

Date Printed: 01/06/2009

JTS Box Number: IFES_15

Tab Number: 14

Document Title: STATE GOVERNMENT (BASIC CONSTITUTIONAL
AND TRANSITION PROVISIONS) DECREE 1991

Document Date: 1991

Document Country: NGA

Document Language: ENG

IFES ID: EL00383



law/NGA/1991/001/eng
c.1

Extraordinary



Federal Republic of Nigeria Official Gazette

No. 70

Lagos - 10th December, 1991

Vol. 78

Government Notice No. 304

The following is published as supplement to this Gazette :

	<i>Short Title</i>	<i>Page</i>
Decree No. 50—	State Government (Basic Constitutional and Transition Provisions) Decree 1991	A 347

35

Printed and Published by The Federal Government Press, Lagos, Nigeria
FGP 1587/1086/9,000

Annual Subscription from 1st January, 1991 is Local : N400.00 Overseas : N450.00 (Surface Mail), N600.00 (Second Class A/r Mail). Present issue (including Supplement) N50.00 per copy. Subscribers who wish to obtain Gazette after 1st January should apply to the Federal Government Printer, Lagos for amended Subscription.

(819)

F Clifton White Resource Center
International Foundation for Election Systems

Supplement to Official Gazette Extraordinary No. 70, Vol. 78, 10th December, 1991—Part A

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS) DECREE 1991



ARRANGEMENT OF SECTIONS

Section

I—STATES OF THE FEDERATION

PART I. States of the Federation, Local Governments and the Federal Capital Territory.

PART II—HOUSE OF ASSEMBLY OF STATE

2. Establishment of House of Assembly for each State.
3. Composition of the House of Assembly.
4. Speakers of the House of Assembly.
5. Staff of the House of Assembly.
6. Declaration of Assets and Liabilities : Oath of members.
7. Presiding at sittings.
8. Quorum.
9. Languages.
10. Voting.
11. Unqualified persons sitting or voting : penalty.
12. Mode of exercising legislative power of State.
13. Regulation of procedure.
14. Committees.
15. Sittings.
16. Dissolution and issue of proclamation by Governor.
17. Qualifications for election.
18. Disqualifications.
19. Attendance of Governor and Commissioners.
20. Tenure of seat of members.
21. Remuneration.
22. Recall.
23. State Constituencies and size of State Constituencies.
24. Periodical review of State constituencies and time when alteration of State Constitution.

25. Time of election to House of Assembly.
26. Direct election and franchise.
27. Persons eligible to vote.
28. Procedure at elections.
29. Supervision of elections.
30. Election of a candidate to House of Assembly.
31. Legislative powers.

PART III—STATE EXECUTIVE

32. Establishment of the office of Governor.
33. Qualification for election as Governor.
34. Disqualification for election as Governor.
35. Election of Governor.
36. Election of a single candidate.
37. Election of more than one candidates.
38. Complication in election cases.
39. Tenure of office of Governor
40. Death of Governor elect before Oath of Office.
41. Governor disqualification from other jobs.
42. Declaration of assets and liabilities. Oaths of Governor.
43. Establishment of the office Deputy Governor.
44. Nomination and election of Deputy Governor.
45. Removal of Governor or Deputy Governor from office
46. Permanent incapacity of governor or Deputy Governor.
47. Acting Governor during temporary absence of Governor.
48. Executive powers of the Governor and discharge of functions of Governor.

49. Commissioners of State Government.
50. Executive responsibility of Deputy Governor and Commissioners.
51. Declaration of assets and liabilities Oaths of Commissioners.
52. Attorney-General of a State.
53. Composition of governing bodies of statutory corporations and bodies.
54. Code of Conduct.
55. State Commissions and Councils.
56. Appointment of Chairman and members.
57. Tenure of office of members.
58. Qualification for membership.
59. Removal of members.
60. Independent of certain bodies.
61. Quorum.
62. Powers and procedure.
63. Interpretation.
64. Establishment of State Civil Service.
65. State Civil Service Commission : power of delegation.
66. Appointment by Governor.
67. Code of Conduct.
68. Protection of pension rights.
69. Public Prosecution.
70. Prerogative of mercy.

PART IV

POWERS AND CONTROL OVER PUBLIC FUNDS

71. Establishment of Consolidated Revenue Fund.
72. Authorization of expenditure from Consolidated Revenue Fund.
73. Audit of public accounts.
74. Appointment of Auditor-General of State.
75. Tenure of office of Auditor-General.
76. Power to withhold payment from the Federation Account.
77. Revocation of directive.
78. Sanction for non-compliance with a directive.
79. Direct payment to mineral producing areas.
80. Power to conduct investigation.

PART V—ELECTIONS .

81. Conduct of election by the National Electoral Commission.
82. Persons eligible to vote.
83. Disqualification
84. Campaign Election.
85. Date of Governorship and House of Assembly Election.
86. Courts proceedings not to prejudice conduct of elections, etc.
87. Voting and procedure.
88. Election Tribunal.
89. Election Petition
90. Presentation of Election petition.
91. Grounds on which election may be questioned.
92. Non Compliance with certain provisions not to invalidate election.
93. Appeal from Governorship and Legislative Houses Election Tribunal.
94. Finality of Court of Appeal decision.
95. Speaker to act as Governor where election is nullified, etc.
96. Rules of Procedure.
97. Sponsorship by banned and disqualified persons.
98. Breaches of official duty.
99. Offences relating to statement of result.
100. Failure to discharge Function.
101. Requirement of orderliness.
102. Corrupt practices.
103. Personation and punishment for personation.
104. Persons to be deemed guilty of treating.
105. Under influence.
106. Persons to be deemed guilty of bribery.
107. Punishment and disqualification for bribery, treating, personation and under influence.
108. Offences in respect of nomination papers, Voters card and polling documents.
109. Prosecution and penalty.
110. Forgery of nomination documents.
111. Illegal practice.
112. Voting when not registered.

113. Offences relating to statement of results.
114. Disqualification of persons convicted of certain offences.
115. Disorderly conduct at elections.
116. Polling day offences.
117. Disturbances at election gathering-venue, etc. use of acid, etc.
118. Announcement of result.
119. Conviction of disqualifying offence to be reported, etc.
120. Voter not required to disclose his vote.
121. Election may be postponed if disturbances feared.
122. Custody and inspection of documents.
123. Expenses of election.
124. Validation of orders, notices, etc
125. Trial of certain offenders.
126. Forms.

PART VI

STATE COURTS

127. Establishment of a High Court for each State.
128. Appointment of Chief Judge and Judges.
129. Jurisdiction : general.

130. Appeals from Local Government Election Tribunals.
131. Constitution.
132. Practice and Procedure.
133. Establishment of Sharia Court of Appeal.
134. Appointment of Grand Khadi and Khadis.
135. Jurisdiction.
136. Constitution.
137. Practice and Procedure.
138. Establishment of Customary Court of Appeal.
139. Appointment of President and Judges.
140. Jurisdiction.
141. Constitution.
142. Practice and Procedure.

PART VII

MISCELLANEOUS

143. Interpretation.
144. Citation.

SCHEDULES

(ii) disbursing or administering moneys appropriated or to be appropriated by such House.

(2) The powers conferred on the House of Assembly under the provisions of this section are exercisable only for the propose of enabling the House—

(a) to make laws with respect to any matter within its legislative competence and to correct any defects in existing laws ; and

(b) to prevent and expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

(3) For the purposes of any investigation under subsection (1) of this section and subject to the provisions thereof, a House of Assembly or committee appointed in accordance with section 14 of this Decree shall have power—

(a) to procure all such evidence, written or oral, direct or circumstantial as it may think necessary or desirable, and to examine all persons as witnesses whose evidence may be material or relevant to the subject-matter ;

(b) to require such evidence to be given on oath ;

(c) to summon any person in Nigeria to give evidence at any place or to produce any document or other thing in his possession or under his control, and to examine him as a witness and require him to produce any document or other thing in his possession or under his control, subject to all just exceptions ; and

(d) to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not explain such failure, refusal or neglect to the satisfaction of the House of Assembly or the committee, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons, and also to impose such fine as may be prescribed by law for any such failure, refusal or neglect ; and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.

(4) A summons or warrant issued under this section may be served or executed by any member of the Nigeria Police Force or by any person authorised in that behalf by the Speaker of the House of Assembly of the State.

Power as to matters of evidence.

PART V ELECTIONS

A. Conduct of Elections to the Office of Governor and State House of Assembly etc.

81—(1) The conduct of elections into the office of Governor or State House of Assembly of a State shall be under the direction and supervision of the National Electoral Commission in accordance with the provisions of this Decree and any other Decrees, regulations and guidelines.

(2) The National Electoral Commission may designate such public buildings to be used as polling stations (including schools) as it may deem necessary in addition to the erection of polling shades wherever necessary.

82. A person shall be eligible to vote in any election to the office of the Governor or the House of Assembly of a State if—

(a) he is a citizen of Nigeria ;

(b) he has attained the age of 18 years ; and

(c) he is registered as a voter and has obtained a registration card to be presented at the polling station on the day of the election.

Conduct of election by the National Electoral Commission.

Persons eligible to vote.

Disqualifi-
cation.

Cap. 342
LFN

83—(1) A person shall not be qualified as a candidate to contest any Governorship or House of Assembly election unless—

(a) he is a person not banned or prohibited from participating in Politics, primaries and elections in accordance with the Participation in Politic and Elections (Prohibition) Act, as amended.

(b) he produces evidence of tax payments as and when due for a period of three years immediately preceding the year of the elections or a valid evidence of exemption from the payment of all or any part of such tax :

Provided that it shall be the exclusive duty of the National Electoral Commission to decide whether a person has paid his tax and such decision shall be final and binding ;

(c) he has been nominated by the prescribed number of registered voters in his constituency ;

(d) in the case of a person wishing to contest for the office of Governor of the State, he has made a deposit of ₦15,000 ; and

(e) in the case of a person wishing to contest for membership of the State House of Assembly, he has made a deposit of ₦5,000.

2. Where a person seeking to contest as a candidate is involved in a case that may lead to his being banned or disqualified from participation in politics and the case is pending before a court or tribunal, he may stand as a candidate in the election pending the determination of the case but if he is found banned or disqualified by the court or tribunal, as the case may be, he shall withdraw from the election and if already elected, he shall cease to be a member of the State House of Assembly or Governor, as the case may be.

Campaign
for election.
Cap. 443
LFN.

84—(1) Candidates and their parties shall campaign for the elections in conformity with the Transition to Civil Rule (Political Parties Registration and Activities) Act and in accordance with such rules and guidelines as may be determined, from time to time, by the National Electoral Commission.

2. A candidate or agent who contravenes the provisions of subsection (1) of this section shall be guilty of an offence under this Decree and shall not only be disqualified to contest as a candidate for the election, but shall also be prosecuted in the appropriate court or tribunal.

85. Elections to the office of the Governor and for membership of House of Assembly shall be held on the same day throughout the Federation.

Date of
Governor-
ship and
House of
Assembly
election.

Court pro-
ceedings not
to prejudice
conduct of
elections, etc.

86—(1) Notwithstanding the provisions of the Constitution of the Federal Republic of Nigeria 1979 or any other law, no interim or interlocutory order or ruling, judgment or decision made by any court or tribunal before or after the commencement of this Decree, in respect of any intra-party or inter-party dispute or any other matter before it, shall affect the date or time of the holding of any election, or the performance by the National Electoral Commission of any of its functions under this Decree.

2. Subject to subsection (1) of this section and sections 34, 35 and 36 of this Decree, the court or tribunal, as the case may be, may continue with any proceeding before it after such election and make any decision as it may deem fit but where the court or tribunal finds that a candidate nominated or elected was not duly nominated or elected, the court or tribunal shall order a bye-election.

Voting and
procedure.

87—(1) Voting shall be carried out in one and the same day throughout the Federation.

2. Voting shall be by open ballot.

3. The rules of procedure to be adopted at the elections shall be as set out in Schedule 5 to this Decree.

B. Determination of Question with respect to Elections

88.—(1) There shall be established for each State one or more Election Tribunals to be known as the Governorship and Legislative Houses Election Tribunal which shall, to the exclusion of any court or tribunal, have original jurisdiction to hear and determine :

Election
Tribunal.

(a) petitions as to whether any person has been validly elected to the office of Governor or Deputy Governor or as a member of any Legislative House ;

(b) subject to the provisions of subsection (10) of section 45 of this Decree, any question as to whether the term of office of any person as Governor or Deputy Governor has ceased ; and

(c) any question as to whether the seat of a member in any Legislative House has become vacant.

(2) A Governorship and Legislative Houses Election Tribunal shall consist of a Chairman and 4 other members all of whom shall be persons of unquestionable integrity who have not been involved in party politics.

(3) The Chairman shall be a person who has held or is qualified to hold the office of a Justice of the Court of Appeal.

(4) Two of the members shall be persons who have held or are qualified to hold the office of a Judge of a High Court and the remaining two members shall be non-members of the legal profession.

(5) The Chairman and members shall be appointed by the President of the Court of Appeal.

89. No election into any Legislative House or the office of a Governor and no return to a Legislative House or Office of Governor shall be questioned except by a petition complaining of an undue election or undue return (hereinafter referred to as an "election petition") presented to the Governorship and Legislative Houses Election Tribunal.

Election
petition.

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

Presenta-
tion of
election
petition.

(a) a person who voted at an election or who had a right so to vote ; or

(b) a person claiming to have had a right to be elected or returned at the election.

(2) The person whose election or return is complained of is hereinafter referred to as the respondent, but if the petition complains of the conduct of an Electoral Officer, Presiding Officer or Returning Officer he shall for the purpose of this Decree be deemed to be a respondent.

91.—(1) An election may be questioned on the following grounds—

(a) that the person whose election was questioned was at the time of the election not qualified or was disqualified from being elected to the office of Governor or as a member of a Legislative House :

Grounds on
which election
may be
questioned.

Provided that the power of the Chief Electoral Officer of the Federation or any officer delegated by him in that behalf as to the validity of nominations under paragraph 5 (3) of Schedule 5 to this Decree shall not be ground for such election petition ;

(b) that the election was invalid by reason of corrupt practices or offences against this Decree ; or

(c) that the respondent was not duly elected by a majority of lawful votes at the election.

(2) An act or omission which is contrary to an instruction or direction of the Commission or of any officer appointed for the purpose of the election but which is not contrary to this Decree shall not of itself be a ground upon which the election may be questioned :

Cap. 342
LFN

Provided that nothing in paragraph (a) of subsection (1) of this section shall affect or invalidate any decision of the National Electoral Commission or of the Transition to Civil Rule Tribunal that a person has been banned or disqualified pursuant to or under the Participation in Politics and Elections (Prohibition) Act, as amended.

Non-compliance with certain provisions not to invalidate election.

92.—(1) An election shall not be invalidated by reason of non-compliance with this Decree if it appears to the court or tribunal that the election was conducted substantially in accordance with the principle of this Decree and that non-compliance did not affect substantially the result of the election.

(2) An election shall not be liable to be questioned by reason of defect in the title, or want of title, of the person conducting the election or acting in the office giving the right to conduct the election.

(3) Where a court or tribunal finds that a candidate elected or nominated was not duly elected or nominated the court or tribunal shall order a by-election and no more.

Appeal from Governorship and Legislative Houses Elections Tribunal.

93.—(1) An appeal shall lie to the Court of Appeal from decisions of Governorship and Legislative Houses Election Tribunal on any question as to whether —

(a) any person has been validly elected to the office of Governor or Deputy Governor under this Decree ;

(b) any person has been validly elected as a member of any Legislative House under this Decree ;

(c) the term of office of any such person has ceased or the seat of any such person has become vacant.

(2) The decision of the Court of Appeal in respect of an election petition shall be final.

Action on decisions of Tribunal where notice of Appeal given.

94. If the Governorship and Legislative Houses Election Tribunal shall have determined that a candidate returned as elected was not duly elected or that the election was void, then if Notice of Appeal from such determination shall have been given within 30 days from the date of the said determination, the candidate returned as elected by the National Electoral Commission shall notwithstanding the decision of the Election Tribunal be deemed to have been duly elected for the period until the determination of the Court of Appeal is given on such appeal or the appeal is abandoned.

Speaker to act as Governor where election is nullified, etc.

Rules of procedure.

95. Where a Governorship and Legislative Houses Election Tribunal or the Court of Appeal has nullified the election of the Governor of a State and has ordered a bye-election, the Speaker of the House of Assembly of the State shall hold the office of the Governor of that State from the date of such decision until the election of a Governor for that State.

96. The rules of procedure to be adopted for election petition arising out of the elections shall be as set out in Schedule 6 to this Decree.

B.

Offences

97. Any person affected by the Participation in Politics and Elections (Prohibition) Act, as amended, who sponsors any candidate or contributes to the funds of any candidate or political party is guilty of an offence and liable on conviction to a fine of ₦10,000 or to imprisonment for a term of 5 years or to both such fine and imprisonment; and in addition, the candidate so sponsored or to whose funds such contribution was made shall be disqualified from contesting any election under this Decree or any other elections during the transition period.

Sponsorship by Banned and disqualified persons.

98. If any person to whom section 99 of this Decree applies or who is for the time being under a duty to discharge any of the functions of such a person, is without reasonable cause, guilty of an act or omission in breach of his official duty, then he shall be liable on summary conviction to a fine of ₦5,000 or to imprisonment for 2 years or to both such fine and imprisonment.

Breaches of official duty.

99. Any person who, being a Presiding Officer or a Returning Officer at an election—

Offences relating to statement of result.

(a) gives a certificate or a statement of result which is false in any material particular; or

(b) Perversely and without lawful authority refuses to deliver any statement of result relating to that election to the officer to whom it is required to be delivered;

(c) does anything that impedes or obstructs proper accreditation, counting, recording or obtaining of the correct result of that election. is guilty of an offence and shall on conviction be liable to a fine of ₦5,000 or to imprisonment for 2 years or to both such fine and imprisonment.

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

Failure to discharge function.

(a) fails to perform or discharge such duty; or

(b) performs such duty fraudulently, negligently, perversely or recklessly; or

(c) does any act or omission in breach of such duty,

is guilty of an offence and liable on conviction to a fine of ₦5,000 or to imprisonment for 2 years or to both such fine and imprisonment.

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

(a) police officers, members of the State Security Service, officials and members of staff of the Commission, polling agents or any other officer or officers charged with the conduct of elections (by whatever name called);

(b) any Electoral Officer, Assistant Electoral Officer, Presiding Officer, Assistant Presiding Officer, Returning Officer, Assistant Returning Officer, Poll Clerk or Assistant Poll Clerk, or any officer or officers (by whatever name called) appointed under paragraph 4 of Schedule 4 to this Decree and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by this Decree.

101.—(1) Every Electoral Officer, Assistant Electoral Officer, Returning Officer, Assistant Returning Officer, Poll Clerk or Assistant Poll Clerk or any officer or officers (by whatever name called) appointed under paragraph 4 of Schedule 4 to this Decree concerned in the conduct of an election, and

Requires cast of order lines.

every Polling Agent or candidate in attendance at a polling station or place of voting, or at the counting of the votes shall maintain and aid in maintaining the orderliness of the voting.

(2) No such officer, agent or candidate shall, except for some purpose authorised by law, communicate before the poll is closed to any person any information as to the name or number on the register of voters of any voter who has or has not voted at the place of voting.

(3) No person shall—

(a) interfere with any voter in the process of voting ;

(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 ; or

(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.

(4) If any person contravenes any of the provisions of this section, he is guilty of an offence and liable on conviction to imprisonment for 2 years or to a fine of ₦5,000 or to both such imprisonment and fine.

(5) The words, "while in the process of voting" as used in subsection (3) of this section means "period starting from the commencement of accreditation till the end of poll".

Corrupt
practices.

(102)—(1) If any corrupt practice is committed by any candidate elected at an election held under the provisions of this Decree, the election or such candidate shall be invalid and in addition the said candidate shall be disqualified to vote or contest for any elective office or post for a period of ten years.

(2) The expression, "corrupt practice" as used in this Decree, means any of the following offences—

(a) personation ;

(b) treating ;

(c) undue influence ;

(d) bribery ; or

(e) aiding, abetting, counselling or procuring the commission of any of the aforesaid offences.

(3) A corrupt practice shall be deemed to have been committed by a candidate if it is committed in his favour with his knowledge or consent or with the knowledge or consent of a person who is acting under the general or special authority of such candidate with reference to the election.

Personation
and punish-
ment for
personation.

(103)—(1) Any person who, at an election, votes in the name of some other person whether that name be the name of a person living or dead or a fictitious person or who, having voted once at any such 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, is guilty of the offence of personation.

(2) Any person who is guilty of personation or aiding, abetting, counselling or procuring the commission of the offence of personation, is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding ₦1,000 or to both such imprisonment and fine.

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

104. The following persons shall be deemed guilty of treating—

(a) any person who corruptly, by himself or by any other person, either before, during or after the election, directly or indirectly gives or provides, pays wholly or in part the expenses of giving or providing any food, drink, entertainment or provision 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 ; and

Persons to be deemed guilty of treating.

(b) any voter who corruptly accepts or takes any such food, drink or entertainment.

105. Any person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel a person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free use of the vote by any voter or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election is guilty of undue influence.

Undue influence.

106. The following persons shall be deemed guilty of bribery—

(a) any person who, directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend or offers, promises 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 to refrain from voting, or corruptly does any such act aforesaid on account of such voter having voted or refrained from voting or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, at any election ;

Persons to be deemed guilty of bribery.

(b) any person who directly or indirectly, by himself or by any other person on his behalf, corruptly gives or procures or promises to procure or to endeavour to procure any office, place, employment to or for a vote or to or for any person, in order to induce such voter to vote or refrain from voting or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting, at any election ;

(c) any person who 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 community or order to induce such person or community to procure or to endeavour to procure, the return of any person to office as Governor or as a member of a House of Assembly of a State or the vote of any voter, at any election ;

(d) any person who, upon or in consequence of any such gift, loan, offer promise, procurement or agreement, procures, or engages or promises or

endeavours to procure the return of any person to office as Governor or as a member of a House of Assembly of a State or the vote of any voter at any election ;

(e) any person who advances or pays or causes to be paid any money to or for the use of any person, with the intent that such money or any part thereof, shall be expended in bribery at any election or who knowingly pays, or causes to be paid, any money to any person, in discharge or repayment of any money wholly or in part expended in bribery at any election ;

(f) any voter who, before or during any 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 from voting at any election ;

(g) any person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election :

Provided that the foregoing provisions shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred at or concerning any election.

Punish-
ment and dis-
qualification
for bribery,
treating,
personation
and undue
influence.

107.—(1) Any person who is guilty of bribery, treating or undue influence, personation or aiding, abetting, counselling or procuring the commission of any of those offences, shall be liable on conviction to imprisonment for 2 years or to a fine of ₦5,000 or to both such imprisonment and fine.

(2) Any person who is convicted of bribery, treating, undue influence or personation, or of aiding, abetting counselling, or procuring the commission of any of the offences aforesaid, shall, in addition to any other punishment, be deemed incapable, during a period of five years from the date of his conviction—

- (a) of being registered as a voter or voting at any election ;
- (b) of being elected into any post or office or if elected before his conviction, of retaining his seat or post.

Offences in
respect of
nomination
papers, voters
card and
polling
documents.

108.—(1) Any person who—

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the officer charged with the conduct of an election any nomination paper, knowing the same to be forged ; or

(b) signs a nomination paper as a candidate in more than one constituency ; or

(c) forges counterfeits or fraudulently destroys any voters card or the official mark on any voter's card or any statement of result ; or

(d) without due authority, supplies any voter's card to any person ;

(e) fraudulently takes out of the polling station any voter's card ; or

(f) without due authority, destroys, takes, opens or otherwise interferes with any other documents then in use for the purpose of the election is guilty of an offence.

(2) Any attempt to commit any offence specified in this section shall be punishable in the same manner in which the offence is punishable.

(3) In any prosecution for an offence in relation to the nomination papers, polling documents and the marking instruments at an election held under this Decree, the property in such polling documents may be stated to Commission.

109. Any person who is guilty of an offence under section 108 of this Decree shall be liable on conviction to imprisonment for 2 years or to a fine of ₦5,000 or to both such imprisonment and fine.

Penalty.

110. Any candidate who forges, utters or falsifies any documents or gives any false information to the Commission for the purpose of nomination into any elective office or post under this Decree shall be disqualified as a candidate for that election or any election under this Decree and any subsequent elections during the transition period.

Forgery of nomination documents.

111. Any person who—

Illegal practice.

(a) votes, induces or procures any person to vote at any election knowing that he or such person is prohibited by this Decree or by any other law, from voting at such election; or

(b) before or during an election, knowingly or recklessly publishes any false statement of the withdrawal of a candidate, at such election for the purpose of promoting or procuring the election of another candidate, commits an offence under this section

112. Any person who commits an offence under section 111 of this Decree shall be guilty of an offence and liable on conviction to a fine of ₦2,000 or to imprisonment for one year or both such fine and imprisonment.

Punishment of person guilty of illegal practice.

113. Any person who wilfully votes at a Governorship and Legislative House election in a constituency in respect of which his name does not appear on the register of voters is guilty of an offence and liable on conviction to imprisonment for 2 years or to a fine of ₦5,000 or to both such imprisonment and fine.

Voting when not registered.

114. Any person who is convicted of an offence under sections 97, 98 and 99 of this Decree shall (in addition to any other punishment) not be eligible, during the period of three years after the date of his conviction—

Disqualification of persons convicted of certain offence

(a) for voting at any Governorship and Legislative House election in any State or

(b) for being elected into any post or office or if elected before his conviction, of retaining his office or seat.

Disorderly
conduct at
elections.

115. Any person who at any polling station acts or incites others to act in a disorderly manner is guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding ₦1,000 or to both such imprisonment and fine.

Polling day
offences

116.—(1) No person shall, on the date or dates upon which a poll is taken in an election in respect of a Governorship and Legislative House—

(a) convene, hold or attend any public meeting in that constituency;

(b) operate any megaphone, amplifier or public address apparatus in that constituency for the purpose of making announcements concerning the election :

Provided that this paragraph shall not apply to the operation of any such apparatus, by an officer appointed under this Decree, for the purpose of making official announcements relating to the election.

(2) 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 metres of the polling zone or station—

(a) canvassing for votes ;

(b) soliciting the vote of any voter ;

(c) persuading any voter to vote for a particular candidate ;

(d) persuading any voter not to vote at the election ;

(e) wearing, exhibiting or tendering any notice, sign, token, symbol, slogan, badge, photograph or party card referring to the election; or

(f) shouting slogans concerning the election.

(3) No candidate or other person with the connivance of a candidate shall, whether on payment or otherwise, use, hire or procure any vessel or vehicle for the conveyance of any voter (other than the candidate himself or his agent) to or from any polling station.

(4) 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.

(5) Any person who contravenes any of the provisions of subsections (1), (2), (3) or (4) of this section is guilty of an offence and liable on conviction to a fine of ₦5,000 or to imprisonment for 2 years or to both such fine and imprisonment and shall in addition be disqualified to vote or contest for elective office or post for a period of 5 years beginning from the date of his conviction.

Disturbances
at election
gathering
venues, etc.
use of acid,
etc.

117. Any person, who at a public gathering for election purposes or at any other place to which this section applies—

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

(b) has in his possession any acid, offensive weapon or missile or uses any such acid or offensive weapon or missile on another person, is guilty of an offence and liable on conviction to a fine of ₦5,000 or imprisonment for 3 years or to both such fine and imprisonment.

118.—(1) The Chief Electoral Officer of the Federation or any officer delegated by him shall announce the results of the Governorship and Legislative House elections.

Announcement of results.

(2) Any person, who prints or uses any electronic media or any other publication to announce the result of any election before the official announcement of the results as in subsection (1) of this section or announces any fake election results is guilty of an offence and liable on conviction to imprisonment for 2 years or to a fine of ₦10,000 or to both such fine and imprisonment.

119.—(1) Where a person is convicted of an offence against any of the provisions of this Part of this Decree which disqualifies him from being elected as a member of a Legislative House, or to the office of Governor or any elective office or post, the court by which he was convicted shall send to the National Electoral Commission a transcript of the judgment of the conviction and if the person convicted has appealed, the judgment of the appeal.

Conviction for a disqualifying offence to be reported, etc.

(2) Any attempt, conspiracy, aiding or abetting of the commission of any offence specified in this Decree shall be punishable in the same manner as the principal offence.

(3) Any offence committed under this Part of this Decree shall be triable in a Magistrate's Court of the State concerned.

(4) Any prosecution under this Part of this Decree shall be undertaken by the Attorney-General of the State in which the offence was committed.

120. Subject to the provisions of this Decree, no person who has voted at an election held under this Decree shall in any legal proceedings arising out of the election, be required to disclose the name or identity of the person for whom he cast his vote.

Voter not required to disclose his vote.

121.—(1) Where a date has been appointed for the holding of an election and there is reason to apprehend that a serious breach of the peace is likely to occur if the election is proceeded with on the date, the holding of the election may be postponed by the National Electoral Commission until some other convenient date to be appointed by it.

Election may be postponed if disturbance feared.

(2) Where an election is postponed before the last day for the delivery of nomination papers, the Electoral Officer shall, upon a new date being appointed for the election, proceed in all respects as if that date were the date referred to in paragraph 1 of Schedule 5 to this Decree as the date for the holding of the election.

(3) Where an election is postponed under this Decree on or after the last day for the delivery of the nomination papers, and a poll has to be between the candidates then nominated, the Electoral Officer shall, upon a new date being appointed for the election, proceed as if the new date appointed were the date for taking of the poll between those candidates.

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

Custody and inspection of documents.

122.—(1) The Electoral Officer shall retain for six months all documents relating to an election forwarded to him in accordance with this Decree and shall then, unless otherwise ordered by the Governorship and Legislative Houses Election Tribunal or unless he is aware that legal proceedings are pending in respect of such election, cause them to be destroyed.

(2) An order for an inspection by production of any polling documents or any other packets in the custody of an electoral officer may be made by the Governorship and Legislative Houses Election Tribunal, if the Tribunal is satisfied that the order required is for the purpose of instituting or maintaining an election.

(3) An order for the opening of polling documents or any other packets for inspection may be made by the Governorship and Legislative Houses Election Tribunal in the course of proceedings in an election petition.

(4) An order under this section may be made subject to such conditions as the Governorship and Legislative Houses Election Tribunal may think expedient.

(5) The documents (other than the documents referred to in subsection (2) of this section) relating to an election retained by the Electoral Officer in accordance with subsection (1) of this section shall be open to inspection upon an order made by a Governorship and Legislative Houses Election Tribunal in exercise of its powers to compel the production of documents in legal proceedings, but shall not otherwise be opened to inspection.

Expenses of election.

123.—(1) The National Electoral Commission may prescribe—

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

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

(2) An Electoral Officer, a Presiding Officer and a 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, not exceeding the prescribed scale, in connection with the conduct of an election as are reasonable.

Validation of orders, notices, etc.

124. Notwithstanding any defect or error in any orders, notices, forms or documents previously made or other thing whatsoever done in pursuance of the provisions of this Decree, such orders, forms or documents are hereby validated for all purposes with effect from the dates on which the same were made, given or done respectively.

Trial of certain offenders.

125. A candidate or an agent who contravenes the provisions of section 84 of this Decree shall be tried in a Magistrate Court and if found guilty shall be liable to a term of imprisonment not exceeding one year or to a fine of ₦5,000.

126. The forms set out in Schedule 7 to this Decree or such other forms as the National Electoral Commission may prescribe may be used for the purposes of Governorship and Legislative Houses Elections with respect to the matters contained therein.

Forms.

STATE COURTS

A—High Court of a State

127.—(1) There shall be a High Court for each State of the Federation.

Establishment of a High Court for each State.

(2) The High Court of a State shall consist of—

- (a) a Chief Judge of the State ; and
- (b) such number of Judges of the High Court as may be prescribed by a Law of the House of Assembly of the State.

128.(1)— The appointment of a person to the office of the Chief Judge of a State shall be made by the Governor of the State acting in his discretion subject to the confirmation of such appointment by the House of Assembly of the State.

Appointment of Chief Judge and Judges.

(2) The appointment of a person to the office of a Judge of a State shall be made by the Governor of the State acting on the recommendation of the State Judicial Service Commission.

(3) A person shall not be qualified to hold office of the Chief Judge of a State or Judge of the High Court of a State unless he is qualified to practise as a legal practitioner in Nigeria and has been so qualified for a period of not less than 10 years.

(4) If the office of the Chief Judge of a State is vacant or if the person holding it is for any reason unable to perform the functions of the office, then, until a person has been appointed to and has assumed the functions of that office, or until the person holding the office has resumed those functions, the functions shall be performed by a person to be designated from time to time in that behalf by the Governor of the State, acting in his discretion, from among the Judges of the High Court of the State.

(5) Except with the approval of the House of Assembly of the State, an appointment made pursuant to subsection (4) of this section shall cease to have effect after the expiration of 3 months from the date of such appointment, and the Governor shall not re-appoint a person whose appointment has lapsed.

129.—(1) Subject to the provisions of this Decree and in addition to such other jurisdiction as may be conferred upon it by Law, the High Court of a State shall have unlimited jurisdiction to hear and determine any civil proceedings in which the existence or extent of a legal right, power, duty liability, privilege, interest, obligation or claim is in issue and to impose any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person.

Jurisdiction general.

(2) The reference to civil and criminal proceedings in this section includes a reference to the proceedings which originate in the High Court

(c) subject to the provisions of this Constitution, to recommend to the Governor the removal from office of the judicial officers specified in subparagraphs (a) and (b) of this paragraph and to exercise disciplinary control over such officers ;

(d) to appoint, promote and exercise disciplinary control over the Chief Registrar of the High Court, the Chief Registrars of the Sharia Court of Appeal and the Customary Court of Appeal, the Magistrates, the Judges and members of the District and Area Courts, if any, and all other members of the staff of the Judicial Service of the State not otherwise specified in this Decree and of the State Judicial Service Commission ; and

(e) to control and disburse all moneys, capital and recurrent, for the judicial services of a State.

D-Local Government Service Commission

8. The Local Government Service Commission shall comprise the Chairman and not less than 2 and nor more than 4 members who shall, in the opinion of the Governor, be persons of unquestionable integrity and sound political judgement.

State Local
Government
Service
Commission.

9. The Commission shall have the functions ascribed to it by the existing law on the Civil Service as applicable to Local Governments. More specifically, the Commission shall—

Appointment
of Electoral
Officer.

(a) set up general and uniform guidelines for appointments, promotions and discipline ;

(b) monitor the activities of each Local Government to ensure that the guidelines are strictly and uniformly adhered to ; and,

(c) serve as a review body for all petitions from Local Governments in respect of appointments, promotions and discipline.

SCHEDULE 4

APPOINTMENT AND SUPERVISION OF OFFICERS

1.—(1) For each Local Government Area there shall be an Electoral Officer who shall be appointed by the Commission.

(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) In any case where it considers it expedient the Commission may appoint more than one Electoral Officer for a Local Government Area and shall specify the part of the Local Government Area for which each such Electoral Officer is responsible and, in relation to that part of the Local Government Area, the Electoral Officer shall have and exercise the functions of an Electoral Officer of more than one Local Government Area.

(4) For the avoidance of doubt, it is hereby declared that a person may be appointed Electoral Officer of more than one Local Government Area.

2.—(1) The Commission may appoint any person to be an Assistant Electoral Officer for the conduct of any election and a person so appointed shall in respect of that election have such of the functions imposed or conferred by this Decree on the electoral Officer as the Commission may prescribe.

(2) The Commission shall for the purpose of an election appoint such Returning Officers, Assistant Returning Officers, Presiding Officers and Assistant Presiding Officers, Poll Clerks and Assistant Poll Clerks and such other officers as are required to be appointed under this Decree.

(3) Any person appointed as an Assistant Returning Officer under the provisions of this paragraph shall have functions imposed or conferred by this Decree on a Returning Officer.

(4) For the avoidance of doubt it is hereby declared that a person may be appointed as Returning Officer of one or more State Constituencies.

(5) For the elections the Electoral Officer or Resident Electoral Commissioner may be appointed to act as Returning Officer.

Supervision of other officers by Electoral Officer.

3. An Electoral Officer shall supervise over acts of officers as are appointed under paragraph 4 of this Schedule in his Local Government Area and may, subject to this Decree and by any instructions issued by the Commission, give directions to such officers with regards to the performance of their functions.

Appointment of officer to exercise supervisory functions over conduct of elections.

4. The Commission shall appoint, in respect of any State, an officer by whatever name called to exercise supervisory functions over the conduct of an election or of elections generally, and any such officer shall have such powers and duties as shall be allocated by the Commission.

Functions of Resident Electoral Commissioner.

5.—(1) Subject to the provisions of this Decree, the general supervision of the conduct of an election shall be vested in the Resident Electoral Commissioner.

(2) The Electoral Officer may—

(a) require information from any officer appointed under this Schedule with respect to any matter relating to the functions of such officer under this Decree ;

(b) subject to the provisions of this Decree, issue instructions to any such officer with respect to the performance of their functions under this Decree.

(3) Any such officer shall comply with the requirements and instructions of the Resident Electoral Commissioner under this paragraph.

Electoral Officials not eligible for election

6. Any person who by reason of his holding or acting in any office has any responsibility for or any connection with the conduct of elections to the office of the Governor and nomination as a candidate for the office of Governor or Legislative House shall be disqualified from membership of the Legislative House and from nomination as candidate thereof while he holds or acts in any such office.

SCHEDULE 5

Sections 28, 87 (3)

PROCEDURE AT ELECTIONS

Notice of election.

1.—(1) Not less than 2 days before the date specified for holding of the elections, the Commission shall through the Resident Electoral Commissioner publish a notice—

(a) stating the date of the election ;

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

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

2.—(1) Every registered political party shall, on such days as may be directed by the Commission before the date appointed for the Legislative House and Governorship elections, deliver the complete list of all the candidates the party proposes to sponsor for elective offices in respect of all the elections (or such number thereof as the party intends to contest) to the Commission through the Electoral Officer for Legislative House candidates and through the Resident Electoral Commissioner for Governorship candidates.

Delivery of
list of
Candidates.

(2) A State Screening Committee under the Chairmanship of the Resident Electoral Commissioner shall carry out an initial screening of the candidates and thereafter submit its recommendations to the Commission.

(3) The Commission shall, not later than 14 days after delivery of the list aforesaid, deliver to the political party a list containing the names of candidates who are qualified for elections under the provisions, of this Decree and, where appropriate, a separate list of those rejected, by the Commission and in the case of those so rejected, the Commission shall—

(a) state in writing the grounds for such rejection ; and

(b) afford the political party concerned an opportunity, subject to the provisions of this Decree, of substituting another candidate for each one so rejected : provided that in substituting such candidate, the political party shall present the candidate who scored the next highest votes at the party's primaries.

(4) If after 14 days a political party is not informed within the specified period of the disqualification of its candidates, all the candidates named in such list shall be deemed qualified or approved by the Commission.

3.—(1) Each candidate for Legislative House election shall be nominated in writing by 10 persons whose names appear on the register of voters for the State constituency in respect of which an election is to be held and in the case of candidate for the office of Governor, he shall be nominated by 20 registered voters in the State : provided that no nominator shall be a person-affected by the Participation in Politics and Elections (Prohibition) Act, as amended.

Nomination
forms.

(2) The nomination forms may be as in forms EC. 4B and EO. 4E in Schedule 7 to this Decree and shall be subscribed by the candidate and his running mate, as the case may be, and by the persons nominating him and shall contain the following particulars—

Cap. 342
LFN.

(a) the name, address, occupation, educational qualifications and detail of the clearance certificate of the candidate;

(b) the names, addresses, occupations and voters registration particulars of the nominators of the candidates ;

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

(3) The Resident Electoral Commissioner and the Electoral Officer shall provide nomination papers and shall supply any candidate with two nomination papers and shall at the request of any candidate and his nominators being present, complete any such nomination paper on such candidate's behalf.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination paper subscribed as herein before provided at the place appointed by the Resident Electoral Commissioner or the Electoral Officer under paragraph 1 of this Schedule not later than 5 O'clock in the afternoon of the twenty-second 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 in-operative on any second or subsequent paper 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 paper.

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

(7) A candidate for an election shall deliver along with the nomination paper such number of posters containing his photograph and the symbol of his political party all measuring 40cm as may be required by the Commission.

Deposits.

4.—(1) Every candidate for a Legislative House election shall before his nomination paper is delivered to the Electoral Officer deposit or cause to be deposited the sum of ₦5,000 as stipulated in section 74 (1) (e) of this Decree, and shall at the time of delivery of his nomination paper produce to the Electoral Officer the official receipt for the said sum. No nomination shall be valid unless such sum is deposited and the receipt for the sum produced in the manner required by this paragraph.

(2) Every candidate for election to the office of Governor shall before his nomination paper is delivered to the Resident Electoral Commissioner deposit or cause to be deposited the sum of ₦15,000 as stipulated in section 74 (1) (d) of this Decree and shall at the time of delivery of his nomination paper produce to the Resident Electoral Commissioner the official receipt for the said sum. No nomination shall be valid unless such sum is deposited and the receipt for the sum produced in the manner required by this paragraph.

(3) All deposits shall be paid into the general revenue of the State in respect of which the election is to be held.

(4) The deposit shall be returned to the candidate or his personal representative if—

(a) the nomination of the candidate is invalid for any reason other than a nomination form was delivered by him or on his behalf in more than one constituency ;

(b) the candidate dies before the date of the election ;

(c) a contested election is declared void ;

(5) All deposits which are not returnable shall be retained in the general revenue of the State in respect of which the election was held.

Validity of nomination

5.—(1) When any nomination paper is delivered and a deposit is made in accordance with the Decree, the candidate shall be deemed to stand nominated unless and until the Chief Electoral Officer of the Federation or any Officer delegated by him decides that the nomination paper is invalid or proof is given to the satisfaction of the Chief Electoral Officer of the Federation or any officer delegated by him of the candidate's death or he withdraws his candidature as specified in paragraph 7 or 8 of this Schedule.

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

(a) that the candidate has not produced evidence of tax payments as and when due for a period of 3 years preceding the year of election, or a valid evidence of exemption from the payment of all or any such tax ;

(b) that the particulars of the candidate or his nominators are not required by law ; or

(c) that the paper is not signed as required by law ; or

(d) that the Candidate has been nominated in more than one Constituency ; or

(e) 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 constituency ; or

(f) that the candidate is not a registered voter in Nigeria ;

(g) that the candidate does not possess the appropriate educational qualification required under this Decree.

(h) that the candidate is disqualified under any other provisions of this Decree ;

(3) Notwithstanding any other provisions of this Decree or any other law, the decision of the Chief Electoral Officer of the Federation or any officer delegated by him, that a candidate has been validly nominated under subparagraph 2 (a)-(g) of this paragraph shall not be the ground of any election petition in any Election Tribunal established under this Decree or in any court of law in Nigeria.

(4) Whenever the Chief Electoral Officer of the Federation or any Officer delegated by him decides that a candidate has not been validly nominated he shall endorse and sign on the validation of nomination Form the fact and reasons for his decision.

(5) The Chief Electoral Officer of the Federation or any Officer delegated by him shall within forty-eight hours of the receipt of a nomination paper communicate in writing in Form EC. 5 in Schedule 7 to this Decree to the candidate or to one of the persons nominating the candidate or political party sponsoring the candidate his decision as to the validity or otherwise of such nomination.

Form EC 5

(6) A candidate whose first nomination paper is or may be invalid may be permitted to submit a second nomination paper within the time allowed:

Provided that where a candidate forges or falsifies any document or gives any false information for the purpose of nomination under this Decree he shall be disqualified in accordance with section 100 of this Decree.

6. The Electoral officer shall, not later than 24 hours before the day of election, publish by displaying it or causing it to be displayed at the place or places appointed for the delivery of nomination papers, and in such other manner as he may think fit, a statement of the full names of all persons standing nominated and of the persons nominating them with their respective addresses and occupation

Publication
of person
nominated

7. Any candidate may withdraw his candidature by notice in writing signed by him and delivered by himself or one of the persons nominating him to the Resident Electoral Commissioner or Electoral Officer not later than one O'clock in the afternoon of the day before the election.

Death of candidates.

8. If after the latest time for the delivery of nomination papers and before the commencement of the poll, a nominated candidate dies, the Resident Electoral Commissioner shall, upon being satisfied of the fact of death, countermand the poll, and the Commission shall appoint some other convenient date for the election.

Invalidity of double nominations.

9. If a nomination form, signed by a candidate and by the persons nominating him, is lodged in more than one constituency his candidature shall be void in each constituency.

Method of election of House of Assembly Members.

10.—(1) Subject to paragraph 9 of this Schedule, if after the latest time for the delivery of nomination papers and for the withdrawal of candidates for election to the Legislative House more than one person remains validly nominated, a poll shall be taken in accordance with the provisions of this Schedule.

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

(3) Where a person is declared elected under the provisions of subparagraph (2) of this paragraph, a certificate of result shall be issued and delivered and the result of the election shall be published in the manner prescribed by paragraph 34 of this Schedule.

(4) Where no candidate remains nominated in any constituency upon the date appointed for the election, the Resident Electoral Commissioner shall inform the Commission who shall fix a date for another election.

Nomination for election to the office of Governor.

(5) Where in an election to the office of Governor—

(a) at the close of nomination only one candidate has been nominated, the National Electoral Commission shall extend the time for nomination; or

(b) at the close of nomination one of the two candidates nominated for the election is the only candidate by reason of the disqualification, withdrawal, incapacitation, disappearance or death of the other candidate, the National Electoral Commission shall extend the time for nomination, so however that where after the extension only one candidate remains validly nominated there shall be no further extension, and section 35 of this Decree shall apply.

Ascertainment of poll result.

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

Arrangements for poll contested election.

12.—(1) When a poll has to be taken, the Commission shall appoint from among Poll Clerks appointed under paragraph 4 of Schedule 4 to this Decree, a person to be in charge of each polling station to be known as the Presiding Officer.

(2) When a poll has to be taken, the Commission shall—

(a) appoint a sufficient number of polling stations in each ward or constituency in respect of which a poll is to be taken and allot the voters of those wards or constituencies to the polling stations;

(b) assign in respect of each polling station to assist at the taking of the poll, poll clerk appointed under paragraph 4 of Schedule 4 to this Decree;

(c) provide each polling station with instruments for making an official mark on the voter's card, with ink of a distinctive colour, and with copies of the register of voters for the constituency, or such part thereof as contain the names of the voters allotted to vote at the polling station; and

(d) do such other acts and things as may be necessary for conducting the election in the manner provided in this Decree.

(3) 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.

13.—(1) Each candidate may appoint two persons (hereafter referred to as "polling agents") to attend at each polling station in the area for which he is a candidate for the purpose of detecting impersonation.

Polling agents.

(2) Notice in writing of the appointment stating the names, addresses and Voters Registration No. of the polling agents together, with the polling stations to which they have been assigned shall be given by the candidate to the Electoral Officer and the Resident Electoral Commissioner not later than 2 days before the day fixed for the elections.

(3) If any polling agent dies or becomes incapable of acting as such, the candidate may appoint another polling agent in his place, and shall forthwith give to the Electoral Officer or Resident Electoral Commissioner notice in writing of the name, address and voter registration number of the Polling Agent so appointed.

14.—(1) The Resident Electoral Commissioner/Electoral Officer shall on or before the second day before the day of elections, 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—

Notice of Poll

(a) the day and the hours fixed for the poll including the period for accreditation ;

(b) the full names, arranged in the alphabetical order of their surnames, place of residence and occupation of each candidate remaining nominated; and

(c) the situation of the polling stations in the constituency and an indication of the persons entitled to vote thereat.

(2) The hours fixed for the taking of the polls shall be a continuous period as may be determined by the Commission.

15.—(1) The accreditation of voters shall commence the day and time stipulated pursuant to paragraph 14 of this Schedule.

Accreditation of voters.

(2) The presiding officer shall—

(a) crosscheck the voters' card of a person applying for accreditation against the register and the following questions or any of the questions, shall be put to a voter by a candidate or the polling agent, that is—

(i) "Are you the person whose name is on the register of voters as _____?"

(reading the copy of the entry in the register).

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

(b) not accredit any voter who answers the questions in sub-paragraph (2)(a) to this Schedule in the negative ;

- (c) mark the name of the voter in the register with biro ;
- (d) stamp and sign each voters' card at the back with the appropriate stamp and stating the date, type of election and code number; and
- (e) mark the right thumb of the voter between the nail and the flesh with indelible ink";
- (f) enter in Form EC 8A—Statement of Result Form the number of persons registered to vote at the polling station, the number of registered voters accredited and the number of accredited voters standing in the queue at the commencement of voting. The Presiding Officer and the polling agents shall sign Form EC. 8A to authenticate the numbers entered thereat.

Orderliness during accreditation.

(3) Any person who having been accredited leaves the polling zone or any other place appointed for the accreditation of persons and or mixes up with unaccredited persons shall be guilty of an offence of disorderliness under section 92 of this Decree and shall be liable on conviction to the punishment as provided under that section.

Offences and penalty for unaccredited persons.

(4) Any person not being an accredited person in any Polling Zone shall be guilty of an offence of disorderliness under section 92 of this Decree, and shall be liable on conviction to the punishment as provided under that section.

Post accreditation procedure.

16. At the close of accreditation, the Presiding Officer shall—

- (a) loudly announce the total number of accredited voters entitled to vote at Polling station and record the same in Form EC. 8A ;
- (b) explain the voting procedure to be followed ;
- (c) introduce the candidates or their posters and symbols, the Poll Clerks and the polling agents;
- (d) explain all activities which constitute election offences within the polling zone including penalties for committing each offence;
- (e) call the roll of accredited voters;
- (f) ensure that posters bearing photographs of candidates are well placed before the commencement of voting."

Conduct of poll.

17. After due compliance with the provisions of paragraph 17 of this Schedule, the Presiding Officer shall—

- (a) announce the commencement of voting;
- (b) request the accredited voters to line up in a single line in front of the candidate of their choice;
- (c) separate the queue between men and women if in that area of the country, 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 request the voters at the queue to show their voters' cards duly stamped and the right thumb bearing indelible mark made by the Presiding Officer ;
- (e) loudly count the number of accredited voters with the assistance of the Poll Clerk or Teller ;
- (f) recount the votes at the request of a Polling Agent provided that such request shall not be entertained after a first recount.

Offences of crossing or breaking into another queue.

18. Any person who crosses or breaks into another queue while counting of votes has commenced shall be guilty of an offence of disorderliness under section 92 of this Decree and shall be liable on conviction to the punishment provided under that section.

19.—(1) No person shall be permitted to vote at any Polling Station other than the one to which he is allotted.

Allocation of polling station admission there to.

(2) The Presiding Officer shall regulate the admission of voters to the Polling Station, and shall exclude all other persons except Candidates, Polling Agents, Polling Officers and any other person who in his opinion has lawful reason to be admitted.

20.—(1) If at the time a person applies for accreditation, or after he has so applied and before he has left the polling station, a polling agent declares to the Presiding Officer that he has reasonable cause to believe that the applicant is under 18 years of age or has committed the offence of impersonation and undertaken to substantiate the charge in a court of law, the Presiding Officer may order a Police Officer to arrest such person and the party shall be sufficient authority for the police so to do.

Impersonation.

(2) A person in respect of whom a Polling Agent makes a declaration in accordance with the provision of sub-paragraph (1) of this paragraph shall not by reason thereof, be prevented from voting, but the Presiding Officer shall cause the word "protested against for impersonation" to be placed against his name in the marked copy of the register of voters or portion thereof :

Provided that where a person in respect of whom such declaration is made 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 done so, and if he has already voted the Presiding Officer shall cancel his vote.

(3) A person arrested under the provision of this paragraph 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.

21. The election into the Legislative Houses shall be conducted first and be followed immediately by election into the office of Governor at all the Polling Stations in the States.

Order of elections.

22.—(1) The Presiding Officer shall ensure compliance with the provisions of this Decree at the Polling stations.

Conduct in Polling Stations.

(2) 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 from the Polling Station by any Police Officer, or by any other person authorised in writing by the Presiding Officer in that behalf.

(3) 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:

Provided that this paragraph shall not be enforced so as to prevent any voter who is otherwise entitled to vote at any Polling Station from having an opportunity of so voting.

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

Adjournment of poll in case of riot.

(2) When the poll is adjourned at any Polling Station—

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

(b) references in this Schedule to the close of the poll shall be construed accordingly.

Closing of
poll.

24. When the prescribed hour for the closing of accreditation has been reached, the Presiding Officer shall declare accreditation closed and no more persons admitted to the Polling Stations shall be accredited and be allowed to vote.

Counting
of votes.

- 25.—(1) The Presiding Officer shall after counting of votes—
- (a) loudly announce the number of votes counted ;
 - (b) enter the votes scored by each candidate in a Statement of Result Form as in Form EC. 8A in Schedule 7 to this Decree ;
 - (c) crosscheck the total number of votes cast at the polling station with the total number of people accredited to vote at the polling station ;
 - (d) nullify the result of any polling station where the total number of vote cast exceed the total number of people accredited to vote at the polling station ;
 - (e) mark the Form EC 8 for the polling station in red ink as follows—result "cancelled"

(2) The form shall be signed and stamped by the Presiding Officer and countersigned by the candidates or their agents where available at the Polling Station.

(3) A Polling Agent shall be required to sign the Statement of Result Form and especially where he has requested for a recount:

Provided that the fact that a Polling Agent does not sign Form EC. 8A shall not invalidate the result of the poll.

(4) The Presiding Officer shall give to the Polling Agents and the police present copies of completed Form EC. 8A after it has been signed by both the Presiding Officer and the Polling Agents.

Post election
procedure.

26.—(1) After the recording of the election, the Presiding Officer shall take the election results and materials to Ward Collation Centres under security escort.

- (2) The Returning Officers shall—
- (a) take delivery of all Forms EC. 8A submitted by the Presiding Officers from the Polling Stations in the Wards ;
 - (b) collate the votes entered in Form EC. 8A using Form EC. 8B as specified in Schedule 7 to this Decree without result cancelled according to paragraph 25 (d) and (e) above ;
 - (c) enter the collated votes scored by the two candidates in Form EC. 8B as specified in Schedule 7 to this Decree ;
 - (d) distribute 4 copies of duly completed Form EC. 8B as follows :—
 - (i) 1 copy to each of the two candidates or their agents ;
 - (ii) 1 copy to the police ; and
 - (e) submit the original copy to the Local Government level Returning Officer (s) for State Constituencies under security escort.

Collection
and collec-
tion of
forms, etc.

27.—(1) The Returning Officer for State House of Assembly election shall—

- (a) collect Form EC. 8B in respect of the two groups of Wards for the separate two State Constituencies from Ward Returning Officers ;
- (b) collate the votes entered in Form EC. 8B from the Wards using Form EC. 8C as specified in Schedule 7 to this Decree ;

(c) enter Constituency collated results in Form EC. 8C after it has been signed by him and Polling Agents as follows—

- (i) 1 copy to the Resident Electoral Commissioner ;
- (ii) 1 copy to the Electoral Officer ; and
- (iii) 1 copy to the Police.

(2) The Local Government Returning Officer shall thereafter —

(a) complete and sign Part 1 of Form EC. 8E in respect of each of the two State Constituencies.

(b) make known the result of the Poll Constituency by Constituency but shall not declare any winner.

(3) The Local Government level Returning Officers shall thereafter deliver complete six copies of Form EC. 8E in respect of each of the two State Constituencies to the Electoral Officer.

(4) The Electoral Officer after satisfying himself as to the correctness of additions and entries made in Form EC 8E shall—

(a) declare the winner of the election for the two State Constituencies on behalf of the Chief Electoral Officer of the Federation ;

(b) complete, sign, stamp and date Part II of Form EC. 8E in six copies in respect of each of the two State Constituencies ;

(c) distribute five of the six duly completed Form EC.8E in respect of each of the two State Constituencies as follows—

(i) 2 copies to the Resident Electoral Commissioner who shall forward a copy of the same immediately to the Chief Electoral Officer of the Federation ;

(ii) 1 copy each to the two candidates or their Polling Agents ;

(iii) 1 copy to the Police ;

(d) the Electoral Officer shall keep one copy of completed Form EC. 8E for his records.

28.—(1) Immediately after the Legislative House election the Presiding Officer shall conduct the election into the office of Governor ;

Governorship
election.

(2) The Presiding Officer shall after counting of votes —

(a) loudly announce the number of votes counted ;

(b) enter the votes scored by each candidate in a Statement of Result Form as in Form EC. 8A in Schedule 7 to this Decree.

(c) record the number of accredited voters in the polling station in Form EC. 8 above ;

(d) nullify the result of the polling station where the total number of votes exceed the total number of people accredited to vote at that Polling Station ;

(e) mark the Form EC. 8A for the Polling station in red ink as follows, "result cancelled".

(2) The Form shall be signed and stamped by the Presiding Officer and countersigned by the candidates or their agents where available at the Polling Station.

(3) A Polling Agent shall be required to sign the Statement of Result Form and especially where he has requested for a recount.

Provided that the fact that a Polling Agent does not sign Form EC. 8A shall not invalidate the result of the poll.

(4) The Presiding Officer shall give the Polling Agents and Police present copies of completed Form EC. 8A after it has been signed by both the Presiding Officer and the polling Agents.

Collation of
election
result

29.—(1) After the recording of the result of the election, the Presiding Officer shall take the election results and materials to Ward Collation Centres under security escort.

(2) The Ward Returning Officers shall—

(a) take delivery of all Forms EC. 8A submitted by the Presiding Officers from the Polling Stations in the Wards ;

(b) collate the votes entered in Form EC. 8A using Form EC. 8B as specified in Schedule 7 to this Decree without results cancelled according to paragraph 28 (d) and (e) ;

(c) enter the collated votes scored by the two candidates in Form EC. 8B in both words and figures ;

(a) distribute *Five* copies of completed Form EC. 8B after it has been signed by the Presiding Officer and the Polling Agents as follows—

(i) 1 copy to each of the two candidates or their agents ;

(ii) 1 copy to the Electoral Officer ;

(iii) 1 copy to Police ; and

(e) submit the original copy to the Local Government level Returning Officer.

Collection
and collation
of Votes by
the Govern-
ment Level
Returning
Officer.

30.—(1) The Local Government level Returning Officer shall—

(a) collect Form EC. 8B containing collated results from the Wards ;

(b) collate the votes entered in Form EC. 8B from the Wards using Form EC. 8C ;

(c) enter Local Government level collated results in Form EC. 8C and distribute copies after it has been signed by him and the Polling Agents as follows—

(i) 1 copy to the Resident Electoral Commissioner ;

(ii) 1 copy each to the two candidates or their Polling Agents ;

(iii) 1 copy to the Electoral Officer ;

(iv) 1 copy to the State level Returning Officer ; and

(v) 1 copy to the Police.

Collection
and collation
of Votes by
State Level
Returning
Officer.

13.—(1) The State level Returning Officer shall—

(a) collect duly completed Form EC. 8C containing collated results from the Local Government Council Areas ;

(b) collate the votes entered in Form EC. 8C from the Local Government Council Areas using Form EC. 8D ;

(c) enter State level collated results in Part 1 of Form EC. 8E in *Five* copies ;

(d) make known the result of the election to the office of Governor but shall not declare any winner ;

(e) deliver the 5 copies of completed Form EC. 8E to the Resident Electoral Commissioner.

32.—(1) The Resident Electoral Commissioner, having been satisfied as to the correctness of additions and entries in Form EC. 8E and after making sure that paragraph 29 (b) above was followed shall—

Declaration of result by the Resident Electoral Commissioner.

(a) complete and sign Part II of Form EC. 8E—Declaration of Result Form ;

(b) *declare* the winner of the election to the office of Governor on behalf of the Chief Electoral Officer of the Federation ;

(c) distribute duly completed and signed copies of Form EC. 8E as follows—

(i) the original copy to the Chief Electoral Officer of the Federation ;

(ii) 1 copy to the two candidates or their Polling Agents ;

(iii) 1 copy to be held by the Resident Electoral Commissioner ;

(iv) 1 copy for the Police.

33. The Chief Electoral Officer of the Federation or any Officer delegated by him shall have the sole responsibility or declaration of election results.

Declaration of election Result.

34. The Resident Electoral Commissioner shall, as soon as possible after the conclusion of the elections, issue on behalf of the Chief Electoral Officer of the Federation Certificate of Return of Election to the winning candidates.

Certificate of Return of Election.

SCHEDULE 6

Section 96

PROCEDURE FOR ELECTION PETITION

1.—(1) An election petition shall be presented within one month after the date on which the election is held.

(2) The tribunal shall hear and determine an election petition in the case of election into the office of Governor of a State within one month from the date of filing the petition and in the case of election into the State House of Assembly within two months from the date of filing of the petition.

Time for presentation and determination.

(3) An Appeal from the decision of a Tribunal to the Court of Appeal shall be heard and determined within one month from the date of filing of the Appeal.

2. In this Schedule—

“Attorney-General” means the Attorney-General of the State concerned ;

“Civil Procedure Rules” means the High Court (Civil Procedure) Rules or rules of court amending or replacing those Rules ;

“Director of Public Prosecutions” means the Director of Public Prosecutions of the State concerned ;

“election” means the election in respect of the constituency or the State to which an election petition relates ;

“Secretary” means the Secretary in charge of the Registry or if he is absent, the Senior Clerk present at the Registry ;

“Registry” means a Registry of the Governorship and Legislative Houses Tribunal and ;

“Tribunal” means the Governorship and Legislative House Election Tribunal.

Interpretation

"Tribunal Notice Board" means a notice board at the Registry, and where notice of trial is being or has been given, a notice board at the place of trial.

3.—(1) At the time of presenting an election petition, the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.

Security for costs.

(2) The security shall be of such amount not exceeding N500 as the Tribunal may order and shall be given by depositing the amount in the Tribunal.

(3) Where two or more persons join in the petition, a deposit of the said amount shall be sufficient.

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

Presentation of petition. Form EC 9.

4.—(1) The presentation of an election petition shall be made by the petitioner (or petitioners if more than one) leaving it in person, or by the hand of the solicitor (if any) named at the foot of the petition, with the Secretary, and the Secretary shall (if so required) give a receipt which may be in Form EC 9 in Schedule 7 to this Decree.

(2) With the petition there shall also be left a copy thereof for each respondent and seven other copies thereof.

(3) The Secretary shall compare each copy of the petition left in accordance with sub-paragraph (2) of this paragraph with the original petition and shall certify it as a true copy thereof upon being satisfied by such comparison that it is a true copy thereof.

(4) The petitioner or solicitor shall, at the time of presenting the petition, pay the fees for the service and publication thereof, and for certifying the copies, and in default of such a payment the petition shall not be received unless the tribunal otherwise orders.

Contents of petition.

5.—(1) An election petition shall—

(a) specify the right of the petitioner to present the petition ;

(b) state the holding and result of the election ; and

(c) briefly state the facts and grounds relied upon to sustain the prayer of the petition.

(2) The petition shall be divided into paragraphs each of which as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively ; and no costs shall be allowed for drawing up or copying any petition substantially in compliance with this provision, unless the tribunal otherwise orders.

(3) The petition shall conclude with a prayer as for instance, that some specified person may be duly returned, or elected or that the election may be declared void, as the case may be, and shall be signed by the petitioner (or all petitioners if more than one), or by the solicitor (if any) named at the foot of the petition.

FORM EC. 10

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS)

DECREE 1991

IN THE GOVERNORSHIP AND LEGISLATIVE HOUSES TRIBUNAL PETITION

The election to the _____ State House of Assembly for the _____ Constituency held on the 14th of December, 1991 between

_____ Petitioners(s)

and

_____ Respondent(s)

Occupier _____

The name of my (or our) advocate is _____ or I (or we) am (or are) acting for myself (or ourselves.)

Signed _____ Petitioner.

SIGNED before me this _____ day of _____ 19 _____

Secretary

FORM EC. 11

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS)

DECREE 1991

IN THE GOVERNORSHIP AND LEGISLATIVE
HOUSES ELECTION TRIBUNAL

NOTICE OF PRESENTATION OF PETITION

The election to the _____ State House of Assembly
for the _____ Constituency held on the 14th of December, 1991

between

_____ Petitioner(s)

and

_____ Respondent(s)

The petition of _____
of _____ of _____ and _____, of

.....or as the case may be) whose names are subscribed
TAKE NOTICE that the petition, a duplicate whereof is attached hereto, has this day been presented in the Registry of the Tribunal named above and that you are to enter an appearance to the petition in the said Registry within.....

.....days of the date when this notice was presented thereof, or 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 paragraph 13 of Schedule 5 to this Decree otherwise proceedings upon the petition may be continued and determined in default of your appearance, any document relating to such proceedings, and intended for you may be posted up on the Tribunal notice board, which shall be sufficient notice thereof.

DATED this.....day of.....19.....

.....
Secretary

to.....(Respondent) of
.....

FORM EC. 12

(STATE GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1991
IN THE GOVERNORSHIP AND LEGISLATIVE HOUSES ELECTION TRIBUNAL
NOTICE OF TRIAL

The election to the.....State House of Assembly for the.....Constituency held on the 14th of December, 1991
between

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

and

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

The petition of _____(Petitioner) of _____(or of _____ of _____ and _____ of _____(Petitioners) as the case may be) whose names are subscribed.

TAKE NOTICE that the above petition will be heard at _____ on the _____ day of _____ 19_____ and on such other subsequent days as may be useful.

DATED this _____ day

of _____ 19_____ Secretary

The petition of _____(Petitioner) of _____(or of _____ of _____ and _____ of _____(Petitioners) or as the case may be) whose names are subscribed.

1. Your petitioner _____ is a person who voted or had a right to vote as the case may be) at the above election (or claims to have had a right to be returned or election at the above election) or was a candidate at the above election ; and your petitioner _____ state in like manner the right of each petitioners

2. And your petitioner(s) state(s) that the election was held on the _____ day of _____ 19_____ when _____(Petitioners)

(and) _____(Respondents) were candidates.

3. And your petitioner(s) state(s) that :

Where your petitioner(s) pray(s) that it may be determined that the said _____ (and _____ (Respondents) was were) not duly elected (or returned) and that the (or his) election was void or that the said _____ (and) _____ (Petitioners) was (were) duly elected and ought to have been returned, or as the case may be.

(Signed) _____

_____ (Petitioners)

Address for service (within five kilometres of a post office within the Judicial Division) of _____

FORM EC. 13

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS)

DECREE 1991

IN THE GOVERNORSHIP AND LEGISLATIVE HOUSES
ELECTION TRIBUNAL

NOTICE OF MOTION TO WITHDRAW PETITION

The election to the _____ State House of Assembly
for the _____ Constituency held on the 14th of December, 1991

between

_____ (Petitioner(s))

and

_____ Respondent(s)

The petition of _____ (or
of _____
of _____ of _____
and _____ of _____

or as the case may be whose names are subscribed.

The petitioner proposes to apply to withdraw his petition on the following grounds :

(Here state the grounds)

Petitioner (or Solicitor)

SIGNED before me this _____ day of _____ 19_____

Secretary

NATIONAL ELECTORAL COMMISSION

ELECTION TO THE STATE HOUSE OF ASSEMBLY 1991

CERTIFICATE OF RETURN OF ELECTION UNDER THE STATE GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS) DECREE 1991

I hereby certify that the member elected for the _____ constituency of _____ state in the election held on 14th December, 1991 is _____

(State the full names of the member)

of _____

(State the full address of the member)

Dated this _____ day of _____ 19_____

(4) At the foot of the petition there shall be stated an address for service within 5 kilometres of a post office in the Judicial Division, and the name of its occupier, at which address documents intended for the petitioner may be left.

(5) If any address for service and its occupier are not stated, the petition shall not be filed unless the Tribunal otherwise orders.

(6) At the foot of the petition there shall be added a note signed by the petitioner giving the name of his solicitor, if any, or stating that he acts for himself, as the case may be.

(7) The Form set out in Form EC 10 Schedule 7 to this Decree or one to Form EC 10 the like effect, shall be sufficient for the purposes of the petition.

6. Evidence need not be stated in the petition, but the tribunal may order such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial in the same way as in civil action in the High Court, and upon such terms as to costs and otherwise as may be ordered.

Further particulars.

7. For the purpose of service of the petition on the respondent, the petitioner shall furnish the Secretary with the address of the respondent's abode or the address of a place where personal service can be effected on the respondent.

Address of Service.

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

Action by Secretary.

(a) cause notice in Form EC 11 in Schedule 7 to this Decree, to the presentation of the petition, and a certified copy of the petition, to be served on the respondent ;

(b) post up on the Tribunal notice board a certified copy of the petition ;

(c) send a certified copy by registered post or messenger to the person or authority to whom it is required by law that the determination of the petition shall be certified ; and

(d) where the Tribunal so directs, cause a certified copy to be published in *Gazette* of the State concerned.

(2) In the notice of presentation of the petition, the Secretary shall state time, not being less than five days or more than fifteen days after the date of service of the notice, within which the respondent is to enter an appearance.

(3) In fixing such time the Secretary shall have regard to the necessity for securing a speedy trial of the petition, and to the distance from the Secretary of the address furnished under paragraph 5 of this Schedule.

9.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph, service on the respondent of the documents mentioned in sub-paragraph (1) (a) of paragraph 8 of this Schedule and of any other documents required to be served on him before entering an appearance, shall be personal.

Service on the Respondent.

(2) Where the petitioner has furnished under paragraph 7 of this Schedule the address of a place where personal service can be effected on the respondent, and the respondent can not be found at that place, the Tribunal on being satisfied, upon an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect personal service,

may order that service of any document mentioned in sub-paragraph (1) of this paragraph be effected in any ways mentioned in the relevant provisions of the Civil Procedure Rules or Civil Procedure Code for Perfecting substituted service in a civil case and such service shall be deemed to be equivalent to personal service.

(3) The proceeding under the petition shall not be vitiated notwithstanding the fact that the respondent may not have been served personally.

Entry of appearance.

10.—(1) Where the respondent intends to oppose the petition he shall within such time after being served or deemed to have been served with the petition or, where an order has been made under sub-paragraph 9 of this Schedule within such other time (if any) as may be stated in that order, enter an appearance by filing in the Registry a memorandum of appearance stating that he intended to oppose the petition and giving the name and address of his solicitor, if any, or stating that he acts for himself, as the case may be, and in either giving an address for service within five kilometres of a post office in the Judicial Division and the name of its occupier, at which documents intended for the respondent may be left.

(2) If an address for service and its occupier are not stated, the memorandum shall not be filed unless the Tribunal otherwise orders.

(3) The memorandum of appearance shall be signed by the respondent but may be filed by his solicitor, if any.

(4) At the time of the filing of the memorandum of appearance the respondent or his solicitor shall leave a duplicate thereof for each other party to the petition and three other duplicates thereof and pay the fees for service, and in default of such duplicate being and such fees being paid at that time the memorandum shall not be filed unless the tribunal otherwise orders.

Default of appearance.

11. If the respondent does not enter an appearance as aforesaid, any document intended for the respondent may be posted upon the Tribunal notice board and such posting shall be sufficient notice thereof.

Notice of appearance.

12. The Secretary shall cause a duplicate of memorandum of appearance to be served upon or notice thereof to be given to other parties to the petition.

Filing of reply.

13.—(1) The respondent shall within six days of entering an appearance file in the Registry his reply specifying therein which of the facts and grounds alleged in the petition he admits or denies and setting out any defects and grounds on which he relies in opposition.

(2) Where the respondent in the petition complaining of an under return and claiming the seat or office for some person intends to prove that the election of such person was undue, the respondent in his reply shall state that intention and set out the facts and grounds on which he relies in support thereof.

(3) The reply may be signed by the respondent's solicitor, if any.

(4) At the time of filing the reply the respondent or his solicitor shall leave a duplicate thereof for each party to the petition and the three other duplicate thereof and pay the fees for service, and in default of such duplicate being paid at that time, the reply shall not be filed unless the Tribunal otherwise orders.

Notice of reply.

14. The Secretary shall cause a duplicate of the reply to be served on each of the party to the petition.

15.—(1) In relation to an election petition, the provisions of the relevant provisions of the Civil Procedure Rules or the Civil Procedure Code relating to amendment of pleadings shall apply as if the words "any proceedings in those provisions there were submitted the words "the petition or the reply in any":

Amendment
of petition.

Provided that—

(a) after the expiry of the time limited by paragraph 2 of this Schedule for presenting the petition, no amendment shall be made introducing any fresh prayer to the petition, or effecting any alteration of substance in the prayer, or (having anything which may be done under the provisions of sub-paragraph (2) of this paragraph) effecting any substantial alteration in or addition to the statement of facts and grounds relied upon to sustain the prayer ; and

(b) after the expiry of the time limited by paragraph 13 of this Schedule for filing the reply, no amendment shall be made thereto alleging that the election of the person, if any, for whom the seat or office is claimed in the petition was undue, or (saving anything which may be done under the provisions of sub-paragraph (2) of this paragraph) effecting any substantial alteration in or addition to the admissions or the denial contained or the facts and grounds set out in the reply.

(2) The Tribunal in the trial and determination of the petition shall not be obliged to confine its inquiry or findings to the issue raised by the petition and the reply, if any, and may, with or without ordering or allowing—

(a) the amendment of any statement of the facts and grounds relied upon in support of the petition or the amendment of any admission or denial contained ; or

(b) the facts or grounds set out in the reply (but subject always and having due regard to the time limited by paragraph 1 of this Schedule for presenting an election petition), inquire into any other issue otherwise raised or apparent or any matter otherwise appearing, as the Tribunal may deem necessary for the purpose of the full and proper determination of the petition.

16.—(1) When a petitioner claims the seat or office for an unsuccessful candidate, alleging that he had a majority of lawful votes, any party complaining of and any party defending the election or return shall, within six days after the filing of the reply, or where no appearance is entered, not less than six days before the day fixed for trial, file in the Registry a list of the vote intended to be objected to by him and of the heads of objection to each such vote.

List of
objections
to vote.

(2) No evidence shall be given against the validity of any vote or upon any head of objection not specified in the list filed pursuant to sub-paragraph (1) of this paragraph except by leave of the tribunal upon such terms as to amendment of the list postponement of the trial and payment of costs as may be ordered.

(3) The party delivering the list shall at the same time deliver a duplicate for each other party to the petition and three other duplicates and pay the appropriate fees for services, and in default of such delivery and payment the list shall not be filed unless the tribunal otherwise orders.

(4) The Secretary shall cause a duplicate of the list to be served on every other party forthwith.

List of
objection to
elections.

17—(1) When the respondent in a petition complaining of an undue return and claiming the seat of office for some person intends to give evidence to prove that the election of such person was undue, the respondent shall, within six days after the filing of the reply, file in the registry a list of the objection to the election upon which he intends to reply, and no evidence shall be given by a respondent of any objection to the election not specified in the list, except leave of the tribunal upon such terms as to amendment of the list, postponement of the trial and payment of costs as may be ordered.

(2) Sub-paragraphs (2) and (3) of paragraph 16 of this Schedule shall apply to the list mentioned in sub-paragraph (1) of this paragraph.

Further
particulars
or direction.

18—(1) if any party to the petition wishes to have further particulars or other directions of the tribunal, he may, at any time after the 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) The party so applying shall give notice of his motion to the other parties, and where he relies on any facts which are not apparent on the face of the documents already filed he shall support his motion by affidavit.

(3) If a party does not so apply, he shall be taken to require no further particulars or other directions and such party shall be debarred from so applying after the lapse of the period laid down in sub-paragraph (1) for this paragraph except with the leave of the Tribunal, which may be sought by motion supported by affidavit after notice to the other parties, and which may be given in a proper case of such terms as to costs and otherwise as may seem fit.

Open court.

19. Every election petition shall be tried in open court.

Time and
place of
hearing.

20—(1) Subject to the provisions of sub-paragraph (2) of this paragraph the time and place of the trial of an election petition shall be fixed by the Tribunal and notice of the time and place of the trial (which may be in Form EC 12 in Schedule 7 to this Decree) shall be given by the Secretary at least fourteen days before the days fixed for the trial.—

(a) by posting, or causing to be posted, such notice on the Tribunal notice board;

(b) by sending a copy of such notice by registered post or messenger to the petitioner's address for service;

(c) by sending likewise a similar copy to the respondent's address for service, if any;

(d) by sending likewise a similar copy to the Resident Electoral Commissioner or Electoral Officer;

(2) If the election was held in a place ordinarily visited for sittings of a High Court Judge in this paragraph referred to as a "place of sessions") then the place of trial of the petition shall be the place where the election was held.

(3) If the election was not held in a place of sessions, then the place of trial shall be a place of sessions within the State.

(4) If there is in the Local Government Area no place of sessions, then the place of trial shall be the place of sessions outside the Local Government Area nearest to, or most accessible from, the place where the election was held.

21. The Resident Electoral Commissioner or the Electoral Officer shall publish the notice of trial by causing the copy to be affixed to the place which was appointed for the delivery of nomination papers or the making of nominations orally prior to the election or to some conspicuous place within the constituency but failure to do so or any miscarriage relating to such copy shall not affect the proceedings in any manner whatsoever.

Notice of trial.

22. The posting of the notice of trial on the Tribunal boards shall be deemed and taken to be good notice, and such notice shall not be vitiated by any miscarriage of or relating to the copy or copies of the notice sent pursuant to paragraph 20 of this Schedule.

Publication good notice.

23.—(1) The Tribunal may, from time to time, by order made on the motion of a party supported by affidavit after notice to the other parties, or by notice in such form as the Tribunal may direct postpone the beginning of the trial to such day as the Tribunal may name.

Postponement of hearing.

(2) A copy of any such order or notice shall be sent by the Secretary by registered post or messenger to the Resident Electoral Commissioner or Electoral Officers, who shall publish the same in the manner provided in paragraph 21 of this Schedule for publishing the notice of trial; but failure on the part of the Resident Electoral Commissioner or Electoral Officer to publish the copy 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 any such order or notice.

(4) In any case of notice of postponement directed by the Tribunal of its own motion, a copy thereof 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 respondent.

(5) The provisions of paragraph 22 of this Schedule shall apply to the notice of trial.

(6) The petitioner or petitioners shall also file the affidavits required, under paragraph 30 of this Schedule and leave duplicates thereof for each respondent and two duplicates for the Attorney-General, and they shall at the same time pay the requisite fees for service and for the making of a copy of the proceedings for the use of Attorney-General.

30.—(1) Before leave for withdrawal of an election petition is granted there shall be produced affidavits by all parties to the petition and their solicitors and by the election agents (if any) of all the said parties who were candidates at the election, but the Tribunal may on cause shown dispense with the affidavits of any particular person if it seems to the Tribunal on special grounds to be just so to do.

Affidavits in support.

(2) Each affidavit shall state that, to the best of the despondent's knowledge and belief no agreement of terms of any kind whatsoever has or have been made, and 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.

(3) The affidavits of the applicant and his solicitor, if any, shall further state the ground on which the petition is sought to be withdrawn.

(4) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

Motion for leave to withdraw.

31.—(1) The time for hearing the motion for leave to withdraw the petition shall be fixed by the tribunal due regard being had to the need for giving the Director of Public Prosecutions an opportunity to be heard.

(2) The Secretary shall give notice of the day fixed for the hearing of the motion to the Attorney-General and the respondents and post or cause to be posted a notice stating the time fixed for the hearing.

(3) When the notice of motion is fixed, the Secretary shall with the least possible delay cause a copy of the proceedings to be prepared and sent by a messenger or registered post a certified copy thereof to the Director of Public Prosecutions not less than fourteen days before the day appointed for the hearing.

Withdrawal may be opposed.

32.—(1) On the hearing of the application the tribunal may hear the Attorney-General or his representative in opposition to the withdrawal of the petition and may receive the evidence on oath of any person or persons whose evidence the Attorney-General or his representative may consider material.

Abatement on death.

(2) If the petition is withdrawn, the petitioner shall be liable to pay the cost of the respondent.

33.—(1) If a sole petitioner or the survivor of several petitioners dies then, subject to the succeeding provisions of this paragraph, there shall be no further proceedings on the petition.

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred.

(3) Where notice, with a duplicate for each other party 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 same to the Tribunal, and if the Tribunal so directs, the Secretary shall give notice thereof to the other parties and post or cause to be posted notice thereof on the Tribunal notice board and cause notice thereof to be published in the *Gazette* of the State concerned, or in both, in such form as the Tribunal may direct.

Notice of no opposition to petition.

34.—(1) If before the trial of a petition, a respondent (other than the Commissioner, Electoral Officer, Presiding Officer) may give notice to the Tribunal signed by him or his solicitor before the Secretary and shall give notice thereof to the other parties; the posting or causing to be posted a notice by the respondent shall not of itself cause him to be a respondent.

(2) The respondent shall file the notice with a duplicate for each other party not less than six days appointed for trial.

(3) A respondent who has given notice of his intention not to oppose the petition shall not appear or act as a party against the petition in any proceedings upon it, but the giving of such notice shall not of itself cause him to cease to be respondent.

Countermand of notice of trial.

35.—(1) After receiving notice of the petitioner's intention to apply for leave to withdraw the petition or of the death of the sole petitioner or the survivor of several petitioners or of the respondent's intention not to oppose the petition, if such notice is received after notice of trial has been given and before the trial has begun, the Secretary shall forthwith countermand the notice of trial.

(2) The Countermand shall be given in the same manner, as near as may be, as the notice of trial.

36. Where the respondent has not entered an appearance, or has not filed his reply, within the prescribed time or within such time as the Tribunal may have allowed, or has given notice that he does not intend to oppose the petition, then if—

Discretion of Tribunal if no reply.

(a) there remains no more than one other candidate in the election who was not returned ; or

(b) the petition contains no prayer for a determination that the election was void ; or

(c) there are no facts or grounds stated in the petition or in the reply, if an, or stated in any further particulars filed in the proceedings or otherwise appearing upon proof of which it ought to be determined that the election was void ; or

(d) where the petition is one complaining of an undue return and claiming the seat or office for the candidate who was not returned, the respondent has not filed a list of objections under the provision of paragraph 17 of this Schedule, the Tribunal may, if it thinks fit, determine the proceedings upon the petition without hearing evidence or further evidence, and in any other case the proceedings shall be continued and determined upon such evidence or otherwise as the Tribunal may deem necessary for the full and proper determination of the petition.

37—(1) The fee payable on the presentation of an election petition shall be ₦100. Fees.

(2) A hearing fee shall be payable for the trial at the rate of ₦50 per day of trial but not exceeding ₦500 in all ; but the Tribunal may direct a lower fee to be charged for any day of the trial.

(3) For the purposes of this paragraph, the petitioner shall make a deposit of ₦500 at the time of presenting his petition.

(4) Subject to the above provisions, the fees payable in connection with any election petition shall be at the rates prescribed for civil proceedings in the High Court.

(5) No fees shall be payable by the Attorney-General or by a respondent who was the Resident Electoral Commissioner, Electoral Officer or Presiding Officer at the election.

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

(7) Any charges payable for the service of sub-poenas on any such witnesses may be paid by the Secretary in the same way as a State witness's expenses.

38.—(1) All costs charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the Tribunal may determine, regard being had—

Allocation of Costs

(a) to the disallowance of any costs, charges or expenses which may in the opinion of the Tribunal have been caused by vexatious conduct, unfrivolous objections on the part either of the petitioner or the respondent and

(b) to the discouragement of any needless expenses by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or not on the whole successful.

(2) Where the Tribunal declared an election to be void, the Tribunal may if satisfied that the invalidity of the election was due either wholly or in part to the culpable fault of any officer responsible for the conduct of the election in the performance of his duties imposed by this Decree, order that the whole or any part of the costs awarded to the successful petitioner be paid such officer.

Return of security.

39. Money deposited as security shall when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it is deposited or to any person entitled to receive the same by order of the Tribunal, which may be made upon motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Tribunal may require.

Payments of costs out of security.

40.—(1) The Tribunal may, on application made by a person to whom any costs, charges or expenses are payable, order the same to be paid out of any deposit made to secure the same after notice to the party by or on whose behalf the deposit was made requiring him to file a statement within a special time whether he resists the application and the grounds of his opposition.

(2) In the event of any dispute arising on any such application, the Tribunal shall afford every person affected thereby an opportunity of being heard and make such order thereon as may seem fit.

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

(4) Any notice to be given to a person under this paragraph may be given by the Secretary handing him the notice or sending it to him by registered letter.

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

(b) in the case of the applicant for payment at the address given in his application ;

provided that these provisions shall not preclude the giving of notice in any manner in which notice may be given or which may be authorised by the Tribunal.

(5) Execution may be levied under any 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 a judgment for the payment for money.

Calling of witness

41.—(1) On the trial of an election petition, the Tribunal may summon any person as a witness who appears to the Tribunal to have been concerned in the election.

(2) The Tribunal may examine any witness so summoned or any person in the Tribunal although such witness or person is not called and examined by any party to the petition, and thereafter may be cross-examined by or on behalf of the petitioner and the respondent.

(3) The expenses of any witness called by the Tribunal of its own motion shall unless the Tribunal otherwise orders, be deemed to be cost of the petition and such expensed may, if the Tribunal so direct, be paid in First instance by the secretary in the same way as a State Witness's expenses and recovered in such manner as the Tribunal may direct.

(4) Where the Tribunal under this paragraph summons any person as a witness, the provisions of the relevant Civil Procedure Rules or of the Civil Procedure Code relating to the expenses of persons ordered to attend a hearing shall apply as if they were part of this paragraph.

(5) In making and carrying into effect any order for the production and inspection of documents used in the election and relating to the way which the votes of particular persons were given, and in the exam, nation of any witness who produces any such documents, the Tribunal shall ensure that the way in which the vote of any particular person has been given shall be disclosed until it has been proved that the vote was given and the vote has been declared by the Tribunal to be invalid.

42. —(1) A person called as witness in any proceedings in the Tribunal under this Decree shall not be excused from answering any question relating to any offence at or connected with such election on the grounds that the answer thereto incriminate or tend to incriminate himself, or on the grounds of privilege.

Privilege

(2) A witness who answers truly all questions which he is required by the Tribunal to answer shall be entitled to receive a certificate of indemnity under the hand of the Chairman of the Tribunal, stating, that such witness has so answered.

(3) An answer by a person to a question before the Tribunal shall not, except in the case of any criminal proceeding for perjury in respect of such evidence be admissible in any proceedings civil or criminal in evidence against him.

(4) When a person has received a certificate of identity in relation to an election and any legal proceedings are at any time brought against him for an offence against the provisions of this Decree committed by him previously to the date of the certificate at or in relation to the said election, the Tribunal having cognisance of the case shall on proof of the certificate, stay the proceedings and may, at its discretion, award to the said person such costs as he may have been put to in the proceedings.

Evidence by respondent.

43. On the trial of a petition complaining of an undue return and claiming the seat for some person, the respondent may, subject to the provisions of paragraph 13 (2) and 17 of this Schedule give evidence to prove that the election of such person was undue in the same manner as if he had presented a petition complaining of such election.

Enlargement and abridgement of time.

44.—(1) The Tribunal shall have powers, subject to the provisions of Section 73 of this Decree and paragraphs 2 and 15 of this Schedule to enlarge or bridge the times appointed by this Decree or the rules of court mentioned in paragraph 51 of this Schedule or fixed by any order enlarging time, for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require.

(2) Any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

(3) When the time for delivering any pleading or document or filing any affidavit, answer or documents or doing any act is or has been fixed or limited by any of the sections, paragraphs or rules aforesaid or by any direction or order of the Tribunal, the costs of any application to extend such time and of any order made thereon shall be borne by the party making such application unless the Tribunal shall otherwise order.

(4) Every application for enlargement or abridgement of time shall be supported by affidavit.

(5) An application for abridgement of time may be made *ex parte*, but the Tribunal may require notice thereof to be given to the other party.

(6) An application for enlargement of time shall be made by motion after notice to the other party but the Tribunal may, for good cause shown by affidavit or otherwise, dispense with such notice.

(7) A copy of any 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.

Service of
notice

45.—(1) Where any summons, notice or document other than a notice or document mentioned in paragraph 8 (1) of this Schedule is required to be served on any person for purpose connected with an election petition, the same may be served either by delivering it to such person or by leaving it at his last known place of abode in the State with any person there found who is a resident thereof and appears to be eighteen years of age or more.

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

(a) on the person appearing on the paper last filed on his behalf at his solicitor wherever such person may be found or, if such person is not found at his office or on the clerk there apparently in charge; or

(b) on the person named as occupier if his address for service wherever such person may be found or, if such person is not found at such address on—

(i) the person there found apparently in charge, if such address is a place of business; or

(ii) any person other than domestic servant there found who is a resident thereof and appears to be eighteen 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 other party; but until such notice is received by the Secretary, his old address for service shall continue to be his address for service.

(4) Where service on one of the foregoing modes has proved impracticable, the Tribunal, on being satisfied, upon an application supported by an affidavit showing what has been done, that all reasonable effort has been made to effect service, may order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules or Civil Procedure Code relating to substituted service which service shall be sufficient, or may dispense with service or notice as the Tribunal may think fit.

Number of
respondents.

46. Two or more candidates may be made respondents to the same petition and their case may for the sake of convenience be tried at the same time, but for all purposes including the taking of security such petition shall be deemed to be a separate petition against each respondent.

47. Where more petitions than one are presented in reaction to the same election or return all such petitions shall be considered and be dealt with as one petition unless the Tribunal shall otherwise direct.

Multiple petition.

48.—(1) Where an election petition complains of the conduct of Resident Electoral Commissioner, Electoral Officer, Presiding Officer or Returning Officer shall for all purposes be deemed to be a respondent but an Electoral Officer, Presiding Officer or Returning Officer shall not be at liberty to give notice that he does not intend to oppose the petition except with the written consent of the Attorney-General of the State concerned and if such consent is withheld the State Government shall indemnify the Electoral Officer, Presiding Officer or Returning Officer against any award of costs made against him by the Tribunal upon the hearing of such petition.

Conduct of Presiding Officer, etc.

(2) Where a Resident Electoral Commissioner, Electoral Officer, a Presiding Officer or Returning Officer is, or is deemed to be a respondent to a petition the Attorney-General of the State concerned (acting in person or through any member of his staff or any legal practitioner nominated by him) shall have the rights to represent the Resident Electoral Commissioner, Electoral Officer, Presiding Officer or Returning Officer.

49. In the absence of express provision for the furnishing of copies of duplicates of documents filed or used in connection with any step taken in the proceedings, the party taking such steps shall unless the Secretary otherwise directs, leave with the Secretary a duplicate of every such document for each other party and three other duplicates.

Duplicate of document.

50.—(1) Non-compliance with any of the provisions of this Schedule or with any rule of practice for the time in force shall not render any proceedings void unless the Tribunal shall so direct but such proceedings may be set aside either wholly or in part as irregular or amended or otherwise dealt with in such manner and upon such terms as the Tribunal shall think fit to ensure substantial justice.

Non-compliance with rules, etc.

(2) No application to set aside any proceedings for irregularity shall be allowed unless made within reasonable time, or if the party applying has taken any fresh step after knowledge of the irregularity.

(3) Where an application is made to set aside proceedings for irregularity, the several objections intended to be insisted upon shall be stated in the notice of motion.

(4) No objection shall be made that a certified copy has been used instead of a duplicate or a duplicate instead of a certified copy.

(5) An election petition shall not be defeated by any objection merely as to any defect in the Form.

51.—(1) Subject to the express provisions of this Decree, the practice and procedure of the Tribunal in relation to an election petition shall be assimilated as nearly as may be to the practice and procedure of the High Court in the exercise of its civil jurisdiction and the Civil Procedure Rules or Civil Procedure Code shall apply with such modifications as may be necessary to render them conveniently applicable as if the petitioner and the respondent were respectively the plaintiff and the defendant in a civil action.

Application of rules of court

(2) Subject to the provisions of this Decree, any appeal to the Court of Appeal shall be determined in accordance with the practice and procedure relating to appeals in civil cases in that Court.

SCHEDULE 7 FORM EC. 4B
NATIONAL ELECTORAL COMMISSION
FORM FOR NOMINATION OF GOVERNOR

TO :

The Resident Electoral Commissioner,

_____ State

_____ Date

I, _____

of _____

_____ (Address)

_____ (Occupation)

hereby state that :

1. I am the candidate to whom this nomination paper relates and that I am willing to stand for election to the office of Governor for the above State.
2. I am a Nigerian citizen of not less than 30 years of age.
3. I have paid my income tax as and when due for the three years immediately the date 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. I am not affected by the provisions of Participation in Politics and Elections (Provisions) Act, as amended or any other laws for the time being in force in Nigeria.

7. My NEC clearance certificate No. is _____
dated _____

or, my pending application No. is _____
date _____

8. I hereby wish to nominate _____

_____ as the Deputy Governor for the purpose of contesting the said election as my running mate.

9. The above nominee for the post of Deputy Governor is not affected by the provisions of Participation in Politics and Elections Provisions Act, as amended or any other laws for the time being in force in Nigeria.

10. His/Her NEC clearance certificate No. is _____

dated _____

or, the No. of His/Her pending application is _____

dated _____

11. In the event of a contested election, my political affiliation and preference of symbol is _____

Signed _____
Candidate for Governor

Signed _____
Candidate for Deputy Governor

12. We, being registered as electors in the above state, do nominate the above candidate.

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of First Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of Second Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of Third Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation.....

Voter Registration Particulars :

Number.....

Local Government.....

Ward.....

Registration Unit.....

Date.....

Signature of Fourth Nominator

Name.....

Address.....

Party Affiliation (if any).....

Occupation.....

Voter Registration Particulars :

Number.....

Local Government.....

Ward.....

Registration Unit.....

Date.....

Signature of Fifth Nominator

Name.....

Address.....

Party Affiliation (if any).....

Occupation.....

Voters Registration Particulars :

Number.....

Local Government _____
Ward _____
Registration Unit _____
Date _____

Signature of Sixth Nominator

Name _____
Address _____
Party Affiliation (if any) _____
Occupation _____

Voter Registration Particulars :

Number _____
Local Government _____
Ward _____
Registration Unit _____
Date _____

Signature of Seventh Nominator

Name _____
Address _____
Party Affiliation (if any) _____
Occupation _____

Voter Registration Particulars :

Number _____
Local Government _____
Ward _____
Registration Unit _____
Date _____

Signature of Eighth Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of Ninth Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of Tenth Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particulars :

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

Signature of Eleventh Nominator

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

Voter Registration Particulars :

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

Signature of Twelfth Nominator

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

Voter Registration Particulars :

Number.....
Local Government.....
Ward.....

Registration Unit

Date

Signature of Thirteenth Nominator

Name

Address

Party Affiliation (if any)

Occupation

Voter Registration Particulars :

Number

Local Government

Ward

Registration Unit

Date

Signature of Fourteenth Nominator

Name

Address

Party Affiliation (if any)

Occupation

Voter Registration Particulars :

Number

Local Government

Ward

Registration Unit

Date

Signature of Fifteenth Nominator

A 424, 1991 No. 50 State Government. (Basic Constitutional and Transitional Provisions)

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of Sixteenth Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signatuur of Seventeenth Nominator

Name _____

Address _____

Party Affiliation (if any) Occupation

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of Eighteenth Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particular :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of Nineteenth Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of Twentieth Nominator

FORM EC. 4E

FORM OF NOMINATION OF MEMBER OF STATE ASSEMBLY
TO

The Electoral Officer,

_____ State Constituency

Date

I, _____

of _____
Address

_____ Occupation

hereby state that:

I am the candidate to whom this nomination paper relates and I am willing to stand for election to the State Assembly as member for the above State Constituency.

(2) I am a Nigerian citizen of not less than 25 years of age.

(3) I have paid my income tax as and when due for the 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 _____

(5) My educational qualifications are : _____

(6) I am not affected by the provisions of Decree 25 of 1987 as amended or any other law from the time being in force in Nigeria.

(7) My NEC clearance certificate number is _____ dated _____ or, the number of my pending application for clearance is _____ dated _____

(8) In the event of contested election, my political affiliation and preference of symbol is _____

Signed

Candidate for the Assembly

(9) We, the undersigned, are the TEN 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 Registration Particulars:

Number.....

Local Government.....

Ward

Registration Unit.....

Date.....

Signature of 1st Nominator

Name

Address

Party affiliation (if any).....

Occupation.....

Voter Registration Particulars :

Number

Local Government.....

Ward.....

Registration Unit

Date.....

.....
Signature of 2nd Nominator

Name

Address

Party Affiliation (if any).....

Occupation.....

Voter Registration Particulars :

Number

Local Government.....

Ward.....

Registration Unit

Date.....

.....
Signature of 3rd Nominator

Name

Address

Party Affiliation (if any).....

Occupation _____

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of 4th Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of 5th Nominator

Name _____

Address _____

Party Affiliation (if any) _____

Occupation _____

Voter Registration Particulars :

Number _____

Local Government _____

Ward _____

Registration Unit _____

Date _____

Signature of 6th Nominator

Name

Address

Party Affiliation (if any)

Occupation

Voter Registration Particulars :

Number

Local Government

Ward

Registration Unit

Date

Signature of 7th Nominator

Name

Address

Party Affiliation (if any)

Occupation

Voter Registration Particulars :

Number

Local Government

Ward

Registration Unit

Date

Signature of 8th Nominator

Name

Address

Party Affiliation (if any)

Occupation

Voter Registration Particulars :

Number

Local Government.....

Ward.....

Registration Unit.....

Date.....

Signature of 9th Nominator

Name.....

Address.....

Party Affiliation (if any).....

Occupation.....

Voter Registration Particulars :

Number.....

Local Government.....

Ward.....

Registration Unit.....

Date.....

Signature of 10th Nominator

FORM EC. 5.

NATIONAL ELECTORAL COMMISSION

To :

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

Take notice a nomination paper received by me on _____
on your favour (has been accepted by me as appearing to be valid) or (has
been rejected by me as appearing to be invalid) upon the following groups :

Dated this _____ day of _____ 19_____

Signed _____

RESIDENT ELECTORAL COMMISSION/ELECTORAL OFFICE
Strike out Wards not Applicable

NATIONAL ELECTORAL COMMISSION. EC. 8A
Statement of Result of Poll
(ELECTION TO THE OFFICE OF GOVERNOR)

POLLING STATION _____ CODE No. _____

WARD _____ L.G.A. _____

No of Voters on the Register in figures : _____

No of Voters on the Register in words : _____

No of Accredited Voters in figures : _____

No of Accredited Voters in words : _____

No of Accredited Voters in the queue to vote in figures : _____

No. of Accredited Voters in the queue to vote in words :

Name of Presiding Officer : Signature

Name of NRC Agent : Signature

Name of SDP Agent : Signature

I, hereby certify :

1. That I was Presiding Officer for the election held on 14th day of December, 1991 at the above polling station.

2. That the election was contested/uncontested.

3. That the candidates received the following votes :

Votes Scored by NRC Candidate in figures :

Votes Scored by NRC Candidate in words :

Votes Scored by SDP Candidate in figures :

Votes Scored by SDP Candidate in words :

Votes Scored by both Candidates in figures :

Votes Scored by both Candidates in words :

Dated this 14th day of December, 1991.

Name of Presiding Officer : Signature Date/Stamp

Name of NRC Agent : Signature

Name of SDP Agent : Signature

EC. 8B

NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULTS FROM POLLING STATIONS
(ELECTION TO THE OFFICE OF GOVERNOR)

State LGA Post Contested _____

Level of Collation : _____

Name of Ward _____ Code Number _____

Polling Stations	Votes Received by the Candidates			
	N R C		S D P	
Code Name No.	Name of Candidate : in figures in words		Name of Candidate : in figures in words	
Total No. of Votes				
No. of Votes b/f				
Total No. of Votes Carried Over				

Note : For final results, see Form EC. 8E

Name of Returning Officer _____ Signature _____ Date /Stamp _____ 1991

Name of NRC Agent _____ Signature _____ Name of SDP Agent _____ Sign. _____

Page _____ LF _____

NATIONAL ELECTORAL COMMISSION
DECLARATION OF RESULTS OF ELECTION
(ELECTION TO THE OFFICE OF GOVERNOR) EC. 8E

PART I

(To be Completed by Returning Officer)

I,hereby certify

1. That I was the Returning Officer/Resident Electoral Commissioner for the State Executive Election held on the 14th day of December, 1991 for.....State.

2. That the election was contested/uncontested.

3. That the candidates received the following votes.

.....
Name of Candidate:.....

Name of Party:.....

Total Votes received in figure:.....

Total Votes received in words:.....

.....
Name of Candidate:.....

Name of Party:.....

Total Votes received in figure:.....

Total Votes received in words:.....

Signature of Returning Officer:.....

PART II

(To be completed by the Chief Electoral Officer of the Federation or any person delegated by him)

That the following was declared elected.

Name of Candidate

Name of Party

Dated thisday of December, 1991.

Signature of Chief Electoral Officer of the Federation.....

EC.8A (1)

NATIONAL ELECTORAL COMMISSION

Statement of Result of Poll

(HOUSE OF ASSEMBLY ELECTION)

Polling Station..... Code No.....

Ward..... Code No.....

Constituency..... Code No.....

Local Govt Area..... Code No.....

Local Govt Area..... Code No.....

No. of Voters on the Register in figures :

.....

.....

No. of Voters on the Register in words :

.....

No. of Accredited Voters in figures :

.....

No. of Accredited Voters in words :

.....

Name of Presiding Officer..... Signature.....

Name of NRC Agent..... Signature.....

Name of SDP Agent..... Signature.....

I, _____ here by certify

1. That I was Presiding Officer for the election held on 14th day of December, 1991 at the above polling station.
2. That the election was contested/uncontested.
3. That the candidates received the following votes.

Votes Scored by NRC Candidate in figures _____

Votes Scored by NRC Candidate in words _____

Votes Scored by SDP Candidate in figures _____

Votes Scored by SDP Candidate in words _____

Votes Scored by both Candidates in figures _____

Votes Scored by both Candidates in words _____

Dates this 14th day of December, 1991.

Name of Presiding Officer _____ Signature _____ Date/Stamp _____

Name of NRC Agent _____ Signature _____

Name of SDP Agent _____ Signature _____

Name of NRC Agent _____ Signature _____

Name of SDP Agent _____ Signature _____

EC.8D (1)
NATIONAL ELECTORAL COMMISSION
SUMMARY OF RESULT FROM POLLING STATIONS
(HOUSE OF ASSEMBLY ELECTION)

State : _____ LGA _____ Post Contested _____

Level of Collation : _____

Name of Ward _____ Code Number _____

Polling Stations	Votes Received by the Candidates			
Code Name No.	NRC Name of Candidate :		SDP Name of Candidate :	
	In figures	In Words	In figures	In words
Total No. of Votes				
No. of Votes B/F				
Total No. of Votes Carried Over				

Note : for Final Results, see From EC. 8E

Name of Returning Officer _____ Signature _____ Date/Stamp _____ 1991
 Name of NRC Agent : _____ Signature _____ Name of SDP Agent _____ Signature _____
 Page _____ LF _____

EC8E(1)

NATIONAL ELECTORAL COMMISSION
DECLARATION OF RESULT OF ELECTION
(HOUSE OF ASSEMBLY ELECTION)

PART 1

(To be completed by Returning Officer)

I, _____ hereby certify

1. That I was Returning Officer/President Electoral Commissioner for the State Executive Election held on the 14th day of December 1991 for _____ State.

2. That the election was contested/uncontested.

3. That the candidates received the following votes.

Name of Candidate : _____

Name of Party : _____

Total Votes received in figure : _____

Total Votes received in words _____

Name of Candidate : _____

Name of Party : _____

Total Votes received in figure : _____

Total Votes received in words : _____

Signature of Returning Officer : _____

PART II

(To be completed by the Chief Electoral Officer of the Federation or any person delegated by him)

That the following was declared elected.

Name of Candidate : _____

Name of Party : _____

Dated this _____ day of December, 1991,

Signature of Chief Electoral Officer of the Federation _____

NATIONAL ELECTORAL COMMISSION
Statement of Result of Poll
(ELECTION TO THE OFFICE OF GOVERNOR)

Polling Station _____ Code No. _____

Ward : _____ L.G.A. _____

No. of Voters on the Register in figures : _____

No. of Voters on the Register in words : _____

No. of Accredited Voters in figures : _____

No. of Accredited Voters in words : _____

No. of Accredited Voters in the queue to vote in figures : _____

A 446 1991 No. 50 State Government (Basic Constitutional and Transitional Provisions)

No. of Accredited Voters in the queue to vote in words :

Name of Presiding Officer : Signature

Name of NRC Agent : Signature

Name of SDP Agent : Signature

I, hereby certify :

1. That I was Presiding Officer for the election held on 14th day of December at the above polling station.

2. That the election was contested/uncontested.

3. That the candidates received the following votes :

Votes Scored by NRC Candidate in figures :

Votes Scored by NRC Candidate in words :

Votes Scored by SDP Candidate in figures :

Votes Scored by SDP Candidate in words :

Votes Scored by both Candidates in figures :

Votes Scored by both Candidates in words:

Dated this day of Decmbere, 1991

Name of Presiding Officer : Signature Date/Stamp

Name of NRC Agent : Signature

Name of SDP Agent : Signature

PART II

(To be completed by the Chief Electoral Officer of the Federation or any person delegated by him)

That the following was declared elected.

Name of Candidate

Name of Party

Dated this day of December, 1991

Signature of Chief Electoral Officer of the Federation

FORM EC. 9

STATE GOVERNMENT (BASIC CONSTITUTIONAL AND
TRANSITIONAL PROVISIONS)

DECREE 1991

IN THE GOVERNORSHIP AND LEGISLATIVE HOUSES
ELECTION TRIBUNAL

RECEIPT OF PETITION

Received on the day
of 19..... at the Registry of the Secretary, the
Governorship and Legislative Houses Election Tribunal, a petition touching
the election of a member of the Houses
of Assembly for the Constituency purporting to be
signed by (insert name of petitioner)

.....
Secretary

FROM FC. 8E

NATIONAL ELECTORAL COMMISSION
DECLARATION OF RESULT OF ELECTION
(ELECTION TO THE OFFICE OF GOVERNOR)

PART I
(To be Completed by Returning Officer)

I,herein certify

1. That I was Returning Officer/Result Electoral Commissioner for the State Executive Election held on the 14th day of December, 1991 for

.....State.

2. That the election was contested/uncontested.

3. That the candidates received the following votes.

.....
Name of Candidate

Name of Party

Total Votes received in figure

.....
Total Votes received in words

.....
Name of Candidate

Name of Party

Total Votes received in figure

.....
Total Votes received in words

.....
Signature of Returning Officer