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THE ELECTORAL AMENDMENT: A DECADE IN DELIBERATION

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Review

The Electoral Act (Amendment Bill), a proposal aimed at making changes to existing electoral laws in Nigeria has been a rallying cause for civil society in Nigeria for a decade. The Electoral Act was first passed in 2010 to replace the 2006 Electoral Act. Since then, several amendments have been proposed to the Act.

In the run up to the 2019 elections, several attempts were made to get the bill passed at the Federal level. A 2018 amendment of the bill was sent to the Presidency by parliament on June 27, 2018, for assent but following concerns regarding technical and legal issues found in the submitted version it did not receive assent. For example, the bill did not amend sections 31, 34 and 85 which stipulates times for the submission of lists of candidates, publication of lists of candidates and notice of convention, congresses for nominating candidates for elections. A revised version of the Electoral Act (Amendment) Bill, 2018, was sent to the Presidency on the 3rd of August, 2018 but the President failed to assent again due to drafting and cross referencing issues. These delays have led to further deliberations in parliament which is now calling for a total repeal.

Why This Matters.

More than ten amendments which include allowing electronic voting, electronic transmission of results, a more transparent process for political party primaries, and the regulation of electoral spending have been proposed.

The Electoral Act (Amendment Bill) will be one of Nigeria's most important legislations as it comes at a time where the country prepares for its most anticipated elections in the fourth republic. This bill is important for many reasons including the growing participation of Nigeria's young people in the political process, which has created a need for legal reforms that will ensure that the voting and leadership recruitment process are inclusive, transparent and promote justice.

The cost of elections also needs to be regulated. Nigeria has one of the most expensive elections in the world, a number which increases in every election cycle but which has not made the process credible.

“We have observed that the more we spend on our elections, the more violent they have become and the less electoral integrity”

says Samson Itodo, Executive Director at YIAGA Africa, a non-profit advocacy for democratic governance.



What Next for Nigeria?

Because of the many changes being proposed, the National Assembly has decided to approach the amendment with a repeal and reenact manner, proposing a new law altogether. It will be called the Independent National Electoral Commission Bill, 2020. If passed, it will completely repeal the Electoral Act and become the new law on elections in Nigeria. Several debates and hearings have occurred in the past months and advocacies like that of YIAGA are being sustained to ensure that the process is concluded before the 2023 elections.

On their engagement with the parliament, Mr Itodo said they have been supporting the National Assembly committees and providing them technical assistance and helping them understand the issues that exist. “YIAGA Africa has been involved in electoral reform advocacy for over a decade and it is a critical aspect of our work as YIAGA because we believe that there is a direct correlation between electoral integrity and the responsiveness of the leaders that emerge in elections.”

Legal reforms will only be one step towards steering Nigeria on the course of credible elections and accountable leadership. Nigeria must strengthen its institutions of governance, not INEC or electoral bodies alone. The conversation and actions around this legislation should strengthen civil society and government actors to be proactive in addressing the issues of state fragility and the deep divisions in the Nigerian society,