

CHAPTER K32 - KWARA STATE LOCAL GOVERNMENT ELECTORAL LAW

ARRANGEMENT OF SECTIONS

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KWARA STATE LOCAL GOVERNMENT ELECTORAL LAW

A Law to provide for the conduct of Local Government Elections, offences thereto, determination of questions relating to such elections and to repeal the Kwara State Independent Electoral Commission (Regulations) Law, 2003 and other matters connected therewith.

[No. 8 of 1994, No. 4 of 2006.]

[Date of commencement: 18th March, 2004]

PART I

Elections, Conduct and Procedure for Elections

1. Local Government Elections

There shall be Local Government Elections in the State.

2. Powers of the Commission

The conduct of elections into the offices of the Chairman, Vice-Chairman and a member of a Local Government Council and the recall of a member of a Local Government Council shall be under the direction and supervision of the Commission in accordance with the provisions of this law, using the register of voters compiled by the Independent National Electoral Commission and the polling units established by the Commission and any other regulations, guidelines, rules or manuals listed or made by the

Commission not being inconsistent with the provisions of this law.

3. Elections to offices of Chairman, Vice-Chairman, and Councillors

(1) There shall be elected for each Local Government Area of the State a Chairman and a Vice-Chairman.

(2) There shall be elected from each ward in a Local Government Area, a Councillor.

4. Division of Local Government Areas into wards

(1) Subject to the provision of this section, the Commission shall divide each Local Government Area into such number of wards, not being less than ten and not more than twenty as the circumstance of each Local Government Area may require.

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

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

(4) Notwithstanding the provisions of subsection (3) of this section, the Commission may, at any time, carry out such a review and alter the wards in accordance with the provision of this section to such extent as it considers necessary in consequence of any amendment to section 3 of the Constitution or any provision replacing that provision or by reason of the holding of a National Population Census.

5. Qualification for contesting the elections

Notwithstanding the provisions of any other law, a person shall be qualified to contest the Local Government Elections if—

- (a) he is a citizen of Nigeria;
- (b) in the case of Councillorship election, he has attained the age of 25 years;
- (c) in the case of Chairmanship election, he has attained the age of 30 years;
- (d) he is ordinarily resident in the ward or constituency in which he is contesting an election or is an indigene of that ward or constituency;
- (e) he has been educated up to at least School Certificate level or its equivalent;
- (f) he is a registered voter in the ward or constituency in which he Intends to contest the election;
- (g) he is a member of a Political Party and is sponsored by that party;
- (h) he has produced evidence of tax payment as at when due or tax exemption for a period of three years immediately preceding the year of election;
- (I) he pays to the Commission a non-refundable sum,

prescribed by the Commission for the post he intends to contest;

- (j) he has not been adjudged guilty of Economic sabotage or treason or treasonable felony or of disruption of public peace or security of Nigeria or any part thereof by any court or Tribunal of competent jurisdiction in Nigeria;
- (k) in the case of Councillorship election, he is nominated in writing by 10 persons whose names appear on the register of voters for the ward in which he intends to contest the election;
- (l) in the case of Chairmanship election, he is nominated in writing by 20 persons whose names appear on the register of voters in their respective wards and from at least two-thirds of all the wards in the Local Government Area in which he intends to contest the election;
- (m) in the case of a candidate contesting as chairman, he has nominated from a ward, other than his own, another candidate who shall run as his associate candidate for the office of Vice-Chairman; and
- (n) he has not been found guilty of an offence involving narcotic drugs or any other psychotropic substance by any court or tribunal in Nigeria or in any other country.

6. Disqualification from contesting the elections

Notwithstanding the provisions of any law, a person shall not be qualified to contest the Local Government elections if—

- (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) under any law in force in any part of Nigeria, he is adjudged to be a lunatic or otherwise declared to be of unsound mind;
- (c) he is under a sentence of death imposed on him by any competent Court of law or Tribunal in Nigeria or a sentence of imprisonment or fine for an offence involving dishonesty or fraud (by whatever name called), money laundering, drug related offence, or any other offence imposed on him by such a Court or Tribunal or substituted by a competent authority for any other sentence imposed on him by such a court or tribunal;
- (d) within a period of less than ten years before the date of an election, he has been convicted and sentenced for an offence involving dishonesty or he has been found guilty of a contravention of the Code of Conduct;
- (e) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Nigeria;
- (f) he is a person employed in the Public Service of the Federation or of any State or Local Government 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 been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal set up under the Tribunal of Inquiry Act, a Tribunal of Inquiry Law or any other Law by the Federal or State Government which indictment has been accepted by the Federal or State Government, as the case may be;
- (i) he has within the preceding period of ten years presented a forged certificate to the Commission;
- (j) he has been dismissed from the Public Service of the Federation or a State or Local Government or from an employment in the private sector;
- (k) he has been elected to such office at any two previous elections; and
- (i) he has been indicted for Examination Malpractices.

(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 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.

(4) Where a person seeking to contest as a candidate is involved in a case that may lead to his being disqualified under this law and the case is pending before a court or tribunal, he may stand as a candidate in the election until the determination of the case but if he is found guilty by a court or tribunal as the case may be he shall—

(a) withdraw from the election; and

(b) if already elected, cease to be a Councillor or Chairman or Vice-Chairman as the case may be.

7. Date of Local Government Elections

(1) Elections into the offices of the Chairman, Vice Chairman and Members of the Local Government Council in the State shall be held on a date determined by the Commission.

(2) The Local Government Elections shall be held on the same date and day throughout the State except as otherwise determined by the

Commission.

(3) The elections referred to in subsection (2) of this section shall be held on a date not earlier than 60 days and not later than 30 days before the expiration of the term of office of the last holder of that office.

8. Conduct of Elections

The conduct of the Local Government Elections in the State shall be in accordance with the provisions of this Law and the direction, organisation and supervision of the Commission.

9. Postponement of Elections

(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 conducted on that date 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 affected, appoint another date for the holding of the postponed election.

(2) Where an election is postponed before the last day for the delivery of nomination papers, the Electoral Officer shall on a new date being appointed for the election proceed in all respects as if that date was the date referred to in subsection (1) as the date for the holding of the election.

(3) Where an 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 then nominated, the Electoral Officer shall on a new date being appointed for the election proceed as if the date appointed were the date for the taking of the poll between the candidate.

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

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

(6) Notwithstanding the provision of subsection (4) of this section, the Commission may, if satisfied that the result 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 new election be made.

(7) The decision of the Commission under subsection (6) may be challenged by any of the contestants at a Tribunal of competent jurisdiction and on such challenge, the decision shall be suspended until the matter is determined.

10. Vacancy and Notification of Vacancy in Local Government Council

(1) Whenever a vacancy occurs in any legislative Council of a Local Government the Clerk upon the instruction of the Speaker of such Council shall within 30 days of that vacancy occurring send a notice in writing to the Commission for an election to fill the vacancy.

(2) The Commission shall hold a by-election to fill any vacancies that occur in any Local Government Council of the State within 30 days from the date the vacancy occurred upon the receipt of notice of such vacancy.

(3) The date mentioned in subsection (2) of this section shall not be earlier than 60 days before and not later than 30 days before the expiration of the term of office of the last holder of that office.

(4) Where a vacancy occurs less than three months before the day on which the Local Government Councils stands dissolved, there shall be no by-election to fill the vacancy.

(5) Where a vacancy occurs more than three months before the day the Local Government Councils stands dissolved there shall be a by-election to fill the vacancy not later than 30 days from the date the vacancy occurred.

11. Persons Eligible to Vote

(1) A person shall be eligible to vote in a Local Government election if—

- (a) he is a citizen of Nigeria and has attained the age of eighteen years;
- (b) he is ordinarily resident in the Ward or Local Government Area for a period of not less than twelve months prior to the date of election, or he is an indigene of the Ward or Local Government Area; and
- (c) he is registered as a voter in the Ward or Local Government Area and subject to subsection (2) of this section, has obtained a registration card to be presented at the polling station or unit on the day of the election.

(3) *Ordinary Residence.*—For the purpose of this Law, a person shall be deemed to be ordinarily resident in that place where he normally lives, sleeps and has his usual abode, whether or not he is an indigene of that place.

(4) For the avoidance of doubt, a person who is ordinarily resident in a place outside his indigenous Local Government Area or outside his State of Origin shall be eligible to vote in a place if he has been so ordinarily resident

there for not less than twelve months prior to the date of the election.

12. Function of the Chairman of the Commission during election

For the purpose of directing and supervising the Local Government elections under this Law, the Chairman of the Commission (hereafter referred to as "the Chairman") shall be the State Electoral Officer of the State.

13. Appointment of Local Government Area Electoral Officers

(1) The Commission shall appoint an Electoral Officer for each Local Government Area in the State, who shall be the Returning Officer for the election to the office of Local Government Chairman and Councillor.

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

(3) The Commission may appoint a person to be an Assistant Electoral Officer for the conduct of Local Government Elections and a person so appointed shall in respect of that election have such functions conferred by this Law on the Electoral Officer or as the Commission may determine.

14. Appointment of Returning Officers, Presiding Officers, etc.

(1) The Commission shall for the purpose of elections under this Law appoint a Returning Officer, Assistant Returning Officer, Presiding Officer, a Poll Clerk for each Polling Station and such other officers as may be required by the Commission, provided that such officers shall not be registered members of any Political Party or persons who have publicly expressed support for a Political Party or candidate.

(2) A person appointed as an Assistant Returning Officer under the

provisions of this section shall have the functions imposed or conferred by this Law on a Returning Officer or as the Commission may determine.

(3) Not less than 7 days prior to the date of the election, the Commission shall publish the name and particulars of the officers so appointed.

15. Announcement of results of Elections

Results of the elections shall be announced by—

- (a) the Presiding Officer at the Polling Station;
- (b) the ward Returning Officer at the ward collation centre;
and
- (c) the Returning Officer at the Local Government Area centre.

16. Oath of Loyalty by Electoral Officers

All Electoral Officers, Presiding Officers, Returning Officers and any other person appointed for the purpose of conducting this election shall affirm or swear an Oath of loyalty and neutrality indicating that they would not accept bribe or gratification from any person and shall perform their functions and duties impartially and in the interest of the State without any fear or favour.

17. Remuneration of Electoral Officers

The Commission may prescribe—

- (a) a scale of remuneration for officers appointed under this Law for the conduct of election; and

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

18. Supervision of other Officers by Electoral Officer

(1) An Electoral Officer shall exercise supervision over acts of officers as are appointed under this Law in his Local Government Area and may, subject to this Law or on instructions issued by the Commission, give directions to such officer with regard to the performance of their functions.

(2) The Commission may appoint in respect of an area, an officer or officers (by whatever name called) to exercise supervisory functions, under the directions of the Electoral Officer, over the conduct of the election, and that officer shall have such powers and duties as shall be determined by the Commission.

19. Disqualification from Membership of Local Government Council

(1) A person who by reason of holding or acting in office has responsibility for or connection with the conduct of election to a Local Government Council shall be disqualified from membership of that Local Government Council and from nomination as a candidate while he holds or acts in that office.

(2) No official or staff of the Commission shall contest or vote at an election.

20. Notice of Election

(1) Not less than 14 days before the date appointed for holding of an election under this law, the Commission shall publish a notice within the State—

(a) stating the date of the election; and

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

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

(3) In respect of a by-election, the Commission shall, not later than 4 days before the date appointed for the election, publish a notice stating the date of election.

21. Submission of list of Candidates and their Affidavits, Screening Clearance, etc., of Candidates

(1) Every political party, shall, on such day as may be specified by the Commission, before the date appointed for an election under the provisions of this Law, submit to the Commission—

(a) in Form KWSIEC 001, set out in the second schedule to this law, the personal particulars of their candidate for the election as supplied by the candidate; and

[KWSIEC 001.]

(b) in Form KWSIEC 002, set out in the second schedule to this law, list of the candidates, the Political Party proposes to sponsored at the election in each Local Government Area.

(2) (a) The list shall be accompanied by an affidavit sworn to by each of the candidate at the High Court of the State, indicating that he or she is a citizen of Nigeria and had attained the age of 30 years, for election into the office of the Chairman and Vice-Chairman of the Local Government and 25 years, for election as a Councillor into the Local Government Council; and

(b) The Affidavits sworn to should also indicate that he has fulfilled all the requirements for election into that office as provided for in this law.

(3) The Commission, shall, within 7 days of the receipt of the personal particulars of the candidate publish same in the ward/constituency, where the candidate intends to contest the election.

(4) Any person, who has reasonable ground to believe that any information, given by a candidate in the affidavit is false, may petition the Commission specifying the grounds for such petition, with evidence to support the allegation or he may file a suit at the State High Court against such person, seeking a declaration that the information contained in the affidavit is false.

(5) if the Court determines that any of the information contained in the affidavit is false, the Court shall issue an order disqualifying the candidate from contesting the election and if already elected the Court shall issue an order against the person to vacate the office and the next person with the highest number of votes shall be declared duly elected.

(6) If, after appropriate investigations by the Commission it is discovered that any of the information provided by the candidate is false, he shall be automatically disqualified from contesting the elections and if already elected, he or she shall automatically vacate the office concerned and the next

candidate with the highest number of votes and who meets the requirements for the position shall be declared elected, provided the aforementioned body shall state the reason(s) for the disqualification.

(7) The Attorney-General of the State, shall initiate criminal proceedings where appropriate against the candidate and if convicted he shall be sentenced to a fine of ₦4200,000.00 or to imprisonment for two years or both.

(8) Any Political Party, which knowingly or recklessly presents to the Commission, the name of a candidate who does not meet the qualifications stipulated in this law shall be—

(a) guilty of an offence and on conviction shall be liable to a fine of ₦500,000.00; and

(b) be disqualified from participating in that particular election, for that office in the same constituency/ward.

(9) The decision of the Commission as to the qualification or disqualification of a candidate for an election may be challenged by a candidate.

(10) Any legal action challenging the decision of the Commission, shall commence within five working days and be disposed of not later than one week before the election.

(11) The Commission shall not later than 14 days, after the receipt of the list deliver to the Political Party in the prescribed forms—

(a) list of the candidate who are adjudged qualified to contest the election as in Form KWSIEC 003; and

[KWSIEC 003.]

- (b) the list of the candidates disqualified to contest the election as in Form KWSIEC 004 set out in the second schedule to this law.

[KWSIEC 004.]

(12) Where a candidate is rejected, the Commission shall afford the Political Party concerned an opportunity, subject to other provisions in this Law, to substitute another candidate for the candidate rejected.

(13) The screening, clearance, qualification and disqualification of candidate for an election shall be undertaken by the Commission or Clearance committee constituted by the Commission for that purpose.

(14) Any question, issue or appeal arising from screening, clearance, qualification or disqualification of a candidate in respect of an election under this Law, shall be dealt with in the manner specified by the Commission.

(15) The Commission shall have the power to ratify the final list of candidates for the election and its decision in respect of any question, issue or appeal arising from the screening, clearance qualification or disqualification by the clearance Committee of a candidate in respect of an election shall be binding.

(16) An appeal to the Commission against the rejection of a candidate shall be made in Form KWSIEC 005 set out in the second schedule to this law.

(17) If after 14 days from the date a Political Party delivered the list of its candidate to the Commission as requested under this section the Political Party has not been informed of the disqualification of any of its candidates, all the candidates on the list submitted by the Political Party shall be deemed

qualified or cleared to contest the elections.

22. Nomination of Candidate

(1) Each candidate for the post of—

(a) a Councillor shall be nominated in writing by 10 persons whose names appear on the register of voters for the ward in respect of which an election is to be held; and

(b) a Chairman, shall be nominated by 20 persons whose names appear on the register of voters in each of at least two-thirds of the wards in the Local Government Area in respect of which the election is to be held.

(2) The nomination shall be made in Forms KWSIEC 007 and KWSIEC 008 as provided in the second schedule to this law and shall be subscribed to by the candidate and by the persons nominating him and contain the following particulars—

(a) the name, address and occupation of the candidate;

(b) the names, address and occupations of the nominators of the candidates; and

(c) a certification by the candidate that he is willing and qualified to stand for the election.

[Form KWSIEC 007, Form KWSIEC 008.]

(3) The Electoral Officer or Assistant Electoral Officer shall provide nomination papers and shall supply a candidate with such number of nomination papers as he may require.

(4) Each candidate or one of the persons nominating him shall deliver his nomination paper subscribed to as in subsection (2) of this section at the place appointed by the Electoral Officer under the provisions of this Law not later than 5 o'clock in the afternoon of the fourteenth day before the election.

(5) No person shall subscribe as a nominator to more than one nomination paper at the same election and, if he does, his signature shall be invalid.

(6) No account shall be taken of the nomination of a candidate who has died before the election, withdraw or whose nomination has not been accepted as valid before the delivery of the second nomination paper.

(7) A candidate for an election who so desires may deliver along with the nomination paper, such number of posters containing his photograph and symbols of the Political Party sponsoring him.

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

(9) Any person who contravenes subsection (5) of this section shall be guilty of an offence and on conviction be liable to a fine of ₦50,000.00 or twelve months imprisonment or both.

23. Payment of non-refundable sum

(1) Every candidate shall, before his nomination paper is delivered pay to the Commission a non refundable sum prescribed by the Commission for the post he intends to contest and at the time of the delivery of his nomination paper produced to the Electoral Officer the official receipt for the sum.

(2) No nomination shall be valid unless the specified sum is paid and the receipt for the sum produced in the manner required by subsection (1) of this section.

24. Validity of nomination

(1) When a nomination paper is delivered and a deposit is made in accordance with this Law, the candidate shall be deemed to stand nominated unless and until—

- (a) the Electoral Officer decides that the nomination paper is invalid;
- (b) proof is given to the satisfaction of the Electoral Officer of the candidate's death; or
- (c) he withdraws his candidature.

(2) The Electoral Officer shall be entitled to hold the nomination paper invalid only on one or more of the following grounds—

- (a) that particulars of the candidate or the candidate or his nomination are not as required by this law;
- (b) that the nomination paper is not signed as required by this law;
- (c) that the candidate has been nominated in more than one ward or constituency, as the case may be;
- (d) that the nominators of the candidate or one or more of them are not persons whose names appear on the register

of voters in respect of the appropriate ward; or

(e) that the candidate is disqualified under the provisions of this Law.

(3) The Electoral Officer's decision that the nomination of a candidate is invalid shall be binding.

(4) Whenever the Electoral Officer decides that a candidate has not been validly nominated, he shall endorse and sign on the nomination paper, the fact and reasons for his decision, and that decision shall only be subject to review by the Local Government Election Tribunal.

(5) The Electoral Officer shall, within 48 hours of the receipt of a nomination paper, communicate in writing in Form KWSIEC 006 as provided in the second schedule of this law to the candidate or to one of the persons nominating the candidate or by pasting it at the notice board at the Commission's office, his decision as to the validity or otherwise of the nomination.

[Form KWSIEC 006.]

(6) A candidate whose first nomination paper is adjudged to be invalid by the Electoral Officer shall be permitted to submit a second nomination paper within a specified time.

25. Political Parties changing Candidate

Any Political Party which wishes to change any of its candidate for any election under this law may signify its intention in writing to the Commission not later than 14 days to the date of Election.

26. Publication of nomination

The Commission shall at least fourteen (14) 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 paper and in such other places as it deems fit, a statement of the full names of all candidates standing nominated and the person nominating them with their respective addresses and occupation.

27. Withdrawal of Candidate

(1) A candidate may withdraw his candidature by notice in writing signed by him and delivered by himself to the Political Party that nominated him for the election and the political party shall convey such withdrawal to the Commission. Withdrawal shall only be allowed not later than 14 days to the election.

(2) Where a candidate withdraws as provided in subsection (1) of this section, his or her Political Party shall be allowed to nominate another candidate.

(3) Re-nomination under this section shall only be allowed not later than 10 days before the date of the election.

28. Death of a Candidate

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

(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.

29. Invalidity of Double Nomination

If a Nomination Form, signed by a candidate and by the persons nominating him is lodged in more than one ward/constituency, his/her candidature shall be void in each ward/constituency.

30. Failure of Nomination

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.

31. Campaign for Election

(1) A candidate and his Party shall campaign for the election in accordance with such Rules and Regulations as may be determined by the Commission.

(2) Subject to the provisions of any enactment, candidates for the Local Government elections shall campaign in the following manner, that is—

- (a) campaigns shall be within the ward or constituency in which a candidate intends to contest the election;
- (b) campaigns shall not be allowed within 12 hours preceding the date of the election;
- (c) campaigns or address shall be devoted to outlining what the candidate intends to do for the people of his ward or

constituency; and

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

(3) State apparatus including the media shall not be employed to the advantage or disadvantage of any Political Party or candidate at any election.

(4) Media time shall be allocated equally among the Political Parties at similar hours of the day.

(5) At any public-owned electronic media, equal airtime shall be allotted to all Political Parties during prime times at similar hours each day, subject to the payment of appropriate fees.

(6) At any public print media, equal coverage shall be allotted to all Political Parties.

(7) Any public-owned media that contravenes subsections (4) and (5) of this section shall be guilty of an offence and on conviction be liable to a fine of ₦500,000.00 in the first instance and to a fine of ₦1,000,000.00 for subsequent conviction.

32. Contested Elections/when Poll required

Subject to the 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.

33. Contested and Uncontested Elections in respect of the election of Chairman, Councillor

(1) If after the expiration of time for the delivery of nomination papers and the withdrawals of candidates for election of councillors under this law only one candidate remains duly nominated, that candidate shall be declared returned unopposed.

(2) If after the expiration of time for the delivery of Nomination Papers and the withdrawal of candidates for election of Chairman, Councillors more than one candidate are duly nominated, a poll shall be taken in accordance with the provisions of this law.

(3) Where in an election to the office of Chairman at the close of nomination one of the candidates—

(a) has been nominated; or

(b) nominated for the election is the only candidate by reason of the disqualification, withdrawal, incapacitation, disappearance, or death of the other candidates,

the State Independent Electoral Commission shall extend the time for nomination by 7 days provided that where after the extension only one candidate remains validly nominated, there shall be no further extension.

34. Election of Chairman

(1) A candidate for an election to the Office of 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, but where the only candidate fails to be elected in accordance with this subsection, then there shall be fresh nomination.

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

(a) he has a majority of 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.

(3) If no candidate is duly elected under subsection (2) of this section, a second election shall be conducted within 7 days 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

(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.

(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 candidate shall be—

- (a) the candidate who secured 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.

(6) In default of a candidate duly elected under this section, arrangements shall be made within 7 days of the result of the election held under this sections by the Commission 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 Local Government 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 each of at least two-thirds of all the wards in the Local Government, as the case may be.

(7) If no candidate is duly elected under subsection (6) of this section, arrangements shall be made within 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 Chairman of a Local Government if he scores a simple majority of votes cast at the election.

35. Notice of poll

The Commission shall on the day, preceding the day of the election caused to be published in every ward or constituency in which election is to be held, in such manner as it may think appropriate, a notice specifying—

- (a) the day and the time fixed for the Poll;
- (b) the full names, arranged in alphabetical order of the surname, place of residence and occupation of each candidate remaining nominated;
- (c) by way of indication, the person entitled to vote; and
- (d) the location of the Polling Station.

36. Establishment of Polling Stations

The Commission shall—

- (a) establish sufficient number of Polling Stations in each ward and shall allot voters in such Polling Stations;
- (b) ensure that in each Polling Station or unit there is a place in which voters can cast their votes in secret;
- (c) furnish each Presiding Officer with such ballot boxes or other containers and ballot papers as may be required for the polls;
- (d) provide each Polling Station with pens, ink pads, ink, appropriate register of voters and such other things as may be required for the polls; and

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

37. Polling Agent

(1) All Political Parties may by a notice in writing signed, addressed to the Electoral Officer of the Local Government Area, appoint person(s) (in this Law referred to as a "Polling Agent" to attend each polling station in the Local Government Area for which they have candidate^) and the notice shall set out the names and addresses of the Polling Agent(s) which shall be given to the Electoral Officer before the date fixed for election.

(2) Notwithstanding the requirement 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.

(4) The polling agents shall certify the election materials from the office to the polling station.

38. Ballot boxes

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

(2) The ballot box shall be transparent and be constructed that the ballot papers can be put in them easily by the voters but cannot be withdrawn by him without the accredited Presiding Officer opening the ballot box.

39. Format for Ballot Papers

Every ballot paper shall—

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

(2) the ballot papers shall be bound in booklets and numbered serially with differentiating colours for each office being contested;

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

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

40. Display of Ballot Boxes

(1) At the hour fixed for opening of the poll before the commencement of voting the Presiding Officer shall open the empty ballot box and show same to such persons as may lawfully be present at the polling station and shall then close and seal the box in such manner as to prevent its being opened by unauthorised person(s).

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

41. Voting

(1) A voter shall have the right and be entitled to vote at the polling station in the Ward or Constituency where he is registered as a voter.

(2) No person shall be qualified to vote at an election if that person is not registered as a voter in accordance with the provisions of this Law and all other guidelines and regulations made pursuant to this Law.

42. Accreditation procedure

(1) The accreditation of voters shall commence on the day and time stipulated pursuant to section 35 of this Law.

(2) The Presiding Officer shall—

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

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

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

(b) not to accredit any voter who answers the questions in subsection (2) (a) of this section in the negative;

(c) mark the name of the voters in the register of voters with

biro;

- (d) stamp and sign the voter's card at the back with the appropriate stamp and state the date and type of election in code; and
- (e) enter in Forms KWSIEC A, KWSIEC B set out in second schedule to this Law the number of persons registered to vote at the Polling Station or Unit, the number of registered voters accredited, the serial numbers of ballot papers issued to the voters, the serial number of the balance of unused ballot papers and the number of accredited voters standing in the queue at the commencement of voting.

(3) The Presiding Officer and the Polling Agents shall sign Forms KWSIEC A and KWSIEC B to authenticate numbers entered.

43. Disorderliness during Accreditation

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

(2) Any person who, not being an accredited person, is found in any polling zones is guilty of an offence of disorderliness under this Law and liable to punishment as provided for in this Law.

44. Post-accreditation

At the close of accreditation, the Presiding Officer shall—

- (a) explain the voting procedure to be followed;
- (b) introduce the candidates or their posters and symbols, the Poll Clerk and the Polling Agents;
- (c) explain all activities which constitute election offences within the polling Zone, including penalties for committing each offence;
- (d) call the roll of accredited voters; and
- (e) ensure that posters bearing photographs of the candidates are not displayed within the polling zone.

45. Conduct of Poll

(1) After compliance with the provisions of section 44 of this Law, the Presiding Officer shall—

- (a) announce the commencement of voting;
- (b) request the accredited voters to line up in a single line;
- (c) separate the queue between men and women if, in that area of the State, the culture is such that it does not permit the mingling of men and women in the same queue;
- (d) request security agents or Poll Orderlies to stand at the end of the queue behind the last accredited voter and requests the voters in the queue to show their voter's cards duly stamped by the Presiding Officer;

- (e) require the voters to submit to being searched by him or a person directed by him for the purpose, so as to ensure that the ballot paper relating to the election is not in his possession and a voter who refuses to submit to a search shall not be entitled to receive the ballot paper, provided that a female voter shall not be searched except by a female person;
 - (f) issue accredited voters with two ballot papers, one each for the Councillor-ship and Chairmanship elections respectively, provided that the voter shall satisfy the Presiding Officer or Poll Clerk of his entitlement to vote and shall produce his registration card properly issued to him;
 - (g) direct voters to the voting table where, after thumb-marking the ballot paper secretly, they shall vote in the full view of all present;
 - (h) count the votes at the close of poll in the presence of the voters; and
 - (I) announce the number of votes counted for each of the candidates.
- (2) Immediately before the Presiding Officer or the Poll Clerk delivers the ballot papers to a voter—
- (i) the ballot papers shall be punched or stamped with an official stamp pro-vided;
 - (ii) the number, name, address and occupation of the voters as stated in the copy of the register of voters or part of the

register of voters shall be called out;

(iii) the number of the voter in the register of voters shall be marked on the counterfoil; and

(iv) A mark shall be placed against the number of the voter in the copy of the register of voters or part of the register of voters to denote that ballot paper has been received by the voter but without showing the serial number of the ballot papers which have been received.

(3) Immediately after recording his vote, a voter shall submit to having the finger nail of his left thumb mark with ink sufficiently indelible to live a mark for a period of approximately ten hours.

46. Right to Challenge

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

47. Conduct of Poll by Open Secret Ballot

(1) Voting at an election under this Law shall be by Open Secret Ballot.

(2) A Voter on receiving a ballot paper shall mark it in the manner prescribed by the Commission, and deposit same in the ballot box provided. All ballots at any polling station shall be deposited in the ballot box provided in the open view of the public.

48. Over Voting

(1) No voter shall vote for more than one candidate or record more than one vote in favour of any candidate at any one election.

(2) Where the votes cast at an election in any Ward or Polling station exceed the number of registered voters in that Ward or Polling station, the election for that Ward or Polling Station shall be declared null and void by the Commission and another election shall be conducted at a date to be fixed by the Commission.

(3) Where an election is nullified in accordance with subsection (2) of this section, there shall be no return for the election until another Poll has taken place in the affected area.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, the Commission may, if satisfied that the result of the election will not substantially be affected by voting in the area where the election is cancelled, direct that a Return of the election be made.

49. Marking ballot paper to identify Voter

(1) Where a voter makes any writing or mark on a ballot paper by which he may be identified, such ballot Paper shall be rejected provided that any print resulting from the staining of the thumb of the voter in the voting compartment shall not be or be deemed to be mark of identification under this section.

(2) The Commission shall use indelible ink for any thumb mark by voter on Ballot Papers.

50. Accidental destruction or marking of ballot papers

A Voter who by accident deals with his ballot paper in such a manner that it may not be conveniently used as a ballot paper, may deliver it to the Presiding Officer and if the Presiding Officer is satisfied that the ballot paper is spoilt, he shall issue another ballot paper to the voter in place of the ballot paper delivered up, and the spoilt ballot paper shall be immediately marked "cancelled" by the Presiding Officer.

51. Blind and Incapacitated Voters

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 the Voter into the voting compartment and assist the Voter to make his/her mark in accordance with the procedure prescribed by the Commission.

52. Personal Attendance

No Voter shall record his vote otherwise than by personally attending at the Polling Station and recording his vote in the manner prescribed by the Commission.

53. Voting at appropriate Polling Station

No person shall be permitted to vote at any Polling Station or unit other than the one to which he is allotted.

54. Impersonation by applicant for Ballot Paper

(1) If at the time a person applies for a ballot paper and before he has left the Polling Station or unit, a Polling Agent, Polling Station Official or Security Agent informs the Presiding Officer that he has reasonable cause to

believe that the person is under the age of 18 years or has committed the offence of impersonation and gives an undertaking on a prescribed form to substantiate the charge in a Court of Law, the Presiding Officer may order a Police Officer to arrest that person and the Presiding Officer's order shall be sufficient authority for the Police Officer so to act.

(2) Person in respect of whom a Polling Agent or Security Agent gives information in accordance with the provisions 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, if he has not already voted and if he has already voted, the Presiding Officer shall make a note of the number of the ballot paper delivered to him and on the count being taken, that ballot paper shall be invalid.

55. Tendered ballot paper

(1) If a person claiming to be entitled to vote applies for a ballot paper after some other person has voted in the name given by the claimant he shall, upon satisfactory answers given to any questions put to him by a Poll Clerk, be entitled to receive a ballot paper in the same manner as any other voter; but the ballot paper (in this Law referred to as "the Tendered ballot paper") shall be of a colour different from the ordinary ballot papers. The Presiding Officer shall require the Voter to deliver the tendered ballot paper to him instead of allowing it to be put in the ballot box, and the Presiding Officer shall endorse on it the name of the Voter and his number in the Register of Voters. The ballot paper shall on delivery to the Presiding Officer and in view

of all present be set aside by the Presiding Officer in a packet intended for tendered votes. No tendered ballot paper shall be counted by the Returning Officer.

(2) The Presiding Officer shall, when he tenders a ballot paper under this section, enter the name of the Voter and his number in the register of voters on the list to be called "Tendered Voter's List" and the tendered voter's list shall be produced in any legal proceedings arising out of the election.

56. Conduct in Polling Station

(1) The Presiding Officer shall regulate the admission of Voters to the Polling State 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 Station.

(2) The Presiding Officer may order a person to be removed from a Polling Station or unit, who behaves in a disorderly manner or fails to obey a lawful order, by any Police Officer, or by any other person authorised in writing by the Presiding Officer in that behalf.

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

(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 or unit from having an opportunity of voting.

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

57. Closing of Polls

(1) At the prescribed hour for the close 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.

(2) After the declaration of the close of Polls, no voter already inside the Polling Station shall be permitted to remain in the Polling Station unless otherwise authorised under this Law.

58. Adjournment of Polls in case of riot

(1) When the proceedings at a Polling Station or Unit are interrupted or obstructed by riot or violence, the Presiding Officer may adjourn the proceedings till the following day and shall forthwith give notice of the adjournment to the Electoral Officer.

(2) When the poll is adjourned at a Polling Station or Unit—

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

(b) reference in this section to the close of the Poll shall be construed accordingly.

59. Counting of votes

(1) The Presiding Officer shall after the close of the Poll, open the ballot box and empty its contents in the presence of the Polling Clerk, Poll orderly, candidate or their agent and any other person lawfully allowed to be at the Polling Station and begin to count the votes with the ballot paper kept face upwards.

(2) During the counting of votes all rejected ballot papers shall be put in a special envelope.

(3) The Presiding Officer shall after counting the votes, announce the result at the Polling Station.

(4) The votes scored by each candidate shall be entered in a statement of result Form KWSIEC A as provided in the second schedule of this law for Chairmanship election and Form KWSIEC B in the second schedule for Councillorship election which shall be signed and stamped by the Presiding Officer and endorsed by the candidate or their agents, where available, at the Polling Station or Unit.

[Form KWSIEC A, Form KWSIEC B.]

60. Post election procedure and collation of result

(1) The Presiding Officer shall give a copy of the statement of the result form to the Polling Agent and Police Officer, if any at the Polling Station or Unit and take the original copy to the Returning Officer at the Ward collation centre together with the ballot boxes, the relevant envelopes and all other election materials including the stamp, stamp-pad and endorsing ink, under security escort if available.

(2) The ward Returning Officer shall—

- (a) take delivery of all Forms KWSIEC A and KWSIEC B for the Chairmanship and Councillorship elections respectively from the Presiding Officer;

[Form KWSIEC A, Form KWSIEC B.]

- (b) collate the votes entered in Form KWSIEC A in the case of Chairmanship election or Form KWSIEC B in the case of Councillorship election, using Form KWSIEC C or KWSIEC D as the case may be;

[Form KWSIEC C, Form KWSIEC D.]

- (c) enter the votes in both words and figures in the appropriate space in Form KWSIEC D, in the case of Councillorship election, sign the form and get the Polling Agents to countersign;

[Form KWSIEC D.]

- (d) cross-check the figures in Form KWSIEC D carefully and distribute copies to the Polling Agents and security agents available at the ward collation centre;

[Form KWSIEC D.]

- (e) enter the score of each candidate in the Declaration of Result Form KWSIEC G for the Councillorship election; and

[Form KWSIEC G.]

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

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

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

[Form KWSIEC C]

(b) distribute the duly completed and signed Form KWSIEC C as follows—

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

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

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

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

(d) the Local Government Area Returning Officer shall—

(i) take delivery of all Forms KWSIEC C submitted by the ward Returning Officers from the wards in the Local Government Areas; [Form KWSIEC C]

(ii) collate the result by transferring votes scored by each Chairmanship candidate from Form KWSIEC C into Form KWSIEC E ward by ward;

[Form KWSIEC C, Form KWSIEC E.]

- (iii) announce loudly the total votes scored by each candidate at the Local Government Area, as recorded in Form KWSIEC E;
[Form KWSIEC E.]
- (iv) thereafter sign the duly completed Form KWSIEC E and get the Polling Agents at the collation centre to countersign;
[Form KWSIEC E.]
- (v) cross-check the figures in Form KWSIEC E carefully and distribute copies to the Polling Agents and the Police, if available;
- (vi) retain the original of Form KWSIEC E which shall be returned to the Electoral Officer for custody;
- (vii) enter the score of each candidate in the Declaration of Result Form KWSIEC F for the Chairmanship election;
[Form KWSIEC I.]
- (viii) declare the Chairmanship election result for the Local Government Area, and return the candidate who has won the election; and
- (ix) take the original of all Forms together with other materials relating to the elections delivered to him by the ward Returning Officers to the Electoral Officer.

61. Recount

(1) A candidate or a Polling Agent may, where present at a polling station when counting of votes is completed by the Presiding Officer demand to have the votes recounted, but the Presiding Officer shall cause the votes to be so recounted only once.

(2) A Polling Agent shall be required to sign Forms KWSIEC A and KWSIEC B especially where he has requested for a recount but failure by a Polling Agent to sign the forms shall not invalidate the result of the Poll.

62. Ballot without official mark

(1) A ballot paper which does not bear the official mark, shall not be counted.

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

63. Endorsement on Rejected Ballot paper

(1) The Presiding Officer shall endorse the word "Rejected" on the ballot paper rejected under section 62 and for any other reason, and the ballot papers shall not be counted except otherwise allowed by the Returning Officer who may overrule the Presiding Officer.

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

(3) The Presiding Officer shall prepare a statement on rejected ballot papers, stating the number rejected, the reason for rejection and their serial numbers, he shall on request allow a candidate or a Polling Agent to copy the statement.

64. Decision of Returning Officer on ballot papers and Review by Tribunal

The decision of the Returning Officer on any question arising from or relating to—

(a) unmarked ballot;

(b) rejected ballot; and

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

shall be final and subject to review by a Tribunal in an election proceedings under this Law.

65. Declaration of Results

(1) In all contested election, the result shall be ascertained by counting the votes cast for each candidate and subject to the provisions of this Law, the candidate to whom majority of the votes is cast or who has the highest number of votes cast at the election shall be declared elected.

(2) The declaration of result for the Chairmanship election shall be in Form KWSIEC F as in the second schedule to this law while the declaration of result for Councillorship election shall be in Form KWSIEC G as in the second schedule to this law.

66. Equality of Votes

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

67. Posting of Results

The Commission shall cause to be posted on its notice board a notice showing—

- (a) the candidates at the election and their scores; and
- (b) the person declared as elected or returned at the election.

68. Custody of Documents

The State Electoral Officer or any officer authorised by him shall keep official custody of all the documents, including statement of results and ballot papers relating to the election, which are returned to the Commission by the Returning Officers.

69. Step by Step Recording of Poll

Subject to the provisions of this Law, the Commission may issue, make guidelines for the elections which shall make provisions, among other things, for the step by step recording of the Poll in the Electoral Forms beginning from the Polling Station or unit to the last collation centre for the ward or constituency where the result of the election shall be declared.

70. Result Form to be signed and countersigned

Every Result Form completed at the ward and Local Government centre 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 Agents at those levels and copies given to the Police Officers and the Polling Agents, where available.

71. Certificate of Return of Election

(1) A sealed Certificate of Return at an election in the Form set out in the second schedule to this Law, shall be issued to every candidate who has won an election under this Law.

(2) Where a candidate is declared elected unopposed, a certificate of returned shall be issued to him by the Commission and the return shall be published along with the returns of other successful candidates at the election.

72. Recall

A member of Council may be recalled if—

- (a) there is presented to the Chairman of the Commission a petition in that behalf signed by more than one-third of the persons registered to vote in that member's ward/constituency alleging their loss of confidence in that member; and
- (b) the petition is thereafter, in a referendum conducted by the Commission within 90 days of the date of receipt of the petition approved by a simple majority of the votes of the persons registered to vote in that member's

ward/constituency.

73. Guidelines on Recall

The Commission shall have power to issue guidelines regulating the conduct of recall.

74. Forms to use for Elections, etc.

(1) The Forms to be used for the conduct of elections to Local Government Council under this Law, election petition arising there from, and for recall of a member of the Council shall be substantially as set out in the second Schedule of this Law or as may be otherwise determined by the Commission from time to time.

(2) Notwithstanding the provisions of subsection (1) of this section, the Commission shall have power to design any Form it deems necessary for the discharge of its functions under this Law.

75. Court or Tribunal order not to affect timing of election

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

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

PART II

Electoral offences

76. Offences in respect of Nomination, etc.

(1) A person commits an offence if he—

- (a) forges any nomination paper;
- (b) wilfully defaces or destroys any nomination paper;
- (c) delivers to an Electoral Officer any nomination paper knowing it to be forged;
- (d) sign a nomination paper as a candidate in more than one ward/constituency at the same election;
- (e) forges any ballot paper or official mark on any ballot paper or any certificate of return;
- (f) wilfully destroys any ballot paper or official mark on any ballot paper or any certificate of return;
- (g) without authority gives a ballot paper to any person;
- (h) wilfully places in any ballot box any unauthorised paper;
- (I) wilfully removes from a polling station any ballot paper whether or not the ballot paper was issued to him at that Polling Station;
- (j) without authority destroys or in any other manner

interferes with a Ballot Box or its contents or any Ballot Paper then in use or likely to be used for the purpose of an election;

- (*k*) Signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at that election;
- (*l*) without proper authority prints a ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- (*m*) being authorised by the Commission to print ballot papers print more than the number of quantity the Commission authorised;
- (*n*) without authority, is found in possession of a ballot paper when he is not in the process of voting and at a time when the election for which the ballot paper is intended, is not yet completed;
- (*o*) manufactures, constructs, imports into the State, has in his possession, supplies to any election officials or uses for the purpose of an election, or causes to be manufactured, constructed or imported into the State, supplied to any election official for use for the purpose of any election, any ballot box including any compartment, appliance, device or mechanism on or by

which a ballot paper may or could be secretly placed or stored in, or having been deposited during polling may be secretly diverted, misplaced or

manipulated.

(2) A person who commits an offence under subsection (1) is liable on conviction to a fine of ₦100,000.00 or to imprisonment for two years or to both.

(3) An attempt to commit any offence under this section shall be punishable in the same manner as the offence itself.

77. Improper use of voters card

Any person who—

- (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 voters card in the name of some other person for use at an election;
- (c) without lawful excuse has in his possession more than one Registration card; or
- (d) buys, sells, procures or deals, with a Voters Card otherwise than as provided in this law commits an offence and is liable on conviction to a fine of ₦50,000.00 or imprisonment for twelve months or both.

78. Improper use of vehicle

- (1) No person shall provide for the purpose of any other person to a

Polling Station any Government vehicle or any vehicle belonging to a public corporation except in respect of a person who is ordinarily entitled to use such vehicle and in emergency in respect of an Electoral Officer.

(2) Any person who contravenes the provisions of this section commits an offence and shall be liable on conviction to a fine of ₦30,000.00 or to imprisonment for six months or to both.

79. Impersonation and voting when not qualified

(1) A person who at an election—

- (a) applies for a ballot paper in the name of some other person, whether that name is the name of person living or dead, or of a fictitious person;
- (b) having voted once at the election, applies at the same election for a ballot paper in his own name or in the name of any other person, living or dead or of a fictitious person;
- (c) votes in the name of some other person, whether that name is the name of a person living or dead, or of a fictitious person;
- (d) having voted once at an election, votes a second time in his own name or in the name of any other person living or dead or of a fictitious person;
- (e) applies under this law, to be included in any list of voters in the name of some other, whether such name is that of a person living or dead or of a fictitious person;

- (f) 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;
- (g) votes or attempts to vote at an election knowing that he is not qualified to vote at the election; or
- (h) induces or procures any other person to vote at an election knowing that such other person is not qualified to vote at the election,

commits an offence and is liable on conviction to a fine of ₦50,000.00 or twelve months imprisonment or both.

(2) Any person who commits the offence of impersonation or who aids; abets, counsels or procures the commission of that offence, shall be guilty of an offence and be liable on conviction to a fine of ₦50,000.00 imprisonment for twelve months or both.

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

80. Disorderly behaviour at political meetings

Any person who, at a political meeting held after the date for an election has been announced—

- (a) acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was convened; or

- (*b*) has in his possession an offensive weapon or missiles; commits an offence and is liable on conviction to a fine of ₦50,000.00 or imprisonment for twelve months or both.

81. Breach of official duty

- (1) If a person—

- (*a*) to whom this section applies; or

- (*b*) who is for the time being under a duty to discharge any of the functions of that person, without reasonable cause, commits an act or omission in breach of his official duty, commits an offence and is liable on summary conviction to a fine of ₦50,000.00 or to imprisonment for a time of 1 year or to both such fine and imprisonment.

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

- (*a*) an Electoral Officer and an Assistant Electoral Officer;

- (*b*) a Presiding Officer and an Assistant Presiding Officer;

- (*c*) a Returning Officer and an Assistant Returning Officer;

- (*d*) a Poll Clerk and an Assistant Poll Clerk;

- (*e*) an Orderly; and

- (*f*) officials and members of staff of the Commission.

82. Dereliction of Duty

(1) Any Polling Officer who fails to report promptly at his Polling Station on an election day without lawful excuse commit an offence of dereliction of duty and on conviction is liable to a fine of ₦50,000.00 or twelve months imprisonment or both.

(2) Any Polling Officer who fails to discharge his lawful duties at his Polling Station without lawful excuse commits an offence of dereliction of duties and on conviction is liable to a fine of ₦50,000.00 or twelve months imprisonment or both.

(3) Any person who announces or publishes an election result knowing same to be false or which is at variance with the signed certificate of return commits an offence and on conviction is liable to a fine of ₦100,000.00 or twenty four months imprisonment 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 on conviction is liable to a fine of ₦200,000.00 or twenty four months imprisonment or both.

(5) Any person who delivers or causes to be delivered a false Certificate of return knowing same to be false to any press media commits an offence and on conviction is liable to a fine of ₦50,000.00 or twelve months imprisonment or both.

83. Corrupt Practices

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

(a) his knowledge or consent; or

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

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

(3) The expression "**Corrupt practice**" as used in this Law, means any of the following offences, that is—

(a) impersonation;

(b) undue influence;

(c) bribery; or

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

(4) Any person who is convicted of an offence under this part of the law which amounts to corrupt practices or is convicted of aiding, abetting, counselling or procuring the commission of such offence shall, in addition to any other penalty, be disqualified during a period of four years from the date of his conviction from—

(a) voting at an election; and

(b) being elected under this law or if elected before his

conviction, from retaining the office to which he was elected.

84. Bribery

(1) A person who—

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

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

(ii) corruptly does any such act referred to in subparagraph (i) of this paragraph on account of that voter having voted or refrained from voting.

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

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

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

- (c) directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement to or for any person or ward in order to induce a person or ward to procure, or to endeavour to procure the return of a person as a member of a Local Government Council or to an elective office as the case may be or the vote of a voter in an election;
- (d) on 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 as a member of a Local Government Council or to an elective office as the case may be; or
- (e) advances or pays, or causes to be advanced or paid any money to or for the use of a person, with the intent that the money, or any part thereof, shall be expended in bribery at an election;
- (f) knowingly pays or causes to be paid, any money to a person, in discharge or repayment of any money wholly or in part expended in bribery at an election; and
- (g) after an election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or 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 is liable to a fine of ₦50,000.00 or twelve months imprisonment or both.

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

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

(4) A person who commits the offence of bribery, or aiding, abetting, counselling or procuring the commission of this offence is liable on conviction to a fine of ₦50,000.00 or imprisonment for a term of twelve months or to both such fine and imprisonment.

85. Requirement of secrecy in voting

(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 Station under this section shall, except for some purpose authorised by laws, 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 in 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 at 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 upon conviction to a fine of #50,000.00 or to imprisonment for twelve months or both.

86. Wrongful voting and false statement

(1) Any person who—

- (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;
- (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 it that the statement was true, commits an offence and is

liable on conviction to a fine of ₦50,000.00 or imprisonment for a term of twelve months or both.

87. Voting by unregistered person

(1) Any person who knowingly votes or attempts to vote in a Ward/Constituency in respect of which his name is not on the register of voters commits an offence and is liable on conviction to a fine of ₦50,000.00 or to imprisonment for twelve month or both.

(2) Any person who knowingly brings into a Polling Station during an election a voters card issued to another person commits an offence and is liable on conviction to fine of ₦50,000.00 or to imprisonment for twelve months or both.

88. Offences on Election Day

(1) No person shall on the date on which an election is held do any of the following acts or things—

- (a) canvass for votes;
- (b) solicit 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 the 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 voters;

- (g) loiter without lawful excuse after voting or being refused to vote;
- (h) snatch or destroy any election materials;
- (I) exhibit, wear or tender any notice, symbol, photograph or any Party card referring to the election;
- (j) use any vehicle bearing the colour or symbol of a Political Party by any means whatsoever; and
- (k) blair siren.

(2) No person shall in the vicinity of a polling unit or collation center on the day of which an election is held—

- (a) convene, hold or attend any public meeting during the hours of polls as may be prescribed by the Commission;
- (b) unless appointed under this Law 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) A person who contravenes any of the provisions of this section shall be guilty of an offence and liable on conviction to a fine of ₦30,000.00 or imprisonment for six months or both for every such offence.

89. Undue influence

(1) A person who—

- (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 the offence of undue influence and is liable on conviction to a fine of ₦50,000.00 or imprisonment for twelve months and shall in addition be guilty of corrupt practices under this law and be disqualified as a candidate in the election.

90. Threatening

(1) A person who—

- (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 restrain;
- (b) inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss on or against a person in order to induce or compel that person to vote or refrain from voting, or on account of

such person having voted or refrained from voting;

- (c) by abduction, duress, or a fraudulent device or contrivance, impedes or prevents the free use of the vote by a voter or thereby compels, induces, or prevails on a voter to give or refrain from giving his vote at an election; or
- (d) by preventing any political aspirants from free use of the media, designated vehicles, mobilisation of Political support and campaign at an election, commits an offence and shall be liable on conviction to a fine of ₦50,000.00 or imprisonment for twelve months.

(2) Any person who aids, abets, counsels or procures the commission of this offence shall be guilty of an offence punishable as in subsection (1) of this section.

91. Offences by Law enforcement agent, etc.

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

- (a) fails to perform or discharge that duty;
 - (b) performs that duty fraudulently, negligently or recklessly;
- or
- (c) is guilty of any act or omission in breach of that duty, be guilty of an offence and liable on conviction to a fine of ₦50,000.00 or imprisonment for a term of twelve months or to both such fine and imprisonment.

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

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

92. Offences relating to statement of result

A person who, being a Presiding Officer at an election—

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

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

(c) does anything that impedes or obstructs the proper counting or obtaining of the correct result of the election, is guilty of an offence and shall be liable on conviction to a fine of ₦50,000.00 or imprisonment for a term of twelve months or to both such fine and imprisonment.

93. Disorderly conduct at election

A person who, at any Polling Station or unit or place being used for the

counting of votes, acts or incites others to act in a disorderly manner is guilty of an offence and liable on conviction to a fine of ₦30,000.00 or imprisonment for a term of six months or to both such fine and imprisonment.

94. Offences relating to counting of votes

A candidate or an agent who records the serial number of a rejected ballot paper or of a ballot paper in contravention of the provisions of this Law is guilty of an offence and liable on conviction to a fine of ₦10,000.00 or imprisonment for a term of three months or to both such fine and imprisonment.

95. Offences relating to Recall

The offences referred to in this Law shall apply to recall of a member of a Local Government Council.

PART III

Determination of Election Petitions Arising from Elections

96. Proceedings to Question on Election

(1) No election and no 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 "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.

(2) In this section "**Tribunal**" means "**Election Tribunal**" established by this Law.

97. Establishment and Jurisdiction of Election Tribunals

There shall be established in the State one or more Election Tribunals (in this Law referred to as "Local Government Election Tribunal") which shall to the exclusion of any other Tribunal, have original jurisdiction to hear and determine any question as to whether—

- (a) any person has been validly elected to the office of Chairman, Vice Chairman or Councillor;
- (b) a question or petition brought before the Local Government Election Tribunal has been properly or improperly brought.

98. Composition of Election Tribunals

(1) Local Government Election Tribunal shall consist of a Chairman and four other members.

(2) The Chairman shall be a Judge of the High Court and the members shall consist of a Khadi of the Sharia Court of Appeal and three Chief Magistrates.

[No. 4 of 2006.]

(3) The Chairman and other members of the Tribunal shall be appointed by the Chief Judge of the State, in consultation with the Grand Khadi.

(4) The quorum of an Election Tribunal shall be the Chairman and two other members.

(5) The Election Tribunals provided for under this Law, shall be constituted not later than 14 days before election.

99. Time for presenting Election Petitions

An election petition under this Law shall be presented within thirty (30) days from the date the result of the election is declared.

100. Persons entitled to present Election Petitions

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

(a) a candidate at an election; and

(b) a Political Party which participated at the election.

(2) The 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, a Presiding Officer, a Returning Officer or any other person who took part in the conduct of an election, such officer or person shall for the purpose of this Law be deemed to be a Respondent and shall be joined in the election petition in his or her official status as a necessary party.

101. Grounds for Petition

(1) An election may be questioned on any of the following grounds, that is to say—

(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 irregularities 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.

102. Certain defect not to invalidate Election

(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 Election Tribunal that the election was conducted substantially in accordance with the principles of this law and that the noncompliance 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 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.

103. Appeal Over Election Petition

(1) An appeal arising from a decision of an Election Tribunal under this law shall lie to the State High Court sitting in its appellate jurisdiction and the decision of the High Court shall be final.

[No. 8 of 2004, No. 4 of 2006.]

(2) Notwithstanding anything to the contrary in any other enactment, notice of appeal to the State High Court on the election petition shall be given within 21 days from the date of the decision appealed against.

[No. 8 of 2004.]

104. Nullification of Election by Tribunal

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

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

(3) On the Motion of a Respondent in an election petition, the Election Tribunal, may strike out an election petition on the ground that it is not in accordance with the provisions of this Law, or the provisions of First Schedule of this Law.

105. Accelerated hearing of Election Petitions

An election petition and an appeal arising therefrom under this Law shall be given accelerated hearing.

106. Person elected to remain in Office pending determination of Appeal

(1) If the Election Tribunal, determines that a candidate returned as elected was not validly elected, then if notice of appeal against that decision is given within 21 days from the date of the decision, the candidate returned as

elected shall, notwithstanding the contrary decision of the Election Tribunal, remain in office pending the determination of the appeal.

(2) If the Election Tribunal determines that a candidate returned as elected was not validly elected, the candidate returned as elected shall, notwithstanding the contrary decision of the Election Tribunal remain in office pending the expiration of the period of 21 days within which an appeal may be brought.

107. Procedure for Election Petitions

The rules of procedure to be adopted for election petitions and appeals arising therefrom shall be those set out in this Law.
[First Schedule.]

PART IV

Miscellaneous

108. Persons disqualified from acting as Election Officers

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 or she continues to hold any such appointment.

109. Loss of Registration Card

If the registration card of a voter is lost or accidentally destroyed, the voter may attend in person at the office of the Commission and apply for another registration card. The Commission shall make all necessary enquiries

and if satisfied as to the loss or accidental destruction may issue another card to the voter.

110. Election expenses by the Commission

(1) The Commission may prescribe—

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

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

(2) An Electoral Officer, Presiding Officer, or Returning Officer shall, in addition to any remuneration prescribed under paragraph (a) of subsection (1) of this section be entitled to such sums in respect of expenses 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 petitions arising therefrom.

(4) All fees and other remuneration approved under subsection (1) of this section shall be charged upon the Consolidation Revenue Fund of the State and shall be paid in such manner as the Commission deems fit.

111. Secrecy of Ballot

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.

112. Prosecution of Offences disclosed in Election Petition

The Attorney-General of the State may consider any recommendation made to him by the Commission with respect to the prosecution by him of any person for an offence disclosed in an election petition.

113. Trial of Offences

(1) An offence committed under this Law shall be tried in a Court of competent jurisdiction in the State.

(2) Prosecution under this Law shall be undertaken by the Attorney-General of the State or by Legal Officers in the Ministry of Justice of the State.

114. Inspection of Documents

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

(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 State Electoral Officer or any other officer of the Commission in accordance with this section shall be open for inspection on an order made by the Election Tribunal in exercise of its powers to compel the production of documents in legal proceedings, but shall not otherwise be open for inspection.

115. Custody of Documents

(1) The State Electoral Officer or any other officer of the Commission authorised by him shall retain for twenty-four months all documents relating to an election forwarded to him in accordance with the provisions of this Law and shall then, unless—

(a) otherwise ordered by the Election Tribunal; or

(b) he is aware that legal proceedings are pending in respect of the election cause them to be transferred to the State Archives for preservation.

(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 State Electoral Officer or any other officer of the Commission in accordance with this section shall be open for inspection on an order made by the Election Tribunal in exercise of its powers to compel the production of documents in legal proceedings, but shall not otherwise be open for inspection.

116. Delegation of Powers of the Commission

Without prejudice to the other provisions of this Law, the Commission may delegate any of its powers and functions to any Electoral Officer, other officer appointed under the provision of this Law subject to any conditions or limitations which it may consider necessary or expedient to impose and no such delegation shall be construed to limit the right of the Commission to exercise such power, itself.

117. Guidelines and Manuals

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

118. Regulations

The Commission may make regulations for the purpose of organising, undertaking and supervising elections under this Law and may prescribe forms to be used for the elections.

119. Elections in accordance with this Law, etc.

Election to Local Government Council shall be in accordance with the provisions of this Law and any regulations, guidelines made by the Commission.

120. Validation

Notwithstanding any defect or error in any notice, form, document made or given or other thing whatsoever done in pursuance of the provisions of this law or rules, regulation made thereunder, such notice, form or document is hereby validated with effect from the date on which it was made, given or done respectively.

121. Interpretation

In this Law unless the context otherwise requires—

"appointment" includes appointment, confirmation of appointment, promotion or transfer;

"association" means any body or persons (Corporate or

Incorporate) who agree to act together for any common purpose and includes an association formed for any ethnic, social, cultural, occupational or religious purpose;

"Attorney General" means the Chief law Officer of the State;

"authority" includes Government or Government agency;

"Civil Service" means Service of the State or Local Government in a civil capacity as staff of the State or Local Government assigned with the responsibility of any business of the Government;

"Clerk" means Clerk of the Legislative House of the Local Government or any person acting in that capacity;

"Commission" means the State Independent Electoral Commission;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1999;

"Council" means Local Government Council for a Local Government Area of the State;

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

"Elections" means Chairmanship, Vice Chairmanship and Councillorship elections under this Law;

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

"Federation" means the Federal Republic of Nigeria;

"function" includes power and duty;

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

"House" or "Legislative House" means the legislative House of a Local Government Area;

"Leader(s) of an association" means every person holding an executive position in that association, including in particular, the Chairman, Secretary or Treasurer of the association and every member of its committee or management, however described;

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

"Local Government Areas" means the Local Government Areas as provided for in the second column part I of the first schedule of the Constitution of the Federal Republic of Nigeria 1999, and Kwara State Local Government law No 6 of 1999;

"Local Government Law" means Kwara State Local Government Law No. 6 of 1999;

"offensive weapon" or "missiles" includes any cannon, gun, rifle, carbine, machine gun, cap-gun, flint-lock gun, revolver, pistol, air gun, air pistol, or other firearms (whether whole or in detached pieces) bow and arrow, spear, cutlass, machete, knife, dagger, cudgel or any piece of wood, metal, bottle, stone, acid, corrosive powder, irritating pressurised

gaseous liquid.

"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;

"Political Party" includes any association of persons whose activities include canvassing for votes in support of a candidate for election under this Law;

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

"power" includes function and duty;

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

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

"School Certificate or its Equivalent" means the following that is—

- (a) a Secondary School Certificate or its equivalent or Grade II Teachers Certificate, the City and Guilds Certificate; or
- (b) education up to Secondary School Certificate Level; or
- (c) Primary Six School Leaving Certificate or its equivalent

and—

- (i) service in the public or private sector of the Federation in any capacity acceptable to the Commission for a minimum of 10 years; and
 - (ii) attendance at courses and training in such institutions as may be acceptable to the Commission for periods totalling up to a minimum of one year; and
 - (iii) the ability to read, write, understand and communicate in the English Language to the satisfaction of the Commission; and
- (d) any other qualification acceptable by the Commission;

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

- (a) that uses secret signs, oaths, rites or symbols and which is formed to promote a cause, the purpose or part of the purposes of which is to foster the interest of its members and to aid one another under any circumstances without due regard to merit, fairplay or justice to the detriment of the legitimate interest of those who are not members;
- (b) the membership of which is incompatible with the function or dignity of any Public Office under this Law or any other enactment and whose members are sworn to observe oaths of secrecy;

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

"State" means Kwara State.

122. Repeal of Kwara State Independent Electoral Commission (regulations) Law No 10 2003

The Kwara State Independent Electoral Commission (Regulations) Law, 2003 also cited as Kwara State Independent Electoral Commission law, 2003 and further cited as Kwara State Local Government (Council Elections) law, 2003 is hereby repealed.

123. Citation

This Law may be cited as the Kwara State Local Government Electoral Law, 2004.

FIRST SCHEDULE

Procedure for Election Petitions

1. Security for cost

(1) At the time of presenting an election petition which shall be in Form TF 001 in the second schedule of this Law, 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 not be less than ₦5,000.00 or as the Tribunal may order and shall be given by depositing the amount with the Tribunal.

(3) Where two or three persons are joined in an election petition, a deposit as may be ordered under subparagraph (2) of this paragraph shall be sufficient.

(4) If no security is given as required by this paragraph, there shall be no further proceedings on the election petition.

2. Presentation of Election Petition Forms

(1) The presentation of an election petition under this Law shall be made by the Petitioner (or Petitioners if more than one) in person, or by his solicitor, if any, named at the foot of the election petition to the Secretary who shall give a receipt which may be in Form TF002, set out in the Second schedule to this law.

[Form TF 002, 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) of this paragraph with the original petition and shall certify them as true copies of the election petition on being satisfied by the comparison, that they are 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.

3. Contents of Election Petition

(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 petition and the ground or grounds on which the petition is based and the relief sought by the Petitioner.

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

(3) The election petition shall further—

- (a) conclude with a prayer or prayers, as for instance, that the Petitioner or one of the Petitioners be declared validly elected or returned having polled the 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 of the Petitioner for service at which address documents intended for the Petitioner shall be left and its occupier.

(5) If an address for service is not stated as specified in subparagraph (4) of this paragraph, the petition shall be deemed not to have been filed, unless the Tribunal otherwise orders.

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

(7) The Form TF. 001 set out in Second Schedule of this Law or one substantially like it, shall be sufficient for the purpose of this paragraph.

[Form TF001, Second Schedule]

4. Further particulars

Evidence need not to be stated in the election petition, but the Tribunal may order such further particulars as may be necessary—

(*a*) to prevent surprise and unnecessary expenses;

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

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

5. Address of service

For the purpose of service of an election petition on the Respondents, the Petitioner shall furnish the Secretary with the address of the Respondent's abode or the addresses of places where personal service can be effected on the Respondents.

6. Action by Secretary

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

- (a) cause notice in Form TF.003, set out in the Second Schedule of this Law for the presentation of the election petition, to be served on each of the Respondents;
[Form TF 003, Second Schedule.]
- (b) post on the Tribunal notice board a certified copy of the election petition; and
- (c) set aside a certified copy for onward transmission to the person or persons required by law to adjudicate and determine the election petition.

(2) In the notice of presentation of the election petition, the Secretary shall state a time, not being less than 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 paragraph 3 of this Schedule.

7. Personal Service on Respondents

(1) Subject to subparagraphs (2) and (3) of this paragraph, service on the Respondent—

- (a) of the documents mentioned in subparagraph (1) (a) of paragraph 6 of this Schedule; and
- (b) of any other documents required to be served on them before entering appearance, shall be personal.

(2) Where the Petitioner has furnished, under paragraph 5 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 document mentioned in subparagraph (1) of this paragraph be effected in any ways mentioned in the relevant provisions of the Kwara State Civil Procedure Rules for effecting substituted service in civil cases and that service shall be deemed to be equivalent to personal service.

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

- (a) the Respondents 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 made under subparagraph (2) of this paragraph did not reach the respondent, and in either case, the proceedings may be heard and continued or determined as if the Respondents or any of them had been served personally with the document and shall be valid and effective for all purposes.

8. Entry of Appearance

(1) Where the Respondent intends to oppose the election petition, he shall within such time after being served or deemed to be served with the election petition, or where the Secretary has stated a time under subparagraph (2) of paragraph 6 of this Schedule, 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 an address for service and its occupiers are not stated, the memorandum of appearance shall be deemed not to have been filed, unless the Tribunal otherwise orders.

(3) The memorandum of appearance which may be as in Form TF.004 set out in Second schedule to this Law shall be signed by the Respondent or his Solicitor, if any.

[Form TF 004, Second Schedule]

(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 unpaid 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 orders.

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

9. Non-filing of Memorandum of Appearance

(1) If the Respondent does not file a memorandum of appearance as required under paragraph 8 of this schedule, a document intended for service on him may be posted on the Tribunal notice board and that shall be sufficient notice of service of the document on the respondent.

(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, in any case, not later than twenty one (21) days from the receipt of the election petition.

10. Notice of Appearance

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

11. Filing of Reply

(1) The Respondent shall, within fourteen (14) days of entering an appearance file in the Registry his reply, specifying in it which of the facts alleged in the election petition he admits and which he denies, and setting out the facts on which he relies in opposition to the election petition.

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

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

(4) At the time of filing the reply, the Respondent or his Solicitor, if any, shall leave with the Secretary copies of the reply for service on the other parties to the election petition with ten 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 and not paying the fees for service, the reply shall be deemed not to have been filed, unless the Tribunal otherwise orders.

12. Service of Reply

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

13. Amendment of Election Petition and Reply

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

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

(a) this Law for presenting the election petition, no amendment shall be made—

- (i) introducing any of the requirements of subparagraph (1) of paragraph 3 of this schedule not contained in the original election petition filed; or
- (ii) effecting a substantial alteration of the ground for, or the prayer in, the election petition; or
- (iii) except anything which may be done under the provisions of 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 11 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 provisions of subparagraph (1) of this paragraph, effecting any substantial alteration in or addition to the admissions or the denials contained in the original reply filed, or to the facts set out in the reply.

14. Particulars of Votes rejected

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

15. Petitioner's Reply

(1) If a person in his reply to the election 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 Respondent's reply, a Petitioner's reply in answer to the new issues of fact, so however that—

- (a) the Petitioner shall not at this stage be entitled to bring in new facts, grounds or prayers tending to amend or add to the contents of the petition filed by him; and
- (b) the Petitioner's reply does not run counter to the provisions of subparagraph (1) of paragraph 13 of this schedule.

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

16. Further Particulars or Directions

(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 ten days after the filing of the reply, apply to the Tribunal specifying in his notice of motion the direction for 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 so 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 13 of this schedule.

17. Hearing of Petition to be in Open Tribunal

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

18. Time and Place of hearing Petition

(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 Form TF.005, set out in second schedule of 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 addresses for service if any; or
 - (iii) the Commission as the case may be.

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

19. Notice of hearing

The Commission 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/constituency, but failure to do so or any miscarriage of the copy of notice of hearing shall not affect the proceedings if it does not occasion injustice against any of the parties to the election petition.

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

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 18 of this Schedule.

21. Postponement of hearing

(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 Electoral Officer or the Commission, who shall publish the order in the manner provided in paragraph 19 of this schedule, for publishing the notice of hearing, but failure on the part of the Electoral Officer or the Commission to publish the copy of the order of postponement, shall not affect the proceedings in any manner whatsoever.

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

(4) Where the 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 20 of this schedule shall apply to an order or a notice of postponement as they do to the notice of hearing.

22. Non-arrival of Chairman of Tribunal

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 be by reason of that fact stand adjourned to the following day and so from day to day.

23. Hearing to Continue From Day to Day

(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 circumstances 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.

24. Adjournment of Hearing

(1) After the hearing of an election petition has begun, if the inquiry cannot be continued on the ensuing day or, if that day is a Sunday or a Public Holiday, on the day following the same, the hearing shall not be adjourned sine die but to a definite day to be announced before the rising of the Tribunal and notice of the day to 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.

25. Power of the Chairman of the Tribunal to Dispose of Interlocutory Matters

All interlocutory questions and matters may be heard and disposed off by the Chairman of the Tribunal, who shall have control over the proceedings as a Judge in the State High Court.

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

26. Effect of determination of Election Petition

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 invalid, then, subject to 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 provisions of this paragraph, the Commission shall appoint a date for the election, which shall not be later than 3 months from the date of the determination.

27. Withdrawal, Abatement of Petition

(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 the 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 set out in the second Schedule of this Law after notice of the application has been given to the Respondents.

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

(5) At the time of filing the notice of motion the Petitioner or Petitioners shall leave copies for service on the Respondent.

(6) The Petitioner or Petitioners shall also file the affidavit required under paragraph 28 of this Schedule together with copies for each Respondent and pay the fees prescribed or directed by the Secretary.

28. Affidavits against illegal terms of withdrawal

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.

29. Time of Hearing Motion for Leave to Withdraw Petition

(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 a copy of the notice.

30. Payment for Costs to Respondents

If the election petition is withdrawn, the Petitioner shall be liable to pay appropriate costs to the Respondents or any of them unless the Tribunal otherwise orders.

31. Abatement of Proceedings in Election Petition

(1) If a sole Petitioner or the survivor of several Petitioners dies then, subject to subparagraph 2 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 costs previously incurred in the course of proceedings in respect of the election petition prior to its abatement.

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

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

- (*b*) post or cause to be posted a notice thereof on the Tribunal notice board; and
- (*c*) cause notice thereof to be published in conspicuous places in the constituency or ward, in such form as the Tribunal may direct.

32. Notice of no Opposition to Petition

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

- (*a*) serve notice thereof on the other parties to the election petition; and
- (*b*) post or cause to be posted a notice thereof on the Tribunal notice board.

(2) The Respondent shall file the notice with a copy for each other party to the election petition, not less than six days before the day appointed for hearing 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 of itself cause him to cease to be a Respondent.

33. Countermand of Notice of Hearing

(1) Where a notice of—

- (a) the Petitioner's intention to apply for leave to withdraw an election petition; or
- (b) the death of the sole Petitioner or the survivor of several Petitioners; or
- (c) the Respondent's intention not to oppose an election petition, is received after notice of hearing of the election petition has been given, and before the hearing has begun, the Secretary shall forthwith countermand the notice of hearing.

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

34. Discretion of Tribunal if no Reply

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 petition, 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 the reply, if any, or stated in any further particulars

filled 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 Respondent has not raised any formal or written objections to any of the votes relied on by the petition, 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.

35. Fees

(1) The fees payable on the presentation of an election petition shall not be less than ₦2,000.00.

(2) A hearing fee shall be payable for the hearing at the rate of ₦100.00 per day of the hearing, but not exceeding ₦4,000.00 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 ₦500.00 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 of the State (acting in person or through any other legal officer) or by a Respondent who is a member of the Commission or any of its officers appointed pursuant to the provisions of this Law.

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

36. Allocation of Costs

(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, having regard to—

- (a) the disallowance of any costs, charges or expenses, which may in the opinion of Tribunal have been caused by vexatious conduct, unfounded allegation or unfounded objection on the part of the petitioner or of the Respondent, as the case may be; and
- (b) the discouragement of any needless expenses by throwing the burden of defraying the expenses on the party by whom it has been caused, whether that party is or is not on the whole successful.

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

the cost awarded to the successful petitioner be paid by that officer.

37. Return of Security

Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it was deposited or 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.

38. Payment of Costs out of Security

(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 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 thereon as it may deem fit.

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

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

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

(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.

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

39. Calling of Witness

(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.

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

(3) The expenses of a witness called by the 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 "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.

40. Privileges of a Witness

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

(2) A witness who answer 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 or 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 a criminal proceedings for perjury in respect of the answer, be admissible in any proceedings, civil or criminal, in evidence against him.

(4) When a person has received a certificate of indemnity in relation to an election and legal proceedings are at any time brought against him for an offence against the provisions of this Law, committed by him prior to the date of the certificate at or in relation to that election, the Tribunal having

cognisance of the case shall, on proof of the certificate, stay the proceeding, and may, at its discretion, award to that person such costs as he may have been put to in the proceeding.

41. Evidence by a Respondent

At the hearing of an election petition complaining of an undue return and claiming the seat or office for a Petitioner, the Respondent may, subject to the provisions of subparagraph (2) of paragraph 11 of this schedule, 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.

42. Enlargement and Abridgement of Time

(1) The Tribunal shall have power, subject to the provisions of this Law and paragraph 13 of this schedule, to 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 of 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 abridgement 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 the application to be given to the other parties to the election petition.

(6) An application for enlargement of time shall be made by motion after notice to the other party to the election petition but the 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.

43. Service of Notice

(1) Where a summons, notice or document, other than a notice or document mentioned in subparagraph 1 of paragraph 6 of this schedule, is required to be served on a person for a purpose connected with an election petition, it may be served by delivering it to the person or by leaving it at his last known place of abode in the ward or constituency with any person there found who is a resident of the abode and appears to be 18 years of age or more.

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

- (a) on the person appearing on the paper last filed on his behalf as his solicitor wherever the person may be found or, if the person is not found at his office on the Clerk there

apparently in charge; or

- (b) on the person named as occupier in his address for service wherever the person is not found at the address; on—
 - (i) the person there found apparently in charge, if such address is a place or business; or
 - (ii) a person, other than a domestic servant, there found who is a resident of the address and appears to be 18 years of age or more.

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

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

- (a) order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules relating to substituted service which service shall be sufficient; or
- (b) dispense with service or notice as the Tribunal deems fit.

44. Two or More Candidates as Respondents

Where two or more candidates may be made Respondents to the same petition and their case may, 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.

45. Consolidation of Petitions

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 in line against one or more of the petitions has been upheld by the Tribunal.

46. Electoral Officer, etc., as Respondent

(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 of the State.

(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 cost 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 or any other official of the Commission has been joined as a Respondent in an election petition, a Legal Officer of the Commission or a Legal Practitioner engaged by the Commission, or the Attorney-General of the State (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) A private Legal Practitioner engaged by the Commission under subparagraph (3) of this paragraph shall be entitled to be paid his professional fees and a Legal Officer so engaged shall be paid such honorarium as may be approved by the Commission.

47. Duplicate of Documents

In the absence of express provision in this schedule, a party filing any document or process paper in connection with any step being taken in the proceedings of an election petition shall, unless the Secretary otherwise directs, leave with the Secretary copies of the document or process paper for service on each of the parties to the election petition in addition to three copies which the Secretary may preserve.

48. Non-Compliance with Rules, etc., of this schedule

(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 manner and on such terms as the 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 any fresh step in the proceedings after knowledge of the defect.

(3) An application to set aside an election petition or a proceeding thereto shall allow 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 regularity or competence of an election petition, shall be heard and determined before any further steps in the proceedings, if the objection is brought immediately the defect on the face of the election petition is noticed.

49. Application of Rules of Court

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 the practice and procedure of the State High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules shall apply with such modifications as may be necessary to render them applicable having regard to the provisions of this Law as if the petitioner and the respondent were respectively the plaintiff and the defendant in an ordinary civil action.

50.

[No. 4 of 2006.]

51. Interpretation

In this Law—

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

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

"Registry" means a Registry set up for an Election Tribunal established by this Law;

"Secretary" means the Secretary of an Election Tribunal established by this Law and shall include any Officer or Clerk acting for him;

"Tribunal" means an Election Tribunal established under this law;

"Tribunal Notice Board" means a notice board at the registry or a notice board at the place of hearing where notice of presentation of election petitions or notice of hearing an election petition or any other notice may be given or posted.

SECOND SCHEDULE

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

KWSIEC 001

Confidential

Data Forms for Persons seeking Election to the office of Chairman, Vice-Chairman, Membership of Local Government Councils.

PART I

A. PERSONAL PARTICULARS

1. Surname (in block letters)

.....
2. Maiden Name (where applicable)

.....
3. Other Names (in block letters)

.....
4. Have you ever changed your names? If so, what was your former name?

...
.....

...
5. Residential Address

.....
.....

....
6. Marital Status

.....
7. Postal Address

.....
8. Nationality

.....
9. Did you change nationality in the past? If so, what was your former Nationality?

.....
.....

.....
.....

.....
10. Place of Birth

.....
.....

11. Date of Birth

.....
.....

12. Local Government Area

.....

13. State

.....

14. How long have you stayed in your present place of abode

...

15. What is your present occupation?

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

B EDUCATIONAL INSTITUTIONS ATTENDED WITH DATES

1. Primary Schools

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

KWSIEC 001—*continued*

2. Secondary Schools (including Teachers, Commercial, Technical and Equivalent Institution)

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

....

3. Tertiary Institution (including Universities and Colleges)

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

C. EDUCATIONAL QUALIFICATION WITH DATES.

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

D. WORKING EXPERIENCE WITH DATES (State employer, nature of works, reason for leaving)

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

E. POLITICAL EXPERIENCE AND ACTIVITIES (State political activities involved in, in the past, public offices held, reason for leaving office, dates, etc.)

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

GENERAL

1. Have you ever been tried in a Court or Tribunal for any criminal offence?

If yes, give details of case and the findings of the Court or Tribunal, including punishment, if any

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

2. Have you ever been tried by the Code of Conduct Tribunal? If yes, state details of the charges and the findings of the Tribunal, including punishment, if any

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

3. Have you ever been involved in any investigation or inquiry regarding lunacy? If yes, state nature of inquiry or investigation, including the findings.

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

4. State with full details the names and address of Clubs, Societies, Associations or Unions you belonged to in the past.

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

5. Have you ever been involved in any bankruptcy proceedings? If so, state where proceedings took place and the findings of the enquiry:

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

6. Have you ever been arrested by the Police or other security agency? If so, state reasons for arrest, where and the outcome of the investigation:

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

7. Are you a member of a Political Party? If so, state the name of your Political Party, when you joined the Political Party and your position in the Party.

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

8. Has your Party agreed to sponsor you or is the Party's sponsorship being contested? State other known Contestant(s):

.....

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

9. Where have you paid your taxes in the last three years? State the amount paid and the receipt numbers or tax clearance certificate numbers with dates:

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

10. Have you ever been involved in any investigation or trial relating to narcotic drugs or any psychotropic substance? If so, place of investigation or trial, date and the outcome of the investigation or trial:

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

11. Are you a registered voter? If so, state place of registration, registration number and the registration area code number:

KWSIEC 001—*continued*

12. Have you ever been investigated or tried by any Court or Tribunal for Economics sabotage, treason or treasonable felony or disruption of Public peace or security? If so state nature of investigation or trial, date and outcome of the investigation or trial.

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

13. Have you ever been involved in any investigation or trial relating to dishonesty, fraud, embezzlement or money laundering? If so, place of investigation or trial, date and the outcome of the investigation and trial.

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

14. Have you ever been dismissed from the Public service or any Private sector? If so, state details of your employment and reasons for your dismissal.

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

15. Have you ever been elected into this office in any two previous elections? If so, state dates and years of your previous elections.

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

16. Have you ever appeared before a panel for being involved in Examination Malpractices? If so, state details of the findings and punishment of the panel.

.....

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

17. Give any other information about your person and the reason for which you intend to contest the election.

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

G. DECLARATION BEFORE A COMMISSIONER FOR OATHS, IN THE MAGISTRATE OR HIGH COURT OF KWARA STATE.

1. I, solemnly and sincerely declare that the particulars given above are true and correct to the best of my knowledge and belief.
2. Before making the declaration, I verified the facts and cross-checked them as to their veracity.

.....

KWSIEC 001—*continued*

DEPONENT

Sworn to at the Magistrate

High

Court

Registry

.....

this day of200

.....

PART II

(Here record any independent information obtained or available about the subject.)

**KWARA STATE INDEPENDENT ELECTORAL COMMISSION LOCAL
GOVERNMENT ELECTION**

Date

.....

• •

.....

.....

• •

Sn.	Name of can- didate	Age	Sex	Home address	Ward or consti- tuency	Post being con- tested	Educational quali- fica-	Particulars of 3 years tax payment	Re- ma- rk
-----	------------------------------	-----	-----	-----------------	------------------------------	---------------------------------	--------------------------------	--	------------------

							tion		

N.B Please attach folders of each candidate with evidence of particulars supplied in this Form together with other information considered important.

FORM KWSIEC 003

KWARA STATE INDEPENDENT ELECTORAL COMMISSION LOCAL
GOVERNMENT ELECTION

Return of List of Candidates Declared Qualified to Contest Election

Date

Name of Registered Political Party

.....
.....

State

.....
.....

.....

Local Government

.....

.....

Sn .	Name of candidate	Age	Sex	Home address	Ward or consti- tuency	Post sought to contest	Particulars of qualifica- tion	Re- mark

FORM KWSIEC 004

KWARA STATE INDEPENDENT ELECTORAL COMMISSION LOCAL
GOVERNMENT ELECTION

Return of List of Candidates Declared not Qualified to Contest Election

Date

Name of Registered Political Party

.....
...

FORM KWSIEC 004—*continued*

State

.....
.....
..... Local Government

.....
.....

Sn .	Name of candiddate	Age	Sex	Home address	Ward or cons- tituen cy	Post being contes- ted	Particulars of disqualifica- tion	Re- mark

FORM KWSIEC 005

KWARA STATE INDEPENDENT ELECTORAL COMMISSION LOCAL
GOVERNMENT ELECTION

Appeal against Disqualification by State Clearance Committee

Date

1. Name of Candidate

.....

2. Home Address

.....

3. Ward or Constituency

.....

4. Local Government Area

.....

5. State

.....

6. Political Party Sponsoring Candidate

.....

7. Post Sought to Contest

.....

8. Reason for Disqualification by State Clearance Committee, if known

.....

.....

.....

.....

9. Grounds of Appeal

.....

FORM KWSIEC 005—*continued*

10. Further Personal Particulars or Information likely to explain away cause of disqualification (Attach Documents if necessary)

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

11. Remark by Party Official (Chairman or Secretary of the Party

.....

...

Signed

Chairman/Secretary
(*Affix official Rubber Stamp*)

I,

.....

Affirm that the additional information given above towards my clearance to contest the election is true and correct to the best of my knowledge.

.....

Signature of Applicant

12. Decision of Clearance Appeal Committee

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

FORM KWSIEC 006

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

Electoral Officers Ruling as to Validity of Nomination

To:

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

Take notice that a nomination paper received by me onin
your favour (has been accepted/rejected by me upon the following grounds):

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

Dated this day of 200
.....

.....

Chairman

Kwara State Independent Electoral Commission

- Strike out words not applicable.

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

Forms for Nomination of Candidate for Local Government Chairmanship
Election

To:
The Chairman,
Kwara State Independent Electoral Commission,
Ilorin, Kwara.

Date

.....
I,

.....

.

of

.....

(*Address*)

.....

....

(*Occupation*)

State that:

1. I am the candidate to whom this nomination paper relates and I am willing to stand for election to the office of Chairman for
..... Local Government Area.
2. I am a Nigerian citizen of not less than 30 (thirty) years of age.
3. I have paid my income tax for three years immediately preceding the year of the election.

4. My name appears on the official list of voters for the ward in which I
reside namely Ward
.....

5. My educational qualifications are:
.....
.....
.....
.....
.....

6. My political affiliation and party is:
.....
.....
.....
.....
.....

Signed:
Candidate

We the undersigned are the nominators of the above candidate and we are
registered as voters for the constituency for which the candidate seeks election:

Name
.....

Address:
.....

Party Affiliation (if any):
.....

Occupation:

Voter's _____ Registration _____ Particular: _____

Number

FORM KWSIEC 007—continued

Local Government

Ward

Registration	Unit
--------------	------

Date

Signature of First Nominator

Name

Address:

Party Affiliation (if any):

Occupation:

Voter's Registration Particular:

Number

Local

Government

.....

Ward

.....

Registration

Unit

.....

Date

.....

.....

Signature of Second Nominator

Name

.....

.....

Address:

.....

Party

Affiliation

(if

any):

.....

Occupation:

.....

Voter's Registration Particular:

Number

.....

Local

Government

.....

Ward

.....

Registration

Unit

.....

Date

.....

.....

.....

.....

.....

.....

Number

.....

.....

.....

FORM KWSIEC 007—continued

.....

.....

.....

.....

Address:

.....

Party	Affiliation	(if any):
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Occupation: _____

Voter's Registration Particular:

Voter's Registration Particular:
Number

Local Government

Ward

Registration		Unit
--------------	--	------

Date _____

Signature of Fifth Nominator

Name _____

Address: _____

.....

Party	Affiliation	(if any):
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Occupation:

Voter's Registration Particular:

Number

.....

Local

Government

.....

Ward

.....

Registration

Unit

.....

Date

.....

.....

Signature of Sixth Nominator

Name

.....

.....

Address:

.....

Party

Affiliation

(if

any):

.....

Occupation:

.....

Voter's Registration Particular:

Number

.....

Local

Government

.....

Ward

.....

Registration

Unit

FORM KWSIEC 007—*continued*

Date

Signature of Seventh Nominator

Name

Address:

Party Affiliation (if any):

Occupation:

Voter's Registration Particular:

Number

Local Government

Ward

Registration Unit

Date

Signature of Eighth Nominator

Name

.....

Address:

.....

Party	Affiliation	(if any):

.....

Occupation:

.....

Voter's Registration Particular:

Number

.....

Local Government

..... Ward

.....

Registration	Unit
--------------	------

.....

Date

.....

Signature of Ninth Nominator

Name

.....

.....

Address:

.....

Party Affiliation (if any):

.....

Occupation:

Voter's Registration Particular:

Number

..... Local
Government

Ward

.....
Registration Unit

FORM KWSIEC 007—*continued*

Date

.....

.....

Signature of Tenth Nominator

Name

.....

.....

Address:

.....

Party Affiliation (if any):

.....

Occupation:

.....

Voter's Registration Particular:

Number

.....
Local Government
.....
Ward
.....
Registration Unit
.....
Date
.....

.....
Signature of Eleventh Nominator

Name
.....
.....
Address:
.....
Party Affiliation (if any):
.....
Occupation:
.....

Voter's Registration Particular:
Number
.....
Local Government
.....
Ward
.....
Registration Unit
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.....

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Number

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.....
Signature of Thirteenth Nominator

Name

.....
Address:

.....
Party Affiliation (if any):

.....
Occupation:

.....
Voter's Registration Particular:

.....
Number

.....
Local Government

.....
Ward

.....
Registration Unit

.....
Date

.....
Signature of Fourteenth Nominator

Name

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Voter's Registration Particular:

Number

.....

Local

Government

.....

Ward

.....

Registration

Unit

.....

FORM KWSIEC 007—*continued*

Date

.....

.....

Signature of Sixteenth Nominator

Name

.....

.....

Address:

.....

Party

Affiliation

(if

any):

.....

Occupation:

.....

Voter's Registration Particular:

Number

.....

Local

Government

.....

Ward

.....
Registration _____ Unit _____

.....
Date _____
.....

.....
Signature of Seventeenth Nominator

Name _____
.....

Address: _____
.....

Party _____ Affiliation _____ (if _____ any):
.....

Occupation: _____
.....

Voter's Registration Particular:

Number _____
.....

Local _____ Government _____
..... Ward _____

.....
Registration _____ Unit _____
.....

Date _____
.....

.....

Signature of Eighteenth Nominator

Name

.....

• • • • •

Address:

.....

Party Affiliation (if any):

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Occupation:

.....

Voter's Registration Particular:

Number

.....

Local Government

.....

Ward

.....

Registration	Unit
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.....

FORM KWSIEC 007—continued

Date

.....

.....

Signature of Nineteenth Nominator

Name

Address:

Party	Affiliation	(if any):

Occupation:

Voter's Registration Particular:

Number

Local Government

Ward

Registration	Unit
--------------	------

Date

Signature of Twentieth Nominator

FORM KWSIEC 008

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

*Forms for Nomination of Candidate for Local Government Councillorship
Election*

To:
The Chairman,
Kwara State Independent Electoral Commission,
Ilorin.

Date

I,
.....
.
of
.....

(Address)

.....
...

(Occupation)

State that:

1. I am the candidate to whom this nomination paper relates and I am willing to stand for election to the office of Councillorship forward.
2. I am a Nigerian citizen of not less than 25 (twenty five) years of age.
3. I have paid my income tax for three years immediately preceding the years of the election.
4. My name appears on the official list of voters for the ward in which I reside namely ward.

FORM KWSIEC 008—*continued*

5. My educational qualifications are:

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

6. My political affiliation and party is:

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

Signed:

.....

Candidate's

Name

.....

We the undersigned are the nominators of the above candidate and we are registered as voters for the constituency for which the candidate seeks election:

Name

.....

.....

Address:

.....

Party Affiliation (if any):

.....

Occupation:

.....

Voter's Registration Particular:

Number

.....

Local

Government

.....

Ward

.....

.....

Registration

Unit

.....

Date

.....

.....

Signature of First Nominator

Name

.....

Address:

.....

Party

Affiliation

(if

any):

.....

Occupation:

.....

Voter's Registration Particular:

Number

.....

Local Government

.....

Ward

.....

Registration Unit

.....

Date

.....

.....

Signature of Second Nominator

FORM KWSIEC 008—*continued*

Name

.....

.....

Address:

.....

Party Affiliation (if any):

.....

Occupation:

.....

Voter's Registration Particular:

Number

.....

Local Government

.....

Ward

.....

Registration Unit

.....

Date

.....

Signature of Third Nominator

.....

.....

.....

Number

Signature of Fourth Nominator

.....

.....

.....

.....

.....

Number

.....

.....

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.....

.....

.....

.....

Party Affiliation (if any):

.....
Occupation:

.....
Voter's Registration Particular:
Number

.....
Local Government

.....
Ward

.....
Registration Unit

.....
Date

.....
Signature of Sixth Nominator

Name

.....
Address:

.....
Party Affiliation (if any):

.....
Occupation:

.....
Voter's Registration Particular:
Number

.....
Local Government

.....
Ward

.....
Registration

Unit

.....
Date

.....
Signature of Seventh Nominator

Name

.....
Address:

.....
Party

Affiliation

(if

any):

.....
Occupation:

.....
Voter's Registration Particular:

Number

.....
Local

Government

.....
Ward

.....
Registration

Unit

.....
Date

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Party Affiliation (if any):

.....

Occupation:

.....

Voter's Registration Particular:

Number

.....

Local Government

.....

Ward

.....

Registration Unit

.....

Date

.....

.....

Signature of Tenth Nominator

FORM KWSIEC A

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

Statement of Result of Poll for Election of Chairman

Polling Station Code No

.....

Ward Code No

.....

Local Government Area Code No

.....

State Code No

.....

No. of Voters on the Register in Figures

.....

No. of Voters on the Register in Words

.....

No. of Voters on the Register in Figures

.....

No. of Voters on the Register in Words

.....

Serial Numbers of Voting Cards allocated to the Polling Station

..... To

.....

Serial Numbers of Voting Cards Issued to Voters:

..... To

.....

Serial Numbers of the Balance of Voting Cards:

..... To

.....

FORM KWSIEC A—*continued*

Name of Presiding Officer Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

I, hereby
certify

1. That I was the Presiding Officer for the election held on day
ofat the above polling station

2. That the election was **CONTESTED/UNCONTESTED**

3. That the candidate received the following votes:

(a) votes scored by Candidate (i) Figure
.....

(ii) Words

.....
(b) votes scored by Candidate (i) Figure
.....

(ii) Words

.....
(c) votes scored by Candidate (i) Figure

.....

(ii) Words

.....
votes scored by all Candidates in figures

.....

votes scored by all Candidates in words

.....

Dated this day of 20

.....

Name of Presiding Officer Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

FORM KWSIEC A—continued

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

FORM KWSIEC B
KWARA STATE INDEPENDENT ELECTORAL COMMISSION

Statement of Result of Poll for Election of Councillor

Polling Station Code No.
.....

Ward Code No.
.....

Local Government Area Code No.
.....

State Code No.
.....

No. of Voters on the Register in Figures
.....

No. of Voters on the Register in Words
.....

No. of Voters on the Register in Figures

.....

No. of Voters on the Register in Words

.....

Serial Numbers of Voting Cards allocated to the Polling Station

.....

To

.....

Serial Numbers of Voting Cards Issued to Voters:

.....

To

.....

Serial Numbers of the Balance of Voting Cards:

.....

To

.....

Name of Presiding Officer Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp

.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

I, hereby
certify

4. That I was the Presiding Officer for the election held on
day of..... at the above Polling station

5. That the election was CONTESTED/UNCONTESTED

6. That the candidate received the following votes:

(a) votes scored by Candidate (i) Figure
.....
(ii) Words
.....

(b) votes scored by Candidate (i) Figure
.....
(ii) Words
.....

(c) votes scored by Candidate (i) Figure
.....
(ii) Words
.....

votes scored by all Candidates in figures
.....

votes scored by all Candidates in words
.....

Dated this day of 20
.....

Name of Presiding Officer Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

Name of Agent Signature/Stamp
.....

.....

Name of Agent Signature/Stamp

.....

FORM KWSIEC C

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

Summary of Results from Polling Stations for Election to the Office of Chairman

STATE L. G. A

.....

LEVEL OF COLLATION WARD

.....

NAME OF WARD CODE NO

.....

POLLING STATIONS VOTES RECEIVED BY THE
CANDIDATE/PARTIES

				PARTY	PARTY	PARTY	PARTY
S/NO.	CODE	NAME	No. of regis- tered votes	Name of candi- date	Name of candi- date	Name of candi- date	Name of candi- date
				Fig. Ws.	Fig. Ws.	Fig. Ws.	Fig. Ws.
1.							

2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							
21.							
22.							
23.							
24.							
25.							
Toal no. of votes							
No. of votes B/F							
Total No. of							

Votes Carried Over							
--------------------------	--	--	--	--	--	--	--

NAME OF WARD

RETURNING OFFICER

SIGNATURE

..... DATE/STAMP

.....

NAME AND SIGNATURE OF POLLING AGENT

.....

.....

N.B. The number of columns for candidates will depend on the number of Political Associations or Parties presenting candidates of the election

FORM KWSIEC D

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

Summary of Results from Polling Stations for Election of Councillor

STATE L. G. A

.....

LEVEL OF COLLATION WARD

.....

NAME OF WARD CODE NO

.....

POLLING STATIONS

VOTES RECEIVED BY THE

CANDIDATE/PARTIES

				PARTY	PARTY	PARTY	PARTY
S/NO.	CODE	NAME	No. of regis- tered votes	Name of candi- date	Name of candi- date	Name of candi- date	Name of candi- date
				Fig. Ws.	Fig. Ws.	Fig. Ws.	Fig. Ws
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							
21.							
22.							

23.							
24.							
25.							
Toal no. of votes							
No. of votes B/F							
Total No. of Votes Carri ed Over							

NAME OF WARD

RETURNING OFFICER

SIGNATURE

.....

DATE/STAMP

.....

NAME AND SIGNATURE OF POLLING AGENT

.....

.....

N.B. The number of columns for candidates will depend on the number of Political Associations or Parties presenting candidates of the election

FORM KWSIEC E

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

Summary of Results from Polling Stations for Election of Councillor

STATE L. G. A

.....

LEVEL OF COLLATION WARD

.....

NAME OF WARD CODE NO

.....

POLLING STATIONS VOTES RECEIVED BY THE
CANDIDATE/PARTIES

				PARTY	PARTY	PARTY	PARTY
S/NO.	CODE	NAME	No. of regis- tered votes	Name of candi- date	Name of candi- date	Name of candi- date	Name of candi- date
				Fig. Ws.	Fig. Ws.	Fig. Ws.	Fig. Ws.
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							

15.							
16.							
17.							
18.							
19.							
20.							
21.							
22.							
23.							
24.							
25.							
Toal no. of votes							
No. of votes B/F							
Total No. of Votes Carri ed Over							

NAME OF WARD

RETURNING OFFICER

SIGNATURE

.....

DATE/STAMP

.....

NAME AND SIGNATURE OF POLLING AGENT

.....

.....

N.B. The number of columns for candidates will depend on the number of Political Associations or Parties presenting candidates of the election

FORM KWSIEC F

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

Declaration of Result of Election of Chairman

PART I

(To be completed by the Returning Officer)

I,
certify:-

1. That I was the Returning officer for the election held on the
day of 200 for
2. That the election was CONTESTED/UNCONTESTED
3. That the candidate received the following votes:

S/N	Name of candidate	Name of party	Total votes in figures	Total vote in words

PART II

(To be completed by the Electoral Officer or any other person designated by
the State Electoral Officer of the State)

4. That of having complied with the
Requirement
of the law and score the majority of votes is elected and returned.

Signature of returning officer
.....
Dated this day of, 20
.....

FORM KWSIEC G

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

Declaration of Result of Election of Councillor

PART I

(To be completed by the Returning Officer)

I,
certify:-

1. That I was the Returning officer for the election held on the
.....
day of 200 for
.....
2. That the election was CONTESTED/UNCONTESTED
3. That the candidate received the following votes:

S/N	Name of candidate	Name of party	Total votes in	Total vote in
-----	-------------------	---------------	----------------	---------------

			figures	words

PART II

(To be completed by the Electoral Officer or any other person designated by the State Electoral Officer of the State)

4. That of having complied with the Requirement of the law and score the majority of votes is elected and returned.

Signature of returning officer

Dated this day of, 20

KWARA STATE INDEPENDENT ELECTORAL COMMISSION

Certificate of Return at Election

I certify that the person elected for

.....
...

in the Election held on the

..... day of ,20
.....
is

.....

(State the full names of Candidate)

of
.....

(State the full address of the Candidate)
Dated this day of , 20
.....

.....
For STATE ELECTORAL OFFICER.

FORM TF 001
[Para 1, First Schedule.]
In the Local Government Election Tribunal

HELD AT:

Petition No:

The election to the for Ward
or the

Office held on the day of , 20
.....

BETWEEN:

AB:

}

Petitioner(s)

CD:

}

AND

EF:

Respondent(s)

G H:

PETITION

The Petition of A, B, of for (or A, B, of and C, D, of:

..... or as the case may be) whose names are subscribed.

1. Your petitioner A, B, was a candidate at the above election or claims to have had a right to contest or be returned at the above election or was a registered political party and your petitioner:

..... (here state in like manner the right of each petitioner.

.....

.....

.....

2. And your petitioner(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 candidate(s).

3. And your petitioner(s) state(s) that (here stated facts and grounds on which the petitioner(s) rely:

.....

Wherefore your petitioner(s) pray(s) that it may be determined that the said E. F. (and (I, H) was (were) not duly elected (or returned) and that the (or his) election was void or that the said A, B, (and C, B) was (were) elected and ought to have been returned or as the case may be.

Signed
A, B.

.....C,
D.

The name of my (or our) Solicitor is
.....
or I (or two) (Or are) acting for myself (or ourselves).

Signed A, B
petitioner(s)
.....
C, D.

FORM TF 001—*continued*

Signed before me this day of , 20
.....

.....
Secretary

Form TF 002

[Para 2, First schedule.]

In the Local Government Election Tribunal

HELD AT:

Petition No:

The election to the for Ward
or the

Office held on the day of , 20
.....

BETWEEN:

AB:

}

Petitioner(s)

CD:

AND

EF:

}

Respondent(s)

G H:

RECEIPT OF PETITION

Received on the day of , 20 at the registry
of

the Tribunal, a petition touching the election of as a member of
.....

To the office of Purporting to be signed by Dated
at.....

this day of , 20

.....

Secretary

Secretary For Service on: Petitioner

.....

.....

.....

FORM TF 003

[Para 6, First Schedule.]

In the Local Government Election Tribunal

HELD AT:

Petition No:

The election to the for Ward
or the

Office held on the day of , 20
.....

BETWEEN:

AB:

}

Petitioner(s)

CD:

AND

EF:

}

Respondent(s)

G H:

NOTICE OF PRESENTATION OF PETITION.

TAKE NOTICE that a petition, a duplicate whereof is attached hereto, has
this been presented in the Registry of the Tribunal
named above and that you are to enter an appearance in respect of the
petition to the said Registry within days of the date
when this notice was left at your address set out below, or as the
Tribunal may direct by order under para-graph 7 (2) of first Schedule to
this Law otherwise proceedings on the petition may be con-tinued and
determined in default of your appearance, and any document intended
for you may be posted up on the board which shall be sufficient notice
thereof.

Dated this day of ,20
.....

.....
Secretary

To:
.....
.....

FORM TF 004

[Para 8, First Schedule.]

In the Local Government Election Tribunal

HELD AT:

Petition No:

BETWEEN:

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

}
Petitioner(s)

AND

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

}
Respondent(s)

To: The Secretary

MEMORANDUM OF APPEARANCE

Election Tribunal

Please enter appearance
for:

.....

Who

is

.....
to the above election petition.

The name and address of his Solicitor are as follows:

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

Dated this day of 20
.....

.....

Signed

For Service on:

Petitioner

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

FORM TF 005

[Para 18, First Schedule.]

In the Local Government Election Tribunal

HELD AT:

Petition No:

BETWEEN:

.....
.....
}

Petitioner(s)

.....

AND

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



Respondent(s)

FORM TF 005—*continued*

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 days as the Tribunal
may determine.

Dated this day of 20
.....

.....

Secretary

Address for Service

Petitioner:

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

Respondent

.....
.....

.....

FORM TF 006

[Para 27, First Schedule.]

In the Local Government Election Tribunal

HELD 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
forenoon or as soon thereafter as the Petitioner or Counsel on his behalf can be
heard praying the Tribunal for an order enabling the petitioner to withdraw

the above petition on the following grounds:

Dated this day of 20
.....

.....
Petitioner(s) or Solicitor

For Service on:

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

CHAPTER K32

KWARA STATE LOCAL GOVERNMENT ELECTORAL LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
