing it with a new Section 47 as follows-

"47. Appeals

- (1) Appeals shall lie from a decision of a Local Government Election Petition Tribunal to the High Court within the Senatorial district from which a petition emanated, and the decision of the High Court shall be final.

- (2) An Appeal from a decision of a Local Government Election Petition Tribunal shall be filed not later than fourteen days from the date when the decision was given.
- (3) The High Court sitting in an appeal from a decision of a Local Government Election Petition Tribunal shall deliver its decision within forty-five days from the date the appeal is filed."

9. Amendment of Section 49.

The Principal Law is amended by deleting Section 49 in its entirety and replacing it with a new Section 49 as follows-

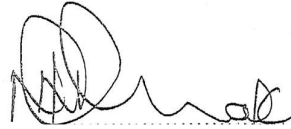
"49. Presentation of Election Petition and Limitation of time.

- (1) Any person or Party who is dissatisfied with the result of the election shall present his Election Petition within fourteen days from the date of declaration of the result of the election.
- (2) Every election petition filed under this Law shall be determined within ninety days from the date of filing of petition."

10. Citation and Commencement,

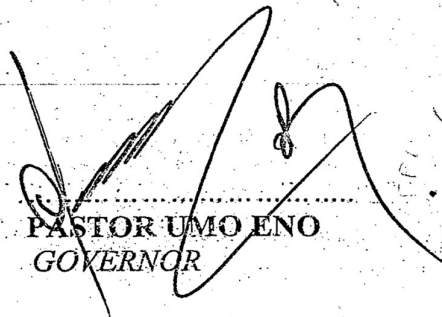
This Law may be cited as the Akwa Ibom State Independent Electoral Commission (Amendment) Law, 2024. and shall crone into force on the day of, 2024

This printed impression has been compared by me with the Bill which has been passed by the Akwa Ibom State House of Assembly and is found to be true and correctly printed copy of the Bill.



MRS. NSIKAK-ABASI N. OROK MNIM,MCIPM
CLECK OF THE HOUSE

I assent



PASTOR UMO ENO
GOVERNOR

Dated this 6th Day of MAY 2024