

A LAW TO SUBSTITUTE THE KADUNA STATE INDEPENDENT ELECTORAL COMMISSION LAW NO. 10 OF 2012 AND OTHER MATTERS ANCILLARY THERETO



ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

1. Short Title.
2. Commencement.
3. Interpretation.

PART II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COMMISSION

4. Establishment of the Kaduna State Independent Electoral Commission.
5. Appointment and Qualification of Chairman and Members.
6. Tenure of Office.
7. Removal of Chairman or Member.
8. Functions of the Commission
9. Establishment of Offices in Each Local Government
10. Committees of the Commission

PART III – STAFF OF THE COMMISSION

11. Secretary to the Commission
12. Power of the Commission in Relation to its Employees

PART IV – FINANCIAL PROVISIONS

13. Establishment of the Fund
14. Expenditure of the Commission
15. Annual Estimates and Accounts

PART V – ELECTIONS AND ELIGIBILITY

16. Powers of the Commission in Relation to Elections
17. Election to Offices of Vice Chairman, Chairman and Councillors
18. Person Eligible to Vote
19. Qualification
20. Disqualification

PART VI – PROCEDURE AT ELECTION

21. Dates for Elections
22. Postponement of Election

23. Announcement of Election Results
24. Appointment and Functions of other Officers for the Conduct of Elections
25. Notice of Election
26. Submission of list of Candidates and their Affidavits by Political Parties
27. Prohibition of Double Nomination
28. Political Parties Changing Candidate
29. Publication of Nomination.
30. Withdrawal and Replacement of Nominated Candidate.
31. Functions of the Commission
32. Invalidity of Multiple Nomination
33. Failure of Nomination
34. Contested Election
35. When Poll is Required
36. Uncontested Election
37. Ballot Boxes
38. Polling Agents
39. Notice of Poll
40. Hour of Poll and display of Ballot Boxes or Devices
41. Verification of Voter
42. Right to Challenge Voter's Right to vote.
43. Separate Queues for Men and Women
44. Voting to be by Open Secret Ballot.
45. Over Voting
46. Blind and Incapacitated Voters
47. Personal Attendance
48. Voting at Appropriate Polling Unit
49. Procedure for Persons Protested against for Impersonation.
50. Conduct at Polling Units
51. Closing of Poll
52. Counting of Votes and Forms.
53. Recount
54. Post-Election Procedure and Collation of Election Results
55. Decision of Returning Officer on Ballot Paper
56. Declaration of Result
57. Equality in Votes
58. Posting of Results
59. Custody of Documents.
60. Commission to Issue and Publish Guidelines in the Gazette.
61. Result Forms to be Signed and Countersigned
62. Sealed Certificate
63. Forms for the use at Elections
64. Dates of Local Government Council Elections.
65. Election of Councillors.
66. Election of Local Government Council Chairman

PART VII – ELECTORAL OFFENCES

67. Offences in Respect of Nomination etc.
68. Improper Use of Voter's Card
69. Improper Use of Vehicle

70. Impersonation and Voting When not Qualified
71. Dereliction of Duty.
72. Conspiracy and Bribery.
73. Requirement of Secrecy in Voting
74. Wrongful Voting and Fake Statements
75. Voting by Unregistered Person
76. Disorderly Conduct at Election
77. Offences on Elections Day
78. Undue Influence
79. Threats of or Use of Violence.
80. Conspiracy etc.
81. Attempt to Commit an Offence Candidate to Commission of Offence
82. Candidate's Consenting to Commission of an Offence
83. Offences Relating to Recall

PART VIII – DETERMINATION OF ELECTION PETITIONS ARISING FROM ELECTIONS

84. Proceedings to Question an Election
85. Time for Presenting Election Petition
86. Establishment of Local Government Council Election Tribunal
87. Establishment of Local Government Council Election Appeal Tribunal
88. Persons Entitled to Present Election Petitions
89. Grounds of Petition
90. Certain Defects not to Invalidate Election
91. Nullification of Election by Tribunal
92. Effect of Non Participation in an Election
93. Accelerated Hearing of Election Petitions
94. Appeals
95. Person Elected to Remain in Office Pending Determination of Appeal
96. Legal Representation of Commission etc.
97. Payment of Honorarium and Allowances etc.
98. Rules of Procedure for Election Petition.

PART IX - MISCELLANEOUS

99. Persons Disqualified from Acting as Election Officers
100. Election Expenses by the Commission
101. Secrecy of Ballot
102. Prosecution of Offence Disclosed in Election Petition
103. Trial of Offences
104. Access to Election Documents
105. Inspection of Documents
106. Delegation of Powers of the Commission
107. Regulations
108. Validation
109. Quorum and Decision
110. Repeal

A LAW TO SUBSTITUTE THE KADUNA STATE INDEPENDENT ELECTORAL COMMISSION LAW NO. 10 OF 2012 AND OTHER MATTERS ANCILLARY THERETO



Kaduna State of Nigeria

Law No²..... 2018

(6th February 2018)

Date of Commencement

BE IT ENACTED by the Kaduna State House of Assembly as follows:-

Enactment

**PART I
PRELIMINARY**

1. This Law may be cited as the Kaduna State Independent Electoral Commission Law, 2018.

Short Title

2. This Law shall come into operation on the^{6th}..... day of^{February}..... 2018.

Commencement

3. In this Law unless the context otherwise requires:

Interpretation

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

"Authority" includes government or government agency and corporate bodies;

"Ballot box" means a receptacle for the collection of ballot receipt;

"Ballot paper" means the ballot receipt generated by the election voting device reflecting vote cast at an election;

"Campaigning in Public" means the campaign that commences after the publication of the notice of election by the Commission pursuant to section 25 of this Law;

"Chairman" means the Chairman of the Kaduna State Independent Electoral Commission;

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

"Civil Servant" means a person employed in the Civil Service of the Federal or of a State or Local Government Council;

"Clerk" means Clerk of the State House of Assembly, and Clerk of the Legislative Council of a Local Government Area or person acting in that capacity;

"Commission" means the Kaduna State Independent Electoral Commission;

"Constituency" includes (a) a Ward, in the case of the election of a Councillor, and (b) a Local Government Area in the case of election of a Chairman;

"Councillor" means a member of the Local Government Legislative Council;

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

"Election" means any election held under this Law;

"Electoral Officer" means a staff of the Commission who is the head of the Commission's office at a Local Government level;

"Function" includes power and duty;

"Governor" means the Governor of Kaduna State of Nigeria;

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

"House of Assembly" means the Kaduna State House of Assembly;

"Legal Incapacity" means a person disqualified under the constitution or this Law or any other Law, rules and regulations from contesting elections;

"Legislative Council" means the legislative arm of a Local Government Area consisting of councilors;

"Office or Public Office" means any of the offices the occupation to which is by election or appointment under this Law;

"Petition" means an election petition under this Law;

"Polling Agent" means a person representing a political party or candidate at the polling unit, Ward or Local Government;

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

"Political Party" includes any association of persons whose activities includes canvassing for votes in support of a candidate for election under this Law and registered by the Independent National Electoral Commission;

"Power" includes function and duty;

"Registrar" includes Chief Registrar, Deputy Chief Registrar and Registrar of the grades of the State High Court;

"Return" means the declaration by a Returning Officer in an election under this Law as being the winner of that election;

"School Certificate" has the meaning as defined in the constitution

"Secret Society" has the meaning as defined in the Constitution; and

"State" means Kaduna State.

PART II
ESTABLISHMENT, POWERS AND FUNCTIONS OF THE
COMMISSION

4. (1) There shall be established for the State, a body to be known as Kaduna State Independent Electoral Commission which shall be a body corporate with perpetual succession and may sue and be sued in its corporate name.
- (2) The Commission shall comprise of the following:
- (a) a Chairman; and
 - (b) not less than five but not more than seven other persons as members.
- (3) The Chairman and members of the Commission shall be persons of proven integrity.
5. (1) The Chairman and members of the Commission shall be appointed by the Governor subject to confirmation by a resolution of the House of Assembly;
- (2) A person shall not be qualified for appointment as Chairman or member of the Commission if:
- (a) he is not qualified or if he is disqualified for election as a member of the House of Assembly;
 - (b) he is a member of a political party;
 - (c) he has within the preceding ten years been removed as a holder of any office on the ground of misconduct;
- (3) Any person employed in the Public Service of the State shall not be disqualified for appointment as a Chairman or member provided that where such person has been duly appointed he shall on his acceptance be deemed to have resigned his former office from the date of the appointment.

Establishment of the
Kaduna State
Independent Electoral
Commission

Appointment and
Qualification of
Chairman and Members

6. The Chairman and members of the Commission shall hold office for a period of five years from the date of their appointment, and shall be eligible for re-appointment for another term of five years only. Tenure of Office
7. Any person holding the office of the Chairman or member shall only be removed from office by the Governor acting on an address supported by two-thirds majority of the House of Assembly that he be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct. Removal of Chairman or Member
8. (1) The Commission shall have power to: Functions of the Commission
- (a) organise, undertake and supervise all elections into the offices of Local Government chairman, vice chairman and councilors in the State;
 - (b) render such advise as it may consider necessary to the Independent National Electoral Commission on the compilation of and the registration of voters so far as is applicable to Local Government elections in the State;
 - (c) conduct voter and civic education;
 - (d) promote knowledge of sound democratic electoral processes;
 - (e) conduct any referendum required to be conducted pursuant to the provision of this Law or any other Law.
- (2) (a) The Commission may divide each Local Government Area into such number of Wards as the circumstance of each Local Government Area shall require and submit same for approval by a simple majority of the House of Assembly. Division of Local Government into Wards
- (b) The Commission may ensure that the boundaries of each ward are such that the number of inhabitants there are as nearly equal in population as is reasonably practicable.
 - (c) Notwithstanding the provision of subsection (2) (a) of this Section, the Commission may at any time

with the approval of two-thirds majority of members of the House of Assembly review or alter the Wards to such extent as it considers desirable.

9. (1) There shall be established in each Local Government Area of the State an office of the Commission which shall perform such functions as may be assigned to it from time to time by the Commission; Establishment of Offices in Each Local Government
- (2) An Electoral Officer shall be appointed by the Commission to coordinate and supervise the conduct of elections and the Commission's activities in each Local Government Area of the State.
10. (1) The Commission may appoint one or more committees to carry out any of its functions under this Law. Committees of the Commission
- (2) A committee, appointed under subsection (1) of this Section shall consist of such number of persons as may be determined by the Commission.

PART III STAFF OF THE COMMISSION

11. (1) There shall be a Secretary to the Commission who shall be: Secretary to the Commission
- (a) appointed by the Commission with the approval of the Governor;
- (b) appointed from the Directors of the Commission or a shortlist of Directors within the Civil Service recommended by the Head of Service of the State.
- (2) Subject to the general direction of the Commission, the Secretary shall be:-
- (a) responsible for making arrangements for meetings of the Commission;
- (b) responsible for preparing the agenda and minutes of such meetings;

- (c) responsible for conveying decisions of the Commission to members and, where appropriate, to other persons or organisations;
 - (d) the head of the Commission's secretariat and to be responsible for its administration; and
 - (e) performing other functions affecting the Commission as may be specifically assigned to him by the Commission or the Chairman.
12. (1) The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff as may be prescribed by this Law or any other enactment.
- (2) All employees of the Commission appointed under subsection (1) of this section excluding those appointed on a temporary basis for an honorarium shall have the same rights and obligations as provided for in the Pension Law.

Power of the Commission in Relation to its Employees

PART IV FINANCIAL PROVISIONS

13. (1) There is established for the Commission a Fund to be known as the Kaduna State Independent Electoral Commission Fund into which all monies received shall be paid and from which all expenses incurred shall be defrayed.
- (2) There shall be paid and credited to the Fund:
- (a) such monies as shall annually and from time to time be appropriated for the purpose of the Commission;
 - (b) such sums as may, from time to time be credited to the fund by way of interest from investments made from the Fund; and
 - (c) aides, grants that may from time to time accrue to the Commission in order to carry out its functions.
- (3) Disbursements from the fund shall be made in accordance with rules established by the Commission.

Establishment of the Fund

14. (1) The Commission may, from time to time apply the proceeds of the Fund established under Section 8 of this Law:

Expenditure of the Commission

- (a) to defray the cost of administration of the Commission;
- (b) to reimburse a member or members of any Committee set up by the Commission for such expenses as may be expressly authorised by the Commission in accordance with the rates approved by it;
- (c) to the payment of salaries, fees or other remuneration or allowances and pensions payable to the officers and servants of the Commission;
- (d) to the maintenance of any property invested in the Commission; and
- (e) to and in connection with all or any of its functions under this Law.

(2) No payment of any kind under subsection (c) of this Section (except payment as may be expressly authorised) shall be made to any person who is in receipt of emoluments from the Government of the Federation or the Government of a State or of a Local Government.

15. (1) The Commission shall submit to the Department responsible for Budget not later than 31st August, in each financial year an estimate of its expenditure and income (including payments to the Commission) during the next succeeding financial year; and

Annual Estimates and Accounts

(2) The Commission shall keep proper accounts in respect of each financial year (and proper records in relation thereto) and shall cause its accounts to be audited as soon as possible after the end of each financial year by the Auditor-General of the State.

PART V ELECTIONS AND ELIGIBILITY

Powers of the Commission
in Relation to Elections

16. (1) The conduct of elections into the offices of Chairman, Vice Chairman and a member of Local Government Legislative Council and the recall of a member of a Local Government Legislative Council shall be under the direction and supervision of the Commission in accordance with the provisions of this Law.
- (2) The register of voters compiled and polling units established by Independent National Electoral Commission and any other regulations, guidelines or manuals or forms issued or made by the Commission shall be used for elections into the Local Governments or recall of a member of the Local Government Legislative Council.
- (3) the Commission shall have power to determine the method by which voters shall:
 - (a) voters may be verified and accredited for the purpose of casting their votes, and
 - (b) voters may cast their votes.
 - (c) such verification and voting shall be through the use of approved electronic device, smart card Reader and electronic voting machine;
- (4) Where it becomes impracticable to verify a voter through the use of Smart Card Reader or such other Electronic Device and his name appeared on the Voters Register he may be allowed to vote as envisaged in Section 41 of this Law;
17. (1) There shall be elected for each Local Government Area in the State a Chairman and Vice Chairman.
- (2) There shall be a Councilor for each electoral Ward in a Local Government Area of the State.
18. A person shall be eligible to vote in any Local Government election if:
 - (a) he is a citizen of Nigeria and has attained the age of 18 years;

Election to Offices of
Vice Chairman,
Chairman and
Councilors

Person Eligible to Vote

- (b) he is registered as a voter in the Ward or Constituency of his residence in the Local Government Area and has obtained a registration card to be presented at the Polling Station on the day of the election.

19. A person shall be qualified to contest for election under this Law if he:

Qualification

- (a) is a citizen of Nigeria;
- (b) is registered as a voter;
- (c) has attained the age of thirty (30) years;
- (d) is educated up to at least the School Certificate level or its equivalent;
- (e) is a member of a political party and is sponsored by the party;
- (f) pays to the Commission a non-refundable deposit of ₦200,000.00 in the case of Chairman and ₦50,000.00 in the case of councilor; and
- (g) in the case of a candidate contesting as Chairman, he has nominated from a ward other than his own ward another candidate who shall run with him for the office of the Vice Chairman.
- (h) produces evidence of tax payment for a period of three years immediately preceding the years of the election, and such payment shall be as at when due;

20. (1) A person shall not be qualified to contest a Local Government election under this Law if;

Disqualification

- (a) subject to the provisions of section 28 of the Constitution, he has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the National Assembly, has made a declaration of allegiance to such a country;

- (b) he is adjudged to be a lunatic or otherwise declared to be of unsound mind under any law in force in any part of Nigeria;
 - (c) he is under a sentence of death imposed on him by any competent court of law or tribunal in Nigeria;
 - (d) within a period of less than ten (10) years before the date of election to the Local Government, he has been convicted and sentenced for an offence involving dishonesty or he has been found guilty of contravention of the Code of Conduct;
 - (e) he is an adjudged 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 of the Federation or of any State or Local Government (other than a person holding elective office) and has not resigned, withdrawn or retired from such employment 30 days before the date of election;
 - (g) he is a member of any secret society;
 - (h) he has within the preceding period of ten (10) years presented a forged certificate to the Commission;
 - (i) he has been dismissed from the public service of the Federation, State or Local Government; or
 - (j) he has been elected to such office at any two previous elections in the case of Chairman.
- (2) Where in respect of any person who has been:
- (a) adjudged to be a lunatic;
 - (b) declared to be of unsound mind;
 - (c) sentenced to death or imprisonment; or
 - (d) adjudged or declared bankrupt, any appeal against the decision is pending in any 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 such 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, an "appeal" includes any application for an injunction or an order of certiorari, mandamus, prohibition, or habeas corpus, or any appeal from any such application.

PART VI PROCEDURE AT ELECTION

21. Election into the offices of the Chairman, Vice Chairman and to membership of Local Government Legislative Council shall be held on the dates to be appointed by the Commission.

Dates for Elections

22. (1) Where a date has been appointed for the holding of an election, and there is reason to believe that a serious breach of the peace is likely to occur if the election is proceeded with on that day or it is impossible to conduct the elections as a result of natural disasters or other emergencies, the Commission may postpone the election and shall in respect of the area, or areas concerned, appoint another date for the holding of the postponed election.

Postponement of
Election

(2) where election is postponed under this Law on or after the last date for the delivery of nomination papers, and a poll has to be taken between the candidates nominated, the Electoral Officer shall, on a new date being appointed for the election, proceed as if the date appointed were the date for the taking of the poll between the candidates.

(3) Where the Commission appoints a substituted date in accordance with subsections (1) and (2) of this section, there shall be no return for the election until polling has taken place in the area or areas affected.

(4) Notwithstanding the provision of subsection (3) of this section, the Commission may, if satisfied that the rest of the election will not be affected by voting in the area or

areas in respect of which substituted dates have been appointed, direct that a return of the election be made.

23. (1) Results of the elections shall be announced by:
- (a) the Presiding Officer at the Polling Unit;
 - (b) the Ward Returning Officer at the Ward Collation Centre;
 - (c) the Local Government Returning Office at the Local Government Collation Centre.
- (2) The Returning Officer shall announce the result and declare the winner of the election at:
- (a) Ward Collation Centre in the case of Councillor election;
 - (b) Local Government Collation Centre in the case of Chairmanship and Vice Chairmanship election;

Announcement of
Election Results

24. (1) The Commission shall for the purposes of an election under this Law appoint and designate such officers as may be required provided that no person who is a member of a political party or who has openly expressed support for any candidate shall be so appointed.
- (2) The officers appointed under sub-section (1) of this section shall exercise such functions and duties as may be specified by the Commission in accordance with the provisions of this Law and shall not be subject to the direction or control of any person or authority other than the Commission in the performance of their functions.

Appointment and
functions of other
Officers for the
Conduct of Elections

25. (1) The Commission shall not later than ninety (90) days before the day appointed for holding of an election under this Law publish a notice in each Local Government Area:
- (a) stating the date of the election;
 - (b) appointing the place at which nomination papers are to be delivered.
- (2) The notice shall be published in each ward in respect of which an election is to be held.

Notice of Election

- (3) In the case of a bye-election, the Commission shall, not later than 14 days before the date appointed for election, publish a notice stating the date of the election.
- 26.
- (1) Every political party shall not later than thirty (30) days before the date appointed for the election under the provisions of this Law submit to the Commission in the prescribed forms the list of the candidates the party proposes to sponsor at the elections.
 - (2) The list or information submitted by each candidate shall be accompanied by an affidavit sworn to by the candidate at the High Court of the State, indicating that he has fulfilled all the constitutional requirements for election into that office.
 - (3) The Commission shall, within seven (7) days of the receipt of the personal particulars of the candidate, publish same in the constituency where the candidate intends to contest the election.
 - (4) A person may apply to the Commission for a copy of nomination form, affidavit and other documents submitted by a candidate at an election and the Commission shall, upon payment of a prescribed fee, issue such person with a certified copy of the documents within 14 days.
 - (5) A person who has reasonable grounds to believe that any information given in the affidavit or any document submitted by the candidate is false may file a suit at the High Court against such person seeking a declaration that the information contained in the affidavit is false.
 - (6) If the Court determines that any of the information contained in the affidavit or any document submitted by that candidate is false, the Court shall issue an order disqualifying the candidate from contesting the election.
 - (7) A candidate for an election shall, at the time of submitting the prescribed form, furnish the Commission with an identifiable address in the State where he intends to contest the election at which address all documents

Submission of list of
Candidates and their
Affidavits by Political
Parties

and court processes from either the Commission or any other person shall be served on him.

- (8) A political party which presents to the Commission the name of a candidate who does not meet the qualifications stipulated in this section, commits an offence and is liable on conviction to a maximum fine of ₦500,000.00.
27. (1) A candidate for an election shall be nominated in writing by such a number of persons as may be prescribed by the Commission whose names appear on the register of voters in the Constituency or ward. Prohibition of Double Nomination
- (2) No person shall nominate more than one person for an election to the same office.
- (3) No account shall be taken of the signature of a person on a nomination paper where the candidate had died, withdrawn or where the nomination paper was held invalid.
- (4) No person who has subscribed as a nominator shall so long as the candidate stands nominated withdraw his nomination.
- (5) Any person who contravenes subsection (2) of this section commits an offence and is liable on conviction to a maximum fine of ₦20,000.00 or imprisonment for three months or both but his action shall not invalidate the nomination.
28. A political party shall not be allowed to change or substitute any of its candidates for any election whose name has been submitted to the Commission under section 26 of this Law, except in the case of death or withdrawal in writing by the candidate. Political Parties Changing Candidate
29. The Commission shall, at least twenty (20) days before the day of the election publish by displaying or causing to be displayed at the place or places appointed for the delivery of nomination papers and such other places as it deems fit, a statement of the full names of all candidates standing nominated. Publication of nomination
30. (1) A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself to the Withdrawal and Replacement of nominated candidate

political party that nominated him for the election and the political party shall convey such withdrawal to the Commission and which shall only be allowed not later than fifteen (15) days to the election.

(2) Where the Commission is satisfied that a candidate has withdrawn as provided in subsection (1) of this section, his political party shall be allowed to nominate another candidate not later than ten (10) days before the date of the election.

31. (1) If after the time for the delivery of nomination papers and before the commencement of the poll, a nominated candidate dies, the Commission shall, being satisfied of the fact of the death, countermand the poll in which the deceased candidate was to participate and the Commission shall within fourteen (14) days appoint some other convenient date for the election.

Functions of the Commission

(2) The list of voters to be used at a postponed election shall be the official register of voters, which was to be used if the election had not been postponed.

32. Where a candidate knowingly allows himself to be nominated by more than one political party and or in more than one Ward his nomination shall be void.

Invalidity of Multiple Nomination

33. Where at the close of nomination there is no candidate validly nominated the Commission shall extend the time for nomination and fix a new date for the election.

Failure of Nomination

34. Subject to other provisions of this Law, if after the latest time for the delivery of nomination papers and the withdrawal of candidates for an election under this Law, more than one person remains validly nominated, a poll shall be taken.

Contested Election

35. A poll shall take place in accordance with the provisions of this Law with respect to the following:

When Poll is Required

(a) in the case of an election to the office of the Chairman of a Local Government Area whether or not only one person is validly nominated in respect of such office;

(b) in the case of an election in respect of any other office, if after the expiry of the time for delivery of nomination

papers there is more than one person standing nominated.

36. (1) If after the expiration of time of delivery of nomination papers and withdrawal of candidates and the extension of time as provided for in this Law there is only one person whose name is validly nominated in respect of the election, other than to the office of the Chairman of a Local Government Council, the person shall be declared elected.

Uncontested Election

- (2) Where a person is declared elected under the provisions of subsection (1) of this section, a Declaration of Result Form as may be prescribed shall be completed and copied to thereof issued to the person by the Returning Officer while the original of the form shall be returned to the Commission in the case of a contested election.

37. (1) The Commission shall provide suitable boxes for the conduct of elections.

Ballot Boxes

- (2) The forms to be used for the conduct of elections to the offices mentioned in this Law and election petitions arising therefrom shall be determined by the Commission.

- (3) The Polling Agents may be present at the distribution of the election materials from the office to the Polling Booth.

- (4) A Polling Agent shall be entitled to be present at the distribution of election materials, voting, counting and the collation of election results.

38. (1) Each political party may by notice in writing addressed to the Commission appoint a person (in this Law referred to as a "Polling Agent") to attend at each polling unit in the Local Government Area for which it has candidate and the notice set out the name and address of the polling agent and be given to the Commission at least seven (7) days before the date fixed for the election:

Polling Agents

PROVIDED that no person presently serving as Chairman of a Local Government Area or member of a Local Government Legislative Council, Commissioner of a State, Deputy Governor, Governor of a State, Minister or any other person holding political office under any tier of Government and who has not resigned his appointment

at least three (3) months before the election shall serve as a polling agent of any political party either at the polling station or any centre designated for collation of result of an election.

- (2) Notwithstanding the requirements of subsection (1) of this section, a candidate shall not be precluded from doing any act or thing which he has appointed a polling agent to do on his behalf under this Law.
- (3) Where in this Law an act or thing is required or authorised to be done by or in the presence of a Polling Agent, the non-attendance of the Polling Agent at the time and place appointed for the act or thing or refusal by the Polling Agent to do the act or thing shall not, if the act or thing is otherwise done properly invalidate the act or thing.

39. The Commission shall, not later than fourteen (14) days before the day of the election, cause to be published, in such manner as it may deem fit, a notice specifying the following matters:

Notice of Poll

- (a) the day and hours fixed for the poll; and
- (b) the location of the polling stations.

40. (1) Voting in any particular election under this Law shall take place on the same day and time throughout the State.

Hour of Poll and display of Ballot Boxes or Devices

- (2) The ballot box or device shall then be placed in full view of all present, and be so maintained until the close of the poll.

41. (1) Every person intending to vote shall present himself to a Presiding Officer at the polling unit in the Ward in which his name is registered with his voter's card.

Verification of Voter

- (2) The Presiding Officer shall, on being satisfied that the name of the person is on the register of Voters, direct the person to the voting point to cast his vote.

42. A candidate or a Polling Agent may challenge the right of a person to vote on such grounds and in accordance with such procedures as are provided for in this Law.

Right to Challenge Voter's Right to Vote

Separate Queues for Men and Women

43. The Presiding Officer may separate the queue between women and men if in that area of the State the culture is such that it does not permit the mingling of men and women in the same queue.
44. Voting at an election under this Law shall be by Open Secret Ballot. Voting to be by Open Secret Ballot
45. (1) No voter shall vote for more than one candidate or record more than one vote in favour of any candidate at any election. Over Voting
- (2) Where the votes cast at an election in any ward or polling unit exceeds the number of registered voters in that ward or polling station, the election for the ward or polling unit shall be cancelled.
46. (1) A voter who is blind or is otherwise unable to distinguish symbols or who suffers any other physical disability may be accompanied into the polling station by a person chosen by him and the person shall, after informing the Presiding Officer of the disability, be permitted to accompany voter into the voting compartment and assist the voter to make his mark in accordance with the procedure prescribed by the Commission. Blind and Incapacitated Voters
- (2) The Commission may take reasonable steps to ensure that voters with disabilities are assisted at the polling place by the provision of suitable means of communication devices or sign language interpretation, or offsite voting in appropriate cases.
47. No voter shall record his vote otherwise than by personally attending the polling unit and recording his vote in the manner prescribed by the Commission. Personal Attendance
48. No person shall be permitted to vote at any polling station or unit other than the one to which he is allotted. Voting at Appropriate Polling Unit
49. (1) If at the time a person presents himself for verification and before he has left the polling unit, a Polling Agent, polling unit official or security agent informs the Presiding Officer that he has reasonable cause to believe the person is under the age of 18 years or has committed the offence of impersonation and gives an undertaking on a prescribed form to substantiate the charge in a court of Procedure for Persons Protested against for Impersonation

law, the Presiding Officer's order shall be sufficient authority for the police officer to so act.

- (2) A person in respect of whom a Polling Agent, official or security agent gives an information in accordance with the provision of subsection (1) of this section shall not by reason of the information, be prevented from voting, but the Presiding Officer shall cause the words "protested against for impersonation" 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 under subsection (2) of this section, admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote and shall be handed over to the police.
 - (4) A person arrested under the provisions of this section shall be deemed to be a person taken into custody by a police officer.
50. (1) The Presiding Officer shall regulate the admission of voters to the polling unit and shall exclude all persons other than the candidates, Polling Agents, Poll Clerks and persons lawfully entitled to be admitted including accredited observers and the Presiding Officer shall keep order and comply with the requirements of this Law at the polling unit.
- (2) The Presiding Officer may order a person to be removed from a polling unit, who behaves in a disorderly manner or fails to obey a lawful order.
 - (3) A person removed from a polling station or unit under this section shall not, without the permission of the Presiding officer, again enter the polling station or unit under the day of the election, and if charged with 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 a warrant.

Conduct at Polling
Units

- (4) The provisions of subsection (3) of this section shall not be enforced so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of so voting.
- (5) In the absence of the Presiding Officer, the Poll Clerk shall enjoy and exercise all the powers of the Presiding Officer in respect of a polling station or unit.
51. (1) At the prescribed hour, for the closure of poll, the Presiding Officer shall declare the poll closed and no more person(s) shall be admitted into the polling station and only those already inside the polling station shall be allowed to vote. Closing of Poll
- (2) After the declaration of the close of poll, no voter already inside the polling station shall be permitted to remain in the polling station unless otherwise authorised under this Law.
52. (1) The Presiding Officer shall after, counting the votes at the polling unit, enter the votes scored by each candidate in a form to be prescribed by the Commission as the case may be. Counting of Votes and Forms
- (2) The form shall be signed and stamped by the Presiding Officer and countersigned by the candidates or their Polling Agents where available at the polling unit.
- (3) The Presiding Officer shall give to the Polling Agent and the police officer and any other security agent where available a copy each of the completed forms after it has been duly signed as provided in subsection (2) of this section.
- (4) The Presiding Officer shall count and announce the result at the polling unit.
53. A candidate or a Polling Agent where present at a Polling Station when counting of votes is completed by the Presiding Officer may demand to have the votes recounted, provided that the Presiding Officer shall cause the votes to be so recounted only once. Recount
54. After the recording of the results of the election, the Presiding Officer shall announce the result and deliver same and Post-Election Procedure and Collation of Election Results

materials under security to such person as may be prescribed by the Commission.

55. The decision of the returning Officer on any question arising from or relating to declaration of scores of candidates and the return of a candidate, shall be final subject to review by a tribunal in an election petition proceeding under this Law. Decision of Returning Officer on Ballot Paper
56. In an election to the office of councilor of a Ward in a Local Government Area, the result shall be ascertained by counting the votes cast for each candidate, the candidate that receives the highest number of votes shall be declared elected by the appropriate Returning Officer. Declaration of Result
57. Where two or more candidates poll equal number of votes being the highest in an election, the Returning Officer shall not return any of the candidates and a fresh election shall be held for the said candidates on a date to be appointed by the Commission. Equality in Votes
58. The Commission shall cause to be posted on its notice board or other approved means, a notice showing: Posting of Results
- (a) the candidates at the election and their scores; and
- (b) the persons declared as elected or returned at the election.
59. The Commission or any officer authorised by it shall keep official custody of all the documents, including statements of results and ballot receipt relating to the election, which are returned to the Commission by the Returning Officer. Custody of Documents
60. Subject to the provisions of this Law, the Commission shall issue and publish in the gazette, guidelines for the elections provisions, among other things, for the step-by-step recording of the poll in the electoral forms as may be prescribed beginning from the polling unit to the last collation centre for the ward or constituency where the results of the election shall be declared. Commission to Issue and Publish Guidelines in the Gazette
61. Every result form completed at the unit, ward and local government levels in accordance with the provisions of this Law or any guidelines issued by the Commission shall be stamped, signed and countersigned by the relevant officers and Polling Result Forms to be Signed and Countersigned

Agents at those levels and copies given to the police officers or the security agents and Polling Agents, where available.

PROVIDED that no Result Form shall be invalidated on the ground that a Polling Agent or some Polling Agents have refused to countersign the results.

62. (1) A sealed Certificate of Return at an election in a prescribed form shall be issued within seven (7) days to every candidate who has won an election under this Law;

Sealed Certificate

PROVIDED that where the Election Appeal Tribunal being the final appellate tribunal in an election petition nullifies the Certificate of Return of any candidate, the Commission shall within 48 hours after the receipt of the order of such Tribunal issue the successful candidate with a valid Certificate of return.

- (2) Where the Commission refuses and or, neglects to issue a Certificate of Return, a Certified True Copy of the order of a court of competent jurisdiction shall *ipso facto*, be sufficient for the purpose of swearing-in a candidate declared as the winner by that court.

63. The forms to be used for the conduct of elections under this Law shall be determined by the Commission.

Forms for the use at Elections

64. Election into the offices of chairmen, vice chairmen and councilors in all the Local Government Areas shall be held on the same day throughout the State.

Dates of Local Government Council Elections

65. (1) If after the expiration of time for the delivery of Nomination Papers and the withdrawal of candidates for election of Councillors under this section more than one candidate remains duly nominated, a poll shall be taken in accordance with the provisions of this law and the winner shall be by simple majority of the votes cast.

Election of Councillors

- (2) Where at the close of nomination to the office of Chairman, only one candidate;

(a) has been nominated; or

(b) remains nominated by reason of the disqualification, withdrawal, incapacitation, disappearance or death of the other candidate, the

Commission shall extend the time for nomination by seven (7) days:

PROVIDED that where after the extension, only one candidate remain validly nominated, there shall be no further extension.

66. (1) A candidate for an election to the office of the Chairman shall be deemed to have been duly elected to the office where being the only candidate nominated for the election he has:
- (a) a majority of YES votes over NO votes cast at the election; and
 - (b) not less than one-third of the votes cast at the election in each of at least two-thirds of all the wards in the Local Government Area:
- (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 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 Area as the case may be.
- (3) If no candidate is duly elected under subsection (2) of this section, the Commission shall within seven (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:
- (a) he has the highest number of votes cast at the election; and

Election of Local
Government Council
Chairman

- (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, 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:
 - (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 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 seven (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 Area if he has:
 - (a) a majority of the votes cast at the election; and
 - (b) not less than one quarter of the votes cast at the election in wards of at least two-thirds of all the wards in the Local Government Area, as the case may be.
- (7) If no candidate is duly elected under subsection (6) of this section arrangements shall be made within seven (7) days of the result of the last election, 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 the Chairman of the Local Government Area if he scores a simple majority of votes cast at the election.

**PART VII
ELECTORAL OFFENCES**

67. (1) A person who:

Offences in Respect
of Nomination etc.

- (a) forges any nomination paper;
- (b) willfully defaces or destroys any nomination paper knowing it to be forged;
- (c) signs a nomination paper as a candidate in more than one ward at the same time;
- (d) willfully places any ballot box any unauthorized paper;
- (e) willfully removes from a polling station any ballot receipt whether or not the ballot receipt was issued to him in that polling station;
- (f) without authority destroys or in any other manner interfere with a ballot box or its content;
- (g) signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at that election, commits an offence.

(2) A person who commits an offence under subsection (1) of this section is liable on conviction to a maximum fine of ₦100,000.00 or to imprisonment of six (6) months or both.

68. Any person who:

Improper Use of
Voter's Card

- (a) being entitled to a voter's card gives it to some other person for use at an election other than an officer appointed and acting in the course of his duty under this Law;
- (b) not being an officer acting in the course of his duty under this Law receives any voter's card in the name of person or persons for use in an election and uses it fraudulently;

- (c) without lawful excuse has in his possession more than one voter's card; or
- (d) buys, sells, produces or deals with a voter's card otherwise than as provided in this Law,

commits an offence and shall be liable on conviction of a maximum fine of ₦100,000.00 or imprisonment of twelve (12) months or both.

69. (1) No person shall provide for the purpose of any other person to a polling station any government vehicle, or any vehicle or boat belonging to a public corporation except in respect of a person who is ordinarily entitled to use such vehicle and in an emergency in respect of an Electoral Officer.
- (2) Any person who contravenes the provisions of this section commits an offence and liable on conviction to a maximum fine of N50,000.00 or to imprisonment for six months or to both.

Improper Use of
Vehicle

70. (1) Any person who:
- (a) applies under this Law to be included in any list of voters in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
 - (b) having once to his knowledge been properly included in a list of voters under this Law as a voter entitled to vote at any election, applies, except as authorised by this Law to be included in any other list of voters prepared for any ward as a voter at an election;
 - (c) attempts to vote in the name of some other person, whether such name is that of a person living or dead or of a fictitious person;
 - (d) votes or attempts to vote at the election knowing that he is not qualified to vote at the election; or

Impersonation and
Voting When not
Qualified

- (e) induces or procures any other person to vote at an election knowing that such other person is not qualified to vote at the election;
- (2) Any person who commits the offence of impersonation or who aids abets, counsel or procures the commission of that offence, commits an offence and is liable on conviction to a maximum fine of ₦50,000 or imprisonment for six months or both.
- (3) No person charged with the offence of impersonation shall be convicted except on the evidence of at least two witnesses.
71. (1) Any officer appointed for the purpose of this law who without lawful excuse does any act or omits to act in breach of this official duty commits an offence and is liable on conviction to a maximum fine of ₦50,000.00 or imprisonment for six months or both. Dereliction of Duty
- (2) Any Polling Officer who fails to discharge his lawful duties at his polling station without lawful excuse commits an offence of dereliction of duty and on conviction is liable to a maximum fine of ₦50,000.00 or six months imprisonment or both.
- (3) Any person who announces or publishing an election result knowing same to be false or which is at variance with the signed certificate of return commits an offence and is liable on conviction to a maximum fine of ₦100,000.00 or imprisonment for twelve months or both.
- (4) Any Returning officer or collation officer who delivers or causes to be delivered a false certificate of return knowing same to be false to the Commission commits an offence and is liable on conviction to a maximum fine of ₦100,000.00 or imprisonment for twelve months or both.
- (5) Any person who delivers or causes to be delivered a false certificate of return knowing same to be false to any news media commits an offence and is liable on conviction to a maximum fine of ₦100,000.00 or imprisonment for twelve months or both.
72. (1) Any person who does any of the following:- Conspiracy and Bribery

- (a) directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers any money or valuable consideration;
 - (b) directly or indirectly, by himself or by any other person on his behalf, corruptly makes any gift, loan, offer promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavour to procure the return of any person to an elective office or the vote of any voter at any election;
 - (c) upon or in consequence of any gift, loan offer, promise, procurement or agreement corruptly procures, or engages or promises or endeavours to procure, the return of any person to an elective office or the vote of any voter at any election;
 - (d) advances or pays or causes to be paid any money to or for the use of any other person, with the intend that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid money to any person in the discharge or repayment of any money wholly or in part expended in bribery at any election;
 - (e) after any 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 any other person to vote refrain from voting or having induced any candidate to refrain from canvassing for votes for himself at any such election, commits an offence and on conviction shall be liable to a maximum fine of ₦100,000.00 or 12 months imprisonment or both.
- (2) A voter commits an offence of bribery where before or during an election directly or indirectly 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 or agreeing to refrain from voting at any such election.

- (3) Nothing in this section shall extend or apply to money paid or agreed to be paid for or on account of any lawful expenses bona fide incurred at or concerning any election.
 - (4) Any person who commits an offence of bribery is liable on conviction to a maximum fine of ₦100,000.00 or imprisonment of 12 months or both.
73. (1) Every person in attendance at a polling station including every officer charged with the conduct of an election and his assistants and every polling agent and candidate in attendance at a polling station or at the collation centre, as the case may be, shall maintain and aid in maintaining the secrecy of the voting.
- (2) No person in attendance at a polling booth under this section shall, except for some purpose authorised by Law, communicate to any person information as to the name or number on the register of any voter who has or has not voted at the place of voting.
- (3) No person shall:
- (a) interfere with a voter casting his vote, or by any other means obtain or attempt to obtain a polling station information as to the candidate for whom a voter in that place is about to vote for or has voted for; or
 - (b) communicate any time to any other person information obtained in a polling station as to the candidate to whom a voter is about to vote or has voted for.
- (4) Any person acting contrary to the provisions of this section commits an offence and is liable on conviction to a maximum fine of ₦50,000.00 or to imprisonment for 6 months or both.
74. (1) Any person who:

Requirement of Secrecy
in Voting

Wrongful Voting and
Fake Statements

- (a) Votes at an election or induces or procures any person to vote at an election, knowing that he or such person is prohibited from voting thereat; or
 - (b) before or during an election publishes any statement of the withdrawal of a candidate at such election knowing it to be false or reckless as to its truth or falsity; or
 - (c) before or during an election publishes any statement as to the personal character or conduct of a candidate calculated to prejudice the chance of election of the candidate or to promote or procure the election of another candidate and such statement is false and was published without reasonable grounds for belief by the person publishing that the statement was true, commits an offence and shall be liable on conviction to a maximum fine of ₦50,000.00 or imprisonment for a term of 6 months or both.
- (2) Any person who commits an offence under this section is liable on conviction to a maximum fine of ₦50,000.00 or imprisonment for a term of 6 months or both.
75. (1) Any person who knowingly votes or attempts to vote in a ward in respect of which his name is not on the register of voters commits an offence and is liable on conviction to a maximum fine of ₦50,000.00 or to imprisonment for a term of 6 months or both.
- Voting by Unregistered Person
- (2) Any person who knowingly brings into a polling station during an election a voter's card issued to another person commits an offence and is liable on conviction to a maximum fine of ₦50,000.00 or imprisonment for a term of six months or both.
76. Any person who at an election acts or incites others to act in a disorderly manner commits an offence and is liable on conviction to a maximum fine of ₦100,000.00 or imprisonment for a term of 12 months or both.
- Disorderly Conduct at Election
77. (1) No person shall on the date on which an election is held do any of the following acts or things in a polling station or within a distance of 300 meters of a polling station:
- Offences on Elections Day

- (a) canvass for votes;
 - (b) solicit for the vote of any voter;
 - (c) persuade any voter not to vote for any particular candidate;
 - (d) persuade any voter not to vote at the election;
 - (e) shout slogans concerning election;
 - (f) be in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voter;
 - (g) exhibit, wear or tender any notice, symbol, photograph or party card referring to the election;
 - (h) use any vehicle bearing the colour or symbol of a political party by any means whatsoever;
 - (i) loiter without lawful excuse after voting or after being refused to vote;
 - (j) snatch or destroy any election materials; or
 - (k) blare siren.
- (2) no person shall in the vicinity of a polling unit collation centre on the day of which an election is held;
- (a) Convene, hold or attend any public meeting during the hours of poll as may be prescribed by the Commission;
 - (b) unless appointed under this Laws to make official announcements, operate any megaphone, amplifier or public address apparatus; or
 - (c) wear or carry any badge, poster, banner, flag, or symbol relating to a political party or to the election.

- (3) Any person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a maximum fine of ₦50,000.00 or imprisonment for six (6) months for every such offence.

78. A person who:

Undue Influence

- (a) Corruptly by himself or by any other person at any time after the date of an election has been announced, directly or indirectly gives or provides or pays money to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election; or
- (b) being a voter, corruptly accepts or takes money or any other inducement during any of the period stated in paragraph (a) of this section commits an offence and liable on conviction to a maximum fine of ₦50,000.00 or six (6) months imprisonment or both.

79. (1) A person who:

Threats of or Use of
Violence

- (a) directly or indirectly, by himself or by another person on his behalf, makes use of or threatens to make use of any force, violence or restraint;
- (b) inflicts or threatens to inflict himself by any other person, any minor or serious injury, damage, harm or loss on or against another 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 thereby compels, induces or prevails on a voter to give or refrain from giving his vote;
- (d) by preventing any political aspirant from free use of the media, designated vehicles, mobilization of political support and campaign at an election, commits an offence and is liable on conviction to a fine of ₦200,000.00 or imprisonment for 2 years.

- (2) Any person who commits the offence of undue influence is liable on conviction to a maximum fine of ₦50,000.00 or imprisonment for six (6) months or both.
80. Any person who conspires, aid or abets any person to commit to commit any of the offences under this Part of this Law shall be guilty of the same offence and punishment thereto. -Conspiracy, etc.
81. An attempt to commit any of the offences under this Law shall be punishable in the same manner as the principal offence. Attempt to Commit an Offence Candidate to Commission of Offence
82. For the purpose of this Law, a candidate shall be deemed to have committed an offence if it was committed with his knowledge and consent or the knowledge or consent of a person who is acting under the general or special authority of the candidate with reference to the election. Candidate's Consenting to Commission of an Offence
83. The offences referred to in this Law shall apply to the recall of a member of a Local Government Legislative Council. Offences Relating to Recall

PART VIII
DETERMINATION OF ELECTION PETITIONS
ARISING FROM ELECTIONS

84. (1) No election and return at an election under this Law shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Law referred to as an ("an Election Petition") presented to the competent tribunal in accordance with the provisions of this Law, and in which the person elected or returned is joined as a party. Proceedings to Question an Election
- (2) The Election Tribunals provided for under this Law shall be constituted not later than fourteen (14) days before the election.
85. An election petition under this Law shall be presented within twenty one (21) days after the date of the result of the election is declared. Time for Presenting Election Petition
86. (1) There shall be established for the State one or more Election Tribunals (in this Law referred to as the Local Government Election Tribunal) which shall, to the exclusion of any other court or tribunal, have original Establishment of Local Government Council Election Tribunal

jurisdiction to hear and determine petitions on any or more grounds stated in this Law.

- (2) a Local Government Election tribunal shall consist of a Chairman and two other members all of whom shall be persons of unquestionable integrity who have not been involved in party politics.
 - (3) (a) The Chairman shall be a person qualified to hold office of a Judge of a High Court, Khadi of Sharia Court of Appeal or Judge of a Customary Court of Appeal and must have been engaged in active legal practice.

(b) One member shall be a Legal Practitioner who has been so qualified for a period of not less than seven (7) years post-call experience.

(c) The third may be a non-member of the Legal Profession.
 - (4) The Chairman and other members shall be appointed by the Chief Judge of the State.
 - (5) The quorum of an Election Tribunal under this Law shall be the Chairman and one other member.
87. (1) There shall be established for the State a Local Government Election Appeal Tribunal which shall to the exclusion of any other court or tribunal hear and determine appeals arising from the decision of a Local Government Election Petition Tribunal.
- (2) The decision of the Local Government Election Appeal Tribunal in respect of Local Government Council elections conducted under this Law shall be final.
 - (3) The Local Government Election Appeal Tribunal shall consist of a Chairman and two other members; and
 - (4) The Chairman and members shall be retired or serving Judges of the State High Court;
 - (5) The Chairman and other members shall be appointed by the Chief Judge of the State.

Establishment of Local
Government Council
Election Appeal
Tribunal

- (6) The Chairman and one other member shall form a quorum at Local Government Election Appeal Tribunal.
88. (1) An election petition may be presented by one or more of the following persons:
- Persons Entitled to Present Election Petitions
- (a) a candidate in an election;
- (b) a political party which participated in the election;
- (2) A person whose election is complained of is, in this Law, referred to as the Respondent; but if the petition complains of the conduct of an Electoral Officer, Presiding Officer or Returning Officer, such Electoral Officer, Presiding Officer or Returning Officer shall for the purpose of this Law be joined as a Respondent.
89. (1) An election may be questioned on any of the following grounds:
- Grounds of Petition
- (a) that a person whose election is questioned was, at the time of the election, not qualified to contest the election;
- (b) that the election was invalid by reason of corrupt practices or non-compliance with the provisions of this Law;
- (c) that the respondent was not duly elected by majority of lawful votes cast at the election; or
- (d) that the petitioner or its candidate was validly nominated but was unlawfully excluded from the election.
- (2) An act or omission which may be contrary to an instruction or directive of the Commission or of an officer appointed for the purpose of the election but which is not contrary to the provisions of this Law shall not of itself be a ground for questioning the election.
90. (1) An election shall not be liable to be invalidated by reason of non-compliance with the provisions of this Law if it appears to the tribunal that the election was conducted
- Certain Defects not to Invalidate Election

substantially in accordance with the principles of this Law and that the non-compliance did not affect substantially the result of the election.

- (2) An election shall not be liable to be questioned by reason of a defect in the title, or want of the title of the person conducting the election or acting in the office provided such a person has the right or authority of the Commission to conduct the election.
91. (1) Subject to subsection (2) of this section, if the tribunal as the case may be, determines that a candidate who was returned as elected was not validly elected on any ground, the Tribunal shall nullify the election. Nullification of Election
by Tribunal
- (2) Where Tribunal nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, the Tribunal shall not declare the person with the second highest votes as elected, but shall order a fresh election.
- (3) if the Tribunal determines that a candidate who was returned as elected was not validly elected on the grounds that he did not score the majority of valid votes cast at the election, the Tribunal as the case may be shall declare as elected the candidate who scored the highest number of valid votes at the election and satisfied the requirements of this Law.
- (4) Subject to the provisions of Paragraph 53(2) of the First Schedule to this Law on the motion of a respondent in an election petition, the Tribunal as the case may be, may strike out an election petition on the grounds that it is not in accordance with the provisions of this Law or the provisions of this Part of this Law or the First Schedule of this Law. First Schedule
92. Tribunal or court shall not under any circumstance declare any person a winner at an election in which such a person has not fully participated in all steps of the said election as provided for under this Law. Effect of Non
Participation in an
Election
93. Without prejudice to the provisions of section 294 subsection (1) of the Constitution of the Federal Republic of Nigeria 1999, an election petition and an appeal arising therefrom under this Accelerated Hearing of
Election Petitions

Law shall be given accelerated hearing and shall have precedence over all other cases or matters before the Tribunal.

94. An appeal from a decision of the Local Government Election Tribunal shall be filed within twenty-one (21) days of the decision. Appeals
95. If the Tribunal as the case may be, determines that a candidate returned as elected was not validly elected, then if notice of appeal against the decision is given within 21 days from the date of decision, the candidate returned as elected shall, notwithstanding the contrary decision of the tribunal remain in office pending the determination of the appeal. Person Elected to Remain in Office Pending Determination of Appeal
96. (1) Where the Commission, an Electoral Officer, Returning Officer or any official of the Commission has been joined as Respondent in the Election Petition, a Legal Officer in the employment of the Commission or a Legal Practitioner engaged by the Commission shall represent the Commission, Electoral Officer, Presiding Officer, Returning Officer or other officials of the Commission at Tribunal. Legal Representation of Commission etc.
- (2) The Attorney-General of the State (acting in person or through any of his Legal Officers) may represent the Commission and the officers referred to in subsection (1) of this section with the consent or authority of the Commission.
97. A Legal Officer or Private Legal Practitioner engaged shall be paid such honorarium or fees as may be approved by the Commission, and the Attorney-General of the State or any of his Legal Officers so engaged by the Commission under subsection 96(2) shall be paid such allowances as may be approved by the Commission. Payment of Honorarium and Allowances, etc.
98. (1) The rules of the procedure to be adopted for election petitions and appeals arising therefrom shall be those set out in the First Schedule to this Law and the forms set out in the Second Schedule shall be used for the purpose of election petitions; Rules of Procedure for Election Petition, First Schedule and Second Schedule
- (2) The Chief Judge of the State may issue practice directions to Election Tribunals.

**PART IX
MISCELLANEOUS**

99. No person holding an elective office to which this Law relates or a registered member of a political party shall be eligible for or be appointed to carry out the duties of a Returning officer, an Electoral Officer, Presiding Officer or a Poll Clerk and any officer appointed to carry out any of those duties shall be ineligible for nomination as a candidate for election while he continues to hold any such appointment.

Persons Disqualified
from Acting as Election
Officers

100. (1) The Commission may prescribe:

Election Expenses by
the Commission

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

(b) scale of maximum charges in respect of other expenses incurred by an Electoral Officer, a Presiding Officer, a Returning Officer or any other officer, in the employment of the Commission in connection with an election, and may revise the scale as it thinks fit or expedient.

(2) An Electoral Officer, Presiding Officer or Returning Officer or any other officer in the employment of the Commission 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 Law, or in carrying out any task in connection with an election or Election Petition arising therefrom.

101. No person who has voted in any election under this Law shall; in any legal proceedings arising out of the election, be required to say for whom he voted.

Secrecy of Ballot

102. The Commission shall consider any recommendation made to it by a Tribunal with respect to the prosecution by it of any person for an offence disclosed in any Election Petition.

Prosecution of Offence
Disclosed in Election
Petition

Trial of Offences

103. (1) An offence committed under this Law shall be triable in a Magistrate Court or High Court of the State.

(2) A prosecution under this Law shall be undertaken by Legal Officers of the Commission or by the Attorney-General (acting in person or through any of his Legal Officers).

104. The Chairman of the Commission or any officer authorised on that behalf shall within seven (7) days after an application is made to him by the parties to an Election Petition and upon payment of a prescribed fee cause the Certified True Copy thereof of such documents to be issued to the said party.

Access to Election Documents

105. (1) An order from an inspection of a polling document or an inspection of a document or any other packet in the custody of the Commission may be made by the Tribunal if it is satisfied that the order required is for the purpose of instituting or maintaining an Election Petition.

Inspection of Documents

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

106. Without prejudice to the other provisions of this Law, the Commission may delegate any of its powers and functions to any Electoral Officer or any officer of the Commission or any other officer appointed under the provisions of this Law subject to any conditions or limitations which it may consider necessary or expedient to impose and on such delegation shall be construed to limit the right of the Commission to exercise such power, itself.

Delegation of Powers of the Commission

107. The Commission may, subject to the provisions of this Law issue regulations, guidelines or manuals for the purpose of giving effect to the provisions of this Law and for its administration thereof.

Regulations

108. Notwithstanding any other provisions of this Law, any defect or error arising from any actions taken by any official of the Commission in relation to any notice, form or document made or given in pursuance of the provisions of this Law or any rules

Validation

made thereunder remain valid, unless otherwise challenged and declared invalid by a Court or Tribunal of competent jurisdiction.

109. (1) The quorum for a meeting of the Commission shall not be less than one third of the members.
- (2) A member of the Commission shall be entitled to one vote and a decision of the meeting may be taken and any act or thing may be done in the name of the Commission by a simple majority of the members present at a meeting.
- (3) Whenever the Commission is assembled for a meeting, the Chairman or other person presiding shall, in all matters in which a decision is taken by vote (by whatever name such vote may be called) has a casting as well as a deliberative vote.
- (4) Subject to its rules, the Commission may act or take any decision notwithstanding any vacancy in its membership or the absence of any member.

Quorum and Decision

110. The Kaduna State Independent Electoral Commission Law No. 10 of 2012 is hereby repealed.

Repeal

**FIRST SCHEDULE
SECTION 98 (1)
RULES OF PROCEDURE FOR ELECTION PETITION**

Interpretation

1. In this Schedule:

"Attorney-General" means the Attorney-General of Kaduna State;

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

"Election" means any election under this Law to which an Election Petition relates;

"Registry" means a Registry set up for and Election Tribunal established by this Law and shall include Registry of the Election Appeal Tribunal;

"Secretary" means the secretary of the Election Tribunal established by this Law and shall include Secretary of the Election Tribunal or any officer or clerk acting for him;

"Tribunal" means an election Tribunal established under this Law and includes the Election Appeal Tribunal established under this Law;

"Tribunal Notice Board" means a notice board at the Registry of a notice board at the place of hearing where notice of presentation of an Election Petition or notice of hearing of an Election Petition or any other may be given or posted;

Security for Costs

2. (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 ₦5,000.00 as the Tribunal may order and shall be given by depositing the amount with the Tribunal.
- (3) Where two or three persons join in an Election Petition, a deposit as may be ordered under subparagraph (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 proceedings on the Election Petition.

Presentation of Election Petition

3. (1) The Petition under this Law shall be made by the Petitioner (or Petitioners if more than one) in person, or his Solicitor, if named at the foot of the Election Petition to the Secretary, and the Secretary shall give a receipt as in Form TF 002 of the Second Schedule.
- (2) The Petitioner shall, at the time of presenting the election petition deliver to the Secretary a copy of the Election Petition for each Respondent and ten other copies to be preserved by the Secretary.
- (3) The Secretary shall compare the copies of the Election Petition received in accordance with subparagraph (2) 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 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 Tribunal otherwise orders.

Contents of election Petition

4. (1) An Election Petition under this Law shall:
 - (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 grounds of which the petition is based and the relief sought by the Petitioner as in Form TF 001 of the Second Schedule.
- (2) The Election Petition should be divided into paragraphs each of which shall be confined to a distinct issue or major facts of the Election Petition, and every paragraph should 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 the highest number 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 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 for service at which documents intended for the Petitioner may be left and its occupier.
- (5) The Election Petition shall be accompanied by:
- (a) a list of witnesses that the Petitioner intends to call in the proof of the petition;
 - (b) written statements on oath of the witnesses; and
 - (c) copies or list of every document to be relied on at the hearing of the petition.
- (6) A petition which fails to comply with subparagraph (5) shall not be accepted for filing by the Secretary.
- (7) An Election Petition, which does not conform with any subparagraph of this paragraph is defective and may be stroke out by the Tribunal.

Further Particulars

5. Evidence need not be stated in the Election Petition, but the Tribunal may order such further particulars as may be necessary:
- (a) to prevent surprise and unnecessary expense,
 - (b) to ensure fair and proper hearing in the same way as in a civil action, in the High Court;
 - (c) on such terms as to costs or otherwise as may be ordered by the Tribunal.

Address of Service

6. 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.

Acting by Secretary

7. (1) Upon the presentation of an Election Petition and payment of the requisite fees, the Secretary shall forthwith;
 - (a) cause notice, of the presentation of the Election Petition to be served on each of the Respondents;
 - (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 as in Form TF 003 of the Second Schedule, the Secretary shall state a time, not being less than five days but not more than seven 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 subparagraph (4) of this Schedule.

Personal Service on Respondent

8. (1) Subject to subparagraph (2) and (3) of this paragraph, service on the Respondents;
 - (a) of the document mentioned in subparagraph (1) (a) of paragraph 7 of this Schedule; and
 - (b) of the documents required to be served on them before entering appearance, shall be personal.
- (2) Where the Petitioner has furnished, under paragraph 6 of this Schedule, the addresses of the places where personal service can be effected on the Respondents and the Respondents or any of them cannot be found at the place or places, the 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 documents mentioned in subparagraph (1) of this paragraph be effected in any ways mentioned in the relevant provisions of the Civil Procedure Rules for effecting the 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 the fact the fact:
 - (a) the Respondent or any of them may not have been served personally; or
 - (b) a document of which substituted service has been effected pursuant to an order subparagraph (2) did not reach the Respondent, and in either case, the proceedings may be heard and continued or determined as if the Respondent or them had been served personally with the document and shall be valid and effective for all purposes.

Entry of Appearance

9. (1) Where any Respondent intends to oppose the petition, he shall:
 - (a) within such time after being served or deemed to have been served with the election petition, or

- (b) where the Secretary has stated a time under subparagraph (2) of paragraph 7 within such time as is stated by the Secretary, 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 at which documents intended for him may be left or served.
- (2) If in an address for service and its occupiers are not stated, the memorandum of appearance shall be deemed to have not been filed, unless the Tribunal otherwise orders.
- (3) The memorandum of appearance as in Form TE 004 of the Second Schedule shall be signed by the Respondent or his Solicitor, if any.
- (4) At the time of filing the memorandum of appearance, the Respondent or his Solicitor as the case may be, shall:
 - (a) leave a copy of the memorandum of appearance for each of the other parties to the Election Petition and three other copies of the memorandum, 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 Tribunal otherwise order.
- (5) A Respondent who has a preliminary objection against hearing of the Election Petition on grounds of Law may file a conditional memorandum of appearance.

Non-Filing of Memorandum of Appearance

- 10. (1) If the Respondent does not file a memorandum of appearance as required under paragraph 9 of this Schedule, a document for service on him may be posted on the Tribunal notice board and such posting shall be sufficient notice of service of the document on the Respondent.
- (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 (14) days from the receipt of the Election Petition.

Notice of Appearance

11. The Secretary shall cause copies of memorandum of appearance to be served on, or its notice be given to the other parties to the Election Petition.

Filing of Reply

12. (1) The Respondent shall, within fourteen (14) days of entering an appearance file in the Registry 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 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 petition.
- (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 with the Secretary copies of the reply for service on the other party to the Election Petition with ten (10) 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 repaying the fees for service, the reply shall be deemed not to have been filed, unless the Tribunal otherwise orders.

Service of Reply

13. The Secretary shall cause the copies of the reply to be served on each of the other parties to the Election Petition.

Amendment of Election Petition and Reply

14. (1) Subject to subparagraph (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" in those provisions there were substituted for the words "the Election Petition or reply".
- (2) After the expiration of the time limited by:

- (a) section 96 of the Law for presenting the Election Petition, no amendment shall be made.
 - (i) introducing any of the requirements of subparagraph 4 of this Schedule not contained in the original w filed, or
 - (ii) effecting a substantial alteration of the grounds for, or the prayer in the Election Petition, or
 - (iii) except anything which may be done under the provision of subparagraph (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 12 of the 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 provision of subparagraph (3) of this paragraph, affecting 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.

Particulars of Votes Objected

15. When a Petitioner claims the seat alleging that he has the highest number of valid votes cast at the election, the party defending the election or returned 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

16. (1) If a Respondent in his reply to the petition raises new issues of facts in defence of his case which the petition has not dealt with, the Petitioner shall be entitled to file in the Registry, within five (5) days from the receipt of the Election Petitioner's reply a Petitioner's reply in answer to the new issues of fact, Solicitor 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 subparagraph (1) of paragraph 14 of this Schedule.
- (2) The time limited by subparagraph (1) of this paragraph shall not be extended.

Further Particulars of Directive

17. (1) If a party in an Election Petition wishes to have further particulars or other directions of the Tribunal, he may at any time after entry of appearance, but not later than later ten (10) days after the filing of the reply, apply to the Tribunal specifying in his notice of motion the direction of which he prays and the motion shall, unless the Tribunal otherwise orders, be set down for hearing on the first available day,
- (2) If a party does not apply as provided in subparagraph (1) of this paragraph, he shall be taken to require no further particulars or other directions and the party shall be barred from Solicitor applying after the period laid down in subparagraph (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 14 of this Schedule.

Pre-Hearing Session and Scheduling

18. (1) Within seven (7) days after the filing and service of the Petitioner's reply on the Respondents or seven (7) days after the filing and service of the Respondent's reply, whichever is the case, the Petitioner shall

apply for the issuance of pre-hearing notice as in Form TF of the Second Schedule.

- (2) Upon application by a Petitioner under subparagraph (1) of this paragraph, the Tribunal shall issue to the parties or their legal practitioners (if any) a pre-hearing conference notice as in Form TF 007 of the second Schedule accompanied by a pre-hearing information sheet as in Form 008 of the Second Schedule for:
 - (a) the disposal of all matters which can be dealt with on interlocutory application;
 - (b) giving such directions as to the future course of the petition as appear best adapted to ensure its just, expeditious and economical disposal in view of the urgency of Election Petition.
 - (c) giving directions on order of witnesses to be called and such documents to be tendered by each party to prove their cases having in view the need for the expeditious disposal of the petition; and
 - (d) fixing clear dates for hearing of the petition.
- (3) The Respondent may bring the application in accordance with subparagraph (1) where the Petitioner fails to do Solicitor, or by motion which shall be served on the Petitioner and returnable in 3 clear days, apply for an order to dismiss the petition.
- (4) Where the Petitioner and the Respondent fail to bring an application under this paragraph, the Tribunal shall dismiss the petition as an abandoned petition and no application for extension of time to take that step shall be filed or entertained.
- (5) Dismissal of a petition pursuant to subparagraphs (3) and (4) of this paragraph is final, and the Tribunal shall be *functus officio*.
- (6) At the pre-hearing session, the Tribunal shall enter a scheduling order for:
 - (a) joining other parties to the petition;
 - (b) amending petition or reply or any other processes;
 - (c) filing and adoption of written addresses on all interlocutory applications;

- (d) additional pre-hearing session;
 - (e) order of witnesses and tendering of documents that will be necessary for the expeditious disposal of the petition; and
 - (f) any other matter that will promote the quick disposal of the petition in the circumstances.
- (7) At the pre-hearing session, the Tribunal shall consider and take appropriate action in respect of the following as may be necessary or desirable:
- (a) amendments and further and better particulars;
 - (b) the admissions of facts, documents and other evidence by consent of the parties;
 - (c) formulation and settlement of issues for trial;
 - (d) hearing and determination of objections of point of Law;
 - (e) control and scheduling of discovery, inspection and production of documents;
 - (f) narrowing the field of dispute between certain types of witnesses especially the Commission's staff and witnesses that officiated at the election, by their participation at pre-hearing session or in any other manner.
 - (g) giving orders or directions for hearing of cross-petition or any particular issue in the petition or for consolidation with other petitions;
 - (h) determine the form and substance of the pre-hearing order; and
 - (i) such other matters as may facilitate the just and speedy disposal of the petition in mind the urgency of Election Petitions.
- (8) At the pre-hearing session, the Tribunal shall ensure that hearing is not delayed by the number of witnesses and objections to documents to be tendered and shall pursuant to subparagraph (b) and (e) of this paragraph.
- (a) allow parties to admit or exclude documents by consent,

- (b) direct parties to streamline the number of witnesses to those whose testimonies are relevant and indispensable.
- (9) The pre-hearing session or series of the pre-hearing sessions with respect to any petition shall be completed within 14 days of its commencement, and the parties and their Legal Practitioners shall cooperate with the Tribunal in working within this timetable. As far as practicable, pre-hearing sessions shall be held from day to day or adjourned only for the purposes of compliance with pre-hearing sessions, unless extended by the Chairman.
- (10) After a pre-hearing session or series of pre-hearing sessions, the Tribunal shall issue a report and this report shall guide the subsequent course of the proceedings, unless modified by the Tribunal.
- (11) If a party or his Legal Practitioner fails to attend the pre-hearing sessions or obey scheduling or pre-hearing order or is substantially unprepared to participate in the session or fails to participate in good faith, the Tribunal shall in the case of unprepared to participate in the session or fails to participate in good faith, the Tribunal shall in the case of
- (a) the Petitioner, dismiss the petition, and
 - (b) a Respondent enter judgement against him.
- (12) Any judgement given under subparagraph (11) of this paragraph, may be set aside upon application within 7 days of the judgement (which shall not be extended) with an order as to costs of a sum not less than ₦20,000.00.
- (13) The application shall be accompanied by an undertaking to participate effectively in the pre-hearing session jointly signed by the applicant and the Legal Practitioner representing him.

Hearing of Petition to be in Open Tribunal

19. Every Election Petition shall be heard and determined in an open Tribunal.

Time and Place of Hearing Petition

20. (1) Subject to the provisions of subparagraph (2) of this paragraph, the time and place of the hearing of an Election Petition shall be fixed by the Tribunal and notice of the time and place of the hearing, which may

be as in a Form TF 005 of the Second Schedule to this Law shall be given by the Secretary at least five days before the day fixed for the hearing by:

- (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 Respondent's address for service, if any or
 - (iii) the Commission as the case may be.
- (3) In fixing the place of hearing, the Tribunal shall have due regard to the proximity and accessibility from the place where the election was held.

Notice of Hearing

21. The Tribunal as the case may be 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 papers prior to the election or in some conspicuous place or places within the ward but failure to do so or any miscarriage of the copy of notice of hearing shall not affect the proceeding if it does not occasion injustice against any otherwise the parties to the Election Petition.

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 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 Tribunal postpone the beginning of the hearing to such day as the 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 Commission who shall publish the order in the manner provided in paragraph 10 for publishing the notice of hearing,

but failure on the part of the Commission to publish the copy or 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's notice board a copy of the order.
- (4) Where the 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 21 shall apply to an order or a notice of postponement as they do to the notice of hearing.

Non-Arrival of Chairman of Tribunal

24. If the Chairman of the 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 Solicitor from day to day.

Hearing Continues from Day to Day

25. (1) No formal adjournment of the 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 Tribunal otherwise directs as the circumstance may dictate.
- (2) If the Chairman of the Tribunal who begins the hearing of an Election Petition is disabled by illness or otherwise, the hearing may be recommended and concluded by another Chairman of the Tribunal appointed by the appropriate authority.

Adjournment of Hearing

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, or 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 Tribunal and notice of the day of which the hearing is adjourned shall forthwith be posted by the Secretary on the notice board.
- (2) The hearing may be continued on a Saturday or on a Public Holiday if circumstances dictate.

Powers of the Tribunal to Dispose Interlocutory Matters

27. (1) All interlocutory questions and matters may be heard and disposed of by the Chairman of the Tribunal who shall have control over the proceedings as a Judge of the High Court.
- (2) After the hearing of the Election Petition is concluded, if the Tribunal before which it was heard has prepared its judgement but the Chairman is unable to deliver it due to illness or any other cause, the judgement may be delivered by one of the member, and the Tribunal and the member shall certify the decision of the Tribunal to the Commission.

Effect of Determination of Election Petition

28. (1) At the conclusion of the hearing the 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 Commission.
- (2) If the Tribunal has determined that the election is valid, then subject to section 100 of this Law 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 provision of this paragraph, the Commission shall appoint a date for the election which shall not be later than three (3) months from the date of the determination.

Withdrawal of Abatement of Petition

29. (1) An Election Petition shall not be withdrawn without leave of the Tribunal.
- (2) Where the Petitioners are more than one no application for leave to withdraw Election Petition shall be made except with the consent of all the Petitioners.
- (3) The application for leave to withdraw an Election Petition shall be made by motion in Form TF 006 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 of the notice of motion of withdrawal the Petitioner or Petitioners shall leave copies for service on the Respondent or Respondents.
- (6) The Petitioner or Petitioners shall also file the affidavits required under the subparagraph (4) of this paragraph together with the copies of each Respondent and pay the fees prescribed or directed by the Secretary for services.

Affidavit Against Illegal Term of Withdrawal

30. Before the 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 forth that agreement and shall make the foregoing statement subject to what appears from the affidavit.

Time for Hearing Motion for Leave to Withdrawn Petition

31. (1) The time for hearing the motion for leave to withdraw the Election Petition shall be fixed by the Tribunal.
- (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 the copy of the notice.

Payment of Cost of the Respondent

32. If the Election Petition is withdrawn, the Petitioner shall be liable to pay appropriate costs to the Respondent or any of them unless the Tribunal otherwise orders.

Abatement of Proceedings in Election Petition

33. (1) If a sole Petitioner or the survivor of several Petitioners die then, subject to subparagraph (2) and (3) of this paragraph, there shall be no further proceedings on the Election Petition and the Tribunal may strike it out of its cause list.
- (2) The death of a Petitioner shall not affect his liability for the payment of cost previously incurred in the cause of proceeding in respect of the Election Petition prior to its abatement.
- (3) Where notice, with copies for each party to the Election Petition supported the affidavits 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 Tribunal and if the Tribunal Solicitor directs, the Secretary shall:
 - (a) serve notice to be posted thereof on the Tribunal notice board; and
 - (b) post or cause to be posted a notice thereof on the Tribunal notice board; and
 - (c) cause notice thereof to be published in conspicuous places in the ward or constituency as the case may be in such for as the Tribunal may direct.

Notice of No Opposition to Petition

34. (1) If before the hearing of an Election Petition, the Respondent, other than the Electoral Officer, the Returning Officer or Presiding Officer, gives to the 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 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 party to the Election Petition not less than six (6) days before the day appointed for hearing of 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 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 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.

Discretion of Tribunal if No Reply

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 Tribunal may have allowed, or has given notice that he does not intend to oppose the Petitioner, then if:

- (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 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 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 Tribunal may if it deems 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 Tribunal may deem necessary for the full and proper determination of the Election Petition.

Fees

37. (1) The fee payable on the presentation of an Election Petition shall not be less than ₦10,000.00.
- (2) A hearing fee shall be payable for the hearing at the rate of ₦40.00 per day of the hearing but not exceeding ₦2,000.00 in all, but the Tribunal may direct a different fee to be charged for any day of the hearing.
 - (3) For the purpose of subparagraph (2) of this paragraph, the Petitioner shall make a deposit of not less than ₦200.00 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 High Court of the State.
 - (5) No fees shall be payable by the Attorney-General (acting in person or through any other legal officer) or by a Respondent who was an agent of the Commission or any of its officers appointed pursuant to the provision of this Law.
 - (6) No fees shall be payable for the summoning of witnesses summoned by the Tribunals at its own instance.

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 Tribunal may determine, regard being had to:
- (a) the disallowance of any costs, charge or expenses, which may in the opinion of the 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
 - (c) 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 Tribunal declares an election to be void, it may, if satisfied that the invalidity was due either wholly or in part of the culpable default of an officer responsible for the conduct of the election in the performance of all his duties imposed by this Law order that the whole part of the cost awarded to the successful Petitioner be paid by that officer.

Return of Security

39. Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person entitled to receive it by order of the 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 Tribunal may require.

Payment of Costs Out of Security

40. (1) The 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 a 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.
- (2) Where a dispute arises on an application under subparagraph (1) of this paragraph, the Tribunal shall afford every person affected by the dispute an opportunity of being heard and shall make such order thereof as it may deem fit.
- (3) A person shall be deemed to have been afforded the opportunity of being heard if notice of the appointed time for the inquiry into the dispute was given to him, through 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 subparagraph shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorised by the Tribunal.

Evidence at Hearing

41. (1) Subject to any statutory provision of these paragraph relating to evidence, any fact required to be proved at the hearing of a petition shall be proved by written deposition and oral examination of witnesses in open court.
- (2) Documents which parties consented to at the pre-hearing session or other exhibits shall be tendered from the Bar or by the party where he is not represented by a Legal Practitioner.
- (3) There shall be no oral examination of a witness during his evidence in-chief except to lead the witness to adopt his written deposition and

tender in evidence all disputed documents or other exhibits referred to in the deposition.

- (4) Real evidence shall be tendered at the hearing.
- (5) The Tribunal may, at or before hearing of a petition order or direct the evidence of any particular fact to be given at the hearing in such manner as may be specified by the order or direction.
- (6) The power conferred by subparagraph (5) extends in particular to ordering that evidence of any particular fact be given at the trial;
 - (a) by statement on oath of information or belief;
 - (b) by the production of documents or entries in books; or
 - (c) in the case of a fact which is of common knowledge either generally or in a particular district by the production of a specified newspaper which contains a statement of that fact.
- (7) The Tribunal may, at or before the hearing of a petition order or direct that the number of witnesses who may be called at the hearing be limited as specified by the order or direction.
- (8) Save with leave of the Tribunal after an application has shown exceptional circumstances, no document, plan, photograph or model shall be received in evidence at the hearing of a petition unless it has been listed along with the reply in the case of the Respondent.
- (9) Such leave may be granted with costs save where in the circumstances the Tribunal considers otherwise.

Calling of Witnesses

42. (1) On the hearing of an Election Petition, the Tribunal may summon a person as a witness who appears to the Tribunal to have been concerned in the Election Petition.
- (2) The Tribunal may examine a witness so summoned or any other person in the Tribunal although 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 Tribunal at its own instance shall, unless the Tribunal otherwise orders, be deemed to be costs of

the Election Petition and may, if the Tribunal so directs, be paid in the first instance by the Secretary in the same way as the State witness' expenses and recovered in such manner as the Tribunal may direct.

- (4) Where the Tribunal summons a person as a witness under this paragraph, the provisions of the 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 Tribunal shall:
 - (a) in making and carrying into effect an order for the production and inspection of documents used in the election; 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.

Privileges of a Witness

43. (1) A person called as a witness in the proceedings in the Tribunal shall not be excused from answering a question relating to an offence or connected on the grounds that the answer thereto may incriminate or tend to incriminate him, or the ground of privilege.
- (2) A witness who answers truly all questions which he is required by the Tribunal to answer shall be entitled to receive a Certificate of Indemnity under the hand of the Chairman of the Tribunal stating that the witness has so answered.
- (3) An answer by a person to a question before the Tribunal shall not, except in the case of 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 Petition and legal proceedings are at any time brought against him for an offence against the provisions of the Law, committed by him prior to the date of the Certificate at or in relation to the election, the Tribunal having cognizance of the case shall, on proof of the Certificate, stay the proceedings, and may, at its discretion award to the person such costs as he may have been put to in the proceedings.

Evidence of Respondent

44. At the hearing of an Election Petition complaining of an undue return and claiming the seat or office of a Petitioner, the Respondent may, subject to the provisions of subparagraph (2) of paragraph 12, give evidence to prove that the election of the Petitioner was undue in the same manner as if he were the person presenting the Election Petition complaining of the election.

Enlargement and Abridgement of Time

45. (1) The Tribunal shall have power, subject to the provisions of section 95 of this Law and paragraph 14 of this Schedule, enlarge time for doing any act or taking any proceedings on such terms (if any) as the justice of the case may require except otherwise provided by any other provision of this Schedule.
- (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 anything or act is or has been fixed or limited by any of the sections, paragraphs or rules under or in pursuance to this Law or by a direction or an order of the 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 Tribunal otherwise orders.
- (4) Every application for enlargement or abridgment of time shall be supported by affidavit.
- (5) An application for abridgement of time may be *ex parte*, but the Tribunal may require notice of 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 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.

46. (1) When a petition comes up for hearing and neither party appears, the Tribunal shall, unless there are good reasons to the contrary, strike out the petition and no application shall be brought or entertained to re-list it.
- (2) When a petition comes up for hearing, if the Petitioner appears and the Respondent does not appear, the Petitioner may prove his petition so far as the burden of proof lies upon him and the Tribunal shall enter a final judgement in the petition.
- (3) When a petition comes up for hearing, if the Respondent appears and the Petitioner does not appear, the Respondent shall be entitled to final judgement dismissing the petition.
- (4) Documentary evidence shall be put in and may be read or taken as read by consent.
- (5) A party shall close his case when he has concluded his evidence and either the Petitioner or Respondent may make oral application to have the case closed.
- (6) Notwithstanding subparagraph (5) of this paragraph, the Tribunal may *suo-motu* where it considers that either party fails to conclude its case within a reasonable time, close that party's case.
- (7) The Secretary shall take charge of every document or object put in as exhibit during the hearing of a petition and shall mark or label every exhibit with a letter or letters indicating the party by whom the exhibit is put in (or where more convenient the witness by whom the exhibit is proved) and with a number so that all exhibits put in by a party (or proved by a witness) are numbered in one consecutive series.
- (8) The Secretary shall cause a list of the exhibits in the petition to be made which when completed shall form part of the record of the proceedings.
- (9) For the purpose of subparagraph (8) of this paragraph, a bundle of documents may be treated and counted as one exhibit.
- (10) When the party beginning has concluded his evidence, if the other party does not intend to call evidence, the party beginning shall within 10 days after the close of evidence file a written address. Upon being served with the written address, the other party shall within 7 days file his own written address.

- (11) Where the other party calls evidence, he shall within 10 days after the close of his evidence file a written address.
- (12) Upon being served with other party's written address the party beginning shall within 7 days file his written address.
- (13) The party who files the first address shall have a right to reply on points of Law only and the reply shall be filed within 5 days after service of the other party's address.

Motion and Applications

47. (1) No motion shall be moved and all motions shall come up at the pre-hearing session except in extreme circumstances with leave of the Tribunal.
- (2) Where by these Rules any application is authorised to be made to the Tribunal such application shall be made by motion which may be supported by affidavit and shall state under what rule of Law the application is brought and shall be served on the Respondent.
- (3) Every such application shall be accompanied by a written address in support of the relief sought.
- (4) Where the Respondent to the motion intends to oppose the application, he shall within 7 days of the service on him of such application file his written address and may accompany it with a counter affidavit.
- (5) The application, may on being served with the written address of the Respondent file and serve an address in reply on points of Law within 3 days of being served and where a counter-affidavit is served on the applicant he may file further affidavit with his reply.

Service of Notice

48. (1) Where a summons, notice or document, other than a notice or document mentioned in subparagraph (1) of this paragraph 7 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 Ward 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, or the clerk there apparently in charge; or
 - (b) 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; or
 - (c) the person there found apparently in charge, if such address is a place or business, or
 - (d) 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 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 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 shall be sufficient; or
 - (b) dispense with service or notice as the Tribunal deems fit.

Two or More Candidates as Respondents

49. Two or more candidates may be made Respondents to the same petition and as the 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.

Consolidated Petitions

50. 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 Tribunal shall otherwise direct in order to do justice or an objection against one or more of the petitions has been upheld by the Tribunal.

Electoral Officer, etc as Respondents

51. (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, returning Officer or any other official of the Commission shall not be at liberty to decline from opposing the petition except with the written consent of the Attorney-General.
- (2) If consent is withheld by the Attorney-General under subparagraph (1) of this paragraph the State Government shall indemnify the Electoral Officer, Presiding Officer, returning Officer or such other official of the Commission against any costs which may be awarded against him by the Tribunal in respect of the election Petition.
- (3) Where the Commission, an electoral Officer, a Presiding Officer, Returning Officer, Returning Officer, or any other official of the Commission has been joined as Respondent in an Election Petition, a Legal Officer on the employment of the Commission or the Attorney-general (acting in person or through any of his Legal Officers), shall represent the Commission Electoral Officer, Presiding Officer, returning Officer or other official of the Commission at the Tribunal.
- (4) Legal Officer engaged by the Commission under subparagraph (3) of this paragraph shall be entitled to be paid such honorarium as may be approved by the Commission and the Attorney-General or any of his Legal Officers so engaged shall

be paid such allowances as may be approved by the Governor.

Duplicate of documents

52. 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 documents or process for service on each of the parties to the Election Petition in addition to ten copies which the Secretary may preserve.

Non-Compliance With Rules, etc

53. (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 Tribunal so directs, but the proceeding may be set aside wholly or in part as irregular, or amended, or otherwise dealt with in such a manner and on such terms as Tribunal may deem 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 fresh step in the proceeding 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 Tribunal.
- (5) An objection challenging the irregular or competence of any 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.

Application of Rules of Court

54. Subject to the express provisions of this Law the practice and procedure of the Tribunal in relation to an Election Petition shall be as nearly as possible similar to practice and procedure of the high Court in the exercise of its civil jurisdiction and the Civil Procedure Rule shall apply with such modifications as may be necessary to render them applicable having regard to the provisions of this Law as if the Petitioner and the Respondent were respectively the plaintiff and the defendant in an ordinary civil action.

Practice and Procedure of the High Court

55. Subject to the provisions of this Law an appeal to the Election Petition Tribunal shall be determined in accordance with the practice and procedure relating to appeals in the High Court as the case may be regard being had to the need for urgency on electoral matters.

SECOND SCHEDULE

Section 102 (1)

FORM TF 001

ELECTORAL LAW, 2018

IN THE LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

HOLDEN AT

PETITION NO......

The election to the for the
Constituency or the office of Held
on the day of 20

BETWEEN

A.B.

.....
.....

C.D.

.....
.....

Petitioner(s)

AND

E.F.

.....
.....

G.H.

.....
.....

Respondent(s)

PETITION

The petition of A.B. of (or A.B. of
..... of and C.D. of
..... as the case may be) whose
names are subscribed.

Your petition (A.B.) was a candidate at the above election or claims to have a
right to contest or be returned at the above election or was a registered
political party and your petition

(here state in like manner the right of each Petitioner
..... and your petition(s) state(s)
that the election was held on the day of 20
..... when A.B. (and C.D.) and E.F. (and G.H.) were candidates. And your
Petitioner(s) state that (here state facts and ground on which the Petitioner(s)
rely

.....
whereof 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 their (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)

Signed

.....
..... A.B.

.....
..... C.D.

Address for Service
.....
.....

The name of my (or our) solicitor is OR
I (or we) am (or are) acting for myself (or ourselves)

Signed.....
..... **B. Petitioner(s)**

.....
..... C.D.

Signed before me this day of20

.....
Secretary

SECOND SCHEDULE

Section 102 (1)

FORM TF 002

ELECTORAL LAW, 2018

IN THE LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

HOLDEN AT

PETITION NO......

BETWEEN

.....
.....
.....

Petitioner(s)

AND

.....
.....
.....

Respondent(s)

RECEIPT OF PETITION

Received on the day of 20 at
the Registry of the Tribunal, a petition concerning the election of
..... as a member of to
the office of purporting to be

Signed by

Dated this day of 20

Secretary

Address for Service on Respondent

.....
.....
.....

SECOND SCHEDULE

Section 102 (1)

FORM TF 003

ELECTORAL LAW, 2018

IN THE LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

HOLDEN AT

PETITION NO.....

BETWEEN

.....
..... **Petitioner(s)**

AND

.....
..... **Respondent(s)**
.....

To Respondent(s)

NOTICE OF PRESENTATION OF PETITION

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 as et out below, or as the tribunal may direct by order under paragraph 8(2) of the First Schedule to this Law 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 notice board, which shall be sufficient notice thereof.

Date day of 20

Secretary to

SECOND SCHEDULE

Section 102 (1)

FORM TF 004

ELECTORAL LAW, 2018

IN THE LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

HOLDEN AT

PETITION NO......

BETWEEN

.....
..... **Petitioner(s)**

AND

.....
..... **Respondent(s)**

To the Secretary

MEMORANDUM OF APPEARANCE

Local Government Council Election Tribunal

Please enter appearance for

Who is

In the above election petition

The name and address of his Solicitors are as follows:

.....

.....

.....

Dated this day of 20

Signed

For service on Petitioner

SECOND SCHEDULE

Section 102 (1)

FORM TF 005

ELECTORAL LAW, 2018

IN THE LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

HOLDEN AT

PETITION NO......

BETWEEN

.....
..... **Petitioner(s)**

AND

.....
..... **Respondent(s)**

The Petition of (Petitioner)
of

(or of of
..... and (Petitioners)

As the case may be) whose name(s) are subscribed.

NOTICE OF HEARING

TAKE NOTICE that the above Election Petition will be heard at on
..... the day of 20 and
on such other day as the Tribunal may determine.

Dated this day of 20

.....
Secretary

Address for service on:

Petitioner

.....
Respondent

.....

SECOND SCHEDULE

Section 102 (1)

FORM TF 006

ELECTORAL LAW, 2018

IN THE LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

HOLDEN AT

PETITION NO......

BETWEEN

.....
..... **Petitioner(s)**

AND

.....
..... **Respondent(s)**

NOTICE OF MOTION TO WITHDRAW PETITION

TAKE NOTICE that this Honourable Tribunal will be moved on the day of 20 at the hour of 9 o'clock in the afternoon or as soon as 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 ground(s)

.....
.....
.....
.....

Dated this Day of 20

.....

Petitioner(s) or Solicitor

SECOND SCHEDULE

Section 102 (1)

FORM TF 007

ELECTORAL LAW, 2018

IN THE LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

HOLDEN AT

PETITION NO

BETWEEN

.....
.....
.....

}
} Petitioner(s)

AND

.....
.....
.....

}
} Respondent(s)

To (insert name of parties)

HEARING NOTICE FOR PRE-HEARING SESSION

TAKE NOTICE that you are required to attend the Tribunal on the day of 20 At 9 o'clock in the forenoon, for a Pre-Hearing Session for the purposes set out hereunder:

1. (a) disposal of all matters which must or can be dealt with on interlocutory application;

- (b) giving directions as to the future of the petition a appear best adapted to secure its just, expeditious and economical disposal in view of the urgency of Election Petitions;
- (c) giving directions on order of witnesses to be called and such documents to be tendered by each party to prove their cases having in view of the need to expeditious disposal of the petition;
- (d) fixing clear dates for hearing of the petition.

2. Please answer the questions in the attached Pre-Hearing Information Sheet (Form TF 008) on a separate sheet and submit within 7 days before the above mentioned date.

TAKE NOTE that if you do not attend in person or by Legal Practitioner at the time and place mentioned such proceeding will be take and such order will be made as the Tribunal may deem just expedient.

Dated this day of 20

Signed

Secretary

SECOND SCHEDULE

Section 102 (1)

FORM TF 008

ELECTORAL LAW, 2018

IN THE LOCAL GOVERNMENT COUNCIL ELECTION TRIBUNAL

HOLDEN AT

PETITION NO.....

BETWEEN

.....
.....
.....

} Petitioner(s)

AND

.....
.....
.....

} Respondent(s)

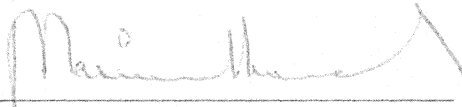
PRE-HEARING INFORMATION SHEET

This Pre-Hearing Information Sheet is intended to include reference to include reference to all applications which the parties would wish to make at the Pre-Hearing Session.

All parties shall not later than 7 days before the first Pre-Hearing Session file and serve on all parties:

- (a) All applications in respect of matters to be dealt with before hearing including but not limited to the matters listed hereunder;
- (b) Written answers to the questions in this Pre-Hearing Information Sheet.

DATED AT KADUNA this^{6th} day of February 2018




Malam Nasir Ahmad el-Rufai,
Governor, Kaduna State.

EXPLANATORY NOTE

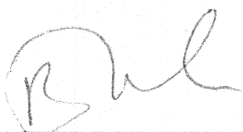
(This note does not form part of this Law and has no legal effect)

The purpose of this Law is to substitute the Kaduna State Independent Electoral Commission Law, Law No.10 of 2012 of Kaduna State;

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.



HON. AMINU ABDULLAHI SHAGALI
(Speaker)



BELLO ZUBAIRU IDRIS Esq.
(Clerk to the Legislature)