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ELECTIONS

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**INDEPENDENT NATIONAL ELECTORAL COMMISSION
OF NIGERIA DECREE 1998
(1998 No. 17)**

Guidelines for Local Government Council Elections

Commencement:

In exercise of the powers conferred on it by section 4 of the Independent National Electoral Commission Decree 1998 and of all other powers enabling it in that behalf and for the purposes of the Local Government Council elections scheduled to take place in December, 1998, the Independent National Electoral Commission (in these Guidelines referred to as the "Commission") hereby issues the following Guidelines -

1. There shall be Local Government Council elections at which -

Local Government
Council elections.

(a) one Councillor shall be elected from each of the wards in all the Local Government Areas and the Area Councils in the Federation; and

(b) a Chairman shall be elected for each of the Local Government Councils and the Area Councils in the Federation.

2. A person shall be eligible to vote at a Local Government Council elections if -

Qualifications
to vote.

(a) he is a citizen of Nigeria;

(b) he has attained the age of eighteen years;

(c) he is ordinarily resident in the ward or constituency where he intends to vote or is an indigene of that ward or constituency; and

(d) he is registered as a voter in the ward or constituency, and has obtained a voters card to be presented at the Polling Station or Unit on the day of the election;

Provided that where a person claims that his name is on the register of voters for a Polling Station or Unit but that his voter's 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; and

(b) he has satisfied himself that the person is not impersonating any other person,

allow the person to vote.

3.-(1) A person shall not be qualified to contest a Local Government Council elections if -

Disqualification
from contesting
the elections.

(a) 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;

(b) he is under a sentence of death imposed upon him by any court or tribunal in Nigeria or a sentence of imprisonment or fine for an offence involving dishonesty or fraud (by whatever name called) or for any other offence (other than misdemeanour or simple offence) imposed on him by such court or tribunal;

(c) he has been found guilty of contravention of the code of conduct under the Code of Conduct Bureau and Tribunal Decree, 1989;

1989 No. 1.

(d) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Nigeria or in any other country;

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

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

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

Cap. 447 LFN,
1984 No. 3,
1986 No. 25.

(h) he has been indicted for examination malpractice
including presentation of forged certificate.

4. A person shall be qualified to contest the Local
Government Council elections if -

Qualifications
for contesting
the elections

(a) he is a citizen of Nigeria;

(b) he has been educated up to at least the School
Certificate level or its equivalent;

(c) in the case of Councillorship election, he has attained
the age of 25 years;

(d) in the case of Chairmanship election, he has attained
the age of 30 years;

(e) 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;

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

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

(h) in the case of Chairmanship election, he is nominated
in writing by 20 persons whose names appear on the
register of voters in their respective wards and from a least
two-thirds of all the wards in the Local Government Area
or Area Council in which he intends to contest the election;

(i) in the case of Councillorship election, he makes a deposit of ₦1,000 to the Commission;

(j) in the case of Chairmanship election, he makes a deposit of ₦5,000 to the Commission;

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

(l) 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;

(m) he is not been adjudged guilty of treason or treasonable felony by any court or tribunal in Nigeria;

(n) he is registered as a voter in the constituency in which he intends to contest the election;

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

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

Provided that the provisions of this Decree relating to qualifications and disqualifications of Chairman except in subparagraphs (h) and (j) of this paragraph shall also apply to the Vice-Chairman.

5. Subject to the provisions of any enactment or law, candidates for the Local Government elections shall campaign in the following manner, that is -

Campaigns for election.

(a) campaigns shall be within the ward or constituency in which a candidate intends to contest the election;

(b) campaigns shall not be allowed within 12 hours preceding the date of the election;

(c) campaigns or addresses shall be devoted to outlining what the candidate intends to do for the people of his ward or constituency;

(d) campaigns or addresses shall not be carried out in schools, churches, mosques or other religious places, military or police barracks or stations, public offices and such other places as the Commission may prohibit, from time to time;

(e) campaigns or addresses shall not be based on sectional, ethnic or religious sentiments or prejudices;

(f) bribery or other forms of inducement to voters, either directly or indirectly, shall be avoided by candidates and their agents; and

(g) abusive, vile or derogatory language shall not be used during campaigns or addresses.

6.-(1) Voting shall be by open secret ballot and in accordance with the procedure specified in these Guidelines.

Voting by
secret ballot.

(2) Voting shall take place on the same day and at the same time throughout the Federation, as may be announced by the Commission.

7.-(1) Every provisionally registered political party shall on or before the 16th of November, 1998 deliver to the Commission -

(a) in Form C.F. 001, the personal particulars of its candidates for the elections as supplied by the candidates; and

Form C. F. 001.

(b) in Form C.F. 002, a list of the proposed sponsored candidates at the elections.

Form C. F. 001.

(2) The Commission shall, on or before the 20th November, 1998, after receipt of the list of candidates and their personal particulars deliver to the provisionally registered political parties -

(a) in Form C.F. 003, a list of candidates who are adjudged qualified to contest the elections; and

Form C. F. 003.

(b) where applicable, in Form C.F.004, a separate list of candidates disqualified from contesting the elections.

Form C. F. 004.

(3) Where a candidate is disqualified from contesting the election, the Commission shall allow the provisionally registered political party concerned an opportunity to substitute the name of the candidate with another:

Provided the substitution is made within the time allowed by the Commission for that purpose.

(4) Any person not satisfied with the decision of the State Screening Committee regarding qualification or disqualification of a candidate to contest an election may appeal to the Commission's Headquarters in Abuja for review using Form C.F.005.

Form C.F. 005.

(5) An appeal under these Guidelines shall be submitted to the Resident Electoral Commissioner in the State not later than 10.00 a.m on 23rd of November 1998.

8.-(1) A candidate for a Local Government election shall, before his nomination paper is delivered to the Commission, deposit or cause to be deposited with the Commission the sum specified in paragraph 4(1)(i) or (j), as the case may be, of these Guidelines, and shall at the time of the delivery of the nomination paper produce and show to the Electoral Officer the official receipt for that sum.

Non-refundable deposit.

(2) No nomination shall be valid unless upon the receipt of the deposit made in accordance with sub-paragraph (1) of this paragraph.

9. A candidate or any person nominating him shall obtain a nomination paper in Form E.C. 4F or Form E.C. 4G, as the case may be, from the place appointed by the Commission for that purpose.

Nomination paper.
Form E.C. 4F.
Form E.C. 4G.

10.-(1) If after the latest time for the delivery of nomination papers and the withdrawal of candidates for election of Councillors only one candidate remains duly nominated that candidate shall be deemed returned unopposed.

Councillorship election.

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

II.-(1) Where in an election to the office of Chairman -

Election of
Chairman.

(a) at the close of nominations only one candidate has been nominated, the Commission shall extend the time for nominations; 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 7 days, so however that where after the extension only one candidate remains validly nominated, there shall be no further extension of time.

(c) a candidate for an election to the office of Chairman shall be deemed to have been duly elected to office where, being the only candidate nominated for the election -

(i) he has the majority of YES votes over NO votes cast at the election,

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

but where the only candidate fails to be elected in accordance with this sub-paragraph, then there shall be fresh nominations.

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

(a) he has the majority of Yes votes over No 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 Area or Area Council, as the case may be.

(3) If a candidate is elected under sub-paragraph (2) of this paragraph the Commission shall within 7 days of the result of the last election arrange for another election between the two candidates, and a candidate at this last election shall be deemed duly elected if he scores the majority of votes cast 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 -

(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) Where no candidate is duly elected in accordance with sub-paragraph (4) of this paragraph, there shall be a second election in accordance with sub-paragraph (6) of this paragraph at which the only candidates shall be -

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

(b) the candidate 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 number of votes cast at the election shall be the second candidate for the election.

(6) The Commission shall, within 7 days of the result of the election in which no candidate is duly elected under sub-paragraph (4) of this paragraph, arrange for another election between the two candidates shown in sub-paragraph (5) of this paragraph and a candidate shall be deemed duly elected if -

(a) he has the 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 the wards in the Local Government Area or Area Council, as the case may be.

(7) If no candidate is duly elected under sub-paragraph (6) of this paragraph, the Commission shall, within 7 days of the result of the last election, arrange for another election between the two candidates shown in sub-paragraph (5) of this paragraph, and a candidate at this last election shall be deemed duly elected if he scores the majority of votes cast at the election.

12.-(1) Each candidate may appoint one person as his Polling Agent for each Polling Station or Unit in the ward or constituency in which he is contesting the election.

Polling agents

(2) Notice in writing shall be given to the Commission by each candidate not later than 2 days 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 have been assigned by the candidate.

13.-(1) No person shall be permitted to vote at any Polling Station or Unit other than the one at which he is entitled to vote according to his area or location.

Allocation of
Polling Stations
or Unit.

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

14.-(1) The accreditation of voters shall commence on the day and time stipulated by the Commission.

Accreditation
procedure.

(2) The Presiding Officer shall -

(a) cross-check the voter's card of a person applying for accreditation against the register 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, Statement of Result Form, 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 unused ballot papers and the number of accredited voters standing in the queue at the commencement of voting.

Form EC 8A.

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

Form EC. 8A

15. 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 Clerks and the **Party** Agents.

(c) explain the activities which constitute election offences within the Polling Zone or Unit, including penalties for committing each offence;

(d) call the roll of accredited voters;

(e) ensure that posters bearing photographs of the candidates are displayed within the Polling Zone or Unit.

16. After compliance with the provisions of paragraph 15 of these Guidelines 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 voters' cards, duly stamped by the Presiding Officer;
- (e) issue accredited voters with two ballot papers; one each for the Councillorship and Chairmanship elections respectively;
- (f) direct voters to the voting table where, after thumb-marking the ballot papers 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.

17. When the prescribed hour for the closing of accreditation has been reached, 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 allowed to vote.

Closing of
poll.

18.-(1) The Presiding Officer shall, after counting of votes, enter the votes scored by each candidate in Form EC.8A or EC.8A(1) as the case may be.

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

(2) The Statement of Result Form shall be signed and stamped by the Presiding Officer and countersigned by the candidates' Polling Agents where available at the Polling Station or Unit.

19.-(1) The Presiding Officer shall give to the Polling Agents and the Police copies of the completed Form EC.8A or EC.8A(1).

(2) After the recording of the results of the election, the Presiding Officer shall announce and take the results and the materials used in conducting the election to the ward collation centre under security escort, if available.

(3) The ward Returning Officer shall -

(a) take delivery of all Forms EC.8A and EC.8A(1) for the Chairmanship and Councillorship elections respectively from the Presiding Officers;

(b) collate the votes entered in Form EC.8A in the case of Chairmanship election or Form EC.8A(1) in the case of Councillorship election, using Form EC.8B or EC.8B(1), as the case may be;

(c) enter the votes in both words and figures in the appropriate space in Form E.C. 8B(1), in the case of Councillorship election, sign the form and get the Polling Agents to countersign;

(d) cross-check the figures in Form E.C.8B(1) carefully and distribute copies to the Party Agents and security agents available at the ward collation centre;

(e) enter the score of each candidate in the Declaration of Result Form E.C. 8E for the Councillorship election; and

(f) declare the Councillorship election result for the ward, and return the candidate with the majority of votes cast as duly elected.

(4) Where the ward Returning Officer has declared the result of the Councillorship election for the ward, he shall proceed as follows in respect of the Chairmanship election -

Post-election
procedure and
collation of
results.

Form E.C.8A.
Form E.C.8A(1).

Form E.C.8A.
Form E.C.8A(1).

Form E.C.8B.
Form E.C.8B(1).

Form E.C.8B.

Form E.C.8B(1).

Form E.C. 8E.

(a) enter the votes in both words and figures in the appropriate space in Form E.C. 8B, sign the Form and get the Polling Agents to countersign and announce the result for the ward;

Form E.C. 8B.

(b) distribute the duly completed and signed Form E.C. 8B as follows -

Form E.C. 8B.

(i) the original copy to be taken to the Chairmanship election Returning Officer at the Local Government Area or Area Council collation centre as the case may be;

(ii) one copy to be given to each Party Agent of the candidates, if available,

(iii) one copy to be given, to the Police, if available at the ward collation centre;

(c) proceed to the Local Government Area or Area Council collation centre where he shall hand over to the Returning Officer the original copy of the result and the other materials relating to the elections;

(d) the Local Government Area or Area Council Returning Officer shall -

(i) take delivery of all Forms E.C. 8B submitted by the ward Returning Officers from the wards in the Local Government Areas or Area Councils, as the case may be,

Forms E.C. 8B.

(ii) collate the result by transferring votes scored by each Chairmanship candidate from Form E.C. 8B into Form E.C. 8C ward by ward,

Form E.C. 8B.
Form E.C. 8C.

(iii) announce loudly the total votes scored by each candidate at the Local Government Area or Area Council level, as recorded in Form E.C. 8C,

Form E.C. 8C.

(iv) thereafter sign the duly completed Form E.C. 8C and get the Polling Agents at the collation centres to countersign,

Form E.C. 8C.

(v) cross-check the figures in Form E.C. 8C carefully and distribute copies to the Polling Agents and the Police; if available,

Form E.C. 8C

(vi) retain the original of Form E.C. 8C which shall be returned to the Electoral Officer for custody,

Form E.C. 8C

(vii) enter the score of each candidate in the Declaration of Result Form E.C. 8E for the Chairmanship election,

Form E.C. 8E

(viii) declare the Chairmanship election result for the Local Government Area or Area Council, and return the candidate who has won the election in accordance with paragraph 11 of these Guidelines, and

(ix) take the original of Forms E.C. 8A, E.C. 8A (1), E.C. 8B, E.C. 8B(1), E.C. 8C and E.C. 8E together with other materials relating to the elections delivered to him by the ward Returning Officers to the Electoral Officer.

20. The decision of the ward Returning Officer in respect of the Councillorship election and the Local Government Area or Area Council Returning Officer in respect of the Chairmanship election on any question arising from or relating to -

Decision of
Returning Officer
final.

- (a) ballot papers; or
- (b) scores of candidates; or
- (c) the return of a candidate,

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

21. 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 date to be appointed by the Commission.

Equality of
votes.

22. A sealed Certificate of Return at the election shall be issued to every Candidate who has won a Local Government Council or Area Council election.

Certificate of
Return at election.

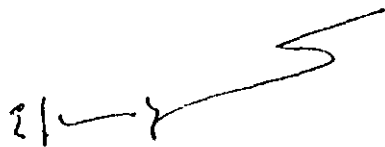
23.-(1) Disputes arising from the elections shall be resolved through an election petition filed at an Election Tribunal which shall be duly constituted for that purpose.

Resolution of
election disputes.

(2) Election petitions shall be brought within 14 days from the date on which the result of the election is declared.

(3) An election petition shall be heard and determined within 60 days from the date on which it is filed at the Election Tribunal.

DATED at Abuja this 26th day of November 1998


HON. JUSTICE E.O.I. AKPATA, JSC (RTD.)
Chairman,
Independent National Electoral Commission.