

A BILL

FOR

AN ACT TO AMEND THE ELECTORAL ACT 2022 TO PROVIDE FOR THE HEARING AND FINAL DETERMINATION OF ALL ELECTION PETITIONS BY THE RESPECTIVE ELECTION PETITIONS TRIBUNALS AND THE APPELLATE COURTS IN ACCORDANCE WITH SPECIFIED TIMELINES BEFORE SWEARING-IN OF ELECTION WINNERS AND FOR RELATED MATTERS

Sponsored by Hon. Ikeagwuonu Ugochinyere

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 **1.** The Electoral Act 2022 (in this Part referred to as "the Principal
2 Act"), is amended as set out in this Bill. Amendment of
the Principal Act
- 3 **2.** Section 138 of the Principal Act is amended by inserting a new Amendment of
Section 138
4 subsection (1)-(7) to follows;
- 5 (1) Notwithstanding any other provision of this Act or any other
6 law, all petitions challenging the outcome of any election shall be filed,
7 heard, determined and concluded by the various Election Petitions
8 Tribunals, and the Appellate Courts within a period not later than 6 months
9 from the date of such election before the swearing-in of the successful
10 candidate at every election as declared by the Independent National
11 Electoral Commission.
- 12 (2) Notwithstanding any other provision of this Act or any other
13 law, all pre-election matters shall be concluded by the various courts before
14 which they are instituted not later than 3 months to the date of any election.
- 15 (3) The Commission shall take all administrative steps necessary to give full
16 effect to the determination of all pre-election and post-election petitions
17 within 6 months as provided in this Act.
- 18 (4) Where an election is nullified by the applicable Elections

1 Petitions Tribunal and a Notice of Appeal against the decision is filed within
2 the stipulated period for appeal, the elected candidate shall, not remain in office
3 or be sworn into office until after the determination of the appeal.

4 (5) If the Election Petitions Tribunal or the Court, as the case maybe,
5 determines that a candidate returned as elected was not validly elected, the
6 candidate returned as elected shall not remain in office or be sworn into office
7 until after the expiration of the period of 21 days within which an appeal may be
8 brought.

9 (6) For the purpose of this section-

10 (a) The respective Election Petitions Tribunal shall conclude hearing
11 and deliver judgment on all petitions within 90 days of filing.

12 (b) Where an appeal arises from the decision of the Election Petitions
13 Tribunal, the Court of Appeal shall conclude hearing and deliver judgment
14 within 90 days of filing the appeal.

15 (c) The swearing-in of any candidate declared winner shall be
16 deferred until the determination of all pre-election and election petitions in
17 respect of the election and the expiration of time limits set out in subsections
18 6(A) and 6(B) above.

19 (7) The Independent National Electoral Commission shall not swear-
20 in any candidate as winner of an election until-

21 (a) The pre-election and post-election period for filing petitions has
22 lapsed without any petition, or

23 (b) All petitions and appeals challenging the result have been fully
24 determined by the Elections Petitions Tribunal and Appellate Courts.

Citation

25 **3.** This Bill may be cited as Electoral Act, 2022 (Amendment) Bill,
26 2024.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Electoral Act 2022 to provide for the hearing and determination of all election petitions by the respective Election Petitions Tribunals and the Appellate Courts in accordance with specified timelines before swearing-in of successful candidates at elections.