

# **EDO STATE INDEPENDENT ELECTORAL COMMISSION**

Guidelines for the

## **LOCAL GOVERNMENT COUNCIL**

Elections 2023

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1. **A LAW TO REGULATE THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND OTHER PURPOSES CONNECTED THEREWITH**

The conduct of Local Government Elections shall be under the direction and supervision of the State Independent Electoral Commission and in accordance with the provision of the Constitution of the Federal Republic of Nigeria 1999, as amended, this Law (Local Government Electoral Law 2022) and any other regulations and guidelines as amended.

2.0 **PERSONS ELIGIBLE TO VOTE**

2.1 A person shall be eligible to vote in any Local Government Election if:

- (a) he is a citizen of Nigeria and has attained the minimum age of Eighteen (18) years;
- (b) he has been or is ordinarily resident in the local Government Area for a period of not less than Twelve (12) months prior to the date of election;

PROVIDED THAT any indigene/resident of a Local Government Area shall be required to vote in the Local Government of his ordinary residence and not his

- (c) he is registered as a voter in the ward or Constituency of his ordinary residence in the Local Government Area and has obtained a registration card to be presented at the polling station on the day of the election.

2.2 Notwithstanding the provision of sub-section (1) of this section, the following persons shall not be qualified to vote at an election, that is to say;

- (a) the chairman and members of the commission,
- (b) the secretary to the commission;
- (c) the electoral officers and Assistant Electoral officers;
- (d) the Returning officers and the Assistance Returning officers for each ward or constituency,
- (e) the presiding officer of each polling station; and
- (f) the other officers charged with the conduct of elections in the field.

### 3.0 **QUALIFICATION FOR CHAIRMAN/VICE CHAIRMAN**

A person shall be qualified for election for the office of chairman of council if:

- (a) He is a citizen of Nigeria by birth
- (b) He has attained the age of thirty (30) years;

- (c) He is a member of a political party and is sponsored by that political party;
- (d) He has been educated up to at least school certificate level or its equivalent;
- (e) He is ordinarily resident in the ward or constituency for a period of twelve months before the elections;
- (f) He emerges as a winner at the primary election of the political party sponsoring him; and
- (g) He must be a registered voter.

#### 4.0 **QUALIFICATION FOR COUNCILLOR**

A person shall be qualified as councilor of council if:

- (a) He is a citizen of Nigeria by birth;
- (b) He has attained the age of twenty-five (25) years
- © He is a member of a political party and is sponsored by that political party
- (d) He has been educated up to at least School Certificate Level or its equivalent;
- (e) He is an indigene of the Local Government;
- (f) He is ordinarily resident in the ward or constituency for a period of twelve months before the elections;
- (g) He emerges as a winner at the primary election of the political party sponsoring him, and
- (h) He must be a registered voter.

#### 5.0 **DISQUALIFICATION OF CANDIDATES**

- 5.1 A person shall not be qualified to contest as a candidate in any Local Government election if:
- (a) he is not sponsored by a registered political party;
  - (b)
    - (i) he lost out in the primary election of the party
    - (ii) he is not ordinarily resident in the ward or constituency in which he is contesting an election for a period of not less than twelve months prior to the date of the elections;
  - © he fails to produce evidence of tax clearance as and when due immediately preceding the 3years of the elections;
  - (d)
    - (i) he has not been nominated by twenty (20) registered voters in his constituency and spread over (2/3)two-thirds of all the wards in that constituency as Chairman or Vice Chairman;
    - (ii) he has not been nominated by 10 (ten) registered voters in his ward in the case of a candidate contesting as councilor;
  - (e) in the case of a person employed in the public

service of the Federation, State or Local Government Council (other than a person holding elective office), he has not resigned, withdrawn or retired from such employment 30 (thirty) days before the date of elections.

## 6.0 ORDINARY RESIDENCE

For the purpose of this law, a person shall be deemed to be ordinarily resident where he is registered to vote or to be voted for in an election.

## 7.0 CAMPAIGNS FOR ELECTION

- (i) Candidates and their parties shall campaign for the elections;
- (ii) It shall be an offence punishable under this law for any candidate or his agent to base his campaign or address on sectional, ethnic or religious differences;
- (iii) Any candidate who commits an offence under this section shall be disqualified from the elections.

## 8.0 DATE OF LOCAL GOVERNMENT ELECTIONS

- (I) Elections to all the Local Government Councils shall be held on the same date throughout the



State;

- (ii) Bye-elections to fill casual vacancies that occur in Local Government Councils shall be held within thirty (30) days from the date the vacancy occurred;
- (iii) The date mentioned in subsection (1) of this section shall not be earlier than one hundred and fifty (150) days before and later than thirty (30) days before the expiration of the term of office of the last holder of that office;
- (vi) Where a casual vacancy occurs less than three (3) months before the day on which the Local Government Council stands dissolved, there shall be a bye-election to fill the vacancy not later than thirty (30) days from the date the vacancy occurred.

## 9.0 **NOTICE OF ELECTION**

Not earlier than forty five (15) days before the date specified for holding of the elections, the Commission shall publish a Notice;

- (I)(a) stating the date of the elections;

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

## 10.0 NOMINATION OF CANDIDATES

- (i) Every candidate shall be nominated in writing by ten (10) registered persons in the case of a councillor and twenty(20) registered persons in the case of Chairman/Vice Chairman whose names appear on the register of voter for the ward or constituency in respect of which an election is to be held;
- (ii) Such candidate must emerge as a winner at the primary election of the party;
- (iii) No person shall subscribe as a nominator paper for the same position at the same election and, if he does, his signature shall be inoperative on any second or subsequent paper to which he subscribes as a nominator.

PROVIDED THAT no account shall be taken of the nomination of any candidate who has died or withdrawn or whose nomination has not been accepted as valid before the delivery of the second nomination papers.

## 11.0 VALIDITY OF NOMINATION

- (I) Every candidate shall deliver the nomination paper to the commission

## 12.0 INVALIDITY OF NOMINATION

The Commission shall be entitled to declare the nomination paper of any candidate invalid on any one or more of the following grounds;

- (a) That the particulars of the candidate or his nominators are not as required by law; or
- (b) That the paper is not signed as required by law; or
- (c) that the candidate has been nominated in more than one ward or constituency; or
- (d) That the nominators of the candidate or one or any of them are not persons whose names appear on the register of voters in respect of the appropriate ward or constituency; or
- (e) that the candidate is disqualified under the provision of the law; or

- (f) if he has not emerged as a winner at the primary election of the party or
- (g) that there is proof of the candidate's death or
- (h) that the candidate has withdrawn his candidature as specified in the law.

### 13.0 **SUBMISSION OF LIST OF CANDIDATES**

Every registered political party shall not later than Seven (7) days before the date appointed for the Local Government elections, deliver the complete list of the names and other relevant particulars of all the candidates, the party proposes to sponsor for elective offices in respect of the elections (or such number thereof as the party intends to contest) to the Commission.

### 14.0 **FORMS A & A1**

The nomination form and particulars shall be as in Form A & A1 in the Schedule to the Law:

- (a) The name, address and occupation of the candidate;
- (b) The names, addresses and occupations of the nominators of the candidate;
- (c) A certification by the candidate that he is willing and qualified to stand for election and a certification by the registered political party

sponsoring the candidate.

## 15.0 **FORM B**

- (i) The Electoral Officer shall within twenty-four (24) hours of receipt of a nomination paper communicate in writing in Form B in the Schedule to the Law to the candidate and/or party nominating the candidate, his/her decision as to the validity or otherwise of such nomination;
- (ii) A candidate whose first nomination paper is invalid shall be permitted to submit a second nomination paper within the time allowed.

## 16.0 **VOTING**

- (i) Voting shall be carried out within the same time throughout the State;
- (ii) Voting shall be by open secret ballot.

## 17.0 **REQUIREMENT OF SECRECY**

No person shall:

- (a) interfere with any voter when recording his vote;
- (b) otherwise obtain or attempt to obtain in the

place of voting, information as to the candidate for whom a voter in that place is about to vote or has voted for;

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

When any person contravenes any of the provisions of this section, he shall be guilty of an offence and liable upon conviction to imprisonment for a term not exceeding Six (6) months or to a fine not exceeding N100,000.00 (One hundred thousand naira) or to both such imprisonment and fine.

#### 18.0 **CORRUPT PRACTICES**

- (I) If any corrupt practice is committed by any candidate elected at an election held under the provision of the law, the election of such candidate shall be invalid if the offence is proved in an electoral tribunal or any other court of law;
- (ii) the expression "corrupt practice" as used in the law, means any of the following offences:
  - (a) impersonation;
  - (b) treating

- (c) undue influence
  - (d) bribery
  - (e) thuggery; or
  - (f) aiding, abetting, Counselling or procuring the commission of any of the aforesaid offences;
  - (g) stealing of ballot boxes.
- (iii) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge or consent or with the knowledge or consent of a person who is acting under the specific authority of such candidate with reference to the election.

#### 19.0 **PUBLICATION OF STATEMENT OF PERSONS NOMINATED**

The Commission shall, not later than 2 days before election publish by displaying or causing to be displayed at the relevant office or offices of the Commission and/or on the Commission's website, a statement of the full names and addresses of all candidates standing nominated.

#### 20.0 **WITHDRAWAL OF CANDIDATES**

A candidate may withdraw his candidature by notice in writing signed by him/her and delivered by himself/herself to the political party that nominated him for the election and the political party shall convey such withdrawal to the Commission not later than two (2) days to the election.

## 21.0 POLITICAL PARTIES CHANGING CANDIATES

A political party SHALL NOT be allowed to change or substitute its candidate whose name has been submitted pursuant to the provisions of the law, except in case of death or withdrawal by the candidate.

## 22.0 METHOD OF ELECTION OF COUNCILORS

(1) If, after the latest time for the delivery of nomination papers and for the withdrawal of candidates for election to the office of councilor more than one person remains validly nominated, a poll shall be taken.

(2) If, after the latest time for the delivery of nomination papers and the withdrawal of candidates only one person remains validly nominated, that person shall be declared elected.

(3) Where a person is declared elected under the provision of sub paragraph (2) of this section, a certificate of return shall be issued and delivered and the result of the election shall be published.



(4) Where no candidate remains nominated in any Ward or Constituency upon the date appointed for the election, the Electoral Officer shall inform the Commission who shall extend the time for nomination and fix a new date for another election.

## 23.0 METHOD OF ELECTION OF LOCAL GOVERNMENT CHAIRMAN

- (i) 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 by a registered party, he has:
  - (a) A majority of 'YES" over "NO" vote cast at the election;
  
- (ii) A candidate for an election to the office of the Chairman shall be deemed to have been elected where, there being more than one candidate for the election;
  - (a) he has a majority of the votes cast at the election; and
  - (b) he has not less than one-quarter of the vote cast at the election in each of at least two-thirds of all the wards in the Local Government Council, as the case may be;

- (iii) If no candidate is duly elected under sub-section (2) of this section, the State Electoral Commission shall conduct a second election and the candidate who scores the majority of votes cast at the election shall be deemed duly elected at the election.

#### 24.0 **NOTICE OF POLL**

The Commission shall not later than fourteen (14) days before the day of election, cause to be published in every Ward or Constituency in which the election is to be held, in such manner as he may think fit, a notice specifying:

- (a) the day and the place fixed for the poll;
- (b) the persons entitled to vote; and
- (c) the location of the polling stations in the Ward or Constituency.

#### 25.0 **ARRANGEMENT OF POLLING UNIT/STATION**

The Commission shall appoint at least one Polling Station in respect of each ward or constituency in which the election is to be held and shall allot the voters of the ward or constituency to the appropriate Polling Station/Unit.

#### 26.0 **PROVISION OF BALLOT BOXES**

- (1) The Commission shall provide suitable ballot boxes for the conduct of the elections;

- (2) The forms to be used for the conduct of elections to the offices mentioned in the law and election petitions arising therefrom shall be determined by the Commission;
- (3) The polling agents shall be entitled to be present at the distribution of the election materials from the office to the polling booth;
- (4) A polling agent shall be entitled to be present at the distribution of election materials, voting, counting and the collation of election results;
- (5) The Commission shall before the commencement of voting in each election, provide all election materials for the conduct of such election at the polling unit.

#### 27.0 **ADMISSION INTO POLLING UNIT/STATION**

- (1) No persons shall be permitted to vote at any Polling Unit/Station other than the one to which he is allotted.
- (2) No persons shall be allowed into the Polling Unit/Station who is not a voter in the Unit/Station, security agent or an official of the Commission.

#### 28.0 **DISPLAY OF BALLOT BOXES**

Immediately before the commencement of the voting, the presiding officer at the polling unit/station shall

show the ballot boxes empty to such persons as may lawfully be present so that they may see that they are empty and shall then close and seal or lock the boxes as the case may be in such manner as to prevent their being opened without breaking the seal or opening the lock.

## 29.0 **FORM OF BALLOT PAPER**

Every ballot paper shall be a printed paper on which the symbol adopted by the party and duly registered as prescribed by law shall be clearly set out and there shall be blank space at the right side of the said symbol on which a thumb impression can conveniently be made. Each of such ballot paper shall:

- (a) have a serial number printed or stamped on its back; and
- (b) be attached to a counterfoil bearing the same serial number as printed or stamped in the back of the ballot paper.

## 30.0 **POLLING AGENT**

- (1) Each party may appoint a polling agent to attend at each polling unit/station in the area of

which it presents a candidate for the purpose of detecting impersonation.

- (2) Notice in Writing of the appointment stating the name and address of the Polling Agent together with the polling unit/stations to which the polling agent has been assigned shall be given by the party to the Commission not later than Seven (7) days before the day fixed for the elections.
- (3) If any Polling Agent dies or becomes incapable of acting as such, the party may appoint another Polling Agent in his/her place, and shall forthwith give to the Commission notice in writing of the name and address of the Polling Agent so appointed.

### 31.0 **POLL OFFICIALS**

- (1) Polling Station official:
  - (a) Supervisory Presiding Officer (SPO);
  - (b) Presiding Officer (PO);
  - (c) Poll Clerk (PC);
  - (d) Poll Orderly (PO)
- (2) Ward Official:  
Ward Returning Officer (WRO)
- (3) Local Government Official:

32.0 AUTHORITY OF THE PRESIDING OFFICER AT THE POLLING STATION

- (1) If any person misconducts himself in a polling station or fails to obey any lawful order of the Presiding Officer, he may, by order of the Presiding Officer, be removed or arrested from the polling station by any Police Officer, or by any other person authorized by the Presiding Officer in that behalf.
- (2) Any person so removed shall not, without permission of the Presiding Officer, again enter the polling station during the day of the election and if charged with the Commission of an offence in such station, the person shall be deemed to be a person taken into custody by a Police Officer for an offence in respect of which he may be arrested without warrant.

33.0 CONDUCT OF POLL BY OPEN SECRET BALLOT

- (1) The Voting at an election shall be conducted in the following manner:
  - (a) Voting at an election under the law shall be by open secret ballot.
  - (b) Every voter desiring to cast his vote shall

present himself to a Poll Clerk at a Polling Unit/Station in which he is entitled to vote and the Poll Clerk, after satisfying himself that such a voter is a person whose name appears on the register of voters provided by the Polling Station and that he has not already voted, shall deliver to him ballot papers.

- © Before delivering the ballot papers to a voter, the Presiding Officer may require the voter to submit to being searched by the Presiding Officer or a person directed by him for the purpose of ensuring that a ballot paper relating to the election is not in his possession and, if the voter shall not submit to a search, he shall not be entitled to receive the ballot papers.
- (d) A female voter shall not be searched except by a female.
- (e) For the purpose of satisfying the Poll Clerk as to his entitlement to vote, a voter shall produce to the Poll Clerk a registration card issued to the voter by INEC, during

the last registration or revision exercise preceding the voting.

(f) Immediately before the Poll Clerk delivers the ballot papers to a voter:

- (i) the ballot papers shall be punched or stamped with an official stamp provided;
- (ii) the number, name, address and occupation of the voter as stated in the copy of the register of voters or part thereof, shall be called out;
- (iii) the number of the voter in the register of voters shall be marked on the counter foils, and
- (iv) a mark shall be placed against the number of the voter in the copy of the register of voters or part thereof, to denote that ballot papers have been received by the voter but without showing the serial number of the ballot papers which have been received;

(g) A Poll Clerk may, and if required by a candidate or a Polling Agent put to any person applying for ballot papers at the time of his application, but not afterwards the following questions or either of them:



- (l) Are you the person whose name is on the register of voters as follows.....?  
(reading the copy of the entry in the register);
  - (ii) Have you already voted at the present election at this or any other Polling Station?
- (h) A voter on receiving the ballot paper shall go immediately into the screened compartment in the polling station, and shall there secretly cast his vote by placing his thumb print against the symbol of the party of his choice.
- (i) A voter shall after casting his vote put the ballot paper in the ballot box and after coming out of the screened compartment, put the ballot paper in the ballot box in the full view of the Presiding Officer and all others present;
- (j) A voter shall not cast more than one vote in favour of any candidate nor place on the ballot paper any writing or mark by which he may be identified;

- (k) A voter who defaces a ballot paper issued to him shall deliver the defaced ballot paper to the Presiding Officer who shall promptly mark such ballot paper as cancelled and issue another ballot paper to the voter;
- (l) Immediately after recording his vote, a voter shall submit to having the finger nail of his right thumb marked with ink sufficiently indelible to leave a mark for a period of approximately ten hours;
- (m) A voter who suffers from blindness or from or from any other physical disability, may be accompanied by such friend or relative as he may choose who shall, after informing the Presiding Officer, be permitted in the presence of the voter alone place the voter's thumbprint against the voter's candidate of choice;
- (2) A vote may not be recorded by a voter except by his attending in person at the Polling Station and recording his vote in accordance with this paragraph.

34. 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, polling orderly, candidates or their agents and count the votes with the ballot papers kept face upwards.
- (2) During the counting of votes, all rejected ballot papers shall be put in a special envelope.

**FORM C**

- (3) The votes scored by each candidate shall be entered in a Statement of Result Form as in Form C in the Schedule to the Law which shall be signed and stamped by the presiding officer and endorsed by their agents, where available, at the polling units/stations, provided that the refusal of any agent to sign shall not invalidate such result.
- (4) The presiding officer shall give a copy of the Statement of Result to the security officer at the polling station and party agents and take the original copy thereof to the Ward Returning Officer at the ward collating centre together with the ballot boxes, the relevant envelopes

and all other election materials including stamp, stamp pad and endorsing ink.

**Form E**

(5) The results of the election shall thereafter be announced by the Ward Returning Officer at the Ward Collating Centre, with copies thereof given to the Police and the Party Agents same having been recorded in a declaration of result of election form as in Form E in the schedule to the Law in case of the Councilorship election and forward the result of the ward. In the case of chairmanship election to the Local Government Returning Officer together with all other documents.

(6) Any ballot paper which does not bear the official mark shall not be counted

(7) The result of the Chairmanship election shall be collated at the Local Government Area by the Local Government Returning Officer as in the Local Government Declaration of election form and thereafter announce the results of the election at the Local Government Area Collation Centre and copies of the results

**Voters not to be counted**

given to the Police, other security agents and party agents present at the Centre.

- (8) The presiding officer shall endorse the word "rejected"  
On any ballot paper which, under the provisions of section 45 of the Law is not to be counted.

- (i) The presiding Officer shall add to the endorsement the word "rejection objected to" if an objection to his decision is made by any candidate or his agent.

**Endorsement by Presiding Officer**

The decision of the Ward Returning Officer to any question arising in respect of any ballot paper shall be final, and shall be subject to review only on an election petition questioning the election.

A candidate or his agent may, if present when the counting or any recount of the votes are completed, require the presiding Officer to have the votes

**Decision of Returning Officer**

## **Recount**

recounted but the presiding Officer may refuse to do so if in his opinion the request is unreasonable.

When an equality of votes is found to exist between any candidates there shall be a run-off for such candidates  
The date of which shall be determined by the commission.

## **Equality of votes**

The Local Government Area Returning Officer shall cause to be posted at the office of the council concerned, copies of the notice of the result of the election in the Local Government Area and shall forward to the secretary of the commission copies of the certificates or statement of results.

## **Publication of Result of Election**

The Local Government Area Returning Officer shall deliver all documents relating to the conduct of the Election to the Electoral Officer, who shall ensure their safe custody.

**Custody of Documents**

A Poll Clerk may be authorized by the Presiding Officer to do any act which the Presiding Officer is required or authorized to do at a polling station by the Law except that he may not order the arrest of any person, or the exclusion or removal of any person from the polling station.

**Power of Poll Clerk**

Where in the Law, any act or thing is required or authorized to be done by or in the presence of the agents of the party, the non-attendance of any agent at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

**Non Attendance of agents not to invalidate proceedings**

35.0

**ASCERTAINMENT OF POLL RESULT**

The result of the votes at the poll shall be ascertained by counting of votes given to each candidate and the candidate to whom the majority of votes has been given shall be declared elected.

## 36.0 ELECTORAL OFFENCES

- (i) Any person who forges, willfully destroys, signs, alters or removes any ballot paper or official mark on any certificate of return or result form, commits an offence;
- (ii) Any person who signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be a candidate at that election, commits an offence;

Any person who contravenes any of the provisions of sections (1 & 2) above shall on conviction be liable to a maximum term of imprisonment for one (1) year or with an option of fine not less than N20,000.00 (twenty thousand Naira) or both;

(iii) Any person who, having been issued with a ballot paper in a polling station, takes that ballot paper out of the polling station, shall be liable on conviction to imprisonment for a term not exceeding six (6) months or to a fine of



N50,000.00 or to both such imprisonment and fine.

(vi) Any person who at an election, brings into a polling station a ballot paper relating to the election issued to another person shall be guilty of an offence and shall be liable on conviction to imprisonment for Twelve (12) months or to a fine of N100, 000.00 (one hundred thousand naira) or to both imprisonment and fine .

(v) Any person who votes, or induces, or procures any person to vote at an election knowing that he or such a person is prohibited by law from voting at such election or before or during an election knowing and recklessly publishes any false statement of the withdrawal of a candidate at such an election of another candidate commits an offence.

Any person who commits the offence above is liable on conviction to a fine of not less than N20,000.00 (twenty thousand Naira) or to imprisonment.

- (vi) Impersonation – Any person who applies for a ballot paper or votes in the name of another person living or dead shall be guilty of impersonation.
- (vii) Treating – Any person who corruptly by himself or by any other person either before or during, directly or indirectly, gives or provides or pays for any food, drink or entertainment or provision for the purpose of corruptly influencing that person to vote or refrain from voting at such election AND/OR any voter who corruptly accepts or takes any such food, drink or entertainment is guilty of treating;
- (viii)(a) Undue influence – any person, who directly or indirectly by himself or any other person, induces or threatens another to vote or not to vote, is guilty of the offence of undue influence;
- (b) Bribery – Any person who gives or lends or offers or promises to give money or valuable consideration in order to induce any voter to vote or refrain from voting is guilty of the offence of bribery;
- (c) Any person who is guilty of bribery or

undue influence shall be liable on conviction to imprisonment for term not exceeding twelve (12) months or to a fine not less than N100,000.00 (one hundred thousand Naira).

- (ix) **Illegal practices** – Any person who knowingly or recklessly publishes any false statement of the withdrawal of any candidate at such election for the purpose of promoting or procuring the election of another candidate shall be guilty of the offence.

Upon conviction, such a person shall be liable to a fine of N200,000.00 (two hundred thousand Naira) or to imprisonment for 12 (twelve) months or for both such and imprisonment;

- (x) **Voting when Not Registered** – Any person who votes without being registered is guilty of an offence. Upon conviction shall be liable to a term not less than six (6) months or a fine of N50,000.00 (fifty thousand Naira) or to both such fine imprisonment;

- (xi) **Disorderly Conduct at Elections** - Any person

who at any polling station or place being used for the counting of votes acts or incites others to act in a disorderly manner shall be guilty of an offence. Upon conviction, such a person shall be liable to a term of imprisonment not exceeding N100, 000,00 (one hundred thousand naira) or both such imprisonment and fine.

(xi) **Polling Day Offences;**

(i) No person shall, on the date or dates upon which a poll is taken in an election in respect of a Local Government Council:

(a) Convene, hold or attend any public meeting in that Local Government Area;

Or

(b) Operate any megaphone, amplifier or public address apparatus in that Local Government Area for the purpose of making announcement concerning the election;

PROVIDED THAT this section shall not apply to the operation of any such apparatus, by an officer appointed under the law for the purpose of making official announcement relating to the election.

- (ii) No person shall on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station or in any public or private place within a distance of two hundred (200) meters of the polling station –
- (a) Canvassing for vote;
  - (b) Soliciting the vote of any voter;
  - (c) Persuading any voter to vote at the election;
  - (d) Persuading any voter not to vote at the election;
  - (e) Wearing, exhibiting or tendering any notices, sign token, symbol, slogan, badge, photograph or party card referring to the elections; or
  - (f) Shouting slogans concerning the election.
- (iii) No person shall bring alcoholic liquor into a polling station or a place being used for the counting of votes or shall consume alcoholic liquor in any such place.

- (iv) Any person who contravenes the provisions of sub-sections (1), (2) and (3) of this section shall be guilty of an offence and shall be liable on conviction to a fine of N100,00.00 (one hundred thousand Naira) or to imprisonment for six (6) months or to both such fine and imprisonment.

### 37.0 MISCELLANEOUS

(1) CONVICTION OF DISQUALIFYING OFFENCE TO BE REPORTED ETC.

- (I) Where a person is convicted of an offence against any of the provisions of the law which disqualifies him from being elected as a member of a council, the court by which he was convicted shall send to the commission the judgment of the conviction and if the person convicted appealed, the judgment of the appeal.
- (II) Any attempt or conspiracy to commit any offence specified in the law shall be punished in the same manner as the offence.
- (III) Any offence committed under the law shall be

triable in the Magistrate's court of the state.

- (iv) Any prosecution under the law shall be undertaken by the Attorney-General of the state.
- (2) A person may apply to the Commission for a copy of nomination form, affidavit and any other document submitted by a candidate at an election and the Commission shall, upon payment of a prescribed fee, issue such person with a certified copy of the documents within fourteen (14) days.
- (3) A person who has reasonable grounds to believe that any information given by a candidate in the affidavit or any document submitted by that person seeking a declaration that the information contained in the affidavit is false.
- (4) (a) if the court determines that any of the information contained in the affidavit or any document submitted by that candidate is false, the court shall issue an

order disqualifying the candidate from contesting the election.

- (b) A political party which presents to the Commission the name of a candidate who does not meet the qualifications stipulated in this section, commits an offence and is liable on conviction to a maximum fine of N500,000.00 (five hundred thousand Naira).