

A short piece on:

The Philosophy of Elections and Nigeria's Fake Democracy

Ikechukwu Obiorah



Introduction.

“Although it may be easy to possess power that is based on guns, it is better and more gratifying to win the hearts of the people and to keep them”

The quote above is not mine. It belongs to a bad man, a virulently terrible man. Joseph Goebbels. Goebbels was Adol Hitler's advisor, thinker, close confidant, and Minister of Propaganda. These guys ignited the 2nd World war that led to the death of over 70 million people.

The question, therefore, is, if such vile and evil monsters like Hitler and his murderous goons, despite their genocides and crimes against humanity, knew all along that the right, proper and productive way to win and keep power was through an honest vote; how did this knowledge escape us, the Nigerian leaders?

Well, it didn't. That profound knowledge did not escape us. We have always known that the only potent and exercisable power the people could wield to hold us, politicians accountable was the power of honest vote. Infact, we have always known with certainty that it is the prolonged non existence of honest, transparent, free and fair elections in Nigeria that inexorably led to the mass poverty and gross underdevelopment we have in the nation today.

Had the people been exercising that power since 1960, Nigeria would by now, in 2025, be a fully developed nation by first world standards and ramifications.

Since Independence, 90% of all elections, Parliamentary, Presidential, National Assembly, Governorship, House of Assembly, Local Government Council elections, have been brazenly stolen or rigged or perverted or altogether thwarted or nullified. In other words, Nigerians have never really and voluntarily chosen their leaders, nor have Nigerians ever been governed with their proper consent and participation.

The absence of honest elections makes ours, a fake democracy, period. Indeed, if we take Jean Paul Sartre's epigram on Existentialism, the one that rhymes “Existence precedes Essence” and analogize it to today's discourse, the epigram that will emerge is “Honest Elections precede Democracy”, because ontologically, the fundamental reality of democracy is nothing but honest elections. Ontology is the branch of philosophy that deals with the

study of being, existence, and the fundamental nature of reality. Simply put, it is the study of what is, which when applied to a concept like democracy, would ask the question “What is democracy, at its core?”, and the answer is honest elections. It shows that honest elections are not merely a feature of democracy, but necessarily, the constitutive element of its very being.

Teleology is a philosophical concept that explains phenomenon or thing by reference to its purpose, aim, goal. These days, the purposes of democracy, (honest election) such as guarantee of human rights and civil liberties, equality before the law, rule of law, accountability, and responsiveness of government, human dignity etcetera, have been merged with its ontological essence and are now altogether known in today's common parlance as democracy.

There have been on rare occasions, certain rulers who afforded the people their rights, dignity and accountability without popular sovereignty expressed through elections, men like, Lee Kuan Yew of Singapore, Kemal Ataturk of Turkey, Lucius Quinctus Cincinnatus of Ancient Rome and Persistratus of Classical Athens. These rulers are known as benevolent autocrats or dictators because what ever may be the case, without honest elections there is no democracy but autocracy and dictatorship.

In Nigeria, the simple but painful cause of stealing and rigging of elections is that those vested with power to appoint the electoral bodies and personnel were themselves or their political parties or their preferred candidates, contestants in the same elections. It is just like making a person a Judge in his own case.

Right from Independence, the then Prime Minister, and later, the President was always cloaked with the power to appoint the commissioners and senior officers of the electoral bodies responsible for the conduct of all elections in Nigeria. However, by virtue of the 1999 Constitution, the power of appointing the State electoral bodies responsible for conducting local government elections was transferred to the State Governors. Consequently, the world has been witnessing the Soviet Union style results declared from Nigeria's local government elections, where the Governor's political party, in most cases, scores 100% victory. The world has also been hearing loud cries and protestations against rigging and seeing the avalanche of court cases that

attend all other elections in Nigeria for which the President appoints the electoral bodies and officers. Just the other day the Senate President was quoted as saying that the ruling party was going to score 99.9% in the upcoming elections. Perhaps he was just joking, but some persons retorted in the comments section of the report that the Senate President spoke the quiet part aloud on the reason for the gale of defections of Governors to the ruling party, fervently blowing across the polity, in pursuit of the rigging machine. Perhaps these persons were also joking. But Retired Col. Abubakar Dangiwa Umar, took it seriously when he advised the President to shun the predictions of “sycophants” who inundate him with such forecasts of 99.9% victory in the coming 2027 elections.

Yet, on another serious note, it will be disingenuous of me to self-righteously blame others despite knowing that I am part of this big problem.

All of us, past and present political office holders and leaders and former military heads of government are part of this problem. There is no one without blame amongst us. None. Each of us has at least acquiesced in a flawed election, or ordered the stealing of one or many elections or superintended over one rigged election or failed to order the conduct of an election that was due or nullified an election.

The 2007 presidential election was skewed in favour of a particular candidate and ended up sweeping some of us who were on the same party ticket to the same style win in which though the elections were won by us, the numbers were made bigger as a cushion against less favorable parts of the country in favour of the presidential candidate, thereby tainting my otherwise flawless win. I should have rejected that flawed victory but I allowed myself to be “sworn” in as a Senator. Though I didn't personally do any rigging, as I just voted and left, but knowing that the numbers that were later announced seemed bogus, and not speaking up, was acquiescence. An ethical lapse.

Fortuitously, my flawed election was nullified by the courts some months thereafter, thereby allowing me the opportunity to go back and win my Senate seat legitimately in the court-ordered fresh election. Another question is, can the later legitimate win cure the ethical lapse of not speaking up in the earlier election?

I do not intend to draw any moral or intellectual equivalence here, but do recall that Plato's Apology, recounts the story of the oracle of Delphi in classical Greece declaring Socrates the wisest man. The oracle's pronouncement was not because Socrates possessed great knowledge, but because Socrates knew that he knew nothing. He always acknowledged his own ignorance which gave him the clarity to pursue knowledge.

I believe that my self awareness and consciousness of being part of the problem affords me the clarity needed for charting the course on how to solve the problem and move the nation up to the era of honest elections, as well as the clarity to reasonably forecast outcomes and fruits of an honest election era in Nigeria.

So please permit me to inform you that although it is very important to make Bimodal Voter Accreditation System (BIVAS) and electronic transmission of results via INEC Results Viewing Portal (IReV), legally mandatory in the conduct of Nigerian elections, these systems cannot solve the problem of election rigging without the electoral bodies' neutrality and integrity because of the systems' vulnerability to manipulation.

Those who plan, direct and superintend over rigging of elections are usually the very top leadership of the electoral bodies, aggressively working in collusion with us, the politicians, to skew the election in favour of the persons or the political parties under whose auspices the electoral personnel were appointed. And thus, in their visceral determination and unshakable resolve to steal the election for their masters, these top electoral personnel would bring to bear on their nefarious effort, the known fact that all digital and electronic systems are susceptible to manipulation, that they can engineer a technical and system malfunction and exploit the glitches, that they can manipulate backend data, that they can manufacture infrastructural and logistical challenges, particularly internet connectivity and power supply disruptions and exploit these failures, that they can willfully refuse to transmit results or delay transmission of results. All these show that because of the vulnerability, BIVAS and IReV, though necessary, cannot help much with election integrity without electoral personnel integrity, and as you know the existing electoral bodies in Nigeria are not working for honest elections, rather they are rigging elections in favour of those who appointed them.

Therefore the only way to ensure a neutral and impartial, honest, transparent, free and fair conduct of elections, is to devise a means by which the electoral personnel are appointed independently of us politicians especially the President and the Governors.

Regarding outcomes and fruits of honest elections, I took the liberty in commissioning an analytic study on the possible future prospects of our nation if we were to conduct and experience just three consecutive cycles of honest and transparent general elections.

My study finds that on the first of the three cycles of honest elections, the number of ethically minded and morally courageous elected fresh politicians would surpass the number of usual 'yeye' politicians like me by a ratio of 52/48% in the first cycle, 80/20% in the second cycle and 99/1% in the third cycle, respectively.

In any event, all those elected in this period, the good and the not-so-good like me would be afraid of being thrown out office unless they delivered good and people-oriented governance. Right from the first cycle, the people would finally become the sovereign, the new sheriffs in town, now wielding the power of vote, the cane, the bulala.

Consequently, this cadre of elected politicians would move quickly to establish an independent anti-corruption system whose personnel would be appointed independently of politicians and who would therefore do their job without fear or favour and pursue all errands with equal intensity. Office holders with constitutional immunity would still be investigated where necessary with possible indictments deferred till the end of term of office.

May I remind you that I am not writing as an anti-corruption activist, definitely not. I know that I am not worthy and most political leaders are not. We, therefore need internal controls such as anti-corruption systems and electoral bodies whose personnel are appointed independently of us politicians, as well as separation of powers amongst the branches of government with checks and balances to help us. James Madison put it succinctly in Federalist Papers No. 51, thus: "if Men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary". We

political leaders are not angels but we are governing men and women hence the need for those controls.

My study finds that honest elections would strengthen separation of powers and the accompanying checks and balances amongst the branches of government at the Federal, State and Local government levels.

Under our presidential system, the branches of government were constitutionally and purposefully made separate and equal to check and balance each other so as to avoid tyranny and maladministration.

Unfortunately, since inception of this system, observance of checks and balances has been rather weak and most times, non existent, resulting in abuse of power and office, misgovernance, erosion of rule of law, humongous waste, unaccountability, untransparency, mismanagement of fiscal and monetary policies, and discouragement of foreign direct investment, all leading to untold losses to government accross the tiers of government.

The National Assembly has been called out so many times and by so many people for turning itself into a rubber stamping legislature. We were also culpable of the same weakness during my own time in the Senate. It is just that the situation has grown worse.

I watched Pastor Tunde Bakare, a friend of the President, vigorously pouring invectives and remonstrating with the Presidency and the National Assembly for blurring the lines of separation of powers between the two branches. Bakare declared that the National Assembly had become an extension of the Presidency, and that the nation herself was now “bedevilled by a captured National Assembly”. And not too long after Tunde Bakare's tirade, there was the Senate President regaling the world on how he had been representing the President in different functions, at the Police function, commissioning of roads, and other fora.

But nothing has vindicated Tunde Bakare's “captured National Assembly” trope more than the “legislative” role played by the National Assembly in the recent State of Emergency proclamation in Rivers State and the removal of an elected Governor saga.

Firstly, the combined effect of sections 180, 188, 189 and 305 (4) and (5) of the 1999 Constitution (as amended) dealing with the tenure and cessation of office of the Governor, and with the proclamation of the State of Emergency, shows that the Constitution does not grant the President power to suspend or remove an elected Governor from office, expressly or impliedly. Thus, the leadership of the National Assembly ought to have spoken up at the earliest opportunity. The recent reminiscences of no less a person than our well-spoken and eloquent sitting vice president Alhaji Kassim Shettima threw more light on this.

Secondly, section 305 (6) (b) of the 1999 Constitution of Nigeria (as amended) mandates that a State of Emergency proclamation shall cease to have effect within a specified period, unless it is approved by a resolution supported by at least two-thirds of all Senators and Members of the House of Representatives. This means that at least 73 Senators and 240 Members of House of Representatives must vote to approve the proclamation. Of course, the only way to ascertain and verify these numbers is through a roll called vote of each Senator and each Member.

Most shockingly, upon seeing that it did not have the numbers to approve the proclamation, the National Assembly ignored the Constitution by purporting to use a voice vote done without a division to approve the emergency proclamation. Tell me, how it was possible to count the number of people who simultaneously shouted yes or no during the so-called voice vote without a division and enumeration.

Clearly, the National Assembly subserviently did this as in many cases to please and appease the executive branch.

Unchecked power self-accumulates and creeps into power absolutism. It was John Locke who devoted the first treatise from his work, the two Treatises of Government, for a systematic rebuttal and refutation of Robert Filmer's propagation of absolutism as a divine right of the rulers derived from God. This was posited in his book aptly named Patriarcha. It was Filmer's argument that patriarchy, that is, absolute authority or rule of the fathers over their families in ancient societies, extended to rulers, as fathers of the country and was genealogically traced to Abraham the first father. Reminds one of Thomas Hobbes' Leviathan also preaching absolutism

but this time founded on Hobbesian state of nature, (war of all against all, life –solitary, poor, nasty, brutish and short) and the social contract whereby power is surrendered to the Leviathan, the absolute ruler despotically ruling with fierceness of a monster to maintain order rather than as a patriarch with divine rights from God. John Locke most logically demolished all types of absolutism and proved that power emanates from the consent of the people expressed by vote. He went on to found two branches of government, the legislative and executive branches.

But it was Baron de Montesquieu who extended the branches of government to three by adding the judicial branch and specifically prescribed checks and balances arising from separation of powers in order to negate totalitarianism.

The situation is much worse in the States of the Federation where the Governors are absolute emperors bestriding over the realms and towering over State Assemblies with most members lacking in capacity and exposure to offer any checks and balances. The Governor essentially is both the executive and the legislature.

John Locke spoke presciently when he said “It would be too tempting for human weakness, which is naturally inclined to seize power, if the same people who are responsible for enforcing the laws were also given the authority to make them.”

The Governor is all and all, indeed he is as King Louis IV would say “L'etat, c'est moi” - “The State is I”

In the honest elections period, the potential for punishing dereliction of duty by the people would infuse mettle in the legislators to do the right thing. Also, the lure of honest elections would make men and women of capacity, retired senior public servants, military veterans, community and society leaders of calibre to reengage, contest and win State Assembly elections and march on to bring oversight to the Governors and Council Chairpersons.

My study finds that these primary fruits of honest elections, including honest elections in themselves, which imbue confidence, feel good factor and sense of well being in our national life, also, including more ethics in

governance; the new independent anti-corruption system and framework; the strengthened separation of powers and checks and balances amongst the branches in the three tiers of government, all together, would enable the nation to tackle insecurity holistically and provide systematized solutions to the problems afflicting various sectors of the economy namely, agriculture, education, health, housing, power and steel, solid minerals, maritime sectors, etcetera, including establishing for the first time in Nigeria, a national social security system especially for the poor, and lower middle class Nigerians, and for those operating in the informal sector. And with all these, the number of poor Nigerians, standing today at about 150 million persons would be reduced by 70% within the three consecutive cycles period of honest elections.

And so, in order to usher in the era of honest, transparent, free and fair elections nationwide, under one independent, neutral and unbiased electoral body, being inescapably, the necessary and only means to lift Nigeria and our people out of poverty, and also the only means to reach the potentialities of God's endowment upon us, including taking our pride of place amongst the league of the great and egalitarian nations, I do most humbly propose a constitutional amendment to provide for the establishment of a new, truly and literally Independent National Electoral Commission, (newINEC), charged with the responsibility of conducting all elections for all elected offices in the three tiers of government, the Federal, State and Local Government. I do also propose that the newINEC be composed and constituted by thirteen commissioners, six of whom would be elected by the under-listed six Nigerian labour and professional organizations, and six commissioners nominated by the United Nations and one commissioner - observer nominated by Transparency International, totalling thirteen commissioners.

The newINEC would have the power to elect and remove its Chairman and hire and fire all staff including the chief executive officer.

The election of six commissioners by the underlisted Nigerian labour and professional organizations is arranged in a corresponding alphabetical order as follows:

1. The Academic Staff Union of Polytechnics would elect one commissioner out of its members from the North Central geopolitical zone;
2. The Academic Staff Union of Universities would elect one commissioner out of its members from the North East geopolitical zone;
3. The Institute of Chartered Accountants would elect one commissioner out of its members from the North West geopolitical zone
4. The Nigerian Bar Association would elect one commissioner out of its members from the South East geopolitical zone;
5. The Nigerian Medical Association would elect one commissioner out of its members from the South South geopolitical zone;
6. The Nigerian Union of Journalists would elect one commissioner out of its members from the South West geopolitical zone;

Politicians or persons who have held any political offices in Nigeria would not be qualified to be elected to serve as commissioners in the new INEC

The United Nations and Transparency International would not nominate any Nigerian citizen or any person indigenous to Nigeria

It would be the job of the President to receive and collate the names and curriculum vitae of the nominees and nominees elect for transmission to the Senate and House of Representatives for confirmation.

No nominee or nominee elect would be rejected or impeached by the National Assembly except by concurrent resolutions supported by at least two thirds majority of all Senators and Honourable Members of House of Representatives, respectively, voting individually in person by a secret ballot and televised in real time. Voice vote for this exercise would be prohibited.

The tenure of office of a commissioner would not exceed four years.

It must be made clear that the establishment of the new INEC would not be a setback in the strides for devolution of powers to the States since the power for the appointment of electoral bodies would be taken from both the Governors and the President and vested in a neutral body which would trigger processes in motion for lifting Nigeria out poverty.

I should also clarify right away that the United Nations and Transparency International nominations would definitely not violate Nigeria's sovereignty, because those nominations would not be imposed by any sort of force, rather it is Nigeria as a sovereign nation that would voluntarily request these nominations, and for which it would enter into a bilateral treaty with the UN and Transparency International respectively, to achieve the objective.

And yes, the UN and Transparency International would be positively disposed to acceding to Nigeria's request because like other development institutions, they rightly regard stealing or rigging of elections as the worst and most destructive kind of all corrupt practices. And the UN having directly organised the establishment and manning of some anti-corruption institutions in various countries such as Guatemala and El Salvador, the UN would be pleased to participate in such liberating effort in Nigeria. The President of Honduras, Xiomara Castro, not long ago, dispatched a letter to the United Nations requesting the UN's establishment and management of an International Commission against Corruption and Impunity in Honduras, for which a memorandum of understanding has been signed by both parties in furtherance of that cooperation.

Surely, the United Nations has a vast pool of highly trained and experienced public servants and bureaucrats all over the world to choose from, including Africa, Middle East, Asia, Greater Europe, the Americas, the Caribbean Nations, etc.

And yes, I have drafted the proposed bill for the amendment of the Constitution for the establishment of the new INEC which will be made public soon and thereon submitted to the National Assembly for consideration.

In conclusion, let me urge all of us to remember always that a super majority of our people have for far too long been held hostage and buffeted by

hunger, illiteracy, disease, squalor and slum dwelling, insecurity and unemployment, all because of misgovernance principally made possible by stolen or rigged elections and governing without the consent of the people. Let us therefore join our hands and sweat in shooting down these maladies with the strongest arrow in our archery and with that golden bullet of ours, namely, honest, transparent, free and fair elections and then shall we march triumphantly into the outstretched hands of prosperity and posterity.

God bless Nigeria !!!

IKECHUKWU OBIORAH

(Member of the 6th Senate 2007 – 2011)

Address: Plot 574, Yakubu Gowon Crescent, Asokoro District, Abuja; Tel: 08034311467;

Email: ikobiorah@yahoo.com

2nd July, 2025

✓ 1. The Senate President
The Senate of The Federal Republic
National Assembly Complex
Three Arms Zone,
Central Business District
Abuja.

2. The Clerk of the Senate
National Assembly Complex
Three Arms Zone,
Central Business District
Abuja

✓ 3. The Chairman
Senate Constitution Review Committee
National Assembly Complex
Three Arms Zone,
Central Business District
Abuja.

4. The Secretary
Senate Constitution Review Committee
National Assembly Complex
Three Arms Zone,
Central Business District
Abuja.

Dear Sir,

SUBMISSION OF A PRIVATE DRAFT BILL FOR THE AMENDMENT OF THE 1999 CONSTITUTION.

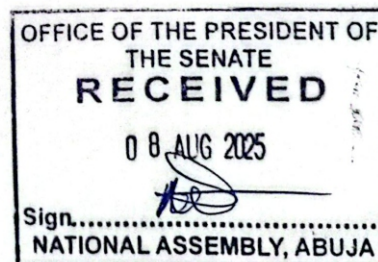
I am pleased to submit my private draft bill on the amendment of the Constitution for consideration by the National Assembly.

The bill borders on the constitutional powers for the appointment of the top leadership and personnel of the Independent National Electoral Commission (INEC) and the 36 States electoral Commission.

A hard copy of the said draft is herewith attached.

Thank you.

Ikechukwu Obiorah.



IKECHUKWU OBIORAH

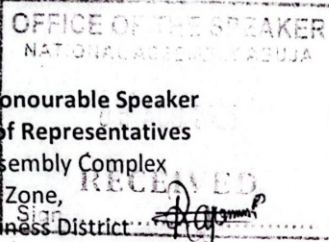
(Member of the 6th Senate 2007 – 2011)

Address: Plot 574, Yakubu Gowon Crescent, Asokoro District, Abuja; Tel: 08034311467;

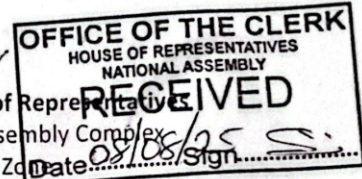
Email: ikobiorah@yahoo.com

2nd July, 2025

✓ 1. The Right Honourable Speaker
The House of Representatives
National Assembly Complex
Three Arms Zone,
Central Business District
Abuja.



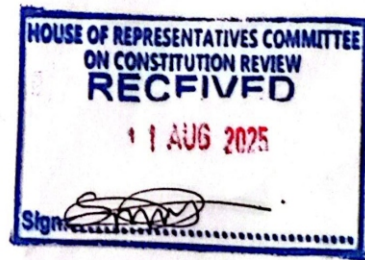
2. The Clerk ✓
The House of Representatives
National Assembly Complex
Three Arms Zone
Central Business District
Abuja.



✓ 3 The Chairman
The House Constitution Review Committee
National Assembly Complex
Three Arms Zone,
Central Business District
Abuja.



4 The Secretary,
The House Constitution Review Committee
National Assembly Complex
Three Arms Zone,
Central Business District
Abuja.



Dear Sir,

SUBMISSION OF A PRIVATE DRAFT BILL FOR THE AMENDMENT OF THE 1999 CONSTITUTION

I am pleased to submit my private draft bill on the amendment of the Constitution for consideration by the National Assembly.

The bill borders on the constitutional powers for the appointment of the top leadership and personnel of the Independent National Electoral Commission (INEC) and the 36 States electoral Commission.

A hard copy of the said draft is herewith attached.

Thank you.

Ikechukwu Obiorah.

**PRIVATE DRAFT BILL FOR THE AMENDMENT OF THE
1999 CONSTITUTION (AS AMENDED), SUBMITTED BY
IKECHUKWU OBIORAH, A MEMBER OF THE 6TH
SENATE 2007 – 2011.**

**A BILL TO ALTER THE PROVISIONS OF THE CONSTITUTION OF
THE FEDERAL REPUBLIC OF NIGERIA 1999; AND RELATED
MATTERS**

Alteration of the Constitution of the Federal Republic of Nigeria, 1999

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.

Alteration of section 154 (Appointment)

2. Section 154 of the Principal Act is altered –
 - (a) In subsection “1” by inserting subsections “(1A)”, “(1B)”, “(1C)”, “(1D)”, “(1E)”, (1F) immediately after the existing subsection “(1)”-

“(1A) Subsection 1 of section 154 shall not apply to the Independent National Electoral Commission.”

“(1B) The Independent National Electoral Commission shall be composed and constituted by thirteen Commissioners: six Commissioners shall be elected by six Nigerian labour and professional organizations; six Commissioners shall be nominated by the United Nations; and one observer-commissioner shall be nominated by Transparency International.”

“(1C) The role of the President of the Federal Republic of Nigeria shall be limited to collating the names and curricula vitae of the six Commissioners elected by labour and professional organizations, and the six Commissioners nominated by the United Nations, as well as the one observer-Commissioner nominated by Transparency International, and forwarding the same to the Senate and House of Representatives for confirmation.

“(1D)” No nominated or elected prospective Commissioner shall be rejected by the National Assembly except by concurrent resolutions supported by at least two thirds majority of all Senators and Honourable Members of House of Representatives, respectively, voting individually in person by a secret ballot and televised in real time; voice vote shall not be allowed for this exercise.”

“(1E)” Not less than one year before every General Election, the President shall request the United Nations to make nominations for six Commissioners of the Independent Electoral Commission.

“(1F)” Not less than one year before every General Election, the President shall request the Transparency International to make a nomination for one Commissioner of the Independent Electoral Commission.

(b) In subsection (3) by deleting “Independent National Electoral Commission”.

(c) By inserting immediately after the existing subsection (3) new subsections “(4)”, “(5)”, “(6)”, “(7)” and “(8)” –

“(4) Six Commissioners of the Independent National Electoral Commission to be known as National Commissioners shall be elected by the underlisted labour and professional organisations arranged in a corresponding alphabetical order as follows:

- (i) The Academic Staff Union of Polytechnics shall elect one Commissioner out of its members from the North-Central geopolitical zone;
- (ii) The Academic Staff Union of Universities shall elect one Commissioner out of its members from the North-East geopolitical zone;
- (iii) The Institute of Chartered Accountants of Nigeria shall elect one Commissioner out of its members from the North West geopolitical zone;
- (iv) The Nigerian Bar Association shall elect one Commissioner out of its members from the South East geopolitical zone;
- (v) The Nigerian Medical Association shall elect one Commissioner out of its members from the South-South geopolitical zone; and
- (vi) The Nigerian Union of Journalists shall elect one Commissioner out of its members from the South-West geopolitical zone.

“(5) Six Commissioners of the Independent National Electoral Commission shall be nominated by the United Nations from different countries of the world apart from Nigeria.”

“(6) One Commissioner of the Independent National Electoral Commission shall be nominated by Transparency International; the nominee shall not be a Nigerian.”

“(7) The Commissioners of the Independent National Electoral Commission shall elect the Chairman of the Commission from among themselves.”

“(8) The Independent Electoral Commission shall appoint its Chief Executive Officer and other employees through open and competitive processes.”

Alteration of section 155 (Tenure)

3. Section 154 of the Principal Act is altered –

(a) By inserting subsections “(3)” and “(4)” immediately after the existing subsection (2) –

“(3) Subsection 1(c) of section 155 shall not apply to the Independent National Electoral Commission.”

“(4) The tenure of office of a Commissioner of the Independent National Electoral Commission shall not exceed four years.

Alteration of section 156 (Qualification)

(b) Section 156 of the Principal Act is altered –

By inserting subsections “(4)” and “(5)” immediately after the existing subsection (3) –

“(4) Politicians or persons who have held any political offices in Nigeria shall not be qualified to be elected to serve as Commissioners in the Independent National Electoral Commission.”

“(5) The United Nations and Transparency International shall not nominate any Nigerian citizen or any person indigenous to Nigeria to serve as a Commissioner in the Independent National Electoral Commission.”

Alteration of section 157 (Removal)

(c) Section 157 of the Principal Act is altered –

By inserting subsections “(4)”, “(5)” and “(6)” immediately after the existing subsection (3) –

“(4) The Chief Executive Officer and other employees of the Independent National Electoral Commission may only be removed from office by the Independent National Electoral Commission itself.

“(5) No nominee or elected prospective Commissioner shall be impeached by the National Assembly except by concurrent

resolutions supported by at least two thirds majority of all Senators and Honourable Members of House of Representatives, respectively, voting individually in person by a secret ballot and televised in real time; voice vote shall not be allowed for this exercise.”

“(6)” Any person elected by a professional body as a Commissioner of the Independent National Electoral Commission shall cease to hold office if he loses membership of the professional body by which he was so elected.”

Alteration of section 158

Section 158 of the Principal Act is altered –

By inserting subsection “(3)” immediately after the existing subsection (2) –

“(3) In the performance of its duties and executing its mandate the Independent National Electoral Commission shall not be subject to the direction or control of any other authority or person.”

**THIRD SCHEDULE
PART 1**

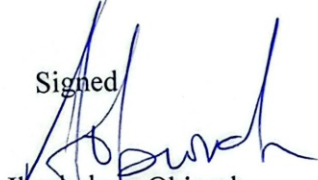
Alteration of Part 1 of the Third Schedule (Federal Executive Bodies)

(a) Sub-paragraph 3 of Paragraph 14 of Part 1 to the Third Schedule of the Principal Act is deleted.

(b) Paragraph 15 of Part 1 to the Third Schedule of the Principal Act is altered by:

- (i) substituting for the word “and” after the words “House of Representatives” in sub-paragraph (a) with comma (“,”); and
- (ii) inserting immediately after the words “the House of Assembly of each State of the Federation” the words “all the Local Government Councils in Nigeria”.

Signed


Ikechukwu Obiorah.

About the Author

Ikechukwu Obiorah is a Lawyer.
He is from Nnewi in Anambra State, Nigeria.

