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VOTERS EDUCATION (1)

**LOCAL GOVERNMENT ELECTIONS
DEC. 1990**

NEC PUBLICATION NO. 7, 1990

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1. THE VOTER:

A voter is a Nigerian citizen who is not less than 18 years old. In addition, he must:—

- (a) be ordinarily resident in the Local Government Area where he intends to vote for a period not less than 12 months before the date of elections.
- (b) have registered as a voter in the ward or constituency of his ordinary residence.
- (c) possess a registration card to be presented at the polling station on voting day.

2. ORDINARY RESIDENCE:

The ordinary residence of a voter is the place where he lives, sleeps and has his usual abode whether or not the place is his State or Local Government of Origin. Therefore a voter does not have to travel away from his ordinary place of residence to his place of origin in order to be able to cast his vote.

3. VOTER'S CARD:

A voter's card is the registration card which a voter obtains at the registration centre where he is registered as a voter. The card contains the following information:—

- (i) The name of the State
- (ii) The name of the local government area
- (iii) The registration area and Centre
- (iv) The registration unit
- (v) The voter's number.

4. IMPORTANCE OF VOTERS CARD:

Every registered voter is expected to keep, protect and treasure his registration card without which he cannot cast his vote at an election. A lost voter's card will not be replaced except it is proven that its loss was due to a major disaster such as Fire, Flood or Accident.

5. PERSONS WHO CANNOT VOTE:

The following persons cannot vote at elections:-

- (a) All persons below the age of 18 years
- (b) All Non-Nigerians
- (c) All persons who did not register as voters and therefore do not hold registration cards and whose names are not in the voters Register.
- (d) All officers charged with the conduct of elections in the field.

These include:-

- (i) The Supervisory Presiding Officers
- (ii) The Presiding Officers
- (iii) The Returning Officers
- (iv) The Electoral Officers
- (v) The Chairman and members of the National Electoral Commission.
- (vi) The Secretary to the Commission.

6. NUMBER OF VOTERS AT POLLING STATIONS

Not more than five hundred (500) voters only can cast their votes at any one polling station. This number is manageable and will prevent over-crowding.

7. HOW TO VOTE:

Voting at the Local Government Elections of December 1990 will be by the Open Ballot System.

8. WHERE TO VOTE:

Voting takes place at polling stations. A voter is expected to cast his vote at the polling station where his name is on the register. Such a polling station is normally one of the stations nearest to his residence.

A voter is expected to identify his polling station before voting day. Also before voting day, he is expected to check the register of voters to ascertain that his name is included and that it is correctly spelt and written. For the December 1990 Local Government Elections, this must be done between October 9 and 23, 1990 when the voters register will be available for inspection nationwide. Failure to raise any query during the period could frustrate the voter. Electoral Officials, on voting day will be too busy with the real business of the day to have time to assist those in search of their names.

9. OPEN BALLOT:

(i) AT POLLING STATIONS

- (a) Each candidate is entitled to 2 accredited Party Agents.

(b) For the purposes of proper identification, the party agents and all electoral officials are expected to wear identity cards.

(c) Large posters (16" x 24") carrying the portraits of candidates with Party Symbols are to be provided.

(ii) ACCREDITATION PROCEDURE:

(a) Accreditation in all locations will start at 8.00 a.m.

(b) All voters cards will be checked, stamped and signed at the back by the Presiding Officer who will record such details as the date, type of election and code number.

(c) The right thumbs of voters will be marked.

(d) Accreditation will end at 11.00 a.m. but all Voters who are present at the Polling Station by 11.00 a.m. will be duly accredited. No person who arrives after 11.00 a.m. will be accredited.

(iii) POST ACCREDITATION ACTIVITIES:

(a) After closing of accreditation, Voting Procedures will be explained by the Presiding Officer.

(b) Introduction of candidates and/or their posters and symbols will be made.

(c) All activities that constitute electoral offences within the Polling Zone including penalties for committing such offences, will be explained.

(d) Posters bearing portraits of candidates must be well displayed before the commencement of voting.

(e) There will be a roll call of All Accredited Voters.

(iv) VOTING:

(a) Voting shall commence at 12 noon nationwide. As soon as the announcement of the commencement of voting is made, the accredited voters will be requested to line up in front of the posters carrying the Portraits of the candidates of their choice.

(b) Counting the number of accredited Voters in the queue for each candidate one at a time shall be made Loudly.

(c) Crossing the line or breaking into another queue when counting is going on is a punishable electoral offence.

(d) Election of Councillors will be conducted first to be followed by that of Chairmen at all polling stations.

(e) In areas of the country where culture does not allow men and women mingling in a queue, separate queues shall be allowed for men and women.

(f) The result of the poll at the Polling Stations shall be signed by the Presiding Officers and endorsed by the Polling Agents. The refusal of the Polling Agents to endorse the result will however not invalidate the result of the Poll.

10. THE CHOICE OF OPEN BALLOT SYSTEM:

The Open Ballot System has been chosen for the December Local Government Elections in an effort to restore confidence to the electoral system. It is simple and credible.

The voter is therefore assured that the use of the Open Ballot System is in his interest and in the interest of our nation's political stability. It is expected that the system will prevent election malpractices such as:-

- (a) Impersonation
- (b) Multiple Voting
- (c) Stuffing of ballot boxes
- (d) Swapping of ballot boxes
- (e) The use of fake ballot papers.

CROWD CONTROL

Some people have expressed fears that crowd control would be difficult to achieve with the Open Ballot System. It is therefore necessary to allay the fears of the voters with the following information:-

- (i) The maximum number of voters that can cast their votes in one polling station is 500.
- (ii) The study of voting patterns at previous elections shows that any polling station will hardly have up to 500 voters because only 40% of registered voters normally present themselves at polling stations on election day.

INTIMIDATION

Some people feel that the Open nature of the Open Ballot System will make it possible for some voters to

be intimidated thereby influencing their decision. In answer to this, the voter should note that:-

1. Any person who threatens, intimidates or uses violence or any other method no matter how subtle to influence a voter to cast his vote or to restrain him from voting is guilty of Undue Influence which is an electoral offence.
2. A person who is guilty of undue influence is liable to imprisonment for one year or to a fine of N1,000. He could also be barred for 5 years from being registered as a voter or voting at any local government election in any State or from being voted for or if elected before conviction from retaining his seat.
3. The political right of a citizen to determine who shall govern him is his highest right. In exercising this important right, a citizen should not allow himself to be intimidated to take a wrong decision.

11. SOME EVENTS BEFORE ELECTION DAY

- (a) Parties are to organise primaries to select their candidates.
- (b) On October 22, 1990, NEC will call for the list of candidates the Parties propose to sponsor for the election.
- (c) The Parties are to forward the list of their candidates to the Electoral Officer of the relevant Local Government Area.
- (d) The approved list of screened candidates will be returned to the parties by Nov. 5, 1990.
- (e) NOTICE OF ELECTION will be published.

(f) Approved candidates will collect, complete and return nomination forms in duplicate.

(g) The list of nominations will be published.

(h) There will be hearing of claims and objections to nominated candidates.

(i) There will also be publication of Notice of Poll.

(j) The list of Polling Agents is to be submitted to Electoral Officers not later than (7) seven days before the election day. Polling Agents must be persons registered in the wards where they will officiate.

12. POLITICAL PARTIES:

The establishment, structure and operations of the 2 political parties should be of interest to the voter. As a result, the following information should be known.

1. That there are only 2 recognised political parties in Nigeria – namely:—

(a) The National Republican Convention (NRC)

(b) The Social Democratic Party (SDP).

2. That the 2 parties were established by Government on October 7, 1989.

3. That apart from the NRC and the SDP the formation of any other political party is prohibited.

4. That the parties were formally presented with their certificates of registration by NEC on September 21, 1990.

5. That the National Republican Convention (NRC)

is represented by an all-white colour with an Eagle superimposed on it.

6. That the symbol of the Social Democratic Party (SDP) has an all Green background with a white horse on it.

7. That membership of the two parties is open to every citizen of Nigeria, male or female who has attained the age of 18 years.

8. That all members of the 2 parties are equal joiners and founders.

9. That in order to assist the parties to grow and also to prevent any individual from hijacking them, government is generously financing the parties. Each party has already received N269,990,328 as take-off grant.

10. No political party can maintain any wing, vanguard, or faction in whatever form or by whatever name called to foster the activities of the party or to act as a militant group of the party.

NOTE:

The 2 Political Parties have been referred to above in alphabetical order.

13. THE CANDIDATE:

It is important for a voter to know a candidate who is qualified to contest an election. This will enable the voter to know if he should accept to be one of the 10 nominators of the candidate and whether or not he should cast his vote for that candidate. The voter should know that a person qualified to contest the Local Government Elections of December 1990 is one who:—

- (a) Is a citizen of Nigeria.
- (b) Does not hold an allegiance or loyalty to another country.
- (c) Has attained the age of 25 years, for a candidate wishing to contest the post of Chairman and 21 years for the post of Councillor.
- (d) Resides in an area in which he wishes to contest election for at least 12 months before the date of election.
- (e) Is nominated for elections by 10 registered voters.
- (f) Is not a lunatic.
- (g) Does not belong to a Secret Society.
- (h) Has not been convicted and sentenced by any Law Court for an offence.
- (i) Does not have any death sentence hanging on him.
- (j) Has not been declared bankrupt under any law in any part of Nigeria.
- (k) Has been educated up to the School Certificate level or its equivalent if contesting the Chairmanship election but if contesting as a councillor, a candidate not so qualified can still be accepted at the discretion of NEC provided:—
 - (i) he can read, write, understand and communicate in English language to the satisfaction of NEC.
 - (ii) he is a person considered fit and proper by the electoral Commission to stand as a councillor.
- (l) If a public officer, has resigned his appointment not later than 8th October, 1990.

- (m) Is not banned or disqualified by the Decrees No. 25 of 1987 and No. 9 of 1989.
- (n) Has evidence of tax payments as and when due for a period of three years before 1990.
- (o) Is a registered member of one of the two Political Parties.
- (p) Is being sponsored by his party.
- (q) Has paid a deposit of N2,000 (two thousand Naira) to contest the Chairmanship election or N500 for that of Councillorship.

14. NOMINATION:

If a candidate at an election requests a voter to be one of his nominators, such a voter should ensure that:—

- (1) The candidate is qualified to contest elections. That is, that the candidate meets the requirements stated above at paragraph 13.
- (2) The nomination of the candidate is in writing.
- (3) The voter is satisfied that the particular candidate is the only candidate he intends to nominate for the election. This is important because:—
 - (a) Once a nomination is made, it cannot be withdrawn while the candidate stands nominated and is still in the race.
 - (b) The voter cannot nominate more than one person for the same election.
- (4) There are 10 registered voters who reside in the same constituency as the candidate and who are willing to nominate him for the election.

(5) The nomination form to be subscribed to by the candidate and the nominators contain the following information:—

(a) The name, address and occupation of the candidate.

(b) Names, addresses and occupations of nominators.

(c) That the candidate certifies that he is willing and qualified to stand for elections.

(6) The nomination form signed by the candidate and all his nominators is not lodged in more than one ward or constituency.

NOTE

(i) A candidate obtains a nomination form with a fee of N50 for Chairmanship election and N30 for that of Councillor.

(ii) The Electoral Officer can declare a nomination invalid if any of the conditions stated above is not met.

15. ELECTORAL OFFICIALS:

On election day, there are certain persons who would normally officiate. It is important for the voter to know and co-operate with them for a successful exercise. The Officials are:—

1. The Electoral Officer
2. The Supervisory Presiding Officer
3. The Presiding Officer
4. The Poll Clerk/Teller
5. The Returning Officer

6. The Poll Orderly.

The functions of the officials are as follows:—

- (a) The Electoral Officer:
 - (i) To locate a polling station near the voters allotted to it.
 - (ii) To ensure that not more than 500 electors vote at the polling station.
 - (iii) To ensure the safe custody of all electoral materials.
 - (iv) To indicate the persons entitled to vote at a centre.
 - (v) To inform voters about the day and hours fixed for the poll.
 - (vi) To publish by displaying the full names, addresses and occupations of all nominated persons before election day (In the case of the December, 1990 Local Government Election — on November 15, 1990).
 - (vii) To provide nomination papers for candidates and voters.
 - (viii) To appoint a convenient date for election if a nominated candidate dies.
 - (ix) To issue instructions to other officials appointed by the commission with regard to the performance of their functions.
 - (x) To validate the nominations made.

(xi) To supervise the conduct of an election.

(b) The Supervisory Presiding Officer:

He oversees the work in 10 polling stations and ensures that materials are available and that everything is correctly done.

(c) The Presiding Officer:

(i) Supervises the work of the junior electoral staff.

(ii) Checks the voters register to ascertain if voters are entitled to vote in that particular centre.

(iii) Assists blind, incapacitated and illiterate voters to cast their votes.

(iv) Regulates the admission of voters to the Polling Station.

(v) Orders the removal of disorderly persons from the polling station.

(d) The Poll Clerk/Teller:

(i) Assists and ascertains poll results.

(ii) Delivers materials for elections.

(iii) Supervises the Polling Station.

(e) The Returning Officer:

(i) Collates election results

(ii) Delivers all documents relating to the conduct of the election to the Electoral Officer.

(iii) Closes the poll at the appointed time.

(iv) Adjourns the poll in case of riot or open violence.

(v) Sends a copy of the statement of the result of election to the Commission.

(f) Poll Orderly:

Regulates the movement of voters in and out of polling booths.

16. POLLING AGENTS:

Each candidate is entitled to 2 polling agents. Although the agents are not employed or appointed by the electoral Commission their presence at polling stations helps to prevent electoral malpractices that could mar the entire process.

Polling agents are appointed by the Political Parties and attached to sponsored candidates of the Parties on polling days. Notices of their appointments are usually brought to the attention of the Electoral Officer at least 6 days before the election day. Such a notice is expected to be given to NEC on December 1, 1990 for the forthcoming Local Government Elections.

The polling agent is not expected to interfere with the conduct of the poll. He is there to observe activities and protect the interest of the candidate he represents. Any misconduct on his part will be checked by the Presiding Officer.

17. VIOLENCE IN POLITICS:

In the new dispensation, electoral violence is outlawed. The voter should familiarise himself with the rules

against violence so that he does not breach them. A voter must ensure that he is not present at illegal rallies.

In this regard, the voter should note the following:—

- (1) That a political rally is illegal if the party organising it does not possess a permit authorising the rally to hold.
- (2) A party must be issued with a license which authorises it to hold a rally at least 24 hours before the take-off time.

To obtain a license for a political rally or procession, a party has to:—

- (a) Submit an application to the Commissioner of Police of the State in which the rally or procession is to take place.
 - (b) The application is to indicate the date, time, venue, and the names of persons scheduled to speak at the occasion.
 - (c) The application is to reach the Commissioner of Police 72 hours before the take off time of the event.
- (3) That a voter must not be in possession of any offensive weapon or missile at a rally. Offensive weapons and missiles include:—
 - (a) Gun, Rifle, Cannon, Carbine, Machine gun, Cap gun, Flint — lock gun, Revolver, Pistol, Airgun, Air pistol or other firearms (whether whole or in detached pieces).
 - (b) Bow and arrow, spear, cutlass, matchet, knife, dagger, axe, cudgel, horse whip, wood, metal, stone, tear-gass, corrosives, inflammable sub-

stances or any other thing that is capable of inflicting injury.

- (4) That it is an offence to threaten or cajole any person at a rally or procession.
- (5) That any political rally that has religious sectional or ethnic undertones is illegal. As a result, a rally cannot hold at any place designated for religious worship.
- (6) That it is an offence to hire persons for the purposes of providing security or protection as bodyguards at political rallies and processions.
- (7) That masquerades should not be used to harrass or intimidate opponents.
- (8) That no abusive, intemperate, slanderous or base languages should be used at rallies.
- (9) That banned and disqualified persons cannot address rallies or processions. In addition:—
 - (a) the use of photographs or portraits of banned or disqualified persons at a rally is unauthorised.
 - (b) No reference should be made to them during campaigns.
- (10) That a police officer of the rank of Inspector and above or its equivalent in the State Security

to election Service can stop a rally which violates the necessary conditions for its peaceful conduct.

18. ELECTORAL OFFENCES:

In order that a voter does not breach any of the rules and regulations in the electoral laws, it is important to understand those activities that constitute electoral offences. Among others, the following are very important offences that a voter should not commit:—

(A) PERSONATION:

- (1) No person shall vote or attempt to vote if his name is not in the register of voters for the ward.
- (2) No person shall bring into the polling station, a card belonging to another person whether or not that other person is living, dead or fictitious.
- (3) No person shall alter or erase any information on the voters card or sign more than one nomination for a candidate in a ward.

(B) TREATING:

- (1) No person shall give or accept food, drink or gifts with the intention to influence another person on how to cast his vote.

(C) UNDUE INFLUENCE:

- (1) No person shall use threat, intimidation or violence to restrain or refrain a person from casting his votes.
- (2) No person shall by the use of thugs or any other means such as induction, duress or

any fraudulent device or contrivance impede or prevail upon a voter either to vote or refrain from voting at election.

(D) BRIBERY AND CORRUPTION.

- (a) No person shall corruptly give, lend or agree to give or lend any money or valuable consideration to or for a voter.
- (b) No person shall either by himself or on his behalf receive, agree or contract for money, loans, office, place, or employment for himself or for any other person so as to vote or not to vote during the election.

POLLING DAY OFFENCES:

No person shall on the day in which election is held do any of the following acts or things in a polling station or within a distance of 200 meters of a polling station:—

- (1) Canvass for votes.
- (2) Solicit the vote of any voter.
- (3) Persuade any voter not to vote for any particular candidate.
- (4) Persuade any voter not to vote at the election.
- (5) Shout slogans concerning election.
- (6) Be in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voters.
- (7) Exhibit, wear or tender any notice, symbol, sign,

token, photograph or party card referring to the election.

(8) Use any vehicle bearing the colour or symbol of a political party by any means whatsoever.

(9) Loiter without lawful excuse after voting or after having been refused to vote.

(10) Convene or hold or attend any public meeting or unless appointed under the law operate any megaphone amplifier or public address apparatus for the purpose of making announcements concerning the election.

(11) Wear or carry any badge, poster, banner, flag or symbol relating to a political party to the election.

19. ELECTION TRIBUNALS

A voter who is dissatisfied with either the manner of an election or with the result of the election should not resort to violence. Violence can never on its own alter an election result. The aggrieved voter should rather make his complaints known at the Local Government Election Tribunal set up to resolve such issues.

The voter should remember that in the past, those who resorted to violence destroyed lives and property only to turn later to the court to resolve their complaints.

The voter should rely on the Election Tribunals because:—

(a) Each Tribunal is made up of a Chairman and 2 other members who are persons of unquestionable integrity and who have not been involved in politics.

(b) The Chairman shall be a person who has held the office of a Judge of the High Court or is qualified to hold such office.

(c) One of the members shall be a legal practitioner who has been so qualified for 5 years while the second member shall be a non-member of the legal profession.

(d) The complaints of the voter shall be dealt with within 3 months.

(e) If the voter is dissatisfied with the verdict of the tribunal, he is allowed to make an appeal to the High Court of the State.

In order that a complaint is promptly handled, the voter should:—

(1) Present his complaints as an election petition.

(2) Ensure that the petition is filed not later than one month after the election.

Persons who can present an election petition before the tribunal are:—

(a) A voter who voted in the constituency from where the grievance arises.

(b) A voter who was actually a candidate at the elections.

(c) A voter who did not contest the election but who claims to have right to have contested the elections.

20. RECALL:

In the past, many voters were disenchanted with our political system because there was no provision to enable them to remove from office an elected official whose performance became unsatisfactory.

The new electoral system has addressed this issue and provided electors with an easy method to handle the situation. This is known as the Recall System.

To utilise the system, the voter needs to know the following:

- (1) That a vote of no-confidence has to be passed on the affected official.
- (2) That a petition indicating the loss of confidence is signed and submitted to the Chairman of NEC.
- (3) That the petition is signed by half the number of registered voters in the constituency of the affected official.
- (4) That within 90 days of the receipt of the petition, NEC will organise a referendum where all voters in the constituency will have an opportunity to approve or disapprove of the petition.
- (5) That the member will be recalled i.e. removed from office if at the referendum a simple majority of the voters approve the petition.

EDITOR'S NOTE:

The purpose of this pamphlet is to simplify the laws and materials for elections. Although the contents cover many areas they are by no means exhaustive. For the local government elections scheduled for December 1990, the electorate should in addition to this pamphlet refer to:

- (a) The Nigerian Constitution.
- (b) The Electoral Act.
- (c) All relevant Decrees especially the Local Government (Basic Constitutional and Transitional Decrees No. 15 of 1989, No. 28 of 1989 and 25 of 1990).
- (d) Guides to Election Participants Nos. 1-6 issued by NEC.

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