

ELECTORAL (AMENDMENT) (No. 3) DECREE 1979



Decree No. 32

[23rd July 1979]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Section 34A of the Electoral Decree 1977 (as inserted by the Electoral (Amendment) Decree 1978) is hereby amended as follows, that is—

Amendment
of Decree
No. 73 of
1977.
1978 No. 32.

(a) for subsection (3) thereof, there shall be substituted the following new subsection—

“(3) In default of a candidate duly elected under subsections (1) (b) and (2) of this section, the Electoral Commission shall, within 7 days of the result of the election held under the said subsections, arrange for an election by electoral colleges composed as follows, that is to say—

(a) of all persons who were elected to both Houses of the National Assembly and convened at the same venue ; and

(b) of all persons who were elected to the House of Assembly of every State in the Federation with each such group being convened separately for each such State ;

with a view to determining which of the two candidates shall be elected President, and the candidate who has a simple majority of all votes cast at such election shall be deemed to have been duly elected as President.” ; and

(b) for subsection (6) thereof (as substituted by the Electoral (Amendment) Decree 1979), there shall be substituted the following new subsection—

1979 No. 15.

“(6) In default of a candidate duly elected in accordance with subsection (5) (b) of this section, the Electoral Commission shall, within 7 days of the result of the election, arrange for an election by an electoral college comprising all persons who were elected to the House of Assembly of the State concerned at which the only candidates shall be—

(a) the candidate who secured the highest number of votes at the election ; and

(b) one among the remaining candidates who secured a majority of votes in the highest number of local government areas in the State, so however that where there are more than one candidate with a majority of votes in the highest number of local government areas, the candidate among them with the highest total of votes cast at the election shall be the second candidate ;

and the person who has a simple majority of votes cast at such election shall be deemed to have been duly elected as Governor of the State."

Amendment
of Decree
No. 26 of
1979.

2. For section 2 of the Electoral (Amendment) Decree 1979, that is Decree No. 26 of 1979, there shall be substituted the following, that is—

"Citation. 2. This Decree may be cited as the Electoral (Amendment) (No. 2) Decree 1979."

Repeal of
Decree No.
15 of 1979.

3. The Electoral (Amendment) Decree 1979, that is Decree No. 15 of 1979, is hereby consequentially repealed.

Citation.

4. This Decree may be cited as the Electoral (Amendment) (No. 3) Decree 1979.

MADE at Lagos this 23rd day of July 1979.

GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purport)*

The Decree amends the Electoral Decree 1977 to provide that in the case of a run-off election relative to the President, all persons elected to the National Assembly and State Assemblies shall be constituted into electoral colleges to elect one of the two most successful candidates as President while in the case of a Governor, the persons elected to the House of Assembly of the State concerned shall similarly be constituted into an electoral college for the run-off election.