

LOCAL GOVERNMENT COUNCILS ELECTIONS GUIDELINES 2021

1. INTRODUCTION:-

1.1 The Local Government Council elections are scheduled to take place in 2021 in all the 23 Local Government Areas of Kaduna State.

1.2 During the elections, a Chairman shall be elected to each of the 23 Local Government Councils in the State, and one Councilor shall be elected to each of the 255 electoral wards in the State.

1.3 The law governing the conduct of the election is the Kaduna State Independent Electoral Commission Law No. 2 of 2018 (as amended).

2. ELECTION AND ELIGIBILITY TO VOTE:-

2.1 A person is eligible to vote in the forthcoming 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 the INEC Permanent Voter's Card (PVC).
- c) The Commission shall have power to determine the method by which voters shall:
 - (i) Be verified and accredited for the purpose of casting their votes; and
 - (ii) Shall cast their votes at each election by use of approved electronic devices, including but not limited to the Smart Card Reader (SCR) and the Electronic Voting Machine (EVM).

3. QUALIFICATION/DISQUALIFICATION OF CANDIDATES:-

3.1 A person shall be qualified to contest for election if he/she:

- a) Is a citizen of Nigeria;
- b) Is registered as a voter; and possess evidence of such registration in the form of a Permanent Voter's Card (PVC) issued by the Independent National Electoral Commission (INEC);
- c) Has attained the age of 25 years;
- d) Is educated up to at least the Senior Secondary School Certificate level or its equivalent;

- e) Is a member of a political party and is sponsored by that political party;
- f) Pays to the Commission a non-refundable deposit of ₦200,000.00 in the case of Chairman, and ₦50,000.00 in the case of Councilor;
- g) In the case of a candidate contesting as Chairman, he has nominated from a ward other than his own ward another candidate who shall run with him for the office of Vice-Chairman; and
- h) Produces evidence of tax payment for a period of three (3) consecutive years immediately preceding the year of the election, and such payments were made as and when due.

3.2 A person shall not be qualified to contest a Local Government Council elections 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 and has made a declaration of allegiance to such a Country, except in such cases as may be prescribed by the National Assembly;
- 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 of the Local Government Council, he/she has been convicted and sentenced for an offence involving dishonesty of 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.

4. ELECTORAL OFFICIALS:-

- 4.1 Electoral Officers are appointed to coordinate and supervise the conduct of the Commission's activities in each Local Government Area. He/She is the Head of the Commission's office in the Local Government Area.
- 4.2 For the purpose of elections covered by Kaduna State Independent Electoral Commission Law and these Guidelines, all Political Parties that wish to field candidates shall invite the Commission's Electoral Official to observe the conduct of its party's primaries in each Local Government Area of the State.
- 4.3 For the smooth conduct of the elections, the Commission also appoints the following adhoc staff: - Returning Officers, Supervisory Presiding Officers, Presiding Officers, Poll Clerks, Poll Attendants and such other Officers as it may deem fit to appoint.
- 4.4 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.

5. PROCEDURE AT ELECTION:-

- 5.1 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 KDCF001 and KDCF001A which is an affidavit by the candidates in support of fulfilment of all requirements for election accompanied by certified true copies of all relevant supporting documents.
 - b) Form KDCF002 which contains the list of candidates the political party proposes to sponsor for the election.

- 5.2 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.
- 5.3 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 prescribed fees; issue such person with a certified true copy of the documents within fourteen (14) days.
- 5.4 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 Kaduna state 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.
- b) Notwithstanding the case filed in Court, the candidate shall not be stopped from contesting in the election.
- c) Where the Court determines that the candidate is found guilty of falsification of documents, he/she shall be removed from office and be required to refund all monies as salaries and allowances paid to him when in office.
- 5.5 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 ₦500,000.00.
- 5.6 Candidate 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 KDCF4F.
- 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 KDCF4G.
- 5.7 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.

- 5.8 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 candidates stand nominated withdraw his nomination.
- 5.9 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.
- 5.10 All non-refundable fees prescribed in paragraph 3.1(f) of these Guidelines shall be paid at the designated bank and the tellers submitted to the Legal department at the Commission Headquarters, at least twenty-one (21) days before the date of the election, not later than 6:00pm on the appointed date for the submission of the teller thereof.
- 5.11 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 shall convey such withdrawal to the Commission not later than fifteen (15) days before the election.
- 5.12 Where the Commission is satisfied that a candidate has withdrawn his candidature, his political party shall be allowed to nominate another candidate not later that ten (10) days before the date of the election.
- 5.13 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.

6. **VOTING PROCEDURE:-**

- 6.1 Election shall be by **OPEN SECRET BALLOT** at the various Polling Units of the State and the Chairmanship and Councillorship elections shall be held simultaneously on the same date throughout the State.
- 6.2 **NOTWITHSTANDING** the provision of paragraph 6.1 above, voting may hold any other day in Polling Unit, 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.

6.3 Voters are expected to arrive at their appropriate Polling Units at 8:00am on Election Day and accreditation commences immediately as follow:

Upon arrival at their Polling Unit, voters are requested to:

- a) Form or join an orderly queue for accreditation;
- b) Voters shall first check the voters' list displayed at the Polling Unit to confirm that their names are listed at the Polling Unit;
- c) Where a voter fails to find his/her name on the displayed list, he shall contact the Presiding Officer for further assistance;
- d) Where the voter has identified his/her name on the displayed list, he/she shall proceed to the queue for accreditation;
- e) Before accreditation, the voter shall again have his/her name verified from the list of voters by the Poll Clerk;
- f) Upon confirmation that the voter is on the voter's list for that particular Polling Unit, the voter shall proceed to be accredited. This involves the process of screening of voters PVC through the Smart Card Reader (SCR) for verification that the holder is indeed the owner of the PVC;
- g) Where the identification of the voter by the SCR/BCR is positive, the voter's thumb shall be marked with indelible ink, and he/she shall be directed to a designated voting point for the purpose of casting his/her vote;
- h) Where the voter's identification is NEGATIVE, the voter shall be advised accordingly;
- i) Voting shall be by the use of Electronic Voting Machine (EVM), one of which shall be available at every Polling Unit;
- j) The Presiding Officer shall initiate the voting process by activating the EVM;
- k) The EVM will automatically display the logos of all registered political parties;
- l) The voter shall select the party of his/her choice by touching the particular logo of such party;
- m) The screen will automatically magnify the logo of the chosen political party for the voter to confirm that it is indeed the party of his/her choice;

- n) Where this is the case, the voter shall press the GREEN button and the EVM shall automatically record his/her vote; the process shall repeat itself for the voter to cast his/her vote for the Councillorship election;
 - o) After voting, the EVM shall generate receipts for the party logo chosen in the election;
 - p) Once both voter slip drop into the Ballot Box, the voting screen will shut off, deactivating the voting process for that voter;
 - q) satisfied that he/she has performed his/her civic duty, the voter then leaves the Polling Unit;
 - r) The Presiding Officer will reactivate the EVM for the voting process by the next voter in the queue;
 - s) A voter who is blind or is otherwise unable to distinguished symbols or who suffers from other physical challenges may with the permission of the Presiding Officer be accompanied into the Polling Unit by a person of his/her choice;
 - t) A voter suspected to be an impersonator or under 18 years of age shall be questioned by the Presiding Officer or Security Agents present and if he admits, shall not be allowed to vote. But if the voter does not admit, the Presiding Officer shall cause the word "protested against for impersonation" to be placed against the voter's name in the marked copy of the Voter's Register;
 - u) At the end of voting, the Presiding Officer will print Result Summary sheets for political Parties and Security Agents before initializing deactivation procedure for the EVM.
- 6.4 Voting shall end by 4:00pm, except where extended for a valid reason by the Presiding Officer.
- 6.5 The scores of each political party shall be announced by the Presiding Officer after which they shall be entered in Forms KD/SIEC/8A and KD/SIEC/8A1 for the elections of Chairman and Councilor respectively at the Polling Unit. The Presiding Officer and the Party Agents shall endorse the forms and the Presiding Officer shall retain the original, while copies shall be given to the Party Agents and Security Agents present. Failure or refusal of a party agent

to sign the form shall not in any way invalidate the document or the result thereof.

- 6.6 After conclusion of business at the Polling Units, the various Presiding Officers shall proceed to their Ward Collation Centres and submit their forms KD/SIEC/8A and KD/SIEC/8A1 to the Ward Collation Officer who will then enter the results of all Polling Units in his/her Ward in Form KD/SIEC/8B for Chairmanship and Form KD/SIEC/8B1 for Councillorship elections. Winners of the Councillorship election will emerge at this level of collation and the Ward Collation Officer now as Returning Officer will immediately announce the results and the winner of the Councillorship election aloud. Copies of Form KD/SIEC/8B (Chairmanship result at ward level) will then be distributed to all party agents present and Security Operatives alike Form KD/SIEC/8E1 (Declaration of Councillorship Result) will be completed and copies distributed to Party Agents present and Security Operatives and original copy sent to the Electoral Officer.
- 6.7 In the case of Chairmanship election, the various Ward Collation Officers in the Local Government Area will submit their Form KD/SIEC/8B 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 KD/SIEC/8C and add them up to determine the winner of the Chairmanship election. The Local Government Returning Officer then announces the result aloud and enters it into Form KD/SIEC/8E, then distributes copies to the Party Agents and Security Operatives present.

7. **ELECTION OF COUNCILOR/CHAIRMAN:**

- 7.1 **Election of Councilor:** 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 of Result Form completed in his/her favor.
- 7.2 **Election of 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 at the election;

- 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.
- 7.3 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-third of all the Wards in the Local Government Area.
- 7.4 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 these 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.

8. **CAMPAIGN:**

- 8.1 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 11:59pm on the date preceding the date of the election.
 - b) No campaign shall take place at School, Churches, Mosques or other places of worship or Military or Police Barracks or Stations, Public offices or such other places the Commission may from time to time determine.
 - c) No candidate 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) Writing of campaign slogans and pasting of campaign posters in public notice boards, public offices, road signs, schools, churches, mosques or

other religious places is prohibited. Violation shall lead to a fine and or disqualification of candidates.

- 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.

9. ELECTION PETITIONS:-

9.1 The Chief Judge of Kaduna State shall establish one or more Election Tribunals which shall have original jurisdiction to hear and determine election petitions.

9.2 The Election Tribunals provided for under the Law shall be constituted not later than 14 days before the elections.

9.3 An election petition shall be presented within 21 days after the date of the result of the election is declared.

9.4 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.

9.5 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 this Law;
- c) That the respondent was not duly elected by a majority of votes at the election; or
- d) That the petitioner or its candidate was validly nominated but was unlawfully excluded from the election.

9.6 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.

- 9.7 The decision of the Local Government Council Election Appeal Tribunal in respect of Local Government Council Elections conducted under this Law shall be final.
- 9.8 Political parties are encouraged to advise their supporters to adhere strictly to the Guidelines rolled out by the Federal Government and State Government for conducting elections during the COVID-19 outbreak.

Dated at Kaduna this.....day of.....2021

SIGNED
CHAIRMAN
KADUNA STATE INDEPENDENT ELECTORAL COMMISSION