

INDEPENDENT ELECTORAL COMMISSION

LAW NO. 1 OF 1999

PART 1

ESTABLISHMENT AND FUNCTIONS E.T.C. OF THE NASARAWA STATE INDEPENDENT ELECTORAL COMMISSION

1. (1) There is hereby established a body to be known as the Nasarawa State Independent Electoral Commission (in this Law referred to as “the Commission”)
- (2) The Commission:-
- (a) shall be a body corporate with perpetual succession; and
- (b) may sue and be sued in its corporate name.
2. (1) The Commission shall consist of a Chairman who shall be the Chief State Electoral Commissioner and the Chief Executive of the Commission and six other members.
- (2) The Chairman and Members of the Commission shall not be less than 30 years of age.
3. (1) The Chairman and Members of the Commission shall be appointed by the Governor subject to confirmation by a resolution of the State House of Assembly.
- (2) The Chairman and Members of the Commission shall each hold office for a period of five (5) years.
4. (1) The Chairman and Members of the Commission shall be removed from office by the Governor acting on an address supported by two-thirds majority of the House of Assembly praying that such person be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or from misconduct.
- (2) A Member may resign his membership by notice in writing addressed to the Governor and on receipt of same such person shall cease to be a member.

*Establishment of
the Commission*

*Composition and
membership*

*Appointment and
tenure of office*

*Removal from
office*

5. (1) There shall be paid to every member of the Commission such salaries and allowances as obtainable in the Public Service as shall be fixed by the State House of Assembly *Remuneration*
- (2) A Member shall not while holding office, hold any other office of emolument whether in the Federal, State or Local Government service.
6. The functions of the Commission shall be to:- *Functions of the Commission*
- a. organize, undertake and supervise all elections to Local Government Councils in the State.
 - b. Render such advice as it may consider necessary to the Independent National Electoral Commission on the compilation of voters in so far as that register is applicable to Local Government Election in the State, and
 - c. such other functions as may be assigned by the State House of Assembly.
7. (1) There shall be established in each Local Government Area in the State an office of the Commission which shall perform such functions as may be assigned to it from time to time by the Commission. *Establishment of Area offices*
- (2) There shall be in each Local Government Area of the State a Resident Electoral Officer who shall be appointed by the Commission, and shall:-
- (a) be a person of unquestionable integrity; and
 - (b) not be less than 30 years of age
8. In the discharge of its functions under this Law, the Commission shall not be subject to the direction or control of any other person or authority. *Independence of the Commission*
9. Notwithstanding anything to the contrary in any law, a person who holds or has held office as a member of the Commission under this Law shall not after a period of four years immediately thereafter, be qualified for any elective office provided for in the Constitution of the Federal Republic of Nigeria or any enactment or Law.
10. Where the Chairman is absent on leave or is not available or is unable to perform his functions, the Governor may subject to confirmation by the House of Assembly appoint any member of the Commission to act as Chairman for the period of such absence or for any specified period. *Acting Chairman*
11. The quorum for all meetings of the Commission shall not be less than one-third of the members as at the date of the meeting. *Quorum*
12. (1) The validity of any proceedings of the Commission shall not be affected by any *Proceedings of the Commission*

- vacancy in its membership or any defect in the appointment of a member or by reason that a person not entitled to do so took part in the proceedings.
- (2) Where the Commission desires to obtain the advice of any person on particular matter, it may co-opt him for such period as it deems fit but a person who is in attendance by virtue of this sub-section shall not be entitled to vote at any meeting of the Commission and shall not counted towards a quorum.
- (3) Without prejudice to the provisions of this Law, the Commission shall have power to regulate its proceedings and may make standing orders/regulations with respect to the holding of meetings, notice to be given, the procedures thereof, the keeping of minutes of such meetings and the custody and production for inspection of such minutes.
- 13.(1) The Commission may appoint any number of committees to carry out its behalf any of its functions under this Law.
- (2) Any such committee appointed by the Commission under this section shall consist of such number of persons as may be determined by the Commission.
14. Without prejudice to the generality of the provisions of this Law the Commission shall be bound by the provisions of sections 198-205 of the Constitution of Federal Republic of Nigeria, 1999.

PART II

STAFF OF THE COMMISSION

15. There shall be a Secretary to the Commission who shall be appointed by the Governor on recommendation by the Commission who shall;
- (a) be an officer in the Public Service of the State not below the rank of a permanent secretary and shall be the Accounting Officer of the Commission; and
- (b) have such qualification and experience are appropriate for a person required to perform the functions of this office under this Law.
16. (1) Subject to the general direction of the Commission, the Secretary shall be;
- (a) responsible for keeping proper records of proceedings of the Commission,
- (b) the Head of the Commission's Secretariat and be responsible for the administration thereof, and

(c) responsible for the direction and control of all other employees of the Commission with approval of the Commission.

(2) The Commission shall have power to appoint, terminate, retire, dismiss and exercise disciplinary control over its staff as may be prescribed by the Rules, Orders and Regulations of the Commission or any other enactment. *Exercise of Disciplinary control*

18. (1) The Commission shall have power to appoint either directly, or on secondment or on temporary basis any person from any department of the Public Service in the State such number of employees as may, in the opinion of the Commission be required to assist the Commission in the discharge of any of its functions under this Law and shall have power to pay persons so employed such remuneration (including allowances) as the Commission may determine. *Appointment of staff outside the Commission*

(2) Nothing in subsection (1) of this section, shall preclude the Commission from appointing persons from outside the Public Service of the State or Local Government whenever it deems it necessary to do so.

(3) All employees of the Commission appointed pursuant to subsections (1) and (2) of this Section, excluding such as are appointed on a temporary basis for honorarium, shall have the same rights and obligations as the members of the State Public Service.

PART III

INTERPRETATION

19. In this Law unless the context otherwise requires:

“Chairman” means the Chairman of the Commission;

“Commission” means the Nasarawa State Independent Electoral Commission established by section 1 of this Law;

“Constitution” means the Constitution of the Federal Republic of Nigeria 1999;

“Members” means a Member of the Commission and includes the Chairman;

“Secretary” means the Secretary of the Commission appointed pursuant to Section 15 of this Law;

“State” means Nasarawa State of Nigeria.

20. This Law may be cited as the Nasarawa State Independent Electoral Commission Law. *Short Title*

I ASSENT THIS 5TH NOVEMBER, 1999

ALHAJI ABDULLAHI ADAMU
EXECUTIVE GOVERNOR
NASARAWA STATE

EXPLANATORY NOTE:

(This explanatory note does not form part of this law and has no legal effect).

The purpose of this Law is to create the State Electoral body for the purpose of conducting Local government Elections and proffering advice to the Independent National Electoral Commission.