

**EKITI STATE (TRANSITION)  
LAW, 2019.**

**NO. 17 OF 2019**

**EKITI STATE OF NIGERIA**

# **EKITI STATE (TRANSITION) LAW, 2019.**

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##### **SCHEDULE.**

**A LAW TO ESTABLISH ARRANGEMENTS FOR THE POLITICAL TRANSFER OF ADMINISTRATION FROM ONE DEMOCRATICALLY ELECTED GOVERNOR TO ANOTHER, TO PROVIDE FOR THE REGULATION OF THE POLITICAL TRANSFER OF POWER AND FOR RELATED MATTERS.**

**NO. 17 OF 2019.**

**EKITI STATE OF NIGERIA.**

*Commencement* [ ]

*Enacted by the Ekiti State House of Assembly as follows:*

**PART 1.  
THE TRANSITION TEAM.**

**The Transition Team.**

1. (1) Within twenty-four hours after the declaration of results of election to the Office of the Governor in accordance with Section 179 of the 1999 Constitution of the Federal Republic of Nigeria (as amended),
  - (a) the incumbent Governor shall appoint:
    - (i) the Secretary to the State Government;
    - (ii) the Chief of Staff;
    - (iii) the Attorney-General & Commissioner for Justice;
    - (iv) the Commissioners for Finance,
    - (v) the Head of Service and any other person(s) as may be appointed to constitute a transition team.
  - (b) the person elected as Governor shall appoint an equal number of persons as appointed under paragraph (a) provided that the total number of members of the team shall not exceed twenty, that is, ten from each side.
- (2) The incumbent Governor and the person elected as Governor shall be the co-chairpersons of the Team except that:

- (a) the incumbent Governor may delegate, to any of the persons specified in paragraph (a) of sub-section (1), any of the functions of the incumbent Governor as a co-chairperson of the Team, and
  - (b) the person elected as Governor may delegate, to any of the persons appointment under paragraph (b) of sub-section (1), any of the functions of the person elected as Governor as a co-chairperson of the Team.
- (3) Where the incumbent Governor is re-elected for a second term, the Governor shall designate members of the Transition Team.

### **Functions of the Team.**

**2.** The functions of the Team include:

- (a) to make comprehensive practical arrangement to regulate, in accordance with this Law, the transfer of political power following an election to the Office of the Governor;
- (b) to ensure the provision of daily State of the State briefings for the person elected as Governor during the period before the assumption of office by the person elected as Governor;
- (c) to ensure that the salaries, allowances, facilities, privileges and the retiring benefits or awards as determined by the Public Service Rules and which are due to the holders of political offices are paid or accorded to those persons without undue delay; and
- (d) to undertake any other function which will enable the Team to achieve the object of this Law.

### **Meetings of the Team.**

- 3.**
- (1) For the purposes of this Law, the Team shall first meet not later than fourteen days after the declaration of the result of the gubernatorial election.
  - (2) The co-chairpersons shall convene any other meeting of the Team.
  - (3) The co-chairpersons shall preside at the meeting of the Team and in the absence of the co-chairpersons, the two persons to whom

functions are delegated under subsection (2) of Section 1 shall preside.

- (4) Decisions of the Team shall be arrived at by consensus, but where the members fail to agree on an issue, it shall be referred to the Advisory Council for the expeditious determination of the issue.
- (5) The members of the Team unless otherwise provided by this Section, shall determine the procedure for the meeting of the Team.
- (6) The quorum required to transact business at the meeting of the Team shall be at least twelve members of the Team present that is six members from each side

#### **Sub-committees.**

4. (1) The Team shall establish, from among the members of the Team,
  - (a) an inauguration sub-committee, which shall be responsible for the organisation of the inauguration of the person elected as Governor and Deputy Governor into office.
  - (b) a government machinery sub-committee, which shall be responsible for arrangements for the handing over to the new administration of the machinery of the Civil Service, including the Ministries and the department and agencies under the Ministries;
  - (c) an inter-agency sub-committee, which shall ensure the orderly transfer of all official assets and liabilities of the Governor, the Deputy- Governor, Commissioners; and
  - (d) any other sub-committees which the Team considers relevant in the performance of any of the functions of the Team.
- (2) A sub-committee shall consist of not more than five persons who shall select one of their numbers to preside at the meeting of the sub-committee.
- (3) The procedure for the meeting of the Team shall as far as practicable apply to meeting of subcommittees of the Team.
- (4) A sub-committee shall, as soon as practicable, present its report to the Team.

### **The Advisory Council.**

5. (1) There is establishment by this Law an Advisory Council consisting of:
  - (a) Two eminent persons appointed by the incumbent Governor; and
  - (b) Two eminent persons appointed by the person elected as Governor.
- (2) For the purposes of subsection (1), one of the persons so appointed shall be a woman of repute who will act as Chairperson for the duration of the work of the Council.
- (3) The Advisory Council shall determine the issue referred to the Council under subsection (4) of Section 3 expeditiously, and the decision of the Council binds the Team and all of the subcommittees of the Team.

### **PART 2.**

#### **HANDING-OVER NOTES AND ASSETS.**

##### **Handing-over Notes.**

6. (1) The Office of the Governor shall prepare a set of comprehensive handing-over notes covering the term of Office of the Governor.
- (2) The notes prepared under subsection (1) shall include:
  - (a) the handing-over notes received by the Governor and the Commissioners on assuming office, and
  - (b) notes on the activities of:
    - (i) the Office of the Governor and the Office of the Deputy Governor, and of the agencies under the portfolios of the Governor and of the Deputy Governor,
    - (ii) the Ministries, Department and Agencies, and
- (3) The handing-over notes shall reflect the accurate developments which have taken place during the tenure of office and the

projections of development to take place before the end of the full tenure.

- (4) The original and five other copies of the handing-over notes shall be presented to the Head of Service not later than thirty days before the date of the Gubernatorial Election.
- (5) The handing-over notes may, in addition, be in electronic form.

#### **Availability of the handing-over notes.**

7. (1) The Head of Service shall make available to the person elected as Governor the original copies of the handing-over notes.
- (2) Of the five other copies,
  - (a) the Head of Service shall retain one copy, and
  - (b) one copy shall be sent respectively to
    - (i) House of Assembly,
    - (ii) the Chief Judge,
    - (iii) the Cabinet Office,
    - (iv) the Ministry of Justice and
    - (vi) the Ministry of Finance.

#### **Continuity of Projects and Programmes.**

8. The in-coming government shall ensure the continuity of projects and programmes embarked upon by the out-going administration for the development and stability in the State.

#### **Functions of the General Administration Department in the Transition Arrangement.**

9. (1) The General Administration Department in the Governor's office shall,
  - (a) take and keep an inventory of the assets and properties of the Government

- (b) ensure that the assets and properties of the Government are maintained in good condition and tenantable repair, and
- (c) ensure that, where relevant, the assets and properties of the Government are transferred in good condition and tenantable repair.

#### **Inventory of Assets.**

- 10.** (1) The Permanent Secretary, General Administration Department-
- (a) shall conduct a stocktaking exercise, in the presence of the head of the household, of the official assets in the official residence of the Governor, and Deputy- Governor, thirty days;
    - (i) before the person elected as Governor assumes office,
    - (ii) before the incumbent Governor leaves office.
  - (2) Subsection (1) applies to other persons who by virtue of public office are resident in official accommodation or supplied with official assets.
  - (3) The Permanent Secretary may conduct any other stocktaking exercise to ensure accountability and transparency.

#### **Vacation of official residence.**

- 11.** (1) The incumbent Government and the incumbent Deputy Governor shall each vacate the official residences before the day of the swearing-in of the person elected as Governor.
- (2) Any other person who ceases to hold office on the assumption of office of the person elected as Governor and is in occupation of an official residence shall vacate the residence within one month after that assumption of office.

### **PART 3.**

#### **Swearing-in of the Governor.**

- 12.** The administration by the Chief Judge of the oaths of office to the person elected as Governor shall take place in accordance with the 1999 Constitution of the Federal Republic of Nigeria (as amended).



## PART 4.

### MISCELLANEOUS.

#### Interpretation.

13. In this Law, unless the context otherwise requires,

“**Co-chairpersons**” mean the incumbent Governor and the person elected as Governor as the chairpersons of the Transition Team;

“**Official Assets**” includes state owned property of all kinds and any other state owned thing of value;

“**Official Document**” includes a secret official code, word or password, a sketch, plan, an article, a note or any other document or information which relates to or is used in the carrying out of a government business;

“**Team**” means the Transition Team constituted under Section 1 (1) of this Law.

#### Transitional provisions.

14. On the assumption of office of the person elected as Governor, a person holding any of the offices specified in the **Schedule** shall cease to hold that office, and shall be paid the relevant retirement benefits and the enjoyment of facilities as provided by Law.

#### Citation.

15. This Law may be cited as Ekiti State (Transition) Law, No. 17 of 2019.

## **SCHEDULE**

### *Section 14*

1. The person holding the Office of the Governor in accordance with the Constitution, the Deputy Governor of the State, Commissioners, Special Assistance, Special Aides to the Governor and the Deputy Governor

Except persons appointed by the Governor as members of Statutory Boards and Corporations according to Section 179 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

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