



KADUNA STATE
INDEPENDENCE ELECTORAL
COMMISSION (KAD-SEICOM)

Voter Education

Pamphlet

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1. INTRODUCTION

The forth coming Local Government Election would be on party basis. It is projected that the outcome of this crucial election would be an acid test of how far we have gone in embracing democratic governance especially at the grass-root level.

2. LOCAL GOVERNMENT ELECTION

There are only two types of elective offices at this level of governance. These are the Chairmanship and Councillorship seats in each of the 23 Local Government Councils and 255 wards respectively of Kaduna State.

Every Local Government Council has only one Chairmanship position while the number of Councillors is the same as the number of wards in the Local Government Area. Most Local Government Areas have between 10 and 13 wards as a result of the equitable delineation carried out on population basis.

3. DATE OF ELECTION

The date for the holding of any Local Government Council General Election or By-Election shall be determined and announced by the Commission.

4. ELIGIBILITY TO VOTE

- (i) A person is eligible to vote in the forthcoming Local government Council elections if:-
- (a). He/she is a citizen of Nigeria and has attained the age of 18 years.
 - (b). He/she is registered as a voter in the Ward or Constituency of the Local government area and has obtained a registration card.

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(ii) However, the Presiding Officer shall allow a voter to vote without the presentation of a registration card if it is alleged that the said card is missing or destroyed and is satisfied that:-

- (a) the voter's name is in the register of voters for the polling station or unit,
- (b) the person has been identified by another person qualified to vote in that polling station or unit,
- (c) the person is not impersonating another voter, and
- (d) the person has not voted earlier in that particular election.

5. VOTERS CARD

The possession of a Voter's Card is the only valid evidence which a citizen has as a proof that he is a registered voter. It is the easiest and quickest means of identifying the voter. Therefore, every voter is enjoined to keep, protect and treasure his/her Voter's Card.

The current and only valid Voter's Card is the one issued during the last voter's registration exercise by INEC. All other types of Voter's are invalid. The current and only valid INEC Voter's Card which will be used for the Local Government Election is the Voter's Card which contains the following information.

- a) Voter's Name
- b) Voter's Sex
- c) Voter's age
- d) Voter's date of birth
- e) Delimitation number
- f) VIN number
- g) Date of issue
- H) Voter's photograph

Persons who cannot vote

The following persons cannot vote at elections:

- (a) All persons below the age of 18 years
- (b) All persons not registered as a Voter
- (c) All non-Nigerians
- (d) All officers charged with the conduct of elections in the field

These include:

- (i) The supervising Presiding Officers
- (ii) The Presiding Officers
- (iii) The Returning Officers
- (iv) The Electoral Officers
- (v) The Chairman and the Members of the Kaduna State Independent Electoral Commission
- (vi) The Police and Security Officers operating at the Polling Stations and all election centres.

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6. QUALIFICATION/DISQUALIFICATION OF CANDIDATES

- (i) A person shall be qualified to contest for election if he/she:
 - a) is a citizen of Nigeria;
 - b) is registered as a voter;
 - c) has attained the age of 30 years;
 - d) is educated up to at least the School Certificate level or its equivalent;
 - e) is a member of a political party and is sponsored by that party;
 - f) pays to the Commission a non-refundable deposit of N200,000.00 in the case of Chairman and N50,000.00 in the case of Councillor; and
 - g) In the case of a candidate contesting as Chairman, he has nominated from a ward other than his own ward

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another candidate who shall run with him for the office of the Vice-Chairman.

- (ii) A person shall not be qualified to contest a Local Government Council election if:
- a) subject to the provisions of section 28 of the Constitution, he/she has voluntarily acquired the citizenship of a Country other than Nigeria or, except in such cases as may be prescribed by the National Assembly, has made a declaration of allegiance to such a Country;
 - b) he/she is adjudged to be a lunatic or otherwise declared to be of unsound mind under any law in force in any part of Nigeria;
 - c) he/she is under a sentence of death imposed on him/her by any competent court of law or tribunal in Nigeria;
 - d) within a period of less than 10 years before the date of an election to the Local Government, he/she has been convicted and sentenced for an offence involving dishonesty or he/she has been found guilty of contravention of the Code of Conduct;
 - e) he/she is an adjudged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Nigeria;
 - f) he/she is a person employed in the public service of the Federation or of any State or Local Government Council (other than a person holding elective office) and he/she has not resigned, withdrawn or retired from such employment 30 days before the date of election;
 - g) he/she is a member of any secret society;
 - h) he/she has within the preceding period of 10 years presented a forged certificate to the Commission;

- i) he/she has been dismissed from the public service of the Federation, State or Local Government; or
- j) he/she has been elected to such office at any two previous elections in the case of Chairman.

7. PROCEDURE AT ELECTION

- (1) Every registered political party shall, not later than thirty (30) days before the date appointed for the election deliver to the Commission the following:-
 - a) Form KDCF 001 which is an affidavit by the candidates in support of fulfillment of all requirements for election accompanied by photocopies of all relevant supporting documents.
 - b) Form KDCF 002 which is the list of candidates the political party proposes to sponsor for the election.
- (2) The Commission shall within seven (7) days of the receipt of the affidavit of the candidate, publish same in the constituency where the candidate intends to contest the election.
- (3) A person may apply to the Commission for a copy of the affidavit or other documents submitted by a candidate at an election and the Commission shall upon payment of a prescribed fee, issue such person with a certified copy of the documents within fourteen (14) days.
- (4) A person who has reasonable grounds to believe that any information given in the affidavit or any document submitted by the candidate is false may file a suit at the High Court against such person seeking a declaration that the information is false, and if the Court so determines, the Court shall issue an order disqualifying the candidate.

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(5) A political party which presents to the Commission the name of a candidate who is not qualified or is disqualified from contesting the election commits an offence and is liable on conviction to a maximum fine of N500,000.00.

PROHIBITION OF DOUBLE NOMINATING

(6) Candidates for an election shall be nominated in writing by registered voters in the constituency as follows:-

- a) a candidate for Local Government Chairmanship Election shall be nominated by twenty(20) persons from all the Wards of his constituency in the prescribed Form KDCF 4F.
- b) a candidate for Local Government Councillorship Election shall be nominated by ten(10)persons from different polling units of his Ward in the prescribed Form KDCF 4G.

(7) The Commission shall verify and sort out all forms and other documents submitted by all candidates and thereafter publish the names of all Candidates validly nominated.

(8) No person shall nominate more than one person for an election to the same office, and no person who has subscribed as a nominator shall so long as the candidate stands nominated withdraw his nomination.

(9) All nomination forms shall be delivered at the place or places appointed by the Commission at least twenty(20) days before the date of the election.

(10)All non-refundable fees prescribed in paragraph 3.1(f) of these Guidelines shall be paid at designated Banks

and the tellers submitted at the Commission Headquarters at least twenty one (21) days before the date of the election.

(11)A political party shall not be allowed to change or substitute any of its candidates for an election whose name has been submitted to the Commission except in the case of death or withdrawal in writing by the candidate and in the case of withdrawal the candidate shall sign and deliver the notice in person to his political party and the political party shall convey such withdrawal to the Commission not later than fifteen (15) days to the election.

(12)Where the Commission is satisfied that a candidate has withdrawn his candidature, his political party shall be allowed to nominate another candidate not later than ten (10) days before the date of the election.

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

8. VOTING PROCEDURE

(1) Elections shall be by **OPEN SECRET BALLOT** at the various Polling Stations or Units of the State and the Chairmanship and Councillorship elections shall be held simultaneously on the same date throughout the State.

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(2) Notwithstanding the provision of paragraph 8(1) above, voting may hold any other day in a Polling Station, Ward or Local Government Area as the Commission may determine provided the circumstances justify the inability to hold the election on the date originally fixed for the voting.

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43, 44, 45, 46
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(3) Voters are expected to arrive at their Polling Stations by 8:00am on election day and accreditation commences immediately as follows:-

- a) the voter shall present his/her voter's card to the Presiding Officer who shall check the name, photograph and other relevant information in the Voters Register to confirm if the voter is registered at the Polling Station.
- b) on being satisfied that the voter is registered at the Polling Unit, the Presiding Officer shall tick the voter's name in the Voter's Register and issue the voter with two (2) ballot papers, one for the Chairmanship election and one for the Councillorship election, and the Presiding Officer shall thereafter mark the right thumb nail of the voter with indelible ink.
- c) the voter will then proceed to a screened compartment where he/she shall thumb print on the space beside the symbol of the Political Party to which his/her choice candidate belongs.
- d) the voter will then proceed to where the ballot boxes are in the full view of the poll officials, security agents, party agents and other voters alike and drop the ballot papers into the boxes provided for the Chairmanship and Councillorship elections.
- e) satisfied that he/she has performed his/her civic duty, the voter then leaves the Polling Station for

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voting to continue.

- f) a voter who is blind or is otherwise unable to distinguish symbols or who suffers from other physical disabilities may with the permission of the Presiding Officer be accompanied into the Polling Station by a person of his/her choice.
- g) a voter suspected to be an impersonator or under 18 years of age shall be questioned by the Presiding Officer or security agents presents and if he/she admits, shall not be allowed to vote. But if the voter does not admit, the Presiding Officer shall cause the words "protested against for impersonation" to be placed against the voter's name in the marked copy of the Voter's Register.

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- (4) Each political party may by notice in writing addressed to the Commission appoint a Polling Agent in each Polling Unit it has a candidate and the notice shall clearly set out the name, address and telephone number of the polling agent and such notice shall be submitted to the Electoral Officer of the Local Government Area at least seven (7) days before the date of the election.

9. COLLATION OF RESULTS

Collation of election results at the Local Government Council elections will take place at three levels. These are at the Polling Units, the Ward Collation Centres and the Local Government Collation Centre.

a) Polling Units

- i) Voting shall end by 4:00pm and at the conclusion of polls the Presiding Officer shall empty the contents of the ballot boxes in the full view of all party agents and security

agents, sort the ballot papers according to the votes cast for the various political parties and counting of the votes commences.

- ii) The scores of each political party shall be announced by the Presiding Officer after which they shall be entered in Forms EC8A and EC8A(1) for the elections of Chairman and Councillor respectively at the Polling Station. The Presiding Officer and the party agents shall endorse the forms and the Presiding Officer shall retain the original and copies shall be given to the party agents present and security agents present. Failure or refusal of any party agent to sign the form shall not in any way invalidate the document.

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b) Ward Collation Centre

After conclusion of business at the Polling Stations, the various Presiding Officers shall proceed to their Ward Collation Centres and submit their Forms EC8A and EC8A(1) to the Ward Collation Officer who will then enter the results of all the Polling Stations in his/her Ward in Forms EC8B And EC8B(1) for Chairmanship and Councillorship elections respectively. Winners of the Councillorship elections will emerge at this level of collation and the Ward Collation Officers now as Returning Officers will immediately announce the result and winner of the Councillorship election aloud. Copies of Form EC8B(1) will then be distributed to all party agents present and security operatives alike. Form EC8E(1) (declaration of Councillorship Result) will be completed and sent to the Electoral Officer.

c) Local Government Collation Centres

In the case of Chairmanship election, the various Ward

Collation Officers in the Local Government Area will submit their Form EC8B to the Local government Collation Officer at the Local Government Collation Centre. The Local Government Collation Officer will then enter the result of the various Wards in form EC8C and add them up which will determine the winner of the Chairmanship election. The Local Government Returning Officer (normally the Electoral Officer) then announces the result aloud and enters it in Form EC8E, and copies distributed to the party agents and security operatives present.

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10. DETERMINATION OF ELECTED CANDIDATES

- A.(1) **Chairman:** Where at the close of nomination to the office of Chairman, only one candidate remains validly nominated the Commission shall extend the time for nomination by seven (7) days, and if after the seven (7) days he/she is still the only candidate a poll shall be taken and he/she shall be declared winner if:-
 - a) he/she has a majority of YES votes over NO votes cast at the election; and
 - b) he/she has not less than one-third of the votes cast at the election in each of at least two-third of all the Wards in the Local Government Area.
- (2) Where there are only two candidates at an election for Chairman, a candidate shall be deemed elected if he/she has the majority of the votes cast and he/she has not less than one-quarter of the votes cast in at least two-thirds of all the Wards in the Local Government Area.
- (3) Where there are more than two candidates at the Chairmanship election, the winner shall be the

candidate with the majority of votes cast and with not less than one-quarter of the votes in at least two- third of all the Wards in the Local Government Area. If no candidate satisfies this criteria the Commission shall within 7 days conduct another election in which there shall be only two candidates that is the candidate with the highest number of votes at the election, and the one among the remaining who has a majority of votes in the highest number of wards. If no candidate satisfies the requirement of geographical spread, the winner shall be determined by simple majority.

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B.(1) **Councillor:** If after expiration of time of delivery of nomination papers only one candidate is validly nominated in a Ward for the Councillorship election, such candidate shall be declared as elected and a declaration result Form completed in his/her favour.

(2) Where there are two or more candidates in a Councillorship election, a poll shall be taken and the winner shall be the candidate with a simple majority of valid votes.

11. ELECTORAL OFFICIALS

(1) Electoral Officers are appointed to coordinate and supervise the conduct of elections in each Local Government area. He/She is the head of the Commission's office in the Local Government Area.

(2) For the purpose of elections covered by the Kaduna State Independent Electoral Commission Law no. 10, 2012 and these Guidelines, all Political Parties that wish to field candidates shall invite the Commission's

Electoral Officer to observe the conduct of it's parties' primaries in each Local Government Area of the State.

- (3) For the smooth conduct of the elections, the Commission also appoints the following adhoc staff: - Returning Officers, Supervisory Officers, Presiding Officers, Poll Clerks, Poll Orderlies and such officers as it may deem fit to appoint.
- (4) The general supervision of the conduct of the election in the State is vested in the Chairman of the Commission and all electoral officials are answerable to him/her.

Guidelines

12. CAMPAIGN

- (1) Candidates and their political parties shall campaign for elections in accordance with the following guidelines and any other guidelines that may be issued by the Kaduna State Independent Electoral Commission from time to time or in accordance with the provisions of any law regulating the conduct of campaigns, rallies and processions:-
- a) campaigns shall start from the date notice of election is given and end at 12 midnight on the date preceding the date of the election.
 - b) no campaigns shall take place at schools, churches, mosques or other religious places, military or police barracks or stations, public offices or such other places the Commission may from time to time determine.
 - c) no candidates shall base his/her campaigns or address on sectional, ethnic or religious sentiments and differences.

- d) abusive, derogatory, offensive or insulting languages shall not be used during campaigns.
- e) candidates shall be free to campaign within the constituency in which they intend to contest the election and shall notify the police before a rally is held.
- f) a candidate who contravenes any of the above Campaign Guidelines or the provision of any enactment relating to campaigns may be disqualified by the Commission from contesting the election.

13. ELECTORAL OFFENCES

In order that a voter does not breach any of the rules and regulations in the electoral laws. It is important to understand those activities that constitute electoral offences. Among others, the following are very important offences that a voter should not commit.

(a) Treating

No person shall give or accept food, drinks or gifts with the intention to influence another person on how to cast his/her votes.

(b) Undue Influence

- i) No person shall use threat, intimidation or violence to restrain or refrain a person from casting his/her votes.
- ii) No person shall by the use of thugs or any other means such as induction, duress or any fraudulent device or contrivance impede or prevail upon a voter either to vote or refrain from voting at election.

(c) Bribery Corruption

- i) No person shall corruptly give, lend or agree to give any money or valuable consideration to or for a

vote.

- ii) No person shall either by himself/herself or on his/her behalf receive, agree or contract for money, loans, office, place or employment for himself/herself, for any other person so as to vote or not to vote during the election.

14. POLLING OFFENCES

- (1) No person shall on the date on which an election is held do any of the following acts or things in a polling station or within a distance of 300 meters of a polling station:

- (a) Canvass for votes;
- (b) Solicit for the vote of any voter;
- (c) persuade any voter not to vote for any particular candidate;
- (d) Persuade any voter not to vote at the election;
- (e) Shout slogans concerning election;
- (f) Be in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voter;
- (g) Exhibit wear or tender any notice, symbol, photograph or party card referring to the election;
- (h) Use any vehicle bearing the colour or symbol of a political party by any means whatsoever;
- (i) Loiter without lawful excuse after voting or after being refused to vote;
- U) Snatch or destroy any election materials;
- (k) Blare siren.

- (2) No person shall in the vicinity of a polling unit or Collation Centre on the day of which an election is held;

- (a) Convene, hold or attend any public meeting during the

- hours of poll as may be prescribed by the Commission;
- (b) Unless appointed under this 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.

15. **ELECTION PETITIONS:-**

- (1) The Chief Judge of a State shall establish one or more Election Tribunals which shall have original jurisdiction to hear and determine election petitions.
- (2) The Election Tribunals provided for under the Law shall be constituted not later than 14 days before the elections.
- (3) An election petition shall be presented within 21 days after the date of the result of the election is declared.
- (4) An election petition may be presented by one or more of the following persons:-
 - (a).a Candidate in an election; or
 - (b).a political party which participated in the election.
- (5) An election may be questioned on any of the following grounds:
 - a) that a person whose election is questioned was at the time of the election not qualified to contest the election;
 - b) that the election was invalid by reason of corrupt practices or non compliance with the provisions of the Law;
 - c) that the respondent was not duly elected by a majority of lawful votes at the election; or
 - d) that the petitioner or its candidate was validly nominated but was unlawfully excluded from the election.

- (6) Any party dissatisfied with the judgment of the Election Tribunal shall have the right to appeal within 21 days from the day judgment of the Election Tribunal was given to the Local Government Council Election Appeal Tribunal.
- (7) The decision of the Local Government Council Election Appeal Tribunal in respect of Local Government Council Elections conducted under this Law shall be final.

CONCLUSION

This is the seventh in the series of Voter's Education Pamphlets to be prepared by SIECOM to simplify the laws, guidelines, training manuals and other materials on election activities. The edition is intended to assist the voter to fully understand the procedures and processes of the Local Government Council Election in the State.

Reference could be made to the following:

1. The 1999 Constitution of the Federal Republic of Nigeria (as amended).
2. Kaduna State Independent Electoral Commission Law No. 10, 2012.
3. Local Government Election Guidelines, 2012.
4. Training Manual for Poll Officials, 2012.

All other enquiries should be directed to:

**Public Affairs Department
Kaduna State Independent Electoral Commission
No. 9A Sokoto Road,
Kaduna.**