



**MEMORANDUM TO NATIONAL ASSEMBLY - JOINT COMMITTEE
ON INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)
AND ELECTORAL MATTERS**

2nd SEPTEMBER, 2024



TABLE OF CONTENTS

PREAMBLE.....1

1. RECOMMENDATIONS 4-9

**MEMORANDUM TO NATIONAL ASSEMBLY - JOINT COMMITTEE ON
INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) AND ELECTORAL
MATTERS**

**TO: NATIONAL ASSEMBLY - JOINT COMMITTEE ON INDEPENDENT NATIONAL
ELECTORAL COMMISSION (INEC) AND ELECTORAL MATTERS**

FROM: Youth Party

DATE: 2nd September, 2024

**Re: INVITATION TO A 3-DAY RETREAT ON AMENDMENT TO THE
ELECTORAL ACT, 2022.**

Pursuant to the invitation of your esteemed Committee, via a letter dated 22nd August, 2024 and referenced NASS/5/INEC/36/6/, seeking memoranda from the Youth Party for consideration of the Electoral Act, 2022 as part of the reforms of the electoral process, we the members of the Youth Party, hereby seek the consideration of the proposals contained herein.

We have reviewed the Invitation for Memoranda and we recommend the following:

1. State Financial Grant Towards Administrative and Policy Development Costs of Political Parties

Currently, political parties in Nigeria does not get any sort of financial support from the Federal Government towards any of their activities. It is our humble submission that administrative and policy development cost should be entitled to a financial grant but not campaign expenses. In essence, we submit that it is in the public interest for the Electoral Act 2022 to be amended to provide for financial grant towards administrative and policy development costs.

The following are part of the rationale for public funding of parties:

1. It limits the impact of private money on democracy, ensuring that public interest guides political behavior. It protects the parties from moneybags or limits their influence. And, also prevent the capture the government by moneybags.
2. State funding promotes justice, equal opportunity, and political competitiveness, especially benefiting smaller parties.
3. Thirdly, it reduces private influence, curbing corruption through regulated contributions and spending.
4. Party politics' costs rise, public funding becomes essential for democratic progress, allowing parties to focus on their campaigns effectively.
5. It is in line with global best practices. 60% of democratic countries support political parties financially including Germany, United Kingdom, Sweden, Israel, Canada, Australia, Austria, Spain, France, Japan, Mexico, the Netherlands, Poland and many others.

There are two categories of public funding: direct and indirect. In a sample of over 180 nations, 25% provide no public funding, 58% provide direct funding, and 60% provide indirect funding.¹ Direct funding of grant towards administrative and policy development expenses. And, indirect grant by allowing the political parties a regulated slot and access to state broadcasting institutions.

In conclusion, we submit that it is in the public interest to provide financial grant to political parties so they can adhere to principles that keep them free from the influence of moneybags who, by hook or by crook, seeks to acquire political power or influence.

2. Admissibility of Electronic Versions of Voters Register

The election petition rules should allow for the admissibility of electronic versions of voters register in the form of protected hard drives that are usually issued to all political parties by INEC before the commencement of any election. The current procedure that requires obtaining certified true copies of the voters register from INEC is frustrating, cumbersome and outdated. Even the sheer volume of the documents will discourage the judges from going through them.

3. Disruption of Election Day Process and Safety of Election Personnel

The disruption of electoral day process and the safety of election personnel have been an issue that have been prevalent due to the failure to prosecute electoral offences successfully. Unfortunately, a large number of those that engage in electoral disruption and even harm electoral personnel get away with it. The Commission needs to come to terms with the fact that it does not have the have the time, the

¹ ACE Electoral Knowledge Network: Comparative Data: Political Parties and Candidates, ACEproject.org. available at https://en.m.wikipedia.org/wiki/Political_party_funding

expertise, the resources and the capacity to fully prosecute electoral offences as the business of conducting election and managing post electoral challenges is already too burdensome. INEC appears to be seriously overburdened with conducting elections, registering political parties and monitoring their activities and their finances, as well as carrying out other activities incidental to the conduct of elections. INEC should employ and integrate new technologies to monitor the electoral process particularly the use of video monitoring drones which can fly for several hours at high altitudes to broadly survey a given geographical area; and report in real-time incidents in various polling units and simultaneously uploading visual content. It should be noted that this is not entirely new. In the 2016 Edo State gubernatorial election, drones were deployed by the Nigeria Army in collaboration with the Nigeria Police, Department of State Security, and the Nigerian Security and Civil Defence Corps across the state. The drones provided aerial surveillance in 18 local government areas with the aim of documenting incidents of violence, this gave the electorate confidence in exercising their franchise.

Recommendation

- i. The National Assembly should pass an autonomous Electoral Offences Commission Act that will empower INEC with the capacity to investigate and coordinate enforcement and prosecution of all electoral offences.
- ii. Ensure the independence of the proposed electoral Offences Commission be secured by giving them financial autonomy and removing them from the operational control of the Executive and the Attorney General of the Federation and of the States.
- iii. The National Assembly to create specialised electoral offences court with divisions in various states across the federation and are

guided by special rules and guidelines that regulate the conduct

iv. and timeline of trials.

v. Employments of new technologies particularly the use of surveillance drones to monitor elections in various polling centres to facilitate real time incident reporting.

vi. Organize periodic specialized training for security forces to combat electoral violence and clearly delineate their roles during election.

4. Disqualifications of Persons facing Criminal Charges from Contesting Election:

Political offices are public trusts and persons elected into these offices become public trustees. It is critical that a trustee must be a person of character and integrity to be able to manage whatever the settlor is trusting on to him for the benefit of the beneficiaries. It is therefore our belief that for the advancement of common good and to ensure that only persons of integrity and unquestionable character are elected into public offices, there is need to amend the Constitution to disqualify persons who have pending criminal cases against them from vying for public offices. There are many arguments against this, but the dangers of allowing such persons to run for office are considerable. For instance, a person under trial for murder of 10 (ten) Nigerians may contest and win election even from the prison as we have witnessed in this country. Upon being elected, he becomes immune from criminal trials by virtue of section 308 of the 1999 Constitution as amended. He is also almost sure of serving a second term. Thus, for eight years, he will not return to the courts to face trial. In addition, a governor is in charge of the Ministry of Justice, which is the prosecutorial authority.

The Ministry of Justice through the Director of Public Prosecution is expected to prosecute him or her (the governor or president) after his or her tenure of office.

The danger of tampering with evidence and witnesses is real than imagined. For instance, he is the person that appoints and removes at his own wish the Attorney General that is supposed to prosecute him. The person upon election takes charge of the Police and other Prosecutorial agencies and appoints their heads. For instance, a person who is under trial for corruption becomes directly in charge of the Economic and Financial Crimes Commission, if he is elected President. Furthermore, all the witnesses especially those that are civil servants also comes under his power to hire and fire. With all these considerations, it is apparent that such a person may utilize state powers to frustrate his trial. This is not healthy as it results in persons who are not trust worthy occupying positions of public trust. Many may argue that this proposal will constitute a violation of the right to fair hearing and innocence until proven guilty, but the greater and common good of all Nigerians demands that such a persons should not be allowed to vie for public office until they are cleared. The right of such candidates begins and ends where the right of Nigerians to good governance starts.

Recommendations

- a. Pre-election matters relating to eligibility of candidates should be given the same expeditious hearing and status as election petitions. It should be resolved at the high court and at the Court of Appeal being the final Court before the Election.
- b. Section 66, 107, 131 and 177 of the Constitution should be amended to allow the Court, upon application by INEC or any other person,

to disqualify any candidate who has any pending criminal charge to answer from contesting in any election until he is cleared of all charges. Also, cases relating to qualification of a candidate should be treated with the greatest expediency both at the trial and appellate courts.



Dr. Umar Muhammad

National Chair

umar.muhammad@youthpartyng.com



Helen. Adoh

National Secretary

helen.attah@youthpartyng.com



Ayiba Amadu

National Policy & Strategy Secretary

amadu.sunday@youthpartyng.com