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LOCAL GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1998



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Decree No. 36

[11th August 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

**PART I - LOCAL GOVERNMENT SYSTEM AND
ESTABLISHMENT OF LOCAL GOVERNMENT
COUNCILS, ETC.**

1.-(1) The system of local government shall, under this Decree, be by democratically elected Local Government Councils and Area Councils.

Local
Government
system, etc.

(2) Without prejudice to the provisions of section 2(3) of this Decree, the Government of a State may by an Edict or a Law create for any Local Government Area up to a maximum of 7 Development Areas having regard to such factors as common historical and traditional ties, geographical contiguity and administrative expedience.

(3) It shall be the duty of Local Governments within the State to participate in economic planning and development of the Local Government Area and to this end a joint economic planning board shall be established by an Edict or a Law.

(4) The functions conferred by law on Local Governments shall include those set out in sections 26 and 27 of this Decree.

(5) The legislative powers of a Local Government shall be vested in the Local Government Council.

(6) A Local Government Council shall have power to make bye-laws on matters conferred on it by this Decree or by an Edict or a Law.

(7) Subject to the provisions of this Decree, the executive powers of a Local Government or Area Council shall be vested in the Chairman of that Local Government Council or Area Council.

Local Government
Areas and Area
Councils.
Schedule 1.

2.-(1) There shall be 770 Local Government Areas in Nigeria as named in the third column of Part I of Schedule 1 to this Decree, and each Local Government Area shall have its headquarters in the place specified in the fourth column of that Part of that Schedule.

(2) There shall be 6 Area Councils in the Federal Capital Territory, Abuja, as named in the second column of Part II of Schedule 1 to this Decree, and each Area Council shall have its headquarters in the place specified in the third column of that Part of that Schedule.

(3) The Local Government Area or the Area Council shall be the only unit in respect of which the Government of a State or the Government of the Federation is empowered to establish an authority for the purpose of Local Government or Area Council, as the case may be.

Establishment of
Councils for Local
Government
Areas, etc.

3.-(1) There shall be a Council for each Local Government Area or Area Council in Nigeria.

(2) Subject to subsections (1) and (2) of section 2 of this Decree, the Commission shall prescribe the area over which a Local Government or an Area Council may exercise authority and shall define such area as clearly as practicable and in conformity with Schedule 1 to this Decree.

Schedule 1.

Allocation of
revenue to Local
Government
Councils or Area
Councils.

4. Subject to the provisions of this Decree -

(a) the Provisional Ruling Council or the National Assembly, as the case may be, shall make provision for statutory allocation of revenue to the Local Government Councils and Area Councils; and

(b) the Administrator or the House of Assembly of a State, as the case may be, shall make provisions for statutory allocation of public revenue to the Local Government Councils in a State.

Auditing of
accounts of Local
Government or
Area Council.

5. The accounts of the Local Government or Area Council shall be audited annually in accordance with subsections (2) and (3) of section 45 of this Decree.

6.-(1) Subject to the provisions of this Decree, the Administrator or the House of Assembly of a State, as the case may be, shall enact laws providing for the structure, composition, revenue, expenditure and other financial matters, staff, meetings and other relevant matters for the Local Government Councils in the State.

Provision for structure, etc. of Local Government Councils, and Area Councils.

(2) The powers conferred on the Administrator or the House of Assembly of a State under subsection (1) of this section and in section 4(b) of this Decree in respect of Local Government Councils shall, in the case of Area Councils of the Federal Capital Territory, Abuja, be exercised by the Government of the Federation.

(7.) A Local Government Council or an Area Council shall stand dissolved at the expiration of a period of 3 years commencing from the date of the first sitting of the Council.

Dissolution of Local Government Council or Area Council.

8.-(1) Subject to the provisions of this Decree, the Independent National Electoral Commission (in this Decree referred to as the "Commission") shall divide each Local Government Area or Area Council into such number of wards, not being less than 10 or more than 20, as the circumstances of each Local Government Area or Area Council may require.

Division of Local Government Area and Area Council into wards.

(2) The boundaries of each ward shall be such that the number of inhabitants of the ward is as nearly equal to the population quota of the ward as is reasonably practicable.

(3) The Commission shall review the division of every Local Government Area or Area Council into wards at intervals of not less than 10 years and may alter such wards in accordance with the provisions of subsection (1) of this section to such extent as it may consider desirable in the light of the review.

PART II - THE CHAIRMAN AND VICE-CHAIRMAN

9. There shall be for each Local Government Council or Area Council, a Chairman and a Vice-Chairman.

Establishment of offices of Chairman and Vice Chairman.

10. A person shall be qualified to hold the office of Chairman if -

Qualification of Chairman.

- (a) he is a citizen of Nigeria;
- (b) he has attained the age of 30 years; and
- (c) he is educated up to at least the School Certificate level or its equivalent.

Disqualification
of Chairman.

11.-(1) A person shall not be qualified to hold the office of Chairman if -

- (a) he has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the Federal Military Government or the National Assembly, as the case may be, he has made a declaration of allegiance to such other country;
- (b) under any law in force in any part of Nigeria, he is adjudged to be a lunatic or otherwise declared to be of unsound mind;
- (c) he is under a sentence of death imposed on him by any court of law or tribunal in Nigeria or a sentence of imprisonment for an offence involving dishonesty or fraud (by whatever name called) imposed on him by such a court or substituted by a competent authority for any other sentence imposed on him by such a court;
- (d) he has been found guilty of contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989;
- (e) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Nigeria;
- (f) he is a person employed in the public service or civil service of the Federation or of any State, or of any Local Government Council or Area Council and has not resigned, withdrawn or retired from such employment 30 days before the date of election;
- (g) he is a member of a secret society;

1989 No. 1.

(h) he has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or a Tribunal under the Tribunals of Inquiry Act or any other law set up by the Federal, State or Local Government. Cap. 447. LFN.

(2) Where in respect of any person who has been -

- (a) adjudged to be a lunatic; or
- (b) declared to be of unsound mind; or
- (c) sentenced to death or imprisonment; or
- (d) adjudged or declared bankrupt,

an appeal against the decision is pending in a court of law in accordance with a law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when the appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier.

(3) A Chairman shall not hold any other executive office or paid employment in any capacity whatsoever during his tenure of office.

(4) For the purposes of subsection (2) of this section -

"appeal" includes any application for an injunction or an order of certiorari, mandamus, prohibition or habeas corpus, or an appeal from any such application.

12. A person elected to the office of Chairman shall not begin to perform the functions of that office until and unless he has declared his assets and liabilities as prescribed by the Code of Conduct Bureau and Tribunal Decree 1989 and has subsequently taken and subscribed, before the Chief Judge of the High Court of the State or the Chief Judge of the High Court of the Federal Capital Territory, Abuja as the case may be, the Oath of Allegiance and the Oath of Office as prescribed in Schedule 2 to this Decree.

Declaration of
assets and
liabilities.
1989 No. 1

Schedule 2.

Chairman to
nominate associate
candidate.

13.-(1) In an election under this Decree, a candidate for the office of Chairman of a Local Government Council or Area Council shall not be deemed to have been validly nominated for such office unless he nominates another candidate as his associate running for the office of Chairman who is to occupy the office of Vice-Chairman, and that candidate shall be deemed to have been duly elected to the office of Vice-Chairman if the candidate who nominated him is duly elected as Chairman.

(2) The provisions of this Decree relating to qualifications for election, tenure of office, disqualifications, declaration of assets and liabilities and oaths of Chairman, other than section 51(d) and (f) of this Decree, shall apply in relation to the office of the Vice-Chairman as if references to Chairman were references to Vice-Chairman.

Removal of
Chairman or
Vice-Chairman.

14.-(1) The Chairman or Vice-Chairman may be removed from office in accordance with the provisions of this section.

(2) Whenever a notice of any allegation in writing signed by not less than one-half of the members of the Local Government Council or Area Council -

(a) is presented to the Secretary of the Local Government Council or Area Council; and

(b) stating that the holder of the office of Chairman or Vice-Chairman is guilty of misconduct in the performance of the functions of his office, detailed particulars of which shall be specified,

the Secretary of the Local Government Council or Area Council shall, within 7 days of the notice, cause a copy of the notice to be served on the holder of the office and on each member of the Local Government Council or Area Council and shall also cause any statement made in reply to the allegation by the holder of the office to be served on each member of the Local Government Council or Area Council.

(3) Within 14 days of the presentation of the notice, (whether or not any statement was made by the holder of the office

in reply to the allegation contained in the notice) the Local Government Council or Area Council, without the holder of the office being present at the meeting, shall resolve by motion without any debate whether or not the allegation shall be investigated.

(4) A motion of the Local Government Council or Area Council that the allegation be investigated shall not be declared as having been passed unless it is supported by the votes of not less than two-thirds majority of all the members of the Local Government Council or Area Council.

(5) Within 7 days of the passing of a motion under subsection (4) of this section, the Secretary of the Local Government Council or Area Council shall inform the Chief Judge of the State or of the Federal Capital Territory, Abuja, as the case may be, who shall appoint a Panel of seven persons who in the opinion of the Chief Judge are of unquestionable integrity not being members of -

(a) any public or civil service; or

(b) a legislative house; or

(c) a political party,

to investigate the allegation as provided in this section.

(6) The holder of an office whose conduct is being investigated under this section shall have the right to defend himself in person or be represented before the Panel by a legal practitioner of his own choice.

(7) A Panel appointed under this section shall -

(a) have such powers and exercise its functions in accordance with such procedure as may be prescribed by a Decree, an Edict or Law; and

(b) within three months of its appointment, report its findings to the Local Government Council or Area Council.

(8) Where the Panel reports to the Local Government Council or Area Council that the allegation has not been proved no further proceedings shall be taken in respect of the matter.

(9) Where the report of the Panel is that the allegation against the holder of the office has been proved, then within 14 days of the receipt of the report; the Local Government Council or Area Council shall consider the report with the holder of the officer being present at the meeting and if by a resolution of the Local Government Council or Area Council supported by not less than two-thirds majority of all its members, the report of the Panel is adopted then the holder of the office shall stand removed from office as from the date of the adoption of the report.

(10) No proceedings or determination of the Panel or of the Local Government or Area Council or any matter relating thereto shall be entertained or questioned in any court.

(11) In this section -

"misconduct" means breach of the Oath of Allegiance or Oath of Office of Chairman or Vice-Chairman or a breach of the provisions of this Decree or a misconduct of such nature as amounts to bribery or corruption or false declaration of assets and liabilities or conviction for treasonable felony.

Permanent
incapacity of
Chairman and
Vice-Chairman.

15.-(1) The Chairman or Vice-Chairman shall cease to hold office if-

(a) by a resolution passed by two-thirds majority of all the members of the Local Government Council or Area Council it is declared that the Chairman or the Vice-Chairman is incapable of discharging the functions of his office; and

(b) the declaration is verified under paragraph (a) of this subsection after such medical examination as may be necessary by a medical panel established under subsection (4) of this section in its report to the Secretary of the Local Government Council or Area Council.

(2) Where the medical panel certifies in the report that in its opinion, the Chairman or Vice-Chairman is suffering from such infirmity of body or mind as to render him permanently incapable of discharging the functions of his office, a notice of the medical report signed by the Secretary of the Local Government Council or Area Council shall be published in the Federal or State *Gazette* as the case may be.

(3) The Chairman or Vice-Chairman shall cease to hold office from the date of publication of the notice of the medical report pursuant to subsection (2) of this section.

(4) The medical panel referred to in this section shall be appointed by the Secretary of the Local Government Council or Area Council and shall comprise three medical practitioners in Nigeria, of whom -

(a) one shall be a medical practitioner of the choice of the Chairman or Vice-Chairman as the case may be; and

(b) two shall be other medical practitioners.

16.-(1) The Vice-Chairman shall hold the office of Chairman of the Council if the office of the Chairman becomes vacant by reason of death, resignation or removal from office in accordance with section 14 or 15 of this Decree.

Discharge of
functions of
Chairman.

(2) Where a vacancy occurs in the circumstances mentioned in subsection (1) of this section or for any other reason during a period when the office of Vice-Chairman is also vacant, the Councillors shall elect one of their number who shall hold the office of Chairman for a period of not more than 3 months, during which there shall be an election of a new Chairman, who shall hold office as provided for in section 18 (3) of this Decree.

(3) Where the office of Vice-chairman becomes vacant -

(a) by reason of death or resignation or removal in accordance with section 15 of this Decree;

(b) by his assumption of the office of Chairman in accordance with subsection (1) of this section; or

(c) for any other reason,

the Chairman shall nominate one of the Councillors and with the approval of a majority of the members of the Local Government Council or Area Council, appoint him as the new Vice-Chairman of the Local Government Council or Area Council, as the case may be.

(4) The Commission shall conduct a by-election to fill the vacant seat created in the ward from which the new Vice-Chairman has been appointed.

Executive
responsibility of
Vice-Chairman
and Supervisory
Councillors, etc.

17.-(1) The Chairman shall assign to the Vice-Chairman specific executive responsibilities in respect of the business of the Local Government Council or Area Council.

(2) The Chairman shall in his discretion assign to any Supervisory Councillor of the Local Government or Area Council responsibility for any business of the Local Government Council or Area Council, including the administration of any department of the Local Government Council or Area Council.

(3) The Chairman shall hold regular meetings with the Vice-Chairman and all the Supervisory Councillors and Councillors for the purpose of -

(a) determining the general direction of the policies of the Local Government Council or Area Council;

(b) co-ordinating the activities of the Local Government Council or Area Council; and

(c) generally discharging the executive functions of the Local Government Council or Area Council.

(4) A meeting to which subsection (3) of this section relates shall be held not more than one month from the date of the previous meeting.

18.-(1) Subject to the provisions of this Decree, a person ^{Term of office} shall hold the office of Chairman until - ^{of Chairman.}

- (a) he becomes a member of a legislative house; or
- (b) he becomes President, Vice-President, Governor, Deputy Governor or a Minister of the Government of the Federation or a Commission of the Government of a State; or
- (c) being a person whose election was sponsored by a political party, he resigns from that political party or becomes a member of another political party before the expiration of the period for which the Local Government Council or Area Council was elected; or
- (d) when his successor in office takes the oath of that office; or
- (e) he dies whilst holding that office; or
- (f) the date when his resignation from office takes effect; or
- (g) he otherwise ceases to hold office in accordance with the provisions of this Decree; or
- (h) he becomes a member of a secret society or does any other thing disqualifying him from holding the office of Chairman under this Decree; or
- (i) the Secretary of the Local Government Council or Area Council receives a certificate under the hand of the Chairman of the Commission stating that the provisions of section 25 of this Decree have been complied with in respect of the recall of the Chairman.

(2) The Secretary of the Local Government Council or Area Council shall give effect to the provisions of subsection (1) of this section, so however, that the Secretary shall first present evidence satisfactory to the Local Government Council or Area Council that any of the provisions of that subsection has become applicable in respect of the Chairman.

(3) Subject to the provisions of subsection (1) of this section, the Chairman shall vacate his office at the expiration of a period of 3 years commencing from the date when -

(a) in the case of a person first elected as Chairman under this Decree, he took the Oath of Allegiance and the Oath of Office; or

(b) the person last elected to that office took the Oath of Allegiance and the Oath of Office or would but for his death have taken those Oaths.

Death of
Chairman-elect
before Oath of
Office.

19.-(1) If a person duly elected as Chairman dies before taking and subscribing the Oath of Allegiance and the Oath of Office, the person elected with him as Vice-Chairman shall be sworn in as Chairman who shall then nominate and with the approval of a majority of the members of the Local Government Council or Area Council appoint a new Vice-Chairman.

(2) Where the Vice-Chairman is appointed from among the Councillors as the new Vice-Chairman, the Commission shall conduct a bye-election to fill the vacant seat created in the ward from which the new Vice-Chairman has been appointed.

(3) Where the persons duly elected as Chairman and Vice-Chairman of the Local Government Council or Area Council die before taking and subscribing the Oath of Allegiance and Oath of Office during which period the Local Government Council or Area Council has not been inaugurated, the Commission shall immediately conduct an election for a Chairman of the Local Government Council or Area Council in which the candidates shall be nominated from the same wards as the one that produced the Chairman and Vice-Chairman who have died.

PART III - COUNCILLORS

20. There shall be elected from every ward in a Local Government Area or Area Council, one Councillor.

Number of
Councillor in
a ward.
Qualification
of Councillors.

21. Subject to the provisions of section 20 of this Decree, a person shall be qualified to hold the office of a Councillor if he

(a) is a citizen of Nigeria;

(b) has attained the age of 25 years; and

(c) has been educated up to at least the School Certificate level or its equivalent.

22.-(1) No person shall be qualified to hold the office of Councillor if -

Disqualification
of Councillors.

(a) he has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the Federal Military Government or the National Assembly, as the case may be, he has made a declaration of allegiance to such other country;

(b) under any law in force in any part of the Federation, he is adjudged to be a lunatic or otherwise declared to be of unsound mind; or

(c) he is under a sentence of death imposed on him by any court of law or Tribunal in Nigeria or a sentence of imprisonment for an offence involving dishonesty or fraud (by whatever name called) imposed on him by the court or substituted by a competent authority for any other sentence imposed on him by that court; or

(d) he has been found guilty of contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989; or

(e) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Federation; or

(f) he is a person employed in the public service of the Federation or of any State, or of any Local Government or Area Council and he has not resigned, withdrawn or retired from such employment 30 days before the date of the election; or

(g) he is a member of a secret society;

(h) he has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or a Tribunal under the Tribunals of Inquiry Act or any other law set up by the Federal, State or Local Government.

Cap. 447 LFN.

(2) Where in respect of any person who has been -

(a) adjudged to be a lunatic; or

(b) declared to be of unsound mind; or

(c) sentenced to death or imprisonment; or

(d) adjudged or declared bankrupt,

an appeal against the decision is pending in a court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when the appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be, the appeal lapses or is abandoned, whichever is earlier.

(3) For the purpose of subsection (2) of this section -

"appeal" includes an application for an injunction or an order of certiorari, mandamus, prohibition or habeas corpus, or an appeal from any such application.

Declaration of
assets and
liabilities: Oaths
of Councillors.
1989 No.1.
Schedule 2.

23. A person elected as Councillor shall before taking his seat declare his assets and liabilities as prescribed in the Code of Conduct Bureau and Tribunal Decree 1989 and subsequently take and subscribe before the Chairman of the Local Government Council or Area Council the Oath of Allegiance and the Oath of Office prescribed in Schedule 2 of this Decree.

24.-(1) A member of a Local Government Council or Area Council shall vacate his seat in the Council -

Tenure of office
of members of
Council.

(a) if he becomes a member of a legislative house; or

(b) on the date when his letter of resignation takes effect;
or

(c) if he becomes President, Vice-President, Governor, Deputy Governor or a Minister of the Government of the Federation or a Commissioner of the Government of a State; or

(d) being a person whose election was sponsored by a political party, he resigns from that party or becomes a member of another political party before the expiration of the period for which the Local Government Council or Area Council was elected; or

(e) if he becomes a member of a secret society or does any other thing disqualifying him from holding the office of Councillor under this Decree; or

(f) if the Chairman of the Local Government Council or Area Council receives a certificate under the hand of the Chairman of the Commission stating that the provisions of section 25 of this Decree have been complied with in respect of the recall of that member.

(2) The Chairman of the Local Government Council or Area Council shall give effect to subsection (1) of this section, so however that the Chairman shall first present evidence satisfactory to the Local Government Council or Area Council that any of the provisions of that subsection has become applicable in respect of that member.

25.-(1) A member of a Local Government Council or Area Council may be recalled as such a member if -

Recall.

(a) there is presented to the Chairman of the Commission a petition in that behalf signed by more than one-half of the

persons registered to vote in that member's constituency alleging their loss of confidence in that member; and

(b) the petition is thereafter approved in a referendum conducted by the Commission within 90 days of the date of the receipt of the petition by a simple majority of the votes of the persons registered to vote in that member's constituency.

(2) For the purpose of this section -

"member" includes the Chairman and Vice-Chairman.

PART IV - FUNCTIONS OF A LOCAL GOVERNMENT COUNCIL OR AREA COUNCIL

Functions of a
Local Government
Council or Area
Council.

26. The main functions of a Local Government Council or Area Council shall be as follows -

- (a) debating, approving and amending the annual budget of the Local Government Council or Area Council;
- (b) the formulation of economic plans and development schemes for the Local Government Area or Area Council;
- (c) collection of rates and issuance of radio and television licences;
- (d) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm;
- (e) licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts;
- (f) establishment, maintenance and regulations of slaughter houses, slaughter slabs, markets, motor parks and public conveniences;
- (g) construction and maintenance of roads, street lightings, drains, parks, gardens, open spaces or such public facilities as may be prescribed from time to time by the Administrator or the House of Assembly of a State;

- (h) naming of roads and streets and numbering of houses;
- (i) provision and maintenance of public conveniences; sewage and refuse disposal;
- (j) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the Administrator or the House of Assembly of a State;
- (k) control and regulation of -
 - (i) out-door advertising and boarding,
 - (ii) movement and keeping of pets of all descriptions,
 - (iii) shops and kiosks,
 - (iv) restaurants, bakeries and other places for sale of food to the public,
 - (v) laundries, and
 - (vi) licensing, regulation and control of the sale of liquor.

27. The functions of a Local Government Council or an Area Council shall include participation in the Government of a State as respects the following matters, that is -

- (a) the provision and maintenance of primary, adult and vocational education;
- (b) the development of agriculture and natural resources, other than the exploitation of minerals;
- (c) the provision and maintenance of health services; and
- (d) such other functions as may be conferred on a Local Government Council by the Administrator or the House of Assembly of a State, as the case may be.

Other functions
of a Local
Government
Council

**PART V - EXERCISE OF THE LEGISLATIVE AND
EXECUTIVE POWERS OF A LOCAL GOVERNMENT
COUNCIL, ETC.**

Exercise of Legislative Powers

Local Government
Councils declared
to be legislatures
of Local
Governments.

28.-(1) The Local Government Council or Area Council is hereby declared to be the legislature of the Local Government Area or Area Council, as the case may be.

(2) Accordingly, the legislative powers of a Local Government or Area Council shall be exercised by the Local Government Council or Area Council.

Sitting of Local
Government or
Area Council.

29. The Local Government Council or Area Council shall sit for a period of not less than one day in a month.

Presiding at
sittings of the
Local Government
or Area Council.

30.-(1) At any sitting of the Local Government Council or Area Council, the Chairman shall preside and in his absence the Vice-Chairman shall preside.

(2) In the absence of both persons referred to in subsection (1) of this section, any other member of the Local Government Council or Area Council, as may be elected for that purpose by the Councillors, may preside.

Quorum.

31. The quorum of a Local Government Council or Area Council meeting shall be one-half of all of the members of the Local Government Council or Area Council.

Voting and
casting of
vote.

32. Except as otherwise provided by this Decree, a question proposed for decision in the Local Government Council or Area Council shall be determined by a simple majority of the members present and voting, and the person presiding shall have a casting vote whenever necessary to avoid an equality of votes.

Regulation of
procedure.

33. Subject to the provisions of this Decree, the Local Government Council shall regulate its own procedure, including the procedure for summoning and recess of the Local Government Council or Area Council.

34. The Chairman shall address annually a meeting of the Local Government Council or Area Council on the state of affairs of the Local Government Area or Area Council.

Address by
Chairman.

35. The legislative powers vested in the Local Government Council or Area Council shall be exercised by bye-laws passed by the Local Government Council or Area Council and signed by the Chairman.

Mode of exercising legislative power of the Local Government Council.

Exercise of Executive Powers

36.-(1) The executive powers of a Local Government Council or Area Council vested in the Chairman under subsection (7) of section 1 of this Decree -

Executive powers.

(a) may, subject to the provisions of this Decree, an Edict or a Law of the State within whose boundaries the Local Government Area or Area Council is situate and bye-laws made by the Local Government Council or Area Council, be exercised by him either directly or through -

(i) the Vice-Chairman or Supervisory Councillors of the Local Government Council or Area Council, or

(ii) officers in the service of that Local Government or Area Council; and

(b) shall extend to the execution and maintenance of this Decree, all bye-laws made by the Local Government Council or Area Council and to all matters with respect to which the Local Government Council or Area Council has for the time being power to make bye-laws.

(2) The executive power vested in the Chairman shall not be exercised so as to impede or prejudice the exercise of the executive powers of the Federation or of the State in which the Local Government Area or Area Council concerned is situate or to endanger any asset or investment of the Government of the Federation or of the State Government in the Local Government Area or Area Council.

Supervisory
Councillors.

37.-(1) There shall be not less than 3 and not more than 5 offices of Supervisory Councillors of the Local Government or Area Council.

(2) Appointment to the offices of Supervisory Councillors shall be made by the Chairman within 30 days of taking office from among the Councillors of that Local Government Council or Area Council.

PART VI - LOCAL GOVERNMENT SERVICE AND SERVICE COMMISSION

Local Government Service

Local
Government
Service.

38. There shall be for each State of the Federation and the Federal Capital Territory, Abuja, a Local Government Service or an Area Council Service respectively.

Staff of Local
Government
Council.

39. There shall be a Secretary to the Local Government Council or Area Council and such other staff as may be required by the Local Government Council or Area Council, to be appointed by the Local Government Service Commission or Area Council Service Commission, as the case may be.

Pension rights.

40.-(1) Subject to the provisions of subsection (2) of this section, the right of a person in the service of a Local Government or Area Council to receive pension or gratuity shall be regulated by a Decree or an Act, Edict or a Law.

(2) A benefit to which a person is entitled in accordance with or under a Decree, an Act, Edict or a Law as is referred to in subsection (1) of this section shall not be withheld or altered to his disadvantage except to such extent as is permissible under a law, including the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989.

1989 No. 1.

(3) A pension received in respect of service in the service of the Local Government or Area Council shall not be taxed.

Observance
of Code of
Conduct.
1989 No. 1.

41. A person in the service of a Local Government shall observe and conform to the Code of Conduct under the Code of Conduct Bureau and Tribunal Decree 1989.

Local Government Service Commission

42. There shall be for each State and the Federal Capital Territory, Abuja, a Local Government Service Commission or an Area Council Service Commission (in this Decree referred to as "the Service Commission").

Local Government
Service
Commission.

43. The Service Commission shall comprise the Chairman and three members who shall, in the opinion of the Administrator or the Governor of the State, as the case may be, persons of unquestionable integrity.

Composition of
the Service
Commission.

44.-(1) The Service Commission shall, without prejudice to the powers vested in the Administrator or the Governor of the State, as the case may be, State Judicial Service Committee and the State Civil Service Commission, have power to -

Functions of
the Service
Commission.

(a) appoint persons to the offices in the Local Government Service; and

(b) dismiss and exercise disciplinary control over persons holding those offices.

(2) The Service Commission shall not exercise any of its powers under subsection (1) of this section in respect of such offices of Heads of Divisions or of Departments of the Local Government as may, from time to time, be designated by an order made by the Administrator or Governor except after consultation with the Chairman of the Local Government.

PART VII - AUDITING OF ACCOUNTS OF LOCAL GOVERNMENT AND AREA COUNCILS

45.-(1) There shall be an Auditor-General for the Local Governments of a State who shall be appointed by Administrator or Governor of the State subject to the ratification of the House of Assembly of a State when the House of Assembly has been elected.

Auditor-General
of Local
Governments.

(2) The public account of a Local Government Council and of all offices of the Local Government shall be audited by the

Auditor-General for the Local Government of the State who shall submit his report to the Administrator or the House of Assembly of the State.

(3) The public account of an Area Council of the Federal Capital Territory, Abuja, and of all offices of the Area Council shall be audited by the Auditor-General of the Federation who shall submit his report to the Provisional Ruling Council or the National Assembly when the National Assembly has been elected.

(4) For the purposes of subsections (2) and (3) of this section, the Auditor-General or any person authorised by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(5) In the exercise of his functions under this Decree, the Auditor-General shall not be subject to the direction or control of any other authority or person.

PART VIII - ELECTIONS, ETC.

Conduct of
elections.

46. Notwithstanding any provision to the contrary in any other enactment or law, the conduct of elections under this Decree shall be under the direction, organisation and supervision of the Commission and in accordance with the provisions of this Decree or any other enactment or law, regulations, guidelines, rules or manuals issued or made by the Commission.

Polling
Stations or
Units.

47. The Commission may designate such public buildings as it may deem appropriate to be used as Polling Stations or Units in addition to polling booths which may be erected by the Commission:

Provided that the residences and palaces of traditional rulers shall not be designated as public buildings, Polling Stations or Units.

Persons
eligible
to vote.

48.-(1) A person shall be eligible to vote in an election under this Decree if -

(a) he is a citizen of Nigeria; and

(b) has attained the age of eighteen years;

(c) he is ordinarily resident in the ward or Local Government Area or Area Council where he intends to vote or is an indigene of the ward, Local Government Area or Area Council; and

(d) he is registered as a voter in the ward where he intends to vote, and subject to subsection (3) of this section, has obtained a registration card to be presented at the Polling Station or Unit on the day of election.

(2) A person shall be deemed to be ordinarily resident in a place where he normally lives; sleeps or has his usual abode, whether or not he is an indigene of that place.

(3) Where a person claims that his name is on the register of voters for the Polling Station or Unit, but that his registration card is missing or has been destroyed, the Presiding Officer shall, if -

(a) the name of the person is found in the register of voters for the Polling Station or Unit;

(b) he satisfies himself that the person has not voted earlier in that particular election; and

(c) he is satisfied that the person is not impersonating any other person,

allow the person to vote.

49.-(1) Voting shall be by secret ballot and in accordance with the procedure set out in Schedule 4 to this Decree.

Procedure
for voting.
Schedule 4.

(2) Subject to the provisions of this Decree, voting for a particular election shall take place on the same day and at the same time throughout the country.

Court or
tribunal
order not
to affect
timing of
election.

50.-(1) No interim, interlocutory or any other order, decision or judgment by any court or tribunal before or after the commencement of this Decree, in respect of any intra-party or inter-party dispute or any other proceedings or matter pertaining to an election under this Decree, shall affect the timing of an election under this Decree.

(2) No person or authority shall be liable to prosecution, contempt charge, sanction or penalty by reason only that he conducted an election on the day or time appointed by the Commission for the election.

Qualifications
for contesting
election.

51. A person shall be qualified for election under this Decree if -

(a) he is ordinarily resident in the ward or constituency in which he intends to contest the election or is an indigene of that ward or constituency;

(b) he produces evidence of tax payment as and when due for a period of three consecutive years immediately preceding the year of the election;

(c) in the case of Councillorship election, he is nominated in writing by 10 persons whose names appear in the register of voters for the ward in which he intends to contest the election;

(d) in the case of Chairmanship election, he is nominated in writing by 20 persons, coming from at least two-thirds of all the wards in the Local Government Area or Area Council where he intends to contest the election, whose names appear in the register of voters for their respective wards;

(e) in the case of Councillorship election, he makes to the Commission a payment of a non-refundable sum of ₦1000;

(f) in the case of Chairmanship election, he makes to the Commission a payment of a non refundable the sum of ₦5000;

(g) he has not been dismissed from the public or civil service of the Federation or of a State or Local Government or Area Council or from an employment in the private sector;

(h) he has not been found guilty of an offence involving narcotic drugs or any other psychotropic substance by any court or tribunal in Nigeria or in any other country;

(i) he has not been adjudged guilty of treason or reasonable felony by any court or tribunal in Nigeria;

(j) he is registered as a voter in the ward or constituency in which he intends to contest the election; and

(k) he is a registered member of a provisionally registered political party;

(l) in the case of candidate contesting as Chairman, he has nominated from a ward other than his own another candidate who shall run as his associate candidate for the office of Vice-Chairman.

52.-(1) Candidates, their supporters and political parties shall campaign for elections in conformity with the guidelines which may be issued by the Commission, or in accordance with the provisions of any enactment relating thereto.

Campaign for election.

(2) A candidate who contravenes any guidelines issued by the Commission or the provisions of any enactment, relating to campaign may be disqualified from contesting the election by the Commission.

53.-(1) If after the latest time for the delivery of nomination papers and the withdrawal of candidates for election of Councillors under this Decree only one candidate remains duly nominated, that candidate shall be declared returned unopposed.

Nomination, etc.

(2) If after the latest time for the delivery of nomination papers and for withdrawal of candidates for election of Councillors under this Decree more than one candidate remains duly nominated, a poll shall be taken in accordance with the provisions of this Decree.

(3) Where in an election to the office of Chairman -

(a) at the close of nomination only one candidate has been nominated, the Commission shall extend the time for nomination; or

(b) at the close of nomination one of the candidates nominated for the election is the only candidate by reason of the disqualification, withdrawal, incapacitation, disappearance, or death of the other candidate, the Commission shall extend the time for nomination by such number of days,

so however that where after the extension only one candidate remains validly nominated, there shall be no further extension.

Election of
Chairman.

54.-(1) A candidate for an election to the office of Chairman shall be deemed to have been duly elected to that office where being the only candidate nominated for the election -

only 1 candidate

(a) he has a majority of YES votes over NO votes cast at the election;

(b) he has not less than one-third of the votes cast at the election in each of at least two-thirds of all wards in the Local Government Areas or Area Councils in the Federal Capital Territory, Abuja,

but where the only candidate fails to be elected in accordance with this subsection then there shall be fresh nominations.

only 2 candidates

(2) A candidate for an election to the office of Chairman shall be deemed to have been elected where, there being only two candidates for the election -

(a) he has a majority of the votes cast at the election;

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the wards in the Local Government Area or Area Council, as the case may be.

(3) If no candidate is duly elected under subsection (2) of this section, the Commission shall within 7 days conduct a second election between the two candidates, and the candidate who scored the majority of votes cast at the election shall be deemed duly elected at the election.

(4) A candidate for an election to the office of Chairman shall be deemed to have been duly elected where, there being more than two candidates for the election -

72 candidates

(a) he has the highest number of votes cast at the election; and

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all wards in the Local Government Area or Area Council, as the case may be.

(5) If no candidate is duly elected in accordance with subsection (4) of this section, there shall be a second election in accordance with subsection (6) of this section at which the only candidates shall be -

1st run-off

(a) the candidate who scored the highest number of votes at the election held under subsection (4) of this section; and

(b) one among the remaining candidates who has the majority of votes in the highest number of wards,

so however that where there are more than one candidate, the one among them with the highest total number of votes cast at the election shall be the second candidate for the election.

(6) In default of a candidate duly elected under the foregoing subsections, the Commission shall, within 7 days of the result of the election held under the said subsections arrange for another election between the two candidates and a candidate at such an election shall be deemed to have been duly elected to the office of a Chairman of a Local Government or Area Council if -

2nd run-off

(a) he has a majority of the votes cast at the election; and

(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the wards in the Local Government Areas or Area Councils, as the case may be.

2nd run-off

(7) If no candidate is duly elected under subsection (6) of this section, the Commission shall, within 7 days of the result of the last election, arrange for another election between the two candidates specified in subsection (6) of this section, and a candidate at this last election shall be deemed duly elected to the office of a Chairman of a Local Government or Area Council if he scores the majority of votes cast at the election.

Appointment and supervision of officers.
Schedule 3.

55. The appointment and supervision of officers in respect of an election under this Decree shall be in accordance with the provisions set out in Schedule 3 to this Decree.

Procedure at election.
Schedule 4.

56. The rules of procedure to be followed in the conduct of elections under this Decree shall be in accordance with the provisions set out in Schedule 4 to this Decree or as may be determined by the Commission from time to time.

Forms.
Schedule 6.

57. The forms to be used for the conduct of any election under this Decree and for election petitions arising therefrom shall be substantially as set out in Schedule 6 to this Decree or as may otherwise be determined by the Commission in Guidelines issued from time to time.

PART IX - ELECTORAL OFFENCES

Breach of official duty.

58.-(1) If a person -

(a) to whom this section applies; or

(b) who is for the time being under a duty to discharge any of the functions of that person,

without reasonable cause, commits an act or omission in breach of his official duty, he commits an offence and is liable on summary conviction to a fine not exceeding ₦5,000 or to imprisonment for a term of 1 year or to both such fine and imprisonment.

(2) The persons to whom this section applies are -

- (a) an Electoral Officer and an Assistant Electoral Officer;
- (b) a Presiding Officer and an Assistant Presiding Officer;
- (c) a Returning Officer and an Assistant Returning Officer;
- (d) a Poll Clerk and an Assistant Poll Clerk;
- (e) an Orderly; and
- (f) any other officer appointed under paragraph 4 of Schedule 3 to this Decree.

Schedule 3.
Offences by law
enforcement
agents, etc.

59.-(1) A person to whom this section applies, who is for the time being under a duty to discharge a function relating to an election, if he, without reasonable cause, before or during an election or at any time thereafter -

- (a) fails to perform or discharge that duty; or
- (b) performs that duty fraudulently, negligently or recklessly; or
- (c) any act or omission in breach of that duty,

commits an offence and is liable on conviction to a fine of ₦20,000 or imprisonment for a term of 3 years or to both such fine and imprisonment.

(2) The persons to whom this section applies are -

- (a) police officers;
- (b) members of the State Security Service;
- (c) officials and members of staff of the Commission;
- (d) Party Agents; and
- (e) any other officer or officers by whatsoever name called appointed to discharge a function relating to the election.

Requirement of
secrecy.

Schedule 3.

60.-(1) Every Electoral Officer, Assistant Electoral Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, Poll Clerk, Assistant Poll Clerk, Poll Orderly or any other officer appointed under paragraph 4 of Schedule 3 to this Decree concerned in the conduct of an election and every Party Agent or candidate in attendance at a Poll Station or Unit, at the counting of votes, shall maintain and aid in maintaining the secrecy of the voting.

(2) No officer, Agent or candidate referred to in subsection (1) of this section shall, except for some purpose authorised by law, communicate to a person before the poll is closed, any information as to the name or number on the register of voters or a voter who has or has not voted at the place of voting.

(3) No person shall -

(a) interfere with a voter when recording his vote unless invited by the voter for assistance; or

(b) otherwise obtain or attempt to obtain, in the place of voting, information as to the candidate for whom a voter in that place is about to vote or has voted unless while assisting the voter to record his vote; or

(c) communicate to a person information obtained while assisting a voter as to the candidate for whom the voter has voted or is about to vote; or

(d) communicate at any time to any person any information obtained in the place of voting through whatever means as to the candidate for whom a voter in that place is about to vote or has voted.

(4) A person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine not exceeding ₦20,000 or imprisonment for a term not exceeding 3 years or to both such fine and imprisonment.

Corrupt practices.

61.-(1) A candidate is guilty of corrupt practices if he commits any of the offences defined as a corrupt practice under subsection (3) of this section or if any of those offences is committed with -

(a) his knowledge or consent; or

(b) the knowledge or consent of a person who is acting under the general or special authority of the candidate with reference to the election.

(2) If a corrupt practice as defined in subsection (3) of this section is committed by any candidate elected at an election held under this Decree, the election of that candidate shall be invalid.

(3) The expression "corrupt practice" as used in this Decree, means any of the following offences, that is -

(a) personation; or

(b) treating; or

(c) undue influence; or

(d) bribery; or

(e) aiding, abetting, counselling or procuring the commission of any of the offences specified in paragraphs (a) to (d) of this subsection.

62.-(1) A person who at an election -

Personation and
punishment for
personation.

(a) applies for a ballot paper in the name of some other person, whether that name is the name of a person living or dead, or of a fictitious person; or

(b) having voted once at the election, applies at the same election for a ballot paper in his own name or in the name of any other person, living or dead or of a fictitious person,

commits the offence of personation.

(2) A person who at an election -

(a) votes in the name of some other person, whether that name is the name of a person living or dead, or of a fictitious person; or

(b) having voted once at an election, votes a second time in his own name, or in the name of any other person living or dead or of a fictitious person,
commits the offence of personation.

(3) A person who is guilty of personation or of aiding abetting, counselling or procuring the commission of the offence of personation, is liable on conviction to a fine not exceeding N5,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

(4) A person charged with the offence of personation shall not be convicted except on the evidence of not less than two witnesses.

Treating.

63.-(1) A person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part, the expense of giving or providing any food, drink, entertainment or provisions to or for any person -

(a) for the purpose of influencing that person, or any other person to vote or refrain from voting; or

(b) on account of that person or any other person, having voted or refrained from voting,

at the election commits the offence of treating.

(2) A voter who corruptly accepts or takes any food, drink, entertainment or provisions to which subsection (1) of this section relates at an election commits the offence of treating.

Undue influence.

64. A person who -

(a) directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint;

(b) inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss, on or against a person in order to induce or compel

that person to vote or refrain from voting, or on account of such person having voted or refrained from voting; or

(c) by abduction, duress, or a fraudulent device or contrivance, impedes or prevents the free use of the vote by a voter or thereby compels, induces, or prevails on a voter to give or refrain from giving his vote,

at an election, commits the offence of undue influence.

65.-(1) A person who -

Bribery.

(a) directly or indirectly by himself or by any other person on his behalf -

(i) gives, lends or agrees to give or lend, or offers or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person, in order to induce the voter to vote or refrain from voting, or

(ii) corruptly does an act referred to in sub-paragraph (i) of this paragraph on account of that voter having voted or refrained from voting; or

(b) directly or indirectly, by himself or by any other person on his behalf, corruptly -

(i) gives or procures, or promises to procure or to endeavour to procure, any office, place, employment to or for a voter or to or for a person, in order to induce the voter to vote or refrain from voting, or

(ii) does an act referred to in sub-paragraph (i) of this paragraph on account of a voter having voted or refrained from voting; or

(c) directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement to or for any person or community in order to induce a person or community to procure, or to endeavour to procure the return of a person

as a member of a Local Government Council or A Council or to an elective office as the case may be; or

(d) on or in consequence of any gift, loan, offer, promise, procurement or agreement, procures or engages promises or endeavours to procure, the return of a person as a member of a Local Government Council, Area Council or to an elective office as the case may be or

(e) advances or pays, or causes to be advanced or paid a money to or for the use of a person, with the intent that the money, or any part thereof, shall be expended in bribery or

(f) knowingly pays or causes to be paid, any money to a person, in discharge or repayment of any money wholly or in part expended in bribery;

(g) after an election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced another person to vote or refrain from voting,

at an election, commits the offence of bribery.

(2) A voter who, before or during an election, directly or indirectly by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining from voting at an election commits the offence of bribery.

(3) The provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning an election.

Punishment, etc.
for treating, undue
influence and
bribery, etc.

66.-(1) A person who commits the offence of treating, undue influence or bribery, or of aiding, abetting, counselling or procuring the commission of any of those offences, is liable on conviction to a fine not exceeding ₦5,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

(2) A person who is guilty of the offence of personation, treating, undue influence or bribery or of aiding, abetting, counselling or procuring the commission of any of these offences shall, in addition to any of the punishment, not be eligible, during a period of 5 years from the date of his conviction to be -

- (a) registered as a voter or to vote at any election; or
- (b) elected under this Decree or if elected before his conviction, to retain his seat.

67.-(1) A person who -

Offences in
respect of
nomination
forms, ballot
papers, etc.,
and ballot boxes.

(a) forges or fraudulently defaces or fraudulently destroys a nomination form, or delivers to the officer charged with the conduct of an election, a nomination form, knowing the nomination form to be forged; or

(b) forges or counterfeits or fraudulently destroys a ballot paper or the official mark on a ballot paper or a statement of result; or

(c) without due authority, supplies a ballot paper to a person; or

(d) fraudulently puts into a ballot box a paper which he is not authorised by law to put in; or

(e) fraudulently takes out of the Polling Station or Unit a ballot paper; or

(f) without due authority, destroys, takes or otherwise interferes with a ballot box or ballot papers then in use for the purpose of an election,

commits an offence.

(2) A person who commits an offence under this section is liable on conviction to a fine of ₦10,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

(3) An attempt to commit an offence specified in this section shall be punishable in the same manner in which the offence itself is punishable.

(4) In a prosecution for an offence in relation to a nomination paper, ballot box, ballot paper or the marking of instruments at an election held under this Decree, the property in the paper, box or instrument shall be stated to be that of the officer charged with the conduct of the election.

(5) Any candidate who forges, utters or falsifies any document or gives any false information to the Commission for the purpose of nomination for an elective office or post under this Decree shall be disqualified as a candidate for that election or any election under this Decree and any subsequent elections during the transition to civil rule period.

Punishment of persons guilty of certain illegal practices.

68. A person who -

(a) votes or induces or procures any person to vote at an election knowing that he or that person is prohibited by this Decree or by any other law, from voting at the election; or

(b) before or during the election, knowingly or recklessly publishes a false statement of the withdrawal of a candidate, at the election for the purpose of promoting or procuring the election of another candidate,

commits an offence and is liable on conviction to a fine of ₦5,000 or imprisonment or a term of 1 year or to both such fine and imprisonment.

Voting when not registered.

69. A person who wilfully votes at an election in a ward or constituency in respect of which his name does not appear on the register of voters commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Fraudulent use of ballot paper.

70.-(1) A person who, having been issued with a ballot paper in a Polling Station or Unit, takes or attempts to take that ballot paper out of the Polling Station or Unit commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

(2) A person who, at an election, brings into a Polling Station or Unit a ballot paper relating to the election which ballot paper was issued to another person commits an offence and is liable to conviction to a fine of ₦2,000 or imprisonment for a term of one year or to both such imprisonment and fine.

(3) For the purposes of sections 63, 64 and 65 of this Decree, the expression "refrain from voting" includes taking a ballot paper out of a Polling Station or Unit contrary to subsection (1) of this section.

(4) If the Presiding Officer in a Polling Station or Unit has reason to suspect that a person who has been issued with a ballot paper and is about to leave a Polling Station or Unit has the ballot paper in his possession, the Presiding Officer or a person acting under his directions may search that person.

71. A person who, being a Presiding Officer at an election-

Offences
relating to
statement
of result.

(a) gives a certificate or statement of result which, to his knowledge, is false in a material particular; or

(b) perversely and without lawful excuse, refuses to render a statement of result relating to the election to the officer to whom it is required to be delivered; or

(c) does anything which impedes or obstructs the proper counting or obtaining of the correct result of the election,

commits an offence and is liable on conviction to a fine of ₦10,000 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

72. A person who is convicted of an offence under section 63, 67, 68, 69, 70 or 71 of this Decree shall, in addition to any other punishment, not be eligible, during a period of three years from the date of his conviction to -

Disqualification
of person
convicted of
certain offences.

(a) vote at any election; or

(b) be elected under this Decree or if elected before his conviction, to retain his seat.

Disorderly
conduct
at election.

73. A person who, at any Polling Station or Unit or place being used for the counting of votes, acts or incites others to act in a disorderly manner commits an offence and is liable on conviction to a fine not exceeding ₦2,000 or imprisonment for term not exceeding 1 year or to both such fine and imprisonment.

Polling day
offences.

74.-(1) No person shall, on the date or dates on which a poll is taken in an election in respect of a Local Government election -

(a) convene, hold or attend a public meeting in the State or the Federal Capital Territory, Abuja; or

(b) operate any megaphone, amplifier or any other public address apparatus in the State or the Federal Capital Territory, Abuja for the purpose of making an announcement concerning the election except where the apparatus is operated by an officer, appointed under this Decree, for the purpose of making official announcements relating to the election.

(2) No person shall, on the date or dates on which a poll is taken at a Polling Station or Unit under this Decree -

(a) canvass for votes; or

(b) solicit the vote of a voter; or

(c) persuade a voter not to vote for a particular candidate: or

(d) persuade a voter not to vote at the election: or

(e) shout, exhibit or tender a notice, sign, symbol, slogan, badge, photograph or party card referring to the election; or

(f) shout slogans concerning the election,

(within the Polling Station or Unit or in a public or private place within a distance of two hundred metres of the Polling Station or Unit.

(3) No candidate or any other person, with the connivance of the candidate, shall, whether on payment or otherwise, use, hire or procure any vessel or vehicle for the conveyance of a voter, other than the candidate himself or his agent, to or from a Polling Station or Unit.

(4) No person shall bring alcoholic liquor into or consume alcoholic liquor in a Polling Station or Unit or in a place being used for the counting of votes.

(5) A person who contravenes the provisions of subsections (1), (2), (3) or (4) of this section commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

Offences in
relation to
counting of votes.
Schedule 4.

75. A candidate or an agent who records the serial number of a rejected ballot paper or of a ballot paper in contravention of the provisions of paragraph 34(3) of Schedule 4 to this Decree commits an offence and is liable on conviction to a fine not exceeding ₦2,000 or imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.

Disturbance at
public meetings.

76. A person who at a lawful public meeting to which this Decree applies -

- (a) acts or incites another person to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called; or
- (b) has in his possession an offensive weapon or missile,

commits an offence and is liable on conviction to a fine of ₦2,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

77. Where a person is convicted of an offence under this Part of this Decree which disqualifies him from being elected as a member of a Local Government Council or Area Council or to an elective office, the court by which he was convicted shall send to the Commission the judgment of the conviction and where the person convicted has appealed, the court which heard the appeal shall within 3 months send the judgment of the appeal to the Commission.

Conviction of
disqualifying
offence to be
reported, etc.

Punishment for
attempts, etc. to
commit offences.

78. An attempt or a conspiracy to commit an offence specified in this Decree shall be punishable in the same manner as the offence.

Trial of offences.

79.-(1) An offence committed under this Part of this Decree shall be triable in a Magistrate Court of the State in which the offence is committed or of the Federal Capital Territory, Abuja, as the case may be.

(2) A prosecution under this Part of this Decree shall be undertaken by the Attorney-General of the Federation if the offence is committed in the Federal Capital Territory, Abuja or by a legal officer in the Federal Ministry of Justice or Attorney-General of the State in which the offence is committed or by a legal officer in the Ministry of Justice of that State or by an officer of the Nigeria Police Force.

**PART X - DETERMINATION OF ELECTION
PETITIONS ARISING FROM ELECTIONS
UNDER THIS DECREE**

Proceedings
to question
an election.

80. No election and no return at an election under this Decree shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Decree referred to as an "election petition") presented to the Local Government Elections Tribunal in accordance with the provisions of this Decree, and in which the person elected or returned is joined as a party.

Establishment
and composition
of Election
Tribunal.

81.-(1) There shall be established in each State of the Federation and the Federal Capital Territory, Abuja one or more Election Tribunals to be known as Local Government Election Tribunals (in this Decree referred to individually as an "Election Tribunal") which shall, to the exclusion of any other court or tribunal, have original jurisdiction to hear and determine any question as to whether -

(a) any person has been validly elected at an election under this Decree; or

(b) the term of office of any person has ceased or the seat of a person in the Local Government Council or Area Council has become vacant.

(2) An Election Tribunal shall consist of a Chairman and four other members.

(3) The Chairman shall be Judge of a High Court and the other members shall be appointed from among Judges of a High Court, Kadis of a Sharia Court of Appeal, Judges of a Customary Court of Appeal or other members of the Judiciary not below the rank of a Chief Magistrate.

(4) The Chairman and other members of the Election Tribunal shall be appointed by the President of the Constitutional Court in consultation with the Chief Judge of the State, the Grand Kadi of the Sharia Court of Appeal of the State or the President of the Customary Court of Appeal of the State, as the case may be.

82. An election petition under this Decree shall be presented within fourteen days from the date on which the result of the election is declared.

Time for
presenting
election petition.

83.-(1) An election petition may be presented by one or more of the following persons -

Presentation
of petition.

(a) a person claiming to have had a right to contest or be returned at an election; or

(b) a candidate at an election.

(2) The person whose election is complained of is in this Decree referred to as the respondent, but if the petition complains of the conduct of an Electoral Officer, a Presiding Officer, a Returning Officer or any other person who took part in the conduct of an election, the Electoral Officer, Presiding Officer, a Returning Officer or that other person shall for the purpose of this Decree be deemed to be a respondent and shall be joined in the election petition as a necessary party.

84.-(1) An election may be questioned on any of the following grounds, that is -

Grounds for
petition.

(a) that a person whose election is questioned was, at the time of the election not qualified, or was disqualified from being elected;

(b) that the election was voided by corrupt practices or offences or non-compliance with the provisions of this Decree;

(c) that the respondent was not duly elected by a majority of valid votes cast at the election; or

(d) that the petitioner was validly nominated but was unlawfully excluded from the election.

(2) The Commission shall not be liable to any suit or action whatsoever for the exclusion of a person from contesting an election under this Decree, and shall not be damnified in damages or any other penalty thereof.

(3) An act or omission which may be contrary to an instruction or direction of the Commission or of an officer appointed for the purpose of the election, but which is not contrary to the provisions of this Decree, shall not of itself be a ground for questioning the election.

Non-compliance
with certain
provisions not
to invalidate
election.

85.-(1) An election shall not be invalidated by reason of non-compliance with the provisions of this Decree if it appears to the Election Tribunal that the election was conducted substantially in accordance with the principles of this Decree and that the non-compliance did not affect substantially the result of the election.

(2) An election shall not be questioned by reason of a defect in the title, or want of title of the person conducting the election or acting in the office given the right to conduct the election.

Appeals over
election
petitions.

86.-(1) An appeal arising in respect of an election petition under this Decree shall lie to the Constitutional Court.

(2) Notwithstanding anything to the contrary in any other enactment, notice of appeal to the Constitutional Court, on an election petition shall be given within 7 days from the date of the decision appealed against.

(3) The decision of the Constitutional Court, on an appeal brought under subsection (1) of this section shall be final.

87.-(1) Subject to subsection (2) of this section, if the Election Tribunal determines that a candidate who was returned as elected was not validly elected on any ground, the Election Tribunal shall nullify the election.

Nullification
of election by
Election
Tribunal.

(2) If the Election Tribunal determines that a candidate who was returned as elected was not validly elected on the ground that he did not score the majority of valid votes cast at the election, the Election Tribunal shall declare as elected the candidate who scored the majority of valid votes cast at the election.

(3) On the motion of a respondent in an election petition, the Election Tribunal may strike out an election petition on the ground that it is not in accordance with the provisions of this Part of this Decree or the provisions of Schedule 5 to this Decree.

Schedule 5.

88.-(1) If the Election Tribunal determines that a candidate returned as elected was not validly elected, then if notice of appeal against that decision is given the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal, remain in office pending the determination of the appeal.

Person elected
to remain in
office pending
appeal.

(2) If the Election Tribunal determines that a candidate returned as elected was not validly elected, the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal, remain in office pending the expiration of the period of seven days within which an appeal may be brought.

89. Pending the appointment of the President and Justices of the Constitutional Court, the Court of Appeal shall exercise the jurisdiction and powers of the Constitutional Court under this Decree.

Transitional
provisions.

90. The rules of procedure to be adopted for election petitions and appeals arising therefrom shall be those set out in Schedule 5 to this Decree.

Procedure for
election
petition.
Schedule 5.

PART XI - MISCELLANEOUS

91. Subject to the provisions of this Decree, no person who has voted at an election held under this Decree shall, in any legal proceedings arising out of the election, be required to state whom he voted for.

Voter not
required to
disclose his
vote.

Election may be postponed for threatened disturbances.

92.-(1) Where a date has been appointed for the holding of an election and there is reason to apprehend that a serious breach of the peace is likely to occur if the election is proceeded with on the appointed date, the holding of the election may be postponed by the Commission until some other convenient date to be appointed by the Commission.

(2) Where an election has started on the appointed date but is, before conclusion, substantially disturbed by any intervening cause, the election may be cancelled, and the Commission shall appoint a new date for a fresh election.

Schedule 4.

(3) Where an election is postponed before the last day for the delivery of nomination forms, the Electoral Officer shall, on a new date being appointed for the election, proceed in all respects as if that date were the date referred to in paragraph 1 of Schedule 4 to this Decree as the date for the holding of the election.

(4) Where an election is postponed under this Decree on or after the last day for the delivery of nomination forms, and a poll has to be taken between the candidates then nominated, the Electoral Officer shall, on a new date being appointed for the election, proceed as if the date appointed were the date for taking of the poll between the candidates.

(5) Where an election is cancelled under this Decree as a result of substantial disturbance intervening in the course of the election, the Electoral Officer shall, on a new date appointed for the election, proceed as if the date appointed were the date for taking of the poll between the candidates nominated for the election.

(6) An election postponed under this section may in like manner be further postponed.

Custody and inspection of documents.

93. (1) The Chief Electoral Officer of the Federation or any other officer of the Commission authorized by him shall retain for six months all documents relating to an election forwarded to him in accordance with the provisions of this Decree and shall then, unless -

(a) otherwise ordered by the Constitutional Court or the Election Tribunal, as the case may be; or

(b) he is aware that legal proceedings are pending in respect of the election,

cause them to be destroyed or discarded.

(2) An order for an inspection of a polling document or an inspection of a document or any other packet in the custody of the Chief Electoral Officer of the Federation or any other officer of the Commission may be made by the Constitutional Court or the Election Tribunal, if it is satisfied that the order required is for the purpose of instituting or maintaining an election petition.

(3) An order under this section may be made subject to such conditions as the Constitutional Court or the Election Tribunal may think fit, just or expedient.

(4) A document, other than a document referred to in subsection (2) of this section, relating to an election and which is retained by the Chief Electoral Officer of the Federation or any other officer of the Commission in accordance with subsection (1) of this section, shall be open to inspection on an order made by the Constitutional Court or the Election Tribunal in exercise of its powers to compel the production of documents in legal proceedings, but shall not otherwise be open to inspection.

(5) A document referred to in this section which is in the custody of the Chief Electoral Officer of the Federation or any other officer of the Commission shall be deemed to be in proper custody for the purposes of the hearing and determination of an election petition.

94. Persons elected into any of the offices and seats referred to in this Decree shall be sworn in -

Swearing in
into office.

(a) in the case of the Chairmen of the Local Government Councils or Area Councils, by the Chief Judge of the High Court of the State or the Chief Judge of the High Court of the Federal Capital Territory, Abuja or any person acting in that capacity;

(b) in the case of the Councillors of the Local Government Councils or Area Councils, by the Chief Judge of the High Court of the State or the Chief Judge of the High Court of

the Federal Capital Territory, Abuja or any person acting in that capacity.

Application of
Decree to the
Federal Capital
Territory, Abuja.

95. All powers vested in the Government of a State or House of Assembly of a State under sections 26, 27, and 44 of the Decree, shall, in the case of Area Councils of the Federal Capital Territory, Abuja, be exercised by the Head of State, Commander-in-Chief of the Armed Forces, the Federal Military Government or the National Assembly as may be appropriate.

Election
expenses.

96.-(1) The Commission may prescribe -

(a) a scale of remuneration for officers appointed under the Decree for the conduct of elections;

(b) a scale of maximum charges in respect of other expenses incurred by an Electoral Officer, a Presiding Officer or a Returning Officer in connection with an election,

and may revise the scales as it thinks fit or expedient.

(2) An Electoral Officer, Presiding Officer or Returning Officer shall, in addition to any remuneration prescribed under paragraph (a) of subsection (1) of this section, be entitled to such sums in respect of expenses not exceeding the prescribed scale, in connection with the conduct of an election as are reasonable.

(3) The Commission may pay such honoraria as it may determine to all other persons and officers who may be involved in one way or the other in conducting an election under this Decree, or in carrying out any task in connection with an election or election petitions arising therefrom.

(4) Notwithstanding any defect or error in any notice, form or document made or given or other thing whatsoever done in pursuance of the provisions of this Decree, rules, regulations, guidelines, manuals or circulars made or issued thereunder, such notice, form or document, is hereby validated for all purposes with effect from the date on which it was made, given or done respectively.

97. The Election Tribunal and the Constitutional Court shall be funded by the Federal Government.

Funding of
Election
Tribunals,
Constitutional
Court

98.-(1) A person who by reason of his holding or acting in an office under this Decree has a responsibility for, or in connection with the conduct of elections under this Decree shall be disqualified from nomination as a candidate thereof, while he holds or acts in that office.

Electoral
officials
not eligible for
election.

(2) No official or staff of the Commission shall contest an election under this Decree, notwithstanding that he resigns from or vacates his office before the date of the election.

99.-(1) In this Decree, unless the context otherwise requires-

Interpretation.

"appointment" includes appointment to an office, confirmation of appointment, promotion or transfer;

"Area Council" means each of the 6 Administrative Areas within the Federal Capital Territory, Abuja;

"authority" includes government or government agency;

"Chairman or Vice-Chairman" when used with reference to a Local Government Council means the Chairman or Vice Chairman of the Local Government Council;

"Chief Electoral Officer of the Federation" means the Chairman and Chief Executive of the Independent National Electoral Commission;

"civil service" means service of the Local Government in a civil capacity as staff of the Local Government as signed with the responsibility of any business of the Government.

"Commission" means the Independent National Electoral Commission established by the Independent National Electoral Commission Decree 1998.

1998
No. 17.

"decision", means in relation to court or tribunal, any determination of that court or tribunal and includes a judgment, decree, conviction, sentence, order or recommendation;

"Electoral Officer" means a regular staff of the Commission who is the head of the Commission's Office at the Local Government Area or Area Council level;

"enactment" means provisions of any law or subsidiary legislation;

"Federation" means the Federal Republic of Nigeria;

"function" includes power and duty;

"Government" includes the Government of the Federation, of a State or of a Local Government Area or Area Council, or any person or organ exercising power or authority on its behalf;

"Local Government Council" includes an Area Council;

"Oath" includes affirmation;

"Oath of Allegiance" means the Oath of Allegiance prescribed under Schedule 2 to this Decree;

"Oath of Office" means the Oath of Office prescribed under Schedule 2 to this Decree;

"office" means any of the political offices the appointment to which is by election under this Decree;

"petition" means an election petition under this Decree;

"political party" means a political party registered by the Commission and shall include political parties provisionally registered by the Commission for purposes of Local Government Council elections under this Decree;

"Polling Station" means the place, enclosure, booth, shade or house at which voting takes place under this Decree and includes polling unit;

"power" includes function and duty;

"return" means the declaration by a Returning Officer of a candidate in an election under this Decree as being the winner of the election;

"School Certificate or its equivalent" means the following -

(a) a Secondary School Certificate or its equivalent, or Grade II Teacher's Certificate, the City and Guilds Certificate; or

(b) Education up to Secondary School Certificate level; or

(c) Primary Six Certificate or its equivalent and

(i) service in the public or private sector of the Federation in any capacity acceptable to the Commission for a minimum of 10 years, and

(ii) attendance at courses and training in such institutions as may be acceptable to the Commission for periods totalling up to a minimum of 1 year, and

(iii) the ability to read, write, understand and communicate in the English language to the satisfaction of the Commission; and

(d) any other qualification acceptable to the Commission;

"secret society" includes any association, group or body of persons (whether registered or not) -

(a) that uses secret signs, oaths, rites or symbols and which is formed to promote a cause, the purpose or part of the purposes of which is to foster the interest of its members and to aid one another under any circumstances without due regard to merit, fairplay or justice to the detriment of the legitimate interest of those who are not members;

(b) the membership of which is incompatible with the function or dignity of any public office under this Decree or any other enactment and whose members are sworn to observe oaths of secrecy; and

(c) the activities of which are not known to the public at large and the names of whose members are kept secret and whose meetings and other activities are held in secret;

"State" when used otherwise than in reference to one of the component parts of the Federal Republic of Nigeria shall include the government of a State;

(2) In this Decree references to a person holding an office shall include references to a person acting in that office or holding that office for the time being.

(3) All references in this Decree to a State shall, where the context admits, be references to the Federal Capital Territory, Abuja.

Cap. 192 LFN.

(4) Subject to the express provisions of this Decree, the Interpretation Act shall apply to the interpretation of the provisions of this Decree.

Citation.

100. This Decree may be cited as the Local Government [Basic Constitutional and Transitional Provisions] Decree 1998.

SCHEDULES

SCHEDULE 1

section 2 and 3

LOCAL GOVERNMENT AREAS AND AREA COUNCILS OF THE FEDERAL REPUBLIC OF NIGERIA

PART 1 - LOCAL GOVERNMENT AREAS IN THE STATES

<i>No.</i>	<i>States</i>	<i>State Capitals</i>	<i>Local Govern- ment Areas</i>	<i>Capital/Head- quarters of Local Govern- ment Areas</i>	<i>Number of Local Government Areas</i>
1.	Abia	Umuahia	Aba North Aba South Arochukwu Bende Ikwuano Isiala-Ngwa North Isiala-Ngwa South Isuikwuato Obi Ngwa Ohafia Osisima Ngwa Ugwunagbo Ukwa East Ukwa West Umuahia North Umuahia South Umu-Nneochi	Eziama Aba Arochukwu Bende Ikwuano Okpuala Ngwa Omobia Mbalano Mboko Isiama Ohafia Osisima Ugwunagbo Akwete Oke Ikpe Umuahia Apumuri Nwoagu Isuochi	17
2.	Adamawa	Yola	Demsa Fufore Ganye Gombi Girei Guyuk Hong	Demsa Fufore Ganye Gombi Girei Guyuk Hong	21

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Num. Loca. Gove. Areas
			Jada	Jada	
			Lamurde	Lamurde	
			Madagali	Gulak	
			Maiha	Maiha	
			Mayo-Belwa	Mayo-Belwa	
			Michika	Michika	
			Mubi North	Mubi	
			Mubi South	Gella	
			Numan	Numan	
			Shelleng	Shelleng	
			Song	Song	
			Toungo	Toungo	
			Yola North	Jimeta	
			Yola South	Yola	
3.	Akwa Ibom	Uyo	Abak	Abak	3
			Eastern Obolo	Okoro - Ete	
			Eket	Eket	
			Esit Eket	Uquo	
			Essien Udim	Afaha Ikot Ebak	
			Etim Ekpo	Utu Etim Ekpo	
			Etinan	Etinan	
			Ibena	Ukpenekong	
			Ibesikpo Asutan	Nung-Udoe	
			Ibiono Ibom	Oko Ita	
			Ika	Urua Inyang	
			Ikono	Ibiaku Ntok	
				Okpo	
			Ikot Abasi	Ikot Abasi	
			Ikot Ekpene	Ikot Ekpene	
			Ini	Odoro Ikpe	
			Itu	Itu	
			Mbo	Enwang	
			Mkpat Enin	Mkpat Enin	
			Nsit Atai	Odot	
			Nsit Ibom	Afaha Offong	
			Nsit Ubium	Ikot Edibon	

No.	States	State Capitals	Local Government Areas	Capital/Headquarters of Local Government Areas	Number of Local Government Areas
			Obot Akara	Nto Edino	
			Okobo	Okopedi	
			Onna	Abat	
			Oron	Oron Town	
			Oruk Anam	Ikot Ibiritan	
			Udung Uko	Eyofin	
			Ukanafun	Ikot Akpa Nkuk	
			Uruan	Idu	
			Urue	Urue Offong	
			Offong/Oruko		
			Uyo	Uyo	
4.	Anambra	Awka	Aguata	Aguata	21
			Anambra East	Otuocha	
			Anambra West	Nzam	
			Anaocha	Neni	
			Awka North	Achalla	
			Awka South	Awka	
			Ayamelum	Anaku	
			Dunukofia	Ukpo	
			Ekwusigo	Ozubulu	
			Idemili North	Ogidi	
			Idemili South	Ojoto	
			Ihiala	Ihiala	
			Njikoka	Abagana	
			Nnewi North	Nnewi	
			Nnewi South	Ukpor	
			Ogbaru	Atani	
			Onitsha North	Onitsha	
			Onitsha South	Fegge	
			Orumba North	Ajalli	
			Orumba South	Umunze	
			Oyi	Nteje	
5.	Bauchi	Bauchi	Alkaleri	Alkaleri	20
			Bauchi	Bauchi	
			Bogoro	Bogoro	

<i>No.</i>	<i>States</i>	<i>State Capitals</i>	<i>Local Govern- ment Areas</i>	<i>Capital/Head- quarters of Local Govern- ment Areas</i>	<i>Number Local Governm Areas</i>
			Damban	Damban	
			Darazo	Darazo	
			Dass	Dass	
			Gamawa	Gamawa	
			Ganjuwa	Kafin-Madaki	
			Giade	Giade	
			Itas/Gadau	Itas/Gadau	
			Jama'are	Jama'are	
			Katagum	Azare	
			Kirfi	Kirfi	
			Misau	Misau	
			Ningi	Ningi	
			Shira	Yana	
			Tafawa-Balewa	Tafawa-Balewa	
			Toro	Toro	
			Warji	Warji	
			Zaki	Katagum	
6.	Bayelsa	Yenegoa	Brass	Twon Brass	8
			Ekeremor	Ekeremor	
			Kolokuma/Opkuma	Kaiama	
			Nembe	Nembe	
			Ogbia	Ogbia	
			Sagbama	Sagbama	
			Southern Ijaw	Oporoma	
			Yenegoa	Yenegoa	
7.	Benue	Makurdi	Ado	Igumale	23
			Agatu	Obagaji	
			Apa	Gb	
			Buruku	okpo	
			Gboko	Buruku	
			Guma	Gboko	
			Gwer East	Gbajimba	
			Gwer West	Aliade	
			Katsina-Ala	Naka	

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Government Areas
			Konshisha Kwande Logo Makurdi Obi Ogbadibo Oju Okpokwu Ohimini Oturkpo Tarka Ukum Ushongo Vandeikya	Katsina-Ala Tse-Agberagba Adikpo Ugba Makurdi Obarike Ito Otukpa Town Oju Okpoga Idekpa-Okpiko Oturkpo Wannune Zaki Biam Lessel Vandeikya	
8.	Borno	Maiduguri	Abadam Askira/Uba Bama Bayo Biu Chibok Damboa Dikwa Gubio Guzamala Gwoza Hawul Jere Kaga Kala/Balge Konduga Kukawa Kwaya Kusar Mafa Magumeri Maiduguri	Malumfatori Askira Bama Biriyel Biu Chibok Damboa Dikwa Gubio Gudumbali Gwoza Azare Khaddamari Benisheikh Rann Konduga Kukawa Kwaya-Kusar Mafa Magumeri Maiduguri	27

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Governmen. Areas
			Marte Mobbar Monguno Ngala Nganzai Shani	Marte Damasak Monguno Gambaru Ngala Gajiram Shani	
9.	Cross River	Calabar	Abi Akamkpa Akpabuyo Bakassi Bekwarra Biase Boki Calabar- Municipal Calabar South Etung Ikom Obanliku Obubra Obudu Odukpani Ogoja Yakurr Yala	Itigidi Akamkpa Ikot Nakanda Abana Abuochicie Akpeta Central Boje Calabar Anantigha Effraya Ikom Sankwala Obubra Obudu Odukpani Ogoja Ugep Okpoma	18
10.	Delta	Asaba	Aniocha North Aniocha South Bomadi Burutu Ethiope East Ethiope West Ika North East Ika South Isoko North Isoko South Ndokwa East	Issele-Uku Ogwashi-Uku Bomadi Burutu Isiokolo Oghara Town Owa-Oyibu Agbor Ozoro Oleh Aboh	25

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Government Areas
			Ndokwa West Okpe Oshimili North Oshimili South Patani Sapele Udu Ughelli North Ughelli South Ukwuani Uvwie Warri North Warri South Warri South- West	Kwale Orerokpe Akwukwu Asaba Patani Sapele Otor-Udu Ughelli Jeremi Town Obiaruku Effurun Koko Warri Ogidigben	
11.	Ebonyi	Abakaliki	Abakaliki Afikpo North Afikpo South Ebonyi Ezza North Ezza South Ikwo Ishielu Ivo Izzi Ohaozara Ohaukwu Onicha	Abakaliki Afikpo Nguzu-Edda Ugbodo Ebiji Onueke Echara- Anuaboyi Ezillo Isiaka Iboko Obiozara Ezzamgbo Isu	13
12.	Edo	Benin City	Akoko-Edo Egor Esan Central Esan North-East Esan South-East Esan West	Igarra Urelu Irrua Uromi Ubiaja Ekpoma	18

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Govern- ment Areas
			Etsako Central Etsako East Etsako West Iguegben Ikpoba-Okha Oredo Orhionmwon Ovia North-East Ovia South- West Owan East Owan West Uhunmwonde	Fugar Agenebode Auchi Iguegben Idogbo Benin City Abudu Okada Iguobazuwa Afuze Sabongida Ora Ehor	
13.	Ekiti	Ado Ekiti	Ado Ekiti Aiyekire Efon Ekiti East Ekiti West Ekiti South- West Emure Ido-Osi Ijero Ikere Ikole Ilejemeji Irepodun/ Ifelodun Ise/Orun Moba Oye	Ado Ekiti Ode Ekiti Efon Alaaye Omuo Ekiti Aramoko Ekiti Ilawe Ekiti Emure Ido Ekiti Ijero Ikere Ikole Eda Oniyo Igede Ise Otun Oye Ekiti	16
14.	Enugu	Enugu	Aninri Awgu Enugu East	Ndeaboh Awgu Nkwo Nike	17

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Government Areas
			Enugu North	Enugu	
			Enugu South	Uwani	
			Ezeagu	Aguobu-Owa	
			Igbo-Etiti	Ogbede	
			Igbo-Eze-North	Enugu-Ezike	
			Igbo-Eze South	Abagwa-Aka	
			Isi-Uzo	Ikem	
			Nkanu East	Amagunze	
			Nkanu West	Agbani	
			Nsukka	Nsukka	
			Oji-River	Oji-River	
			Udenu	Obollo-Afor	
			Udi	Udi	
			Uzo-Uwani	Umulona	
15.	Gombe	Gombe	Akko	Kumo	11
			Balanga	Tallase	
			Billiri	Billiri	
			Dukku	Dukku	
			Funakaye	Bajoga	
			Gombe	Gombe	
			Kaltungo	Kaltungo	
			Kwami	Malla Sidi	
			Nafada	Nafada	
			Shomgom	Boh	
			Yama/tu/Deba	Deba	
16.	Imo	Owerri	Aboh-Mbaise	Aboh	27
			Ahiazu-Mbaise	Afororu	
			Ehime-Mbano	Ehime	
			Ezinihitte	Itu	
			Ideato North	Urualla	
			Ideato South	Dikenefai	
			Ihitte/Uboma	Isinweke	
			Ikeduru	Iho	
			Isiala Mbano	Umuelemai	
			Isu	Umundugba	

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number Local Governn Areas
			Mbaitoli	Nworieubi	
			Ngor-Okpala	Umuneke ngor	
			Mjaba	Nnenasa	
			Nwangele	Amaigbo	
			Nkwerre	Nkwerre	
			Obowo	Otoko	
			Oguta	Oguta	
			Ohaji/Egbema	Egbema	
			Okigwe	Okigwe	
			Orlu	Orlu	
			Orsu	Awo-Idemili	
			Oru East	Umumma	
			Oru west	Mgbidi	
			Owerri- Municipal	Owerri	
			Owerri North	Orie Uratta	
			Owerri West	Umuguma	
			Unuimo	Okwe	
17.	Jigawa	Dutse	Auyo	Auyo	21
			Babura	Babura	
			Birnin Kudu	Birnin Kudu	
			Biriniwa	Biriniwa	
			Buji	Gantsa	
			Dutse	Dutse	
			Gagarawa	Gagarawa	
			Garki	Garki	
			Gumel	Gumel	
			Guri	Guri	
			Gwaram	Gwaram	
			Gwiwa	Gwiwa	
			Hadejia	Hadejia	
			Jahun	Jahun	
			Kafin Hausa	Kafin Hausa	
			Kaugama	Kaugama	
			Kazaure	Kazaure	
			Kiri Kasamma	Kiri Kasamma	

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Government Areas
			Kiyawa	Kiyawa	
			Maigatari	Maigatari	
			Malam Maduri	Malam Maduri	
			Miga	Miga	
			Ringim	Ringim	
			Roni	Roni	
			Sule-Tankar- Kar	Sule-Tankar- Kar	
			Taura	Taura	
			Yankwashi	Karkarna	
18.	Kaduna	Kaduna	Birnin-Gwari	Birnin-Gwari	23
			Chikun	Kujama	
			Giwa	Giwa	
			Igabi	Turunku	
			Ikara	Ikara	
			Jaba	Kwoi	
			Jema'a	Kafanchan	
			Kachia	Kachia	
			Kaduna North	Doka	
			Kaduna South	Makera	
			Kagarko	Kagarko	
			Kajuru	Kajuru	
			Kaura	Kaura	
			Kauru	Kauru	
			Kubau	Anchau	
			Kudan	Hunkuyi	
			Lere	Saminaka	
			Makarfi	Makarfi	
			Sabon-Gari	Sabon-Gari	
			Sanga	Gwantu	
			Soba	Maigana	
			Zangon-Kataf	Zonkwa	
			Zaria	Zaria	
19	Kano	Kano	Ajingi	Ajingi	44
			Albasu	Albasu	

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Governments Areas
			Bagwai	Bagwai	
			Bebeji	Bebeji	
			Bichi	Bichi	
			Bunkure	Bunkure	
			Dala	Gwammaja	
			Dambatta	Dambatta	
			Dawakin Kudu	Dawakin Kudu	
			Dawakin Tofa	Dawakin Tofa	
			Doguwa	Riruwai	
			Fagge	Waje	
			Gabasawa	Zakirai	
			Garko	Garko	
			Garum Mallam	Garum Mailam	
			Gaya	Gaya	
			Gezawa	Gezawa	
			Gwale	Gwale	
			Gwarzo	Gwarzo	
			Kabo	Kabo	
			Kano Municipal	Kofar Kudu	
			Karaye	Karaye	
			Kibiya	Kibiya	
			Kiru	Kiru	
			Kumbotso	Kumbotso	
			Kunchi	Kunchi	
			Kura	Kura	
			Madobi	Madobi	
			Makoda	Koguna	
			Minjibir	Minjibir	
			Nassarawa	Bompai	
			Rano	Rano	
			Rimin Gado	Rimin Gado	
			Rogo	Rogo	
			Shanono	Shanono	
			Sumaila	Sumaila	
			Takai	Takai	
			Tarauni	Unguwa Uku	
			Tofa	Tofa	

<i>No.</i>	<i>States</i>	<i>State Capitals</i>	<i>Local Govern- ment Areas</i>	<i>Capital/Head- quarters of Local Govern- ment Areas</i>	<i>Number of Local Government Areas</i>
			Tsanyawa Tudun Wada Ungogo Warawa Wudil	Tsanyawa Tudun Wada Ungogo Warawa Wudil	
20.	Katsina	Katsina	Bakori Batagarawa Batsari Baure Bindawa Charanchi Dandume Danja Dan Musa Daura Dutsi Dutsin-Ma Faskari Funtua Ingawa Jibia Kafur Kaita Kankara Kankia Katsina Kurfi Kusada Mai'Adua Malumfashi Mani Mashi Matazu Musawa Rimi	Bakori Batagarawa Batsari Baure Bindawa Charanchi Dandume Danja Dan Musa Daura Dutsi Dutsin-Ma Faskari Funtua Ingawa Jibia Kafur Kaita Kankara Kankia Katsina Kurfi Kusada Mai'Adua Malumfashi Mani Mashi Matazu Musawa Rimi	34

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Governmen Areas
			Sabuwa Safana Sandamu Zango	Sabuwa Safana Sandumu Zango	
21.	Kebbi	Birnin Kebbi	Aleiro Arewa-Dandi Argungu Augie Bagudo Birnin Kebbi Bunza Dandi Fakai Gwandu Jega Kalgo Koko/Besse Maiyama Ngaski Sakaba Shanga Suru Wasagu/Danko Yauri Zuru	Aleiro Kangiwa Argungu Augie Bagudo Birnin Kebbi Bunza Kamba Mahuta Gwandu Jega Kalgo Besse Maiyama Wara Sakaba Shanga Dakingari Ribah Yelwa Zuru	21
22.	Kogi	Lokoja	Adavi Ajaokuta Ankpa Bassa Dekina Ibaji Idah Igalamela-Odolu Ijumu Kabba/Bunu	Ogaminana Egayan Ankpa Oguma Dekina Onyedega Idah Ajaka Iyara Kabba	21

No.	States	State Capitals	Local Government Areas	Capital/Headquarters of Local Government Areas	Number of Local Government Areas
			Kogi	Koton-Karfe	
			Lokoja	Lokoja	
			Mopa-Muro	Mopa	
			Ofu	Ogwoawo	
			Ogori/Magongo	Akpafa	
			Okehi	Obangede	
			Okene	Okene	
			Olamaboro	Okpo	
			Omala	Abejukolo	
			Yagba East	Isanlu	
			Yagba West	Odo Ere	
23.	Kwara	Ilorin	Asa	Afon	16
			Baruten	Kosubosu	
			Edu	Lafiaji	
			Ekiti	Araromi-Opin	
			Ifelodun	Share	
			Ilorin East	Oke-Oyi	
			Ilorin South	Fufu	
			Ilorin West	Oja Oba	
			Irepodun	Omu Aran	
			Isin	Owu	
			Kaiama	Kaiama	
			Moro	Bode-Sadu	
			Offa	Offa	
			Oke-Ero	Ilofffa	
			Oyun	Ilemona	
			Pategi	Pategi	
24.	Lagos	Ikeja	Agege	Agege	20
			Ajeromi-Ifelodun	Ajgunle	
			Alimosho	Ikotun	
			Amuwo-Odofin	Festac Town	
			Apapa	Apapa	
			Badagry	Badagry	
			Epe	Epe	

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Govern- ment Areas
			Eti-osa	Ikoyi	
			Ibeju/Lekki	Akodo	
			Ifako-Ijaye	Ifako	
			Ikeja	Ikeja	
			Ikorodu	Ikorodu	
			Kosofe	Kosofe	
			Lagos Island	Lagos Island	
			Lagos Mainland	Lagos-Mainland	
			Mushin	Mushin	
			Ojo	Ojo	
			Oshodi-Isolo	Oshodi	
			Shomolu	Shomolu	
			Surulere	Surulere	
25.	Nassarawa	Lafia	Akwanga	Akwanga	14
			Awe	Awe	
			Doma	Doma	
			Karu	Karu	
			Keana	Keana	
			Keffi	Keffi	
			Kokona	Garaku	
			Lafia	Lafia	
			Nasarawa	Nasarawa	
			Nasarawa	Nasarawa	
			Eggon	Eggon	
			Obi	Obi	
			Toto	Toto	
			Wamba	Wamba	
26.	Niger	Minna	Agai	Agai	25
			Agwara	Agwara	
			Bida	Bida	
			Borgu	New Bussa	
			Bosso	Maikunkele	
			Chanchaga	Minna	
			Edati	Enagi	

No.	States	State Capitals	Local Government Areas	Capital/Headquarters of Local Government Areas	Number of Local Government Areas
			Gbako	Lemu	
			Gurara	Gawu	
			Katcha	Katcha	
			Kontagora	Kontagora	
			Lapai	Lapai	
			Lavun	Kutigi	
			Magama	Nasko	
			Mariga	Bangi	
			Mashegu	Mashegu	
			Mokwa	Mokwa	
			Muya	Sarkin Pawa	
			Paikoro	Paiko	
			Rafi	Kagara	
			Rijau	Rijau	
			Shiroro	Kuta	
			Suleja	Suleja	
			Tafa	Wuse	
			Wushishi	Wushishi	
27.	Ogun	Abeokuta	Abeokuta-North	Akomoje	20
			Abeokuta-South	Ake Abeokuta	
			Ado-Odo/Ota	Ota	
			Egbado North	Aiyetoro	
			Egbado South	Ilaro	
			Ewekoro	Itori	
			Ifo	Ifo	
			Ijebu East	Ogbere	
			Ijebu North	Ijebu Igbo	
			Ijebu North-East	Atan	
			Ijebu Ode	Ijebu Ode	
			Ikenne	Ikenne	
			Imeko-Afon	Imeko	
			Ipokia	Ipokia	
			Obafemi-Owode	Owode	
			Ogun Waterside	Abigi	
			Odedah	Odedah	

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Government Areas
			Odogbolu Remo North Shagamu	Odogbolu Isara Shagamu	
28.	Ondo	Akure	Akoko North- East Akoko North- West Akoko South- East Akoko South- West Akure North Akure South Ese-Odo Idanre Ifedore Ilaje Ile-Oluji- Okeigbo Irele Odigbo Okitipupa Ondo East Ondo West Ose Owo	Ikare Oke Agbe Isua Oka Iju-Itaogbolu Akure Igbekebo Owena Agbara Oke Igbokoda Ile-Oluji Ode-Irele Ore Okitipupa Bolorunduro Ondo Ifon Owo	18
29.	Osun	Osogbo	Aiyedade Aiyedire Atakumosa East Atakumosa- West Boluwaduro Boripe Ede North Ede South	Gbongan Ile-Ogbo Iperindo Osu Otan Aiyegbata Iragbiji Ojo Timi Ede Ede	30

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Government Areas
			Egbedore	Awo	
			Ejigbo	Ejigbo	
			Ife Central	Ile Ife	
			Ife East	Modakeke	
			Ife North	Ipetumodu	
			Ife South	Ifetedo	
			Ifedayo	Oke-Ila	
			Ifelodun	Ikitun	
			Ila	Ila/Orangun	
			Ilesha East	Ilesha	
			Ilesha West	Ereja Sq.	
			Irepodun	Ilobu	
			Irewole	Ikire	
			Isokan	Apomu	
			Iwo	Iwo	
			Obokun	Obokun	
			Odo-Otin	Okuku	
			Ola-Oluwa	Bode-Osi	
			Olorunda	Igbona	
			Oriade	Ijebu-Ijesa	
			Orolu	Ifon	
			Osogbo	Osogbo (Oja-Oba)	
30.	Oyo	Ibadan	Afijio	Jobele	33
			Akinyele	Moniya	
			Atiba	Ofa Mefa	
			Atigbo	Tede	
			Egbeda	Egbeda	
			Ibadan-Central	Bodija	
			Ibadan North	Agodi	
			Ibadan North-West	Dugbe/Onireke	
			Ibadan South-East	Mapo Hall	
			Ibadan South-West	Oluyole	

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Governmen- t Areas
			Ibarapa Central	Igbo-Ora	
			Ibarapa East	Eruwa	
			Ibarapa North	Ayete	
			Ido	Ido	
			Irepo	Kisi	
			Iseyin	Iseyin	
			Itesiwaju	Otu	
			Iwajowa	Iwere-Ile	
			Kajola	Oke-Iho	
			Lagelu	Iyana-Offa	
			Ogbomosho- North	Sabo	
			Ogbomosho- South	Arowomole	
			Ogo-Oluwa	Ajawa	
			Olorunsogo	Igbeti	
			Oluyole	Idi-Ayunre	
			Ona-Ara	Akanran	
			Orelope	Igboho	
			Ori Ire	Ikoyi-Ile	
			Oyo East	Kosobo	
			Oyo West	Ojongbodu	
			Saki East	Ago-Amodu	
			Saki West	Saki	
			Surulere	Iresa	
31.	Plateau	Jos	Barikin Ladi	Barinkin Ladi	17
			Bassa	Bassa	
			Bokkos	Bokkos	
			Jos East	Angware	
			Jos North	Jos	
			Jos South	Bukuru	
			Kanam	Dengi	
			Kanke	Kwali	
			Langtang-North	Langtang	
			Langtang-South	Mabudi	
			Mangu	Mangu	

<i>No.</i>	<i>States</i>	<i>State Capitals</i>	<i>Local Govern- ment Areas</i>	<i>Capital/Head- quarters of Local Govern- ment Areas</i>	<i>Number of Local Government Areas</i>
			Mikang Pankshin Qua'an Pan Riyom Shendam Wase	Tunkus Pankshin Baap Riyom Shendam Wase	
32.	Rivers	Port-Harcourt	Abua/Odual Ahoada East Ahoda West Akuku Toru Andoni Asari-Toru Bonny Degema Emuoha Eleme Etche Gokana Ikwerre Khana Obia/Akpor Ogba/Egbema/ Ndoni Ogu/Bolo Okrika Omumma Opobo/Nkoro Oyigbo Port-Harcourt Tai	Abua Ahoada Akinima Abonnema Ngo Buguma Bonny Degema Emuoha Nchia Okehi Kpor Isiokpo Bori Rumuodo- Manya Omoku Ogu Okrika Eberi Opobo-Town Afam Port-Harcourt Sakpenwa	23
33.	Sokoto	Sokoto	Binji Bodinga Dange-shuni Gada	Binji Bodinga Dange Gada	23

No.	States	State Capitals	Local Govern- ment Areas	Capital/Head- quarters of Local Govern- ment Areas	Number of Local Government Areas
			Goronyo Gudu Gwadabawa Illela Isa Kware Kebbe Rabah Sabon Birni Shagari Silame Sokoto North Sokoto South Tambuwal Tangaza Tureta Wamakko Wurno Yabo	Goronyo Balle Gwadabawa Illela Isa Kware Kebbe Rabah Sabon Birni Shagari Silame Sokoto Sarkin-Zamfara Tambuwal Gidan Madi Tureta Wamakko Wurno Yabo	
34.	Taraba	Jalingo	Ardo-Kola Bali Donga Gashaka Gassol Ibi Jalingo Karim-Lamido Kurmi Lau Sardauna Takum Ussa Wukari Yorro Zing	Sunkani Bali Donga Serti Mutum Biyu Ibi Jalingo Karim-Lamido Ba'Issa Lau Gembu Takum Lissam Wukari Yorro Zing	16

<i>No.</i>	<i>States</i>	<i>State Capitals</i>	<i>Local Govern- ment Areas</i>	<i>Capital/Head- quarters of Local Govern- ment Areas</i>	<i>Number of Local Government Areas</i>
35.	Yobe	Damaturu	Bade Borsari Damaturu Fika Fune Geidam Gujba Gulani Jakusko Karasuwa Machina Nangere Nguru Potiskum Tarmua Yunusari Yusufari	Gashua Dapchi Damaturu Fika Damagun Geidam Buniyadi Bara Jakusko Jajimaji Machina Sabon Gari- Nangere Nguru Potiskum Babangida Kanamga Yusufari	17
36.	Zamfara	Gusau	Anka Bakura Birnin Magaji Bukkuyum Bungudu Gummi Gusau Kaura Namoda Maradun Maru Shinkafi Talata Mafara Tsafa Zurmi	Anka Bakura Birnin Magaji Bukkuyum Bungudu Gummi Gusau Kaura Namoda Maradun Maru Shinkafi Talata Mafara Tsafa Zurmi	14

FEDERAL CAPITAL TERRITORY, ABUJA

PART II - AREA COUNCILS IN THE TERRITORY

<i>No.</i>	<i>States</i>	<i>State Capitals</i>	<i>Local Govern- ment Areas</i>	<i>Capital/Head- quarters of Local Govern- ment Areas</i>	<i>Number of Local Government Areas</i>
37.	Federal Capital Territory, Abuja		Abaji Bwari Gwagwalada Kuje Kwali Municipal Area Council	Abaji Bwari Gwagwalada Kuje Kwali Garki	6

SCHEDULE 2 *Sections 12 and 23*

OATHS

OATH OF ALLEGIANCE

I, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and that I will preserve and defend the law, including the Constitution of the Federal Republic of Nigeria.

So judge me God.

**OATH OF OFFICE OF CHAIRMAN OF A LOCAL
GOVERNMENT COUNCIL OR AREA COUNCIL.**

I,do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as the Chairman ofLocal Government Council/Area Council, I will discharge my duties to the best of my ability, faithfully and in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and the Local Government (Basic Constitutional and Transitional Provisions) Decree 1998 and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will exercise the authority vested in me as Chairman so as not to impede or prejudice the authority lawfully vested in the President of the Federal Republic of Nigeria so as not to endanger the continuance of Federal Government in Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability, preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the Code of Conduct Bureau and Tribunal Decree 1989; that in all circumstances, I will do right to all manner of people, according

to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Chairman of Local Government Council/Area Council, except as may be required for the discharge of my duties as Chairman; and that I will devote myself to the service and well-being of the people of Nigeria.

So judge me God.

OATH OF OFFICE OF VICE-CHAIRMAN OF A LOCAL GOVERNMENT COUNCIL/AREA COUNCIL.

I,do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as the Vice-Chairman of Local Government Council/Area Council, I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability, preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the Code of Conduct Bureau and Tribunal Decree 1989; that in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Vice-Chairman of Local Government Council/Area Council except as may be required for the due discharge of my duties.

So judge me God.

**OATH OF OFFICE OF A MEMBER OF A LOCAL
GOVERNMENT COUNCIL OR AREA COUNCIL**

I, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as a member of Local Government Council/Area Council, I will perform my functions honestly to the best of my ability, faithfully in accordance with the provisions of the Constitution of the Federal Republic of Nigeria and rules of the Local Government Council/Area Council; and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; and that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria; and that I will abide by the Code of Conduct contained in the Code of Conduct Bureau and Tribunal Decree 1989.

So judge me God.

SCHEDULE 3

Section 55

APPOINTMENT AND SUPERVISION OF OFFICERS

Appointment of
Electoral Officer.

1.-(1) For each Local Government Area or Area Council there shall be an Electoral Officer who shall be appointed by the Commission.

(2) An Electoral Officer may be appointed by name or by reference to an office, and shall hold office until his appointment is revoked.

(3) The Commission may, in any case where it considers it expedient, appoint more than one Electoral Officer for a Local Government Area or Area Council and shall specify the part of the Local Government Area or Area Council for which each Electoral Officer is responsible and, in relation to that part of the Local Government Area, the Electoral Officer shall have and exercise the functions of an Electoral Officer.

Appointment of
other officers for
the conduct of
elections.

2.-(1) The Commission may appoint a person to be an Assistant Electoral Officer for the conduct of an election and a person so appointed shall in respect of that election have such functions imposed or conferred by this Decree on the Electoral Officer as the Commission may determine.

(2) The Commission shall for the purpose of an election appoint such Returning Officers, Assistant Returning Officers, Presiding Officers, Assistant Presiding Officers, Poll Clerks, Assistant Poll Clerks and such other officers as are required for the election.

(3) A person appointed as an Assistant Returning Officer under the provisions of this paragraph shall have the functions imposed or conferred by this Decree on a Returning Officer.

Supervision of
other officers by
Electoral Officer.

3. An Electoral Officer shall exercise supervision over acts of the other officers appointed under paragraph 4 of this Schedule in his Local Government Area or Area Council and may, subject to the provisions of this Decree or any instructions issued by the Commission, give directions to those officers with regard to the performance of their functions.

4. The Commission shall appoint, in respect of a State and the Federal Capital Territory, Abuja, officers including *ad hoc* officers, to exercise specific functions over the conduct of an election or of elections generally, and those officers shall have such powers and duties as shall be assigned to them by the Commission.

Appointment of other officers to exercise functions over conduct of elections.

5.-(1) Subject to the provisions of this Decree, the general supervision of the conduct of an election in a State and the Federal Capital Territory, Abuja under this Decree shall be vested in the Resident Electoral Commissioner.

Functions of Resident Electoral Commissioner.

(2) The Resident Electoral Commissioner may -

(a) require information from any officer appointed under this Schedule with respect to a matter relating to the functions of that officer;

(b) subject to the provisions of this Decree, issue instructions to any of those officers with respect to the performance of his functions under this Decree.

(3) An officer appointed under this Schedule shall comply with the requirements of this Decree and instructions of the Resident Electoral Commissioner under this paragraph.

SCHEDULE 4

Section 56

PROCEDURE AT ELECTIONS

1.-(1) Not less than 21 days before the date specified for holding of an election under this Decree the Commission shall, through the Resident Electoral Commissioner, publish in each State of the Federation and the Federal Capital Territory, Abuja, as the case may be, a notice -

Notice of elections.

(a) stating the date of the election; and

(b) appointing the place at which nomination papers are to be delivered.

(2) The notice shall be further published in each constituency in respect of which an election is to be held.

List, screening, clearance, etc. of candidates.

2.-(1) Every political party shall, on such day as may be specified by the Commission before the date appointed for an election, deliver to the Commission -

Form C.F. 001
Schedule 6.

(a) in Form C.F. 001 set out in Schedule 6 to this Decree, the personal particulars of their candidates for the election as supplied by the candidates; and

Form C.F. 002
Schedule 6.

(b) in Form C.F. 002 set out in Schedule 6 to this Decree, a list of candidates the political party proposes to sponsor at the election.

(2) The Commission shall, within a reasonable time after receipt of the Forms referred to in sub-paragraph (1) of this paragraph, deliver to the political party -

Form C.F. 003
Schedule 6.

(a) in Form C.F. 003 set out in Schedule 6 to this Decree, a list of the candidates who are adjudged qualified to contest the election; and

Form C.F. 004.
Schedule 6.

(b) where applicable, in Form C.F. 004 set out in Schedule 6 to this Decree, a separate list of the candidates rejected by the Commission.

(3) Where a candidate is rejected, the Commission shall afford the political party concerned an opportunity to substitute the candidate rejected with a fresh candidate, provided that the substitution is made within a reasonable time or as may be directed by the Commission.

Screening and clearance of candidates.

3.-(1) Screening and clearance of candidates for election under this Decree shall be in accordance with the provisions of this Decree.

(2) Screening and clearance of candidates for elections under this Decree shall be done by the State or Federal Capital Territory, Abuja Screening Committee as the case may be.

(3) The membership of the State and Federal Capital Territory, Abuja Screening Committees shall be as approved by the Commission, from time to time.

(4) Any person not satisfied with the decision of the State or Federal Capital Territory, Abuja Screening Committee on any matter may appeal to the Commission for review in Form CF. 005 set out in the Schedule 6 to this Decree. Form CF. 005.

4.-(1) A candidate for an election under this Decree shall be nominated in writing by such number of persons prescribed by paragraph (c) or (d) of section 51 of this Decree and the nominators shall - Nomination of candidates.

(a) in the case of the Chairman, be from different parts of the constituency; and

(b) be persons whose names appear on the register of voters in the constituency.

(2) The nomination may be as in Form EC. 4 set out in Schedule 6 to this Decree and shall be subscribed by the candidate and by the persons nominating him - Forms EC 4. Schedule 6.

(3) The Electoral Officer or Assistant Electoral Officer, as the case may be, shall -

(a) supply each candidate for an election with nomination forms on payment of such fee as may be prescribed by the Commission; and

(c) at the request of any candidate, his nominators being present, complete the nomination forms on behalf of the candidate.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination form subscribed as in sub-paragraph (2) of this paragraph at the place appointed by the Electoral Officer or Assistant Electoral Officer under paragraph 1 of this Schedule not later than four o'clock in the afternoon of the fifth day before the day of the election.

(5) No person shall subscribe as a nominator to more than one nomination form at the same election and, if he does, his signature shall be inoperative on any second or subsequent form which he subscribes as a nominator, so however, that no account shall be taken of the nomination of a candidate who has died or withdrawn or whose nomination has not been accepted as valid before the delivery of the second nomination form.

(6) No person who has subscribed as a nominator shall, so long as the candidate stands nominated, withdraw his nomination.

(7) A candidate for an election shall deliver along with the nomination form such number of posters containing his photograph and the symbol of his political association or party as may be required by the Commission.

Deposits.

5.-(1) Every candidate for election under this Decree shall, before his nomination form is delivered to the Electoral Officer or Assistant Electoral Officer, deposit or cause to be deposited the amount prescribed in paragraph (e) or (f) of section 51 of this Decree by the Commission for the election and shall, at the time of the delivery of his nomination paper, produce to the Electoral Officer or Assistant Electoral Officer the official receipt for the amount.

(2) No nomination shall be valid unless the prescribed amount is deposited and the receipt for the amount produced in the manner required by sub-paragraph (1) of this paragraph.

Validity of nomination.

6.-(1) When a nomination form is delivered and a deposit is paid in accordance with the provisions of this Decree, the candidate shall be deemed to stand nominated unless and until -

(a) the Electoral Officer decides that the nomination paper is invalid; or

(b) proof is given to the satisfaction of the Electoral Officer of the candidate's death; or

(c) the candidate withdraws his candidature as specified in paragraph 8 of this Schedule.

(2) The Electoral Officer shall be entitled to declare the nomination form invalid only on one or more of the following grounds -

(a) that the candidate has not produced evidence of tax payments as and when due for a period of three years immediately preceding the year of election or a valid evidence of exemption from the payment of all or any of the tax; or

(b) that particulars of the candidate or his nominators are not as required by law; or

(c) that the nomination form is not signed as required by law; or

(d) that the candidate has been nominated in more than one constituency; or

(e) that the nominators of the candidate or any one of them is not a person whose name appears on the register of voters in respect of the appropriate constituency; or

(f) that the candidate does not possess any of the qualifications required under this Decree; or

(g) that the candidate is not a registered voter in Nigeria; or

(h) that the candidate is not a member of a political party; or

(i) that the candidate is disqualified under this Decree.

(3) Notwithstanding any other provision of this Decree or any other law, the decision of the Electoral Officer, that a candidate has been validly nominated under sub-paragraph (2) of this paragraph shall not be the ground of an election petition under this Decree.

(4) Whenever the Electoral Officer decides that a candidate has not been validly nominated, he shall endorse and sign on the nomination form the fact and reasons for his decision.

Form EC. 5.
Schedule 6.

(5) The Electoral Officer shall, within forty-eight hours of the receipt of a nomination form, communicate in writing in Form EC. 5 set out in Schedule 6 to this Decree to the candidate or to one of the persons nominating the candidate or political party sponsoring the candidate his decision as to the validity or otherwise of the nomination.

(6) A candidate whose first nomination form is or may be invalid may be permitted to submit a second nomination form within the time allowed, but a candidate who forges or falsifies a document or gives a false information for the purpose of nomination under this Decree may be disqualified and prevented from contesting the election.

Publication of
statement of
persons
nominated.

7.-(1) The Electoral Officer shall, not later than twenty-four hours before the day of election, publish by displaying it or causing it to be displayed at the place or places appointed for the delivery of nomination forms and in such other places as he may think fit, a statement of the full names of all candidates standing nominated and of the persons nominating them with their respective addresses and occupations.

(2) No candidate who has been screened and cleared to contest an election shall be prevented from contesting the election for any reason whatsoever, or substituted, except the candidate dies or voluntarily withdraws his candidature.

Withdrawal of
candidates.

8. A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself, or by one of the persons nominating him to the Electoral Officer not later than one o'clock in the afternoon of the second day before the election.

Death of
candidate.

9. If after the latest time for the delivery of nomination forms and before the commencement of the poll, a nominated candidate dies, the Electoral Officer shall, on being satisfied of the fact of the death, countermand the poll, and the Commission shall appoint some other convenient date for the election.

10. If a nomination form, signed by a candidate and by the persons nominating him, is lodged in more than one constituency, his candidature shall be void in each constituency.

Invalidity of double nomination.

11.-(1) Subject to the provisions of this Decree, if after the latest time for the delivery of nomination forms and for withdrawal of candidates for an election under this Decree more than one person remains validly nominated, a poll shall be taken.

Contested and uncontested election.

(2) Subject to the provisions of this Decree, if after the latest time for the delivery of nomination forms and the withdrawal of candidates for an election under this Decree, only one candidate remains duly nominated, that candidate shall be declared elected.

(3) Where a person is declared elected under the provisions of sub-paragraph (2) of this paragraph, a declaration of result Forms EC. 8E and EC. 8E(1) set out in Schedule 6 to this Decree shall be completed and a copy thereof issued to the person by the Returning Officer while the original of the form shall be returned to the Electoral Officer as in the case of a contested election.

Form EC. 8E
Form EC. 8E(1)
Schedule 6.

12. Where no candidate remains nominated in any constituency on the date appointed for the election, the Resident Electoral Commissioner shall inform the Commission which shall fix a date for another election.

Where no nominated candidate.

13. The result of the poll shall be ascertained by carefully counting the votes cast for each candidate at the election and the collation of the figures returned from the various parts of the constituency.

Ascertainment of result of poll.

14.-(1) When a poll has to be taken, the Commission shall appoint from among Poll Clerks, Presiding Officers and Poll Orderlies appointed under Schedule 3 to this Decree, persons to conduct the election in each Polling Station or Unit.

Arrangements for contested election.
Schedule 3.

(2) The Presiding Officer shall be in charge of a Polling Station or Unit.

(3) For purposes of a contested election, the Commission shall -

(a) appoint a sufficient number of Polling Stations or Units in each ward or constituency in which a poll is taking place, and allot voters to the various Polling Stations or Units as may be considered convenient;

(b) assign to each Polling Station or Unit a Poll Clerk and Orderly to assist the Presiding Officer;

(c) provide each Polling Station or Unit with instruments for making official mark on the voter's card and for applying indelible ink to the thumb of any person who has voted at the Polling Station or Unit;

(d) provide each Polling Station or Unit with copies of the register of voters for the area, or such part thereof as contains the names of the voters allotted to vote at the Polling Station or Unit; and

(e) do such other acts and things as may be necessary for conducting the election in the manner prescribed by this Decree.

(4) The Commission shall appoint at least one Polling Station or Unit in respect of each ward in which the election is to be held.

Party Agents.

15.-(1) Each candidate may appoint a Party Agent to attend at each Polling Station or Unit in respect of the election for the purpose of ensuring that the interests of the candidate are protected.

(2) Notice in writing shall be given to the Commission by every candidate not later than twenty-four hours before the day of the election, conveying the names and addresses of his Party Agents and the respective Polling Stations or Units to which they are being posted by the candidate.

(3) A candidate shall be entitled to change his Party Agent and appoint a substitute before the election, and shall forthwith furnish the Commission in writing with the name, address and any other particulars of the agent so substituted.

16.-(1) The Resident Electoral Commissioner or the Electoral Officer shall on or before the second day of the day of the election, cause to be published in every constituency in which election is to be held, in such manner as he may think appropriate, a notice specifying -

Notice of poll.

(a) the day and the hours fixed for the poll;

(b) the full names, arranged in alphabetical order, of the surname, place of residence and occupation of each candidate remaining nominated; and

(c) the location of the Polling Stations and Units in the constituency and an indication of the persons entitled to vote in the respective Polling Stations and Units.

(2) The hours fixed for the taking of polls shall be a continuous period as may be determined by the Commission.

17.-(1) Without prejudice to sub-paragraph (3)(c) of paragraph 14 of this Schedule, the Commission shall -

Provision of
materials at
Polling Stations.

(a) furnish each Presiding Officer with such ballot boxes and ballot papers as may be required for the poll; and

(b) provide each Presiding Officer with pens, ink pad, ink and other items of stationery necessary for the conduct of poll in accordance with the provisions of this Decree.

18. Every ballot paper shall -

Form of ballot
paper.

(a) be a printed paper on which the symbol adopted by the political party and duly registered as prescribed by law shall be clearly set out and have a blank space at the right side of the symbol on which a thumb impression can conveniently be made;

(b) have a serial number printed or stamped on its back or some other part; and

(c) be attached to a counterfoil bearing the same serial number as is printed or stamped on the ballot paper.

Form of
ballot box.

19. The ballot box shall be transparent and be so constructed that the ballot papers can be put in them easily by the voter but cannot be withdrawn by him without the accredited Presiding Officer opening the ballot box.

Accreditation
procedure.

20.-(1) The accreditation of voters shall commence on the day and time stipulated pursuant to paragraph 22 to this Schedule.

(2) The Presiding Officer shall -

(a) cross-check voter's card of a person applying for accreditation against the register of voters and may ask the voter if required by a candidate or the Party Agent, the following questions or any of the questions, that is -

(i) "Are you the person whose name is on the register of voters as follows (reading the copy of the entry in the register?",

(ii) "Are you a person above 18 years of age?";

(b) not accredit any voter who answers the questions in sub-paragraph (2)(a) of this paragraph in the negative;

(c) mark the name of the voter in the register of voters with biro;

(d) stamp and sign each voter's card at the back with the appropriate stamp and state the date and type of election in code; and

(e) enter in Form EC 8A or EC. 8A(1), set out in Schedule 6 to this Decree, the number of persons registered to vote at the Polling Station or Unit, the number of registered voters accredited, the serial numbers of the ballot papers issued to the Polling Station or Unit, the serial numbers of ballot papers issued to the voters, the serial numbers of the balance of unused ballot papers and the number of accredited voters standing in the queue at the commencement of voting.

EC. 8A.
EC. 8A(1).
Schedule 6.

(3) The Presiding Officer and the Party Agents shall sign Forms EC. 8A and EC. 8A(1) to authenticate the numbers entered therein.

21.-(1) Any person who, having been accredited, leaves the polling zone or any other place appointed for the accreditation of persons or mixes up with unaccredited persons is guilty of an offence of disorderliness under this Decree and liable on conviction to the punishment as provided in this Decree.

Disorderliness
during
accreditation.

(2) Any person who, not being an accredited person, is found in any polling zone is guilty of an offence of disorderliness under this Decree, and liable on conviction to the punishment as provided in this Decree.

22. At the close of accreditation, the Presiding Officer shall-

Post-accreditation
procedure.

(a) explain the voting procedure to be followed;

(b) introduce the candidates or their posters and symbols, the Poll Clerk and the Party Agents;

(c) explain all activities which constitute election offences within the polling zone, including penalties for committing each offence;

(d) call the roll of accredited voters; and

(e) ensure that posters bearing photographs of the candidates are displayed within the polling zone.

23. After compliance with the provisions of paragraph 22 of this Schedule, the Presiding Officer shall -

Conduct of
Poll.

(a) announce the commencement of voting;

(b) request the accredited voters to line up in a single line;

(c) separate the queue between men and women if, in that area of the country, the culture is such that it does not permit the mingling of men and women in the same queue;

(d) request security agents or Poll Orderlies to stand at the end of the queue behind the last accredited voter and request the voters in the queue to show their voter's cards duly stamped by the Presiding Officer;

(e) issue accredited voters with ballot papers;

(f) direct voters to the voting table where, after thumb-marking the ballot paper secretly, they shall vote in the full view of all present;

(g) count the votes at the close of poll in the presence of the voters; and

(h) announce the number of votes counted for each of the candidates.

Offence of crossing or breaking into another queue.

24. Any person who breaks into the queue while voting has commenced is guilty of an offence of disorderliness under this Decree and liable on conviction to the punishment provided in this Decree.

Allocation of Polling Station and admission thereto.

25.-(1) No person shall be permitted to vote at any Polling Station or Unit other than the one to which he is allotted.

(2) The Presiding Officer shall regulate the admission of voters to the Polling Station or Unit and shall exclude all other persons except the candidates, Party Agents and any other person who in his opinion has lawful reason to be admitted.

Personation by applicant for ballot paper.

26.-(1) If at the time a person applies for accreditation, or after he has so applied and before he has left the Polling Station or Unit, a Party Agent or security agent declares to the Presiding Officer that he has reasonable cause to believe that the person is under the age of 18 years or has committed the offence of personation and undertakes to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest that person, and the Presiding Officer's order shall be sufficient authority for the police officer so to do.

(2) A person in respect of whom a Party Agent or security agent makes a declaration in accordance with the provisions of sub-paragraph (1) of this paragraph shall not, by reason of the declaration, be prevented from voting, but the Presiding Officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of voters or part of the register of voters.

(3) Where a person in respect of whom a declaration is made sub-paragraph (2) of this paragraph admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already voted, and if he has already voted, the Presiding Officer shall cancel his vote.

(4) A person arrested under the provisions of this paragraph shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without warrant.

27.-(1) The Presiding Officer shall ensure compliance with the provisions of this Decree at the Polling Station or Unit in respect of the election.

Conduct at
Polling Stations.

(2) If a person misconducts himself in a Polling Station or Unit, or fails to obey a lawful order of the Presiding Officer, the Presiding Officer may order the person to be removed from the Polling Station or Unit by any police officer, or by any other person authorised in writing by the Presiding Officer in that behalf.

(3) A person removed from a Polling Station or Unit under this paragraph shall not, without the permission of the Presiding Officer, again enter the Polling Station or Unit during the day of the election and if charged with the commission of an offence in that Polling Station or Unit, the person shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without warrant.

(4) The provisions of sub-paragraph (3) of this paragraph shall not be enforced so as to prevent a voter who is otherwise entitled to vote at a Polling Station or Unit from having an opportunity of so voting.

Adjournment of
poll in case
of riot, etc.

28.-(1) Subject to the provisions of section 92(2) of this Decree, when the proceedings at a Polling Station or Unit are interrupted or obstructed by riot or violence or any other reason as may be determined by the Commission, the Presiding Officer may adjourn the proceedings till following day, and shall forthwith give notice of the adjournment to the Electoral Officer.

(2) When the poll is adjourned at any Polling Station or Unit -

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day of the poll; and

(b) references in this Schedule to the close of the poll shall be construed accordingly.

Closing of
accreditation.

29. When the prescribed hour for the closing of accreditation has been reached, the Presiding Officer shall declare accreditation closed and no more persons shall be admitted to the Polling Station or Unit, but those persons already inside the Polling Station or Unit shall be accredited and be allowed to vote.

Counting of
votes.
Form EC. 8A.
Form EC. 8A(1)
Schedule 6.

30.-(1) The Presiding Officer shall, after counting the votes at the Polling Station or Unit, enter the votes scored by each candidate in Form EC. 8A or Form EC. 8A(1), as the case may be, set out in Schedule 6 to this Decree.

(2) Form EC.8A and Form EC. 8A(1) shall be signed and stamped by the Presiding Officer and countersigned by the candidates or their Party Agents where available at the Polling Station or Unit.

(3) A Party Agent shall be required to sign Form EC. 8A and Form EC. 8A(1) especially where he has requested for a recount, but failure by a Party Agent to sign Form EC. 8A and Form EC. 8A(1) shall not invalidate the result of the poll.

(4) The Presiding Officer shall give to the Party Agents and the police officer present a copy each of completed Form EC. 8A and Form EC. 8A(1) after it has been signed by both the Presiding Officer and the Party Agents.

31. After the recording of the result of the election, the Presiding Officer shall take the election result and materials to the Ward Collation Centre under security escort if available.

Post-election procedure and collation of election result.

32. Subject to the provisions of the Decree, the Commission shall make and publish in the *Gazette*, Guidelines for the Local Government Council elections and the Guidelines shall make provisions, among other things, for the step by step recording of the poll in the electoral Forms EC. 8A, EC. 8A(1), EC. 8B, EC. 8B(1), EC. 8C, EC. 8E and EC. 8E(1) set out in Schedule 6 to this Decree, beginning from the Polling Station or Unit to the last collation centre for the ward or constituency where the result of the election shall be declared.

Step by step recording of poll.

Forms EC. 8A, EC. 8A(1), EC. 8B, EC. 8B(1), EC. 8C, EC. 8E, EC. 8E(1), Schedule 6.

33. Every result Form completed at the Ward, Local Government levels in accordance with the provisions of this Decree or any Guidelines issued by the Commission shall be stamped, signed and countersigned by the relevant officers and Party Agents at those levels and copies given to the police officers and the Party Agents, if available.

Result forms to be signed and countersigned.

34.-(1) Subject to sub-paragraph (2) of this paragraph, a ballot paper which does not bear the official mark shall not be counted.

Rejection of ballot paper without official mark.

(2) If the Returning Officer is satisfied that a ballot paper which does not bear the official mark was from a book of ballot papers which was furnished to the Presiding Officer of the Polling Station or Unit in which the vote was cast for use at the election in question, he shall, notwithstanding the absence of the official mark, count that ballot paper.

35.-(1) The Presiding Officer shall endorse the word "rejected" on the ballot papers rejected under the provision of sub-paragraph (1) of paragraph 33 of this Schedule, and the ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.

Endorsement on rejected ballot papers.

(2) If an objection to the decision of a Presiding Officer to reject a ballot paper is raised by a candidate or a Party Agent at the time the decision is made, the Presiding Officer shall add to the word "rejected", the phrase "but objected to".

(3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection, and shall on request allow a candidate or a Party Agent to copy the statement, but shall not be allowed to record the serial number of the rejected ballot papers.

Decision of
Returning Officer
final.

36. The decision of the final Returning Officer on any question arising from or relating to -

(a) unmarked ballot papers;

(b) rejected ballot papers; and

(c) declaration of scores of candidates and the return of a candidate,

shall be final and subject to review only by an Election Tribunal in an election petition proceedings under this Decree.

Recount.

37. A candidate or a Party Agent may, if present at the Polling Station or Unit when the counting of votes is completed by the Presiding Officer, demand to have the votes recounted, but the Presiding Officer may refuse to do so if, in his opinion, the demand is unreasonable.

Equality
of votes.

38. If two or more candidates poll equal number of votes, the Returning Officer shall not return any of the candidates and a fresh election shall be held for the candidates on a later date to be appointed by the Commission.

Publication of
result of
election.

39. The Resident Electoral Commissioner or the Electoral Officer, as the case may be, shall cause to be posted at the State or Local Government Area Office of the Commission, as the case may be, a notice showing -

(a) the candidates at the election and their scores; and

(b) the person declared as elected or returned at the elections.

40. The Resident Electoral Commissioner or the Electoral Officer shall keep official custody of all the documents, including statement of results and ballot papers relating to the election, which are returned to either of them by the Returning Officers.

Custody of documents.

41. The Poll Clerk shall enjoy and exercise all the powers of the Presiding Officer in respect of a Polling Station or Unit except that he shall not order the arrest of a person or the exclusion or removal of a person from the Polling Station or Unit without the authority of the Presiding Officer.

Poll Clerk to enjoy powers of Presiding Officer.

42. Where in this Decree, an act or a thing is required or authorized to be done by or in the presence of Party Agents, the non-attendance of a Party Agent at the time and place appointed for the act or thing or refusal by a Party Agent to do the act shall not, if the act or thing is otherwise done properly, invalidate the act or thing.

Non-attendance of Party Agent not to invalidate election.

43. A sealed Certificate of Return at an election in the Form set out in Schedule 6 to this Decree shall be issued to every candidate who has won an election under this Decree.

Certificate of Return at election. Schedule 6.

44. Reference to a Form in this Schedule is reference to the Form as set out in Schedule 6 to this Decree.

Reference to Forms. Schedule 6.

SCHEDULE 5

Section 90

PROCEDURE FOR ELECTION PETITIONS

1. In this Schedule -

Interpretation.

"Attorney-General" means the Attorney-General of the State concerned and includes the Attorney-General of the Federation, where the context admits;

"Civil Procedure Rules" means the Civil Procedure Rules of the Federal High Court for the time being in force;

"election" means any election to which an election petition relates;

"Registry" means a Registry set up for an Election Tribunal established under this Decree or the Registry of the Constitutional Court;

"Secretary" means the Secretary of an Election Tribunal established under this Decree and includes the Registrar of the Constitutional Court;

"Tribunal" or "Election Tribunal" means the Local Government Election Tribunal established under this Decree;

"Tribunal notice board" means a notice board at the Registry or a notice board at the place of hearing where notice of presentation of petition or any other notice may be given or posted.

Hearing and
determination of
election petitions.

2.-(1) An election petition relating to a Local Government or Area Council election shall be heard and determined within 60 days from the date on which the petition is filed.

(2) Notwithstanding the provisions of any other enactment, an appeal arising from the decision of the Election Tribunal on an election petition relating to a Local Government or Area Council election shall be heard and determined within 30 days from the date on which the appeal is filed.

Security
for costs.

3.-(1) At the time of presenting an election petition, the petitioner shall give security for all costs which may become payable by him to a witness summoned on his behalf or to a respondent.

(2) The security shall be of such amount not less than ₦3,000 as the Election Tribunal may order and shall be given by depositing the amount with the Election Tribunal.

(3) Where two or more persons join in an election petition, a deposit as may be ordered under sub-paragraph (2) of this paragraph of this Schedule shall be sufficient.

(4) If no security is given as required by this paragraph, there shall be no further proceedings on the election petition though the time prescribed under sub-paragraphs (1) and (3) of paragraph 2 of this Schedule shall continue to run.

4.-(1) The presentation of an election petition under this Decree shall be made by the petitioner [or petitioners if more than one] leaving it in person, or by his Solicitor, if any, named at the foot of the election petition with the Secretary, and the Secretary shall give a receipt which may be in Form TF. 001 set out in Schedule 6 to this Decree.

Presentation
of election
petition.

Form TF. 001.
Schedule 6.

(2) At the time of presenting the election petition, there shall also be left a copy of the election petition for each respondent and seven other copies to be preserved by the Secretary.

(3) The Secretary shall compare the copies of the election petition left in accordance with sub-paragraph (2) of this paragraph with the original petition and shall certify them as true copies of the election petition on being satisfied by the comparison that they are true copies of the election petition.

(4) The petitioner or his Solicitor, as the case may be, shall, at the time of presenting the election petition, pay the fees for the service and the publication of the election petition, and for certifying the copies and, in default of the payment, the election petition shall be deemed not to have been received, unless the Election Tribunal otherwise orders.

5.-(1) An election petition under this Decree shall -

Contents of
election petition.

- (a) specify the parties interested in the election petition;
- (b) specify the right of the petitioner to present the election petition;
- (c) state the holding of the election, the scores of the candidates and the person returned as the winner of the election; and
- (d) state clearly the facts of the election petition and the ground or grounds on which the election petition is based and the relief sought by the petitioner.

(2) The election petition shall be divided into paragraphs each of which shall be confined to a distinct issue or major facts of the election petition, and every paragraph shall be numbered consecutively.

(3) The election petition shall further -

(a) conclude with a prayer or prayers, as for instance, that the petitioner or one of the petitioners be declared validly elected or returned, having polled the majority of lawful votes cast at the election or that the election may be declared nullified, as the case may be; and

(b) be signed by the petitioner or all the petitioners or by the Solicitor, if any, named at the foot of the election petition.

(4) At the foot of the election petition there shall also be stated an address of the petitioner for service within five kilometres of a post office in the Judicial Division, and the name of its occupier, at which address documents intended for the petitioner may be left.

(5) If an address for service and its occupier are not stated as specified in sub-paragraph (4) of this paragraph, the petition shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

(6) An election petition which does not conform with sub-paragraph (1) of this paragraph or any provision of that sub-paragraph is defective and may be struck out by the Election Tribunal.

Form TF 002.
Schedule 6.

(7) The Form TF. 002 set out in Schedule 6 to this Decree or one substantially like it, shall be sufficient for the purposes of this paragraph.

Further
particulars.

6. Evidence need not be stated in the election petition, but the Election Tribunal may order such further particulars as may be necessary

(a) to prevent surprise and unnecessary expense;

(b) to ensure a fair and proper hearing in the same way as in a civil action in the Federal High Court; and

(c) on such terms as to costs or otherwise as may be ordered by the Election Tribunal.

7. For the purpose of service of an election petition on the respondents, the petitioner shall furnish the Secretary with the address of the respondents' abode or the addresses of places where personal service can be effected on the respondents.

Address for service.

8.-(1) On the presentation of an election petition and payment of the requisite fees, the Secretary shall forthwith -

Action by Secretary.

(a) cause notice, in Form TF. 003 set out in Schedule 6 to this Decree, of the presentation of the election petition and a certified copy of the election petition, to be served on each of the respondents;

Form TF. 003.
Schedule 6.

(b) post on the Election Tribunal notice board a certified copy of the election petition; and

(c) set aside a certified copy for onward transmission to the person or persons required by law to adjudicate and determine the election petition.

(2) In the notice of presentation of the election petition, the Secretary shall state a time, not being less than three days but not more than six days after the date of service of the notice, within which each of the respondents shall enter an appearance in respect of the election petition.

(3) In fixing the time within which the respondents are to enter appearance, the Secretary shall have regard to

(a) the necessity for securing a speedy hearing of the election petition; and

(b) the distance from the Registry or the place of hearing to the address furnished under sub-paragraph (4) of paragraph 5 of this Schedule.

9.-(1) Subject to sub-paragraphs (2) and (3) of this paragraph, service on the respondents -

Personal service on respondents.

(a) of the documents mentioned in sub-paragraph (1) (a) of paragraph 8 of this Schedule; and

(b) of any other documents required to be served on them before entering appearance,

shall be personal.

(2) Where the petitioner has furnished, under paragraph 7 of this Schedule, the addresses of the places where personal service can be effected on the respondents and the respondents or anyone of them cannot be found at the place or places, the Election Tribunal, on being satisfied, on an application supported by an affidavit showing that all reasonable efforts have been made to effect personal service, may order that service of any document mentioned in sub-paragraph (1) of this paragraph be effected in any of the ways mentioned in the relevant provisions of the Civil Procedure Rules for effecting substituted service in civil cases and that service shall be deemed to be equivalent to personal service.

(3) The proceedings under the election petition shall not be vitiated notwithstanding that -

(a) the respondents or anyone of them may not have been served personally; or

(b) a document of which substituted service has been effected pursuant to an order made under sub-paragraph (2) of this paragraph did not reach the respondents,

and in either case, the proceedings may be heard and continued or determined as if the respondents or anyone of them had been served personally with the document and shall be valid and effective for all purposes.

Entry of
appearance.

10.-(1) Where the respondent intends to oppose the election petition, he shall within such time after being served or deemed to be served with the election petition enter an appearance by filing in the Registry a memorandum of appearance stating that he intends to oppose the election petition and giving the name and address of the Solicitor, if any, representing him or stating that he acts for himself, as the case may be, and, in either case, giving an

address for service within five kilometres of a post office in the Judicial Division and the name of its occupier, at which documents intended for him may be left or served.

(2) If an address for service and its occupiers are not stated, the memorandum of appearance shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

(3) The memorandum of appearance which may be as in Form TF. 004 set out in Schedule 6 to this Decree shall be signed by the respondent or his Solicitor, if any.

Form TF. 004.
Schedules 6.

(4) At the time of filing the memorandum of appearance, the respondent or his Solicitor, as the case may be, shall -

(a) leave a duplicate of the memorandum of appearance for each of the other parties to the election petition and three other copies of the memorandum of appearance to be preserved by the Secretary; and

(b) pay the fees for service as may be prescribed or directed by the Secretary,

and in default of the copies being left and the fees being paid at the time of filing the memorandum of appearance, the memorandum of appearance shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

(5) A respondent who has a preliminary objection against the hearing of the election petition on grounds of law may file a conditional memorandum of appearance.

11.-(1) If the respondent does not file a memorandum of appearance as required under paragraph 10 of this Schedule, a document intended for service on him may be posted on the Tribunal notice board and that shall be sufficient notice of service of the document on the respondent.

Non-filing of
memorandum of
appearance.

(2) The non-filing of a memorandum of appearance shall not bar the respondent from defending the election petition if the respondent files his reply to the election petition in the Registry within a reasonable time, but, in any case, not later than fourteen days from the receipt of the election petition.

Notice of
appearance.

12. The Secretary shall cause copies of the memorandum of appearance to be served on, or its notice to be given to, the other parties to the election petition.

Filing of
reply.

13.-(1) The respondent shall, within six days of entering an appearance, file in the Registry his reply, specifying in it which of the facts alleged in the election petition he admits and which he denies, and setting out the facts on which he relies in opposition to the election petition.

(2) Where the respondent in an election petition complaining of an undue return and claiming the seat or office for a petitioner, intends to prove that the claim is incorrect or false, the respondent, in his reply shall set out the facts and figures clearly and distinctly, disproving the claim of the petitioner.

(3) The reply may be signed by the respondent or the Solicitor representing him, if any.

(4) At the time of filing the reply, the respondent or his Solicitor, if any, shall leave copies of the reply for service on the other parties to the election petition with seven extra copies of the reply to be preserved by the Secretary, and pay the fees for service as may be prescribed or directed by the Secretary, and in default of leaving the required copies of the reply or paying the fees for service, the reply shall be deemed not to have been filed, unless the Election Tribunal otherwise orders.

Service
of reply.

14. The Secretary shall cause a copy of the reply to be served on each of the other parties to the election petition.

Amendment of
election petition
and reply.

15.-(1) Subject to sub-paragraph (2) of this paragraph, the provisions of the Civil Procedure Rules relating to amendment of pleadings shall apply in relation to an election petition or a reply to the election petition as if for the words "any proceedings" those provisions there were substituted the words "the election petition or reply".

(2) After the expiry of the time limited by -

(a) section 82 of this Decree for presenting the election petition, no amendment shall be made -

(i) introducing any of the requirements of sub-paragraph (1) of paragraph 5 of this Schedule not contained in the original election petition filed, or

(ii) effecting a substantial alteration of the ground for, or the prayer in, the election petition; or

(iii) except anything which may be done under the provisions of sub-paragraph (3) of this paragraph, effecting a substantial alteration of or addition to, the statement of facts relied on to support the ground for, or sustain the prayer in the election petition; and

(b) paragraph 13 of this Schedule for filing the reply, no amendment shall be made -

(i) alleging that the claim of the seat or office by the petitioner is incorrect or false, or

(ii) except anything which may be done under the provisions of sub-paragraph (3) of this paragraph, effecting any substantial alteration in or addition to the admissions or the denials contained in the original reply filed, or to the facts set out in the reply.

(3) The Election Tribunal shall not, in the hearing and determination of an election petition, be obliged to confine its inquiry or findings to the issues raised by the parties in the election petition or the reply, if any, and may, without ordering or allowing -

(a) the amendment of a statement of facts and grounds relied on in support of the election petition or the amendment of any admission or denial contained in the reply; or

(b) the facts or grounds set out in the reply, but subject always and having due regard to the time limited by section 82 of this Decree for presentation of an election petition,

inquire into any other issue otherwise raised or apparent, as the Election Tribunal may deem necessary for the purpose of the full and proper inquiry into, and determination of the election petition.

Particulars of
votes objected
to by respondent.

16. When a petitioner claims the seat alleging that he had the majority of valid votes cast at the election, the party defending the election or return at the election shall set out clearly in his reply particulars of the votes, if any, which he objects to and the reasons for his objection against such votes, showing how he intends to prove at the hearing that the petitioner is not entitled to succeed.

Petitioner's reply.

17.-(1) If a person in his reply to the election petition raises new issues of fact in defence of his case which the petition has not dealt with, the petitioner shall be entitled to file in the Registry, within three days from the receipt of the respondent's reply, a petitioner's reply in answer to the new issues of fact, so however that -

(a) the petitioner shall not at this stage be entitled to bring in new facts, grounds or prayers tending to amend or add to the contents of the petition filed by him; and

(b) the petitioner's reply does not run counter to the provisions of sub-paragraph (1) of paragraph 15 of this Schedule.

(2) The time limited by sub-paragraph (1) of this paragraph shall not be extended.

Further
particulars or
direction.

18.-(1) If a party in the election petition wishes to have further particulars or other directions of the Election Tribunal, he may, at any time after entry of appearance, but not later than ten days after the filing of the reply, apply to the Election Tribunal specifying in his notice of motion the direction for which he prays, and the motion shall, unless the Election Tribunal otherwise orders, be set down for hearing on the first available day.

(2) If a party does not apply as provided in sub-paragraph (1) of this paragraph, he shall be taken to require no further particulars or other directions and the party shall be barred from so applying after the period laid down in sub-paragraph (1) of this paragraph has lapsed.

(3) Supply of further particulars under this paragraph shall not entitle the party to go beyond the ambit of supplying such further particulars as have been demanded by the other party, and embark on undue amendment of, or additions to, his petition or reply, contrary to paragraph 15 of this Schedule.

19. Every election petition shall be heard and determined in an open tribunal.

Hearing of petition to be in open tribunal.

20.-(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the time and place of the hearing of an election petition shall be fixed by the Election Tribunal, and notice of the time and place of the hearing, which may be as in Form TF. 005 set out in Schedule 6 to this Decree, shall be given by the Secretary at least five days before the day fixed for the hearing by-

Time and place of hearing petition.

Form TF. 005. Schedule 6.

(a) posting the notice on the Tribunal notice board; and

(b) sending a copy of the notice by registered post or through a messenger to -

(i) the petitioner's address for service,

(ii) the respondents' addresses for service, if any, and

(iii) the Resident Electoral Commissioner or the Electoral Officer.

(2) In fixing the place of hearing, the Election Tribunal shall have due regard to the proximity to and accessibility from the place where the election was held.

21. The Resident Electoral Commissioner or Electoral Officer shall publish the notice of hearing by causing a copy of the notice to be displayed in the place which was appointed for the delivery of nomination forms prior to the election or in some conspicuous place or places within the constituency, but failure to do so or any miscarriage of the copy of notice of hearing shall not affect the proceedings if it does not occasion injustice against any of the parties to the election petition.

Notice of hearing.

Posting of notice
on Tribunal notice
board deemed to
be good notice.

22. The posting of the notice of hearing on the Tribunal notice board shall be deemed and taken to be good notice, and the notice shall not be vitiated by any miscarriage of, the copy or copies of the notice sent pursuant to paragraph 20 of this Schedule.

Postponement
of hearing.

23.-(1) The Election Tribunal may, from time to time, by order made on the application of a party to the election petition or at the instance of the Election Tribunal, postpone the beginning of the hearing to such day as the Election Tribunal may consider appropriate, having regard at all times to the need for speedy conclusion of the hearing of the election petition.

(2) A copy of the order shall be sent by the Secretary by registered post or messenger to the Electoral Officer or the Resident Electoral Commissioner, who shall publish the order in the manner provided in paragraph 21 of this Schedule for publishing the notice of hearing, but failure on the part of the Electoral Officer or Resident Electoral Commissioner to publish the copy of the order of postponement shall not affect the proceedings in any manner whatsoever.

(3) The Secretary shall post or cause to be posted on the Tribunal notice board a copy of the order.

(4) Where the Election Tribunal gives an order of postponement at its own instance, a copy of the order shall be sent by the Secretary by registered post or messenger to the address for service given by the petitioner and to the address for service, if any, given by the respondents or any of them.

(5) The provisions of paragraph 22 of this Schedule shall apply to an order or a notice of postponement as they do to the notice of hearing.

Non-arrival
of Chairman
of Election
Tribunal.

24. If the Chairman of the Election Tribunal has not arrived at the appointed time for the hearing or at the time to which the hearing has been postponed, the hearing shall by reason of that fact stand adjourned to the following day and so from day to day.

Hearing to
continue from
day to day.

25.-(1) No formal adjournment of the Election Tribunal for the hearing of an election petition shall be necessary, but the hearing shall be deemed adjourned and may be continued from day

to day until the hearing is concluded unless the Election Tribunal otherwise directs as the circumstances may dictate.

(2) If the Chairman who begins the hearing of an election petition is disabled by illness or otherwise, the hearing may be recommenced and concluded by another Chairman appointed by the appropriate authority.

26.-(1) After the hearing of an election petition has begun, if the inquiry cannot be continued on the ensuing day or, if that day is a Sunday or a public holiday, on the day following the same, the hearing shall not be adjourned *sine die* but to a definite day to be announced before the rising of the Election Tribunal, and notice of the day to which the hearing is adjourned shall forthwith be posted by the Secretary on the Tribunal notice board.

Adjournment
of hearing.

(2) The hearing may be continued on a Saturday or on a public holiday if circumstances dictate.

27.-(1) All interlocutory questions and matters shall be heard and disposed of by the Chairman who shall have control over the proceedings as a Judge in the Federal High Court.

Power of the
Chairman to
dispose of
interlocutory
matters.

(2) After the hearing of the election petition is concluded, if the Election Tribunal before which it was heard has prepared its judgment but the Chairman is unable to deliver it due to illness or any other cause, the judgment may be delivered by one of the members, and the judgment as delivered shall be the judgment of the Election Tribunal, and the member shall certify the decision of the Electoral Tribunal to the Electoral Officer, the Resident Electoral Commissioner or the Commission.

28.-(1) At the conclusion of the hearing, the Election Tribunal shall determine whether a person whose election or return is complained of or any other person, and what person, was validly returned or elected, or whether the election was void, and shall certify the determination to the Electoral Officer, Resident Electoral Commissioner or the Commission.

Effect of
determination
of election
petition.

(2) If the Election Tribunal has determined that the election is invalid, then, subject to section 88 of this Decree where there is an appeal and the appeal fails, a new election shall be held by the Commission.

(3) Where a new election is to be held under the provisions of this paragraph, the Commission shall appoint a date for the election which shall not be later than 3 months from the date of the determination.

Withdrawal or
abatement of
petition.

29.-(1) An election petition shall not be withdrawn without leave of the Election Tribunal.

(2) Where the petitioners are more than one, no application for leave to withdraw the election petition shall be made except with the consent of all the petitioners.

Form TF. 006.
Schedule 6.

(3) The application for leave to withdraw an election petition shall be made by motion in Form TF. 006 set out in Schedule 6 to this Decree after notice of the application has been given to the respondents.

(4) The notice of motion shall state the grounds on which the motion to withdraw is based, supported with affidavit verifying the facts and reasons for withdrawal, signed by the petitioner or petitioners in the presence of the Secretary.

(5) At the time of filing the notice of motion, the petitioner or petitioners shall leave copies for service on the respondents.

(6) The petitioner or petitioners shall also file the affidavits required under paragraph 30 of this Schedule together with copies for each respondent and pay the fees prescribed or directed by the Secretary for service.

Affidavit against
illegal terms of
withdrawal.

30. Before leave for withdrawal of an election petition is granted, each of the parties to the petition shall produce an affidavit, stating that -

(a) to the best of the deponent's knowledge and belief no agreement or term of any kind whatsoever has been made; and

(b) no undertaking has been entered into,

in relation to the withdrawal of the petition, but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set out that agreement and shall make the foregoing statement subject to what appears from the affidavit.

31.-(1) The time for hearing the motion for leave to withdraw the election petition shall be fixed by the Election Tribunal.

Time for hearing motion for leave to withdraw petition.

(2) The Secretary may give notice of the day fixed for the hearing of the motion to the respondents and post or cause to be posted on the Tribunal notice board a copy of the notice.

32. If the election petition is withdrawn, the petitioner shall be liable to pay appropriate costs to the respondents or anyone of them unless the Election Tribunal otherwise orders.

Payment of cost to respondents.

33.-(1) If a sole petitioner or the survivor of several petitioners dies then, subject to sub-paragraphs (2) and (3) of this paragraph, there shall be no further proceedings on the election petition and the Election Tribunal may strike it off its cause list.

Abatement of proceedings in election petition.

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred in the course of proceedings in respect of the election petition prior to its abatement.

(3) Where notice, with copies for each party to the election petition supported by the affidavit of two witnesses testifying to the death of a sole petitioner or of the survivor of several petitioners, is given to the Secretary, he shall submit the notice to the Election Tribunal, and if the Election Tribunal so directs, the Secretary shall -

(a) serve notice thereof on the other parties to the election petition;

(b) post or cause to be posted a notice thereof on the Tribunal notice board; and

(c) cause notice thereof to be published in the *Gazette* and in conspicuous places in the constituency, in such form as the Election Tribunal may direct.

Notice of
no opposition
to petition.

34.-(1) If before the hearing of an election petition, a respondent, other than the Electoral Officer, the Returning Officer or Presiding Officer, gives to the Election Tribunal notice in writing signed by him or his Solicitor before the Secretary that he does not intend to oppose the election petition, the Secretary shall -

(a) serve notice thereof on the other parties to the election petition; and

(b) post or cause to be posted a notice thereof on the Tribunal notice board.

(2) The respondent shall file the notice with a copy for each other party to the election petition not less than six days before the day appointed for hearing the election petition.

(3) A respondent who has given notice of his intention not to oppose the election petition shall not appear or act as a party against the election petition in any proceeding on it, but the giving of the notice shall not of itself cause him to cease to be a respondent.

Countermand
of notice of
hearing.

35.-(1) Where a notice of -

(a) the petitioner's intention to apply for leave to withdraw an election petition; or

(b) the death of the sole petitioner or the survivor of several petitioners; or

(c) the respondent's intention not to oppose an election petition,

is received after notice of hearing of the election petition has been given, and before the hearing has begun, the Secretary shall forthwith countermand the notice of hearing.

(2) The countermand shall be given in the same manner and, as near as may be, as the notice of hearing.

36. Where the respondent has not entered an appearance, or has not filed his reply within the prescribed time or within such time as the Election Tribunal may have allowed, or has given notice that he does not intend to oppose the petition, then if -

Discretion of
Election
Tribunal if
no reply.

(a) there remains no more than one other candidate in the election who was not returned; or

(b) the election petition contains no prayer for a determination that the election was void; or

(c) there are no facts or grounds stated in the election petition or in the reply, if any, or stated in any further particulars filed in the proceedings or otherwise appearing on proof of which it ought to be determined that the election was void; or

(d) the election petition is one complaining of an undue return and claiming the seat or office for the candidate who was not returned and the respondent has not raised any formal or written objections to any of the votes relied on by the petitioner,

the Election Tribunal may, if it thinks fit, determine the proceedings on the election petition without hearing evidence or further evidence, and in any case, the proceedings shall be continued and determined on such evidence or otherwise as the Election Tribunal may deem necessary for the full and proper determination of the election petition.

37.-(1) The fee payable on the presentation of an election petition shall not be less than ₦600.

Fees.

(2) A hearing fee shall be payable for the hearing at the rate of ₦40 per day of the hearing but not exceeding ₦200 in all, but the Election Tribunal may direct a lower fee to be charged for any day of the hearing.

(3) For the purpose of sub-paragraph (2) of this paragraph, the petitioner shall make a deposit of not less than ₦200 at the time of presenting his petition.

(4) Subject to the provisions of this paragraph, the fees payable in connection with an election petition shall be at the rate prescribed for civil proceedings in the Federal High Court.

(5) No fees shall be payable by the Attorney-General of the State concerned (acting in person or through any other Legal Officer) or the Attorney-General of the Federation (acting in person or through any other Legal Officer) or by a respondent who was the Electoral Officer, Returning Officer or Presiding Officer at the election.

(6) No fees shall be payable for the summoning of witnesses summoned by the Election Tribunal at its own instance.

(7) A charge payable for the service of *subpoena* on a witness may be paid by the Secretary in the same way as a State witness' expenses.

Allocation
of costs.

38.-(1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the election petition in such manner and in such proportions as the Election Tribunal may determine, regard being had to -

(a) the disallowance of any costs, charges or expenses which may in the opinion of the Election Tribunal have been caused by vexatious conduct, unfounded allegation or unfounded objection on the part of the petitioner or of the respondent, as the case may be; and

(b) the discouragement of any needless expenses by throwing the burden of defraying the expenses on the party by whom it has been caused, whether that party is or is not on the whole successful.

(2) Where the Election Tribunal declares an election to be void, it may, if satisfied that the invalidity of the election was due either wholly or in part to the culpable default of an officer responsible for the conduct of the election in the performance of his duties imposed by this Decree, order that the whole or part of the cost awarded to the successful petitioner be paid by that officer.

39. Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it is deposited or to the person entitled to receive it by order of the Election Tribunal, which may be made on motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Election Tribunal may require.

Return of
security.

40.-(1) The Election Tribunal may, on application made by a person to whom any costs, charges or expenses is payable, order it to be paid out of a deposit made to secure it, after notice to the party by or on whose behalf the deposit was made, requiring him to file a statement within a specified time whether he opposes the application and the ground of his opposition.

Payment of
costs out
of security,

(2) Where a dispute arises on an application under sub-paragraph (1) of this paragraph, the Election Tribunal shall afford every person affected by the dispute an opportunity of being heard and shall make such order thereon as it may deem fit.

(3) A person shall be deemed to have been afforded the opportunity of being heard if notice of the time appointed for the inquiry into the dispute was given to him, though the person may not have been present at the making of the inquiry.

(4) A notice to be given to a person under this paragraph may be given by the Secretary handing him the notice or sending it to him by registered letter -

(a) in the case of a party, at the address for service ;

(b) in the case of an application for payment, at the address given in his application,

so however, that the provisions of this sub-paragraph shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorised by the Election Tribunal.

(5) Execution may be levied under an order for payment made by the Election Tribunal under this paragraph in the same manner and to the same extent as execution may be levied under a judgment for the payment of money.

Calling of
witnesses.

41.-(1) On the hearing of an election petition, the Election Tribunal may summon a person as a witness who appears to the Election Tribunal to have been concerned in the election.

(2) The Election Tribunal may examine a witness so summoned or any other person in the Election Tribunal although the witness or person is not called and examined by a party to the election petition, and thereafter he may be cross-examined by or on behalf of the petitioner and the respondent.

(3) The expenses of a witness called by the Election Tribunal at its own instance shall, unless the Election Tribunal otherwise orders, be deemed to be costs of the election petition and may, if the Election Tribunal so directs, be paid in the first instance by the Secretary in the same way as State witness' expenses and recovered in such manner as the Election Tribunal may direct.

(4) Where the Election Tribunal summons a person as a witness under this paragraph, the provisions of the relevant Civil Procedure Rules relating to the expenses of persons ordered to attend a hearing shall apply as if they were part of this paragraph.

(5) The Election Tribunal shall -

(a) in making and carrying into effect an order for the production and inspection of documents used in the election and relating to the way in which the votes of particular persons were given; and

(b) in the examination of any witness who produces or will produce a document,

ensure that the way in which the vote of a particular person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the Election Tribunal to be invalid.

Privileges of
a witness.

42.-(1) A person called as a witness in a proceeding in the Election Tribunal shall not be excused from answering a question relating to an offence at or connected with an election on the grounds that the answer thereto may incriminate or tend to incriminate him, or on the ground of privilege.

(2) A witness who answers truly all questions which he is required by the Election Tribunal to answer shall be entitled to receive a certificate of indemnity under the hand of the Chairman of the Election Tribunal stating that the witness has so answered.

(3) An answer by a person to a question before the Election Tribunal shall not, except in the case of a criminal proceeding for perjury in respect of the answer, be admissible in any proceeding, civil or criminal, in evidence against him.

(4) When a person has received a certificate of indemnity in relation to an election and legal proceedings are at any time brought against him for an offence against the provisions of this Decree, committed by him prior to the date of the certificate at or in relation to that election, the Election Tribunal having cognizance of the case shall, on proof of the certificate, stay the proceeding, and may, at its discretion, award to that person such costs as he may have been put to in the proceeding.

43. At the hearing of an election petition complaining of an undue return and claiming the seat on office for a petitioner, the respondent may, subject to the provisions of sub-paragraph (2) of paragraph 13 of this Schedule, give evidence to prove that the election of the petitioner was undue in the same manner as if he had the person presenting the election petition complaining of the election.

Evidence by
respondent.

44.-(1) The Election Tribunal shall have power, subject to the provisions of section 82 of this Decree and paragraph 15 of this Schedule, to enlarge time for doing any act or taking any proceeding on such terms (if any) as the justice of the case may require except otherwise provided by any other provision of this Schedule.

Enlargement
and abridgement
of time.

(2) An enlargement of time may be ordered although the application for the enlargement is not made until after the expiration of the time appointed or allowed.

(3) When the time for delivering a pleading or document or filing any affidavit, answer or document, or doing any thing or act is or has been fixed or limited by any of the sections, paragraphs or rules under or in pursuance of this Decree or by a direction or

an order of the Election Tribunal, the costs of an application to extend the time, where allowed or of an order made thereon shall be borne by the party making the application, unless the Election Tribunal otherwise orders.

(4) Every application for enlargement or abridgement of time shall be supported by affidavit.

(5) An application for abridgement of time may be made *ex parte*, but the Election Tribunal may require notice of the application to be given to the other parties to the election petition.

(6) An application for enlargement of time shall be made by motion after notice to the other party to the election petition but the Election Tribunal may, for good cause shown by affidavit or otherwise, dispense with the notice.

(7) A copy of an order made for enlargement or abridgement of time shall be filed or delivered together with any document filed or delivered by virtue of the order.

Service of
notice.

45.-(1) Where a summons, notice or document, other than a notice or document mentioned in sub-paragraph (1) of paragraph 8 of this Schedule, is required to be served on a person for a purpose connected with an election petition, it may be served by delivering it to the person or by leaving it at his last known place of abode in the constituency with any person there found who is a resident of the abode and appears to be 18 years of age or more.

(2) After a party has given an address for service it shall be sufficient if, in lieu of serving him personally with a document intended for him, the document is served -

(a) on the person appearing on the paper last filed on his behalf as his Solicitor wherever the person may be found or, if the person is not found at his office, on the clerk there apparently in charge; or

(b) on the person named as occupier in his address for service wherever the person may be found or, if the person is not found at the address, on -

(i) the person there found apparently in charge, if such address is a place of business, or

(ii) a person, other than a domestic servant, there found who is a resident of the address and appears to be 18 years of age or more.

(3) A party may change his address for service by giving notice of his new address for service and its occupier to the Secretary and to each party to the election petition, but until a notice is received by the Secretary, his old address for service shall continue to be his address for service.

(4) Where service by one of the modes specified in this paragraph has proved impracticable, the Election Tribunal may, on being satisfied, on an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect service -

(a) order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules relating to substituted service which service shall be sufficient; or

(b) dispense with service or notice as the Election Tribunal may think fit.

46. Two or more candidates may be made respondents to the same petition and their case may, for the sake of convenience be heard at the same time, but for all purposes (including the taking of security) the election petition shall be deemed to be a separate petition against each of the respondents.

Two or more
candidates as
respondents.

47. Where two or more petitions are presented in relation to the same election or return, all the petitions shall be consolidated, considered and be dealt with as one petition unless the Election Tribunal shall otherwise direct in order to do justice or an objection *in limine* against one or more of the petitions has been upheld by the Election Tribunal.

Consolidation
for petitions.

Electoral
Officer, etc
as respondent.

48.-(1) Where an election petition complains of the conduct of an Electoral Officer, a Presiding Officer, Returning Officer or any other official of the Commission, he shall for all purposes be deemed to be a respondent and joined in the election petition as a necessary party, but an Electoral Officer, a Presiding Officer or Returning Officer shall not be at liberty to decline from opposing the petition except with the written consent of the Attorney-General of the State concerned or Attorney-General of the Federation, as the case may be.

(2) If consent is withheld by the Attorney-General under sub-paragraph (1) of this paragraph, the State Government or the Federal Government shall indemnify the Electoral Officer, Presiding Officer or Returning Officer against any costs which may be awarded against him by the Election Tribunal in respect of the election petition.

(3) Where an Electoral Officer, a Presiding Officer or Returning Officer or any other official of the Commission has been joined as a respondent in an election petition, a legal officer of the Commission or a legal practitioner engaged by the Commission or the Attorney-General of the State concerned (acting in person or through any of his legal officers) or Attorney-General of the Federation (acting in person or through any of his legal officers) shall represent the Electoral Officer, Presiding Officer, Returning Officer or other official at the Election Tribunal.

(4) A private legal practitioner engaged by the Commission under sub-paragraph (3) of this paragraph shall be entitled to be paid his professional fees, and a legal officer so engaged shall be paid such honorarium as may be approved by the Commission.

Duplicate of
documents.

49. In the absence of express provision in this Schedule, a party filing any document or process paper in connection with any step being taken in the proceedings of an election petition shall, unless the Secretary otherwise directs, leave with the Secretary copies of the document or process paper for service on each of the parties to the election petition in addition to three copies which the Secretary may preserve.

Non-compliance
with rules, etc.

50.-(1) Non-compliance with any of the provisions of this Schedule, or with a rule of practice for the time being operative,

except otherwise stated or implied, shall not render any proceeding void, unless the Election Tribunal so directs, but the proceeding may be set aside wholly or in part as irregular, or amended, or otherwise dealt with in such manner and on such terms as the Election Tribunal may think fit and just.

(2) An application to set aside an election petition or a proceeding resulting therefrom for irregularity or for being a nullity, shall not be allowed unless made within a reasonable time and when the party making the application has not taken any fresh step in the proceedings after knowledge of the defect.

(3) An application to set aside an election petition or a proceeding pertaining thereto shall show clearly the legal grounds on which the application is based.

(4) An election petition shall not be defeated by an objection as to form if it is possible at the time the objection is raised to remedy the defect either by way of amendment or as may be directed by the Election Tribunal.

(5) An objection challenging the irregularity or competence of an election petition shall be heard and determined before any further steps in the proceedings if the objection is brought immediately the defect on the face of the election petition is noticed.

51. Subject to the express provisions of this Decree, the practice and procedure of the Election Tribunal in relation to an election petition shall be as nearly as possible, similar to the practice and procedure of the Federal High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules shall apply with such modifications as may be necessary to render them applicable having regard to the provisions of this Decree, as if the petitioner and the respondent were respectively the plaintiff and the defendant in ordinary civil action.

Application of
Rules of Court.

52. Subject to the provisions of this Decree, an appeal to the Constitutional Court shall be determined in accordance with the practice and procedure relating to appeals in the Constitutional Court regard being had to the need for urgency on electoral matters.

Practice and
procedure of
Constitutional
Court.

SCHEDULE 6

Section 57

FORM C.F. 001

Confidential:

INDEPENDENT NATIONAL ELECTORAL COMMISSION

Data Form for Persons seeking election to the Membership
of Local Government Council or Area Council.

PART 1

A. PERSONAL PARTICULARS

1. Surname (in block letters)
2. Maiden Name (where applicable).....
3. Other Names (in block letters).....
4. Have you ever changed your names? if so, What was your former names?.....
5. Residential Address
6. Marital Status
7. Postal Address:.....
8. Nationality
9. Did you change nationality in the past? If so what was your former nationality?.....
10. Place of Birth:
11. Date of Birth:
12. Local Government Area/ Area council.....
13. State.....
14. How long have you stayed in your present place of abode?.....
15. Are you an indigene of your present place of abode?.....
16. What is your present occupation?.....

B. EDUCATION INSTITUTIONS ATTENDED WITH DATES

1. Primary Schools
.....
.....
2. Secondary Schools (including Teachers, Commercial, Technical and
equivalent institutions).....
.....
.....
3. Tertiary Institutions (including Universities And Colleges)
.....
.....

C. EDUCATIONAL QUALIFICATION WITH DATES

.....
.....
.....

**D. WORKING EXPERIENCE WITH DATES (State employer, nature of
work, reason for leaving)**

.....
.....
.....
.....

E. POLITICAL EXPERIENCE AND ACTIVITIES

(State political activities involved in, in
the past, public offices held, reason for leaving
office, dates, etc.

.....
.....
.....

F. GENERAL

1. Have you ever been tried in a court or tribunal for any criminal offence? If yes, give details of case and the findings of the court or tribunal, including punishment, if any
.....
.....
2. Have you ever been tried by the Code of Conduct Tribunal? If yes, state details of the charges and the findings of the Tribunal, including punishment, if any
.....
.....
.....
3. Have you ever been involved in any investigation or inquiry regarding lunacy? If yes, state nature of inquiry or investigation, including the findings
.....
.....
.....
4. State with full details the names and addresses of Clubs, Societies Associations or Unions you belong to or have belonged to in the past
.....
.....
.....
5. Have you ever been involved in any bankruptcy proceedings. If so, state where proceedings took place and the findings of the inquiry:
.....
.....
.....
.....
6. Have you ever been arrested by the Police or other security agency? If so, state reasons for arrest, where and the outcome of the investigation
.....
.....
.....

7. Are you a member of a Political Party? If so, state the name of your Political Party, when you joined the Political Party and your position in the Party.
.....
.....
.....
8. Has your Party agreed to sponsor you or is the Party's sponsorship being contested? State other known Contestants.
.....
.....
.....
9. Where have you paid your taxes in the last three years? State the amount paid and the receipt numbers or tax clearance certificate numbers with dates.
.....
.....
.....
10. Have you ever been involved in any investigation or trial relating to narcotic drugs or any psychotropic substance? If so, state place of investigation or trial, date and the outcome of the investigation or trial
.....
.....
.....
11. Are you a registered voter? If so, state place of registration, registration number and the registration area code number
.....
.....
.....
.....
.....
12. Give any other information about your person and the reason for which you intend to contest the election
.....
.....
.....

G. DECLARATION BEFORE A COMMISSIONER OF OATHS, IN THE
MAGISTRATE OR HIGH COURT OF THE PLACE YOU LIVE.

1. I solemnly and sincerely declare that the particulars given above
are true and correct to the best of my knowledge and belief.
2. Before making the declaration, I verified the facts and cross-
checked them as to their veracity.

.....
D E P O N E N T

Sworn to at the Magistrate/
High Court Registry
this.....day of
19.....

BEFORE ME:

.....
COMMISSIONER FOR OATHS

PART II

- II. FOR OFFICIAL USE OF THE COMMISSION
(Here record any independent information obtained or available about the
subject).

FORM C.F. 003

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
LOCAL GOVERNMENT COUNCIL ELECTION**

RETURN OF LIST OF CANDIDATES DECLARED NOT QUALIFIED TO CONTEST ELECTION

DATE:.....

NAME OF PROVISIONALLY REGISTERED POLITICAL PARTY: _____

STATE: _____

LOCAL GOVERNMENT/AREA COUNCIL _____

[illegible]

FORM C.F 005

INDEPENDENT NATIONAL ELECTORAL COMMISSION
LOCAL GOVERNMENT COUNCIL ELECTION
APPEAL AGAINST DISQUALIFICATION BY STATE CLEARANCE COMMITTEE

DATE _____

1. NAME OF CANDIDATE _____
2. HOME ADDRESS _____
3. WARD OR CONSTITUENCY _____
4. LOCAL GOVERNMENT AREA/AREA COUNCIL _____
5. STATE _____
6. POLITICAL PARTY SPONSORING CANDIDATE _____
7. POST SOUGHT TO CONTEST _____
8. REASON FOR DISQUALIFICATION BY STATE CLEARANCE COMMITTEE, IF KNOWN _____

9. GROUNDS OF APPEAL _____

10. FURTHER PERSONAL PARTICULARS OR INFORMATION LIKELY TO EXPLAIN AWAY CAUSE OF DISQUALIFICATION (ATTACH DOCUMENTS IF NECESSARY) _____

11. REMARK BY PARTY OFFICIAL (CHAIRMAN OR SECRETARY OF THE PARTY) _____

- Sign _____
CHAIRMAN/SECRETARY
(AFFIX OFFICIAL RUBBER STAMP)
12. I _____ HEREBY
AFFIRM THAT THE ADDITIONAL INFORMATION GIVEN ABOVE TOWARDS
MY CLEARANCE TO CONTEST THE ELECTION IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE

SIGNATURE OF APPLICANT
13. DECISION OF CLEARANCE APPEAL COMMITTEE: _____

FORM EC. 5

INDEPENDENT NATIONAL ELECTORAL COMMISSION

**ELECTORAL OFFICER'S RULING AS TO VALIDITY
OF NOMINATION**

TO:

.....
.....
.....
.....

Take notice that a nomination paper received by me on in your favour
*(has been accepted/rejected by me upon the following grounds:

.....
.....
.....
.....

Dated this day of 19.....

.....
Chairman

Independent National Electoral Commission

* Strike out words not applicable.

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
FORMS FOR NOMINATION OF CANDIDATE FOR
LOCAL GOVERNMENT CHAIRMANSHIP ELECTION**

TO:

The Chairman,
Independent National Electoral Commission,
Abuja.

DATE

I
of (Address)
.....
(Occupation)

hereby state that:

1. I am the candidate to whom this nomination paper relates and I am willing to stand for election to the office of Chairman for Local Government Area/Area Council.
2. I am a Nigerian citizen of not less than 30 years of age.
3. I have paid my income tax as and when due for three years immediately preceeding the years of the election.
4. My name appears on the official list of voters for the ward in which I reside namely ward.
5. My educational qualifications are:
.....
.....
.....
.....
6. My political affiliation and party is:
.....
.....
.....

Signed:

Candidate:

7. We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of First Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Second Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Third Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fourth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fifth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Sixth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Seventh Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Eighth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Ninth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:
Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Tenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:
Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Eleventh Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:
Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twelfth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election;

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Thirteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fourteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fifteenth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Sixteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Seventeenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Eighteenth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars.

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Nineteenth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Twentieth Nominator

FORM EC. 4D

INDEPENDENT NATIONAL ELECTORAL COMMISSION
FORMS FOR NOMINATION OF CANDIDATE FOR
LOCAL GOVERNMENT COUNCILLORSHIP ELECTION

TO:

The Chairman,
Independent National Electoral Commission,
Abuja.

.....
DATE

I
of (Address)
.....
(Occupation)

hereby state that:

1. I am the candidate to whom this nomination paper relates and I am willing to stand for election to the office of Councillor for ward.
2. I am a Nigerian citizen of not less than 25 years of age.
3. I have paid my income tax as and when due for three years immediately preceeding the years of the election.
4. My name appears on the official list of voters for the ward in which I reside namely:
..... ward.
5. My educational qualifications are:
.....
.....
.....
.....
6. My political affiliation and party is:
.....
.....
.....

Signed:
Candidate:.....

7. We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of First Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Second Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Third Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fourth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Fifth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Sixth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Seventh Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Eighth Nominator

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:

Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Ninth Nominator

We, the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name:
Address:
Party Affiliation (if any):
Occupation:

Voter's Registration Particulars:
Number:
Local Government:
Ward:
Registration Unit:
Date:

.....
Signature of Tenth Nominator

EC. 8A

(I.N.E.C. LOGO)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
STATEMENT OF RESULT OF POLL FOR ELECTION
OF CHAIRMAN OF COUNCIL**

POLLING STATION: CODE NO.
WARD: CODE NO.
LOCAL GOVERNMENT AREA: CODE NO.
STATE: CODE NO.
NO OF VOTERS ON THE REGISTER IN FIGURES:
NO OF VOTERS ON THE REGISTER IN WORDS:

NO OF ACCREDITED VOTERS IN FIGURE:
NO OF ACCREDITED VOTERS IN WORDS:

NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN FIGURES:
NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN WORDS:

SERIAL NUMBERS OF VOTING CARDS ALLOCATED TO THE POLLING STATION:
..... TO
SERIAL NUMBERS OF VOTING CARDS ISSUED TO VOTERS:
..... TO
SERIAL NUMBERS OF THE BALANCE OF VOTING CARDS TO
NAME OF PRESIDING OFFICER: SIGNATURE/STAMP
NAME OF AGENT: SIGNATURE/STAMP
NAME OF AGENT: SIGNATURE/STAMP
NAME OF AGENT: SIGNATURE/STAMP
NAME OF AGENT: SIGNATURE/STAMP
NAME OF AGENT: SIGNATURE/STAMP
NAME OF AGENT: SIGNATURE/STAMP
NAME OF AGENT: SIGNATURE/STAMP
NAME OF AGENT: SIGNATURE/STAMP
NAME OF AGENT: SIGNATURE/STAMP

I, hereby certify:

1. That I was the Presiding Officer for the election held on day of 19..... at the above polling station.
2. That the election was CONTESTED/UNCONTESTED.
3. That the candidates received the following votes:

(a) votes scored by APP Candidate	(i) figure (ii) words
---	--------------------------------------

(b)	votes scored by AD Candidate	(i)	figure
		(ii)	words
(c)	votes scored by DAM Candidate	(i)	figure
		(ii)	words
(d)	votes scored by MDJ Candidate	(i)	figure
		(ii)	words
(e)	votes scored by NSM Candidate	(i)	figure
		(ii)	words
(f)	votes scored by PDP Candidate	(i)	figure
		(ii)	words
(g)	votes scored by PRP Candidate	(i)	figure
		(ii)	words
(h)	votes scored by UDP Candidate	(i)	figure
		(ii)	words
(i)	votes scored by UPP Candidate	(i)	figure
		(ii)	words

Votes scored by all candidates in figures:

Votes scored by all candidates in words:

Dated this day of 19

NAME OF PRESIDING OFFICER: SIG/STAMP

NAME OF AGENT: SIGNATURE

NAME OF AGENT: SIGNATURE

NAME OF AGENT:.....SIGNATURE.....
NAME OF AGENT:.....SIGNATURE.....
NAME OF AGENT:.....SIGNATURE.....
NAME OF AGENT:.....SIGNATURE.....
NAME OF AGENT:.....SIGNATURE.....
NAME OF AGENT:.....SIGNATURE.....

EC. 8A(1)

(I.N.E.C. LOGO)

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
STATEMENT OF RESULT OF POLL FOR ELECTION
OF COUNCILLOR**

POLLING STATION: CODE NO:
 WARD: CODE NO:
 LOCAL GOVERNMENT AREA: CODE NO:
 STATE: CODE NO:
 NO OF VOTERS ON THE REGISTER IN FIGURES:
 NO OF VOTERS ON THE REGISTER IN WORDS:

NO OF ACCREDITED VOTERS IN FIGURE:
 NO OF ACCREDITED VOTERS IN WORDS:

NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN FIGURES:
 NO OF ACCREDITED VOTERS IN THE QUEUE TO VOTE IN WORDS:

SERIAL NUMBERS OF VOTING CARDS ALLOCATED TO THE POLLING STATION:
 TO

SERIAL NUMBERS OF VOTING CARDS ISSUED TO VOTERS:
 TO

SERIAL NUMBERS OF THE BALANCE OF VOTING CARDS TO

NAME OF PRESIDING OFFICER SIGNATURE/STAMP

NAME OF AGENT: SIGNATURE/STAMP

NAME OF AGENT: SIGNATURE/STAMP

NAME OF AGENT: SIGNATURE/STAMP

NAME OF AGENT: SIGNATURE/STAMP

NAME OF AGENT: SIGNATURE/STAMP

NAME OF AGENT: SIGNATURE/STAMP

NAME OF AGENT: SIGNATURE/STAMP

NAME OF AGENT: SIGNATURE/STAMP

NAME OF AGENT: SIGNATURE/STAMP

I, hereby certify:

1. That I was the Presiding Officer for the election held on day of 19.... at the above polling station.

2. That the election was CONTESTED/UNCONTESTED.

3. That the candidates received the following votes:

(a)	votes scored by APP candidate	(i)	figure.....
		(ii)	words

(b)	votes scored by AD candidate	(i)	figure
		(ii)	words

(c)	votes scored by DAM	(i)	figure.....
		(ii)	words
<hr/>			
(d)	votes scored by MDJ	(i)	figure
		(ii)	words
<hr/>			
(e)	votes scored by NSM candidate	(i)	figure.....
		(ii)	words
<hr/>			
(f)	votes scored by PDP candidate	(i)	figure
		(ii)	words
<hr/>			
(g)	votes scored by PRP	(i)	figure.....
		(ii)	words.....
<hr/>			
(h)	votes scored by UDP	(i)	figure
		(ii)	words
<hr/>			
(i)	votes scored by UPP	(i)	figure
		(ii)	words

Votes scored by all candidates in figures:

Votes scored by all candidates in words:

Dated this day of 19

NAME OF PRESIDING OFFICER:SIG/STAMP

NAME OF AGENT:.....SIGNATURE.....
 NAME OF AGENT:SIGNATURE.....
 NAME OF AGENT:.....SIGNATURE.....
 NAME OF AGENT:.....SIGNATURE.....
 NAME OF AGENT:.....SIGNATURE.....
 NAME OF AGENT:SIGNATURE.....
 NAME OF AGENT:.....SIGNATURE.....
 NAME OF AGENT:.....SIGNATURE.....

FORM EC. 8B

INDEPENDENT NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULTS FROM POLLING STATIONS FOR
ELECTION TO THE OFFICE OF CHAIRMAN OF COUNCIL

STATE:
LEVEL OF COLLATION:
NAME OF WARD:

L.G.A.:
WARD:
CODE NO:

POLLING STATIONS				VOTES RECEIVED BY THE CANDIDATE/PARTIES																	
				APP		AD		DAM		MDJ		NSM		PDF		PRP		UDP		UPP	
				Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate	
S/NO	CODE	NAME	NO. OF REGISTERED VOTERS	fig	words	fig	words	fig	words	fig	words	fig	words	fig	words	fig	words	fig	words	fig	words
1.																					
2.																					
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4.																					
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14.																					
15.																					

NAME AND SIGNATURE OF PARTY AGENT:

N.B. The number of columns for candidates will depend on the number of Political Association or Parties presenting candidates for the election.

FORM EC. 8B(1)

INDEPENDENT NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULTS FROM POLLING STATIONS FOR
ELECTION OF COUNCILLOR

STATE:
LEVEL OF COLLATION:
NAME OF WARD:

L.G.A.:
WARD:
CODE NO:

POLLING STATIONS				VOTES RECEIVED BY THE CANDIDATE/PARTIES																	
S/NO	CODE	NAME	NO. OF REGISTERED VOTERS	APP		AD		DAM		MDJ		NSM		PDP		FRP		UDF		UPP	
				Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate	
				fig	words	fig	words	fig	words	fig	words	fig	words	fig	words	fig	words	fig	words	fig	words
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17.																					
18.																					
19.																					
20.																					

[illegible]

NAME OF WARD RETURNING OFFICER: SIGNATURE: DATE/STAMP

NAME AND SIGNATURE OF PARTY AGENT:

INDEPENDENT NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULTS FROM WARDS FOR ELECTION OF CHAIRMAN OF COUNCIL

FORM EC. 8C

STATE:

LEVEL OF COLLATION - LOCAL GOVERNMENT AREA.

CODE NO:

NAME OF LOCAL GOVERNMENT AREA:

CODE:

POLLING STATIONS				VOTES RECEIVED BY THE CANDIDATE/PARTIES																	
S/NO	CODE	NAME	NO. OF REGISTERED VOTERS	APP		AD		DAM		MDJ		NSM		PDP		PRP		UDF		UPP	
				Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate		Name of Candidate	
				fig	words	fig	words	fig	words	fig	words	fig	words	fig	words	fig	words	fig	words	fig	words
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23.																			
24.																			
25.																			
TOTAL	NO	OF	VOTES																
	NO	OF	VOTES	B/F															
TOTAL	NO	OF	VOTES	CARRIED	OVER														

NAME OF LOCAL GOVERNMENT AREA RETURNING OFFICER: SIGNATURE: DATE/STAMP

NAME AND SIGNATURE OF PARTY AGENT:

FORM EC.8E

INDEPENDENT NATIONAL ELECTORAL COMMISSION
DECLARATION OF RESULTS OF ELECTION
OF CHAIRMAN OF COUNCIL

PART I

(To be completed by the Returning Officer)

I, hereby certify:-

1. That I was the Returning Officer for the election held on the day of 19..... for
2. That the election was CONTESTED/UNCONTESTED.
3. That the candidate received the following votes:

S/NO.	NAME OF CANDIDATE	NAME OF PARTY	TOTAL VOTES IN FIGURES	TOTAL VOTES IN WORDS

PART II

(TO BE COMPLETED BY THE RESIDENT ELECTORAL OFFICER OR ANY OTHER PERSON
DESIGNATED BY THE CHIEF ELECTORAL OFFICER OF THE FEDERATION)

4. That: of having complied with the requirements of the law and scored the majority of votes is hereby elected and returned.

Signature of Returning Officer:.....

Dated this..... day of19.....

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
DECLARATION OF RESULTS OF ELECTION
OF COUNCILLOR**

PART I

(To be completed by the Returning Officer)

I, hereby certify:-

1. That I was the Returning Officer for the election held on the day of 19..... for
2. That the election was CONTESTED/UNCONTESTED.
3. That the candidate received the following votes:

S/NO.	NAME OF CANDIDATE	NAME OF PARTY	TOTAL VOTES IN FIGURES	TOTAL VOTES IN WORDS

PART II

(TO BE COMPLETED BY THE RESIDENT ELECTORAL OFFICER OR ANY OTHER PERSON
DESIGNATED BY THE CHIEF ELECTORAL OFFICER OF THE FEDERATION)

4. That:of having complied with the requirements of the law and scored the majority of votes is hereby elected and returned.

Signature of Returning Officer:.....

Dated this..... day of19.....

**INDEPENDENT NATIONAL ELECTORAL COMMISSION
ELECTION TO THE LOCAL GOVERNMENT COUNCIL**

CERTIFICATE OF RETURN AT ELECTION

I hereby certify that the person elected for.....

.....in the Election held on the day of.....19.....

is
(State the full names of Candidate)

of:
(State the full address of Candidate)

DATED this day of.....19.....

for: CHIEF ELECTORAL OFFICER OF THE FEDERATION

RECEIPT OF PETITION

FORM TF.001

IN THE LOCAL GOVERNMENT ELECTION TRIBUNAL OFSTATE

HOLDEN AT

PETITION NO

BETWEEN:

.....} Petitioners
.....}

AND

.....} Respondents
.....}

Received on theday of 19.... at the Registry of Local
Government Election Tribunal, a petition touching the election of of a member of
the Ward/Constituency purporting to be signed by (insert name of petitioner).

Dated atthis day of 19.....

.....
Registrar

For Service on:

Petitioner:

.....
.....
.....
.....

FORM TF.002

PETITION

IN THE LOCAL GOVERNMENT COUNCIL ELECTION
TRIBUNAL

The Election to the Local Government Council for the
Ward/Constituency/ Local Government Area held on the day of 19 ...

Between

A.B.....) Petitioner(s)
C.D.....)

And

E.F.....) Respondent(s)
G.H.....)

The petition of A. B. of(or of A. B. of and C. D. of or as
the case may be) whose names are subscribed.

1. Your petitioner A. B. is a person who voted (or had a right to vote, as the case may be)
at the above election (or claims to have had a right to be returned or elected at the above
election) or was a candidate at the above election, and your petitioner C. D.(here state
in like manner the right of each petitioner)
.....
2. And your petitioner(s) state(s) that the election was held on theday of 19
when A. B. (and C.D.) and E.F. (and G.H) were candidates.
3. And your petitioner(s) state(s) that (here state facts and grounds on which the
petitioner(s) rely).
.....
.....

Wherefore your petitioner(s) pray(s) that it may be determined that the said E.F. (and
G.H.) was (were) not duly elected (or returned) and that the (or his) election was void
or that the said A.B. (and C.D.) was (were) elected and ought to have been returned, or
as the case may be.

SignedA.B.
.....C.D.

Address for services (within 5 kilometres)
of a post office within the Judicial
Division.....
.....

The name of my (or our) Solicitor is
or I (or we) am (or are) acting for myself (or ourselves)

SignedA.B.
.....C.D.

Signed before me this day of 19

.....
Registrar

FORM T.F 003

**NOTICE OF PRESENTATION OF PETITION
HOLDEN AT
IN THE LOCAL GOVERNMENT COUNCIL ELECTION
TRIBUNAL OF STATE**

PETITION NO.

Between

.....) Petitioner(s)
.....)

And

.....) Respondent(s)
G.H.....)

To Respondent (s):

TAKE NOTICE that a petition, a duplicate whereof is attached hereto, has this day been presented in the Registry of the Tribunal named above and that you are to enter an appearance in respect of the petition to the said Registry within days of the date when this notice was left at your address set out below, or as the Tribunal may direct by order under paragraph 9(2) of Schedule 5 to this Decree, otherwise proceedings on the petition may be continued and determined in default of your appearance, and any document intended for you may be posted up on the Tribunal notice board, which shall be sufficient notice thereof.

Dated this day of 19

.....
Registrar

To
.....
.....

FORM T.F 004

PETITION NO.....

IN THE LOCAL GOVERNMENT COUNCIL ELECTION
TRIBUNAL OF.....STATE

HOLDEN AT.....

MEMORANDUM OF APPEARANCE

Between

.....) Petitioner(s)
.....)

And

.....) Respondent(s)
.....)

To: The Registrar,

..... Local Government Election Tribunal

Please enter appearance for
who is
in the above election petition.

The name and address of his Solicitor are as follows -

.....
.....
.....

Dated this day of 19

.....
Signed:

For Service on:

Petitioner.....
.....
.....

FORM T.F 005

NOTICE OF HEARING
HOLDEN AT.....
IN THE LOCAL GOVERNMENT COUNCIL ELECTION
TRIBUNAL OF STATE

PETITION NO.....

Between

.....)
.....)

Petitioner(s)

And

.....)
.....)

Respondent(s)

TAKE NOTICE that the above election petition will be heard on the day
of 19 and on such other days as the Tribunal may determine.

Dated this day of 19 ...

.....
Registrar

Address For Service:

Petitioner:
.....
.....
.....

Respondent:
.....
.....
.....

FORM TF.006

NOTICE OF MOTION TO WITHDRAW PETITION
HOLDEN AT
IN THE LOCAL GOVERNMENT COUNCIL ELECTION
TRIBUNAL OF STATE

Between

PETITION NO

.....) Petitioner(s)
.....)

And

.....) Respondent(s)
.....)

TAKE NOTICE that this Honourable Tribunal will be moved on the day of 19.... at the hour of 9 O'clock in the forenoon or as soon thereafter as the Petitioner or Counsel on his behalf can be heard praying the Tribunal for an order enabling the Petitioner to withdraw the above petition on the following grounds:

.....
.....
Dated at this day of

.....
Registrar

.....
For Service on:

.....
Petitioner(s) or Solicitor

MADE at Abuja this 1st day of December 1998.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
Head of State, commander-in-Chief
of the Armed Forces
Federal Republic of Nigeria