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ENUGU STATE NOTICE NO 2

PUBLIC NOTICE

The following is published as a supplement to the Gazette.

E.S.L.N. No 2 of 2023 - Enugu State Independent Electoral Commission (ENSIEC) Guidelines for Local Government Council Elections Scheduled For The 5th October, 2024

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PUBLIC NOTICE

ENUGU STATE INDEPENDENT ELECTORAL COMMISSION (ENSIEC) GUIDELINES FOR LOCAL GOVERNMENT COUNCIL ELECTIONS SCHEDULED FOR THE 5TH OF OCTOBER 2024

The following guidelines are to be adhered to by all Political Parties intending to field candidates for the forthcoming elections into the 17 Local Government Councils in Enugu State scheduled to hold on 5th of October, 2024.

1. Collection and Return of Forms

Political Parties are to obtain Nomination Forms ENSIEC 7 and ENSIEC 7 A for Chairmanship and Councillorship Election respectively from 16th - 23rd August, 2024.

Nomination forms shall be completed and returned on or before 25th - 30th August 2024 by all political parties.

2. Each Candidate is required to attach the following: (Photocopies)

- (I) Birth Certificate
- (ii) Party Membership Card
- (iii) Permanent Voters' Card
- (iv) Academic Qualifications
- (v) Local Government Letter of Identification
- (vi) 3 year Tax Clearance Certificate paid as and at when due preceding the Local Government Election.
- (vii) Minimum Educational qualification is School Certificate (WASC) or its equivalent for Chairmanship and Councillorship.

3. Checking of Candidates Credentials shall be at the Local Government Headquarters for the Councillors, and Chairmanship at the ENSIEC headquarters at NO.3 Achi Street Independence Layout Enugu. From 1st - 6th Sept.

- (a) No Political Party shall be allowed to change or substitute its Candidate whose name has been submitted and cleared by the Commission except in the case of death or withdrawal by the Candidate.
- (b) Each Political Party shall conduct primaries for the Candidates for the Chairmanship and Councillorship Elections and shall forward the time table of their primaries to ENSIBC. No two or more Political Parties shall be allowed to hold primaries in one arena on the same day. The Party primaries shall be monitored by ENSIC officials. Every political

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party shall inform ENSIEC, of the venue/time of their primaries two weeks before the primary in writing. There must be a police permit for the primary which ENSIEC official(s) shall sight.

- © The Commission shall have the power to withdraw the clearance given to any candidate to contest the Election at any time before the date of the Election, if the Commission finds satisfactory evidence that the candidate violated any of the Electoral regulations and the candidate whose clearance is withdrawn shall be disqualified from contesting the election.
- (d) Where the clearance of the candidate is withdrawn, the decision shall be communicated to the candidate and the party that sponsored him by notice in writing or radio announcement or in any other manner that the fact may become known to the candidate or the party that sponsored him.

4. Qualification of Chairman:

A person shall be qualified for election to the Office of Chairman if:

- (a) He is a citizen of Nigeria
- (b) He has attained the age of 30 years and above
- © He has been educated up to at least the School Certificate level (WASC) or its equivalent.

5. Disqualification:

A person shall not be qualified for election to the office of the Chairman if:

- (a) Subject to the provisions of the Constitution, he has voluntarily acquired the citizenship of a country other than Nigeria or except in such cases as may be prescribed by the National Assembly, as the case may be, he has made a declaration of allegiance to such a country.
- (b) Under any law in force in any part of Nigeria, he is adjudged to be a lunatic or otherwise declared to be of unsound mind.
- © He is under a sentence of death imposed on him by any court or a sentence of imprisonment for an offence involving dishonesty (by whatever name called) imposed on him by such a court or substituted by a competent authority for any other sentence imposed on him by such court.
- (d) He had been convicted and sentenced by a court of law or tribunal established by a law for an offence involving dishonesty within the past ten years or he has been found guilty of a contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Act.
- (e) He is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under a law in force in any part of Nigeria.

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- (f) He is a person employed in the Public Service of the Federation or any State, Local Government and has not resigned, withdrawn or retired from such employment thirty days before the date of election.
- (g) He has been indicted for embezzlement of fund by a Judicial Commission of Inquiry or an Administrative Panel of Inquiry under a Tribunal of Inquiry Law or any other law by the Federal and or State Government which Indictment has been accepted by Federal or State Government, respectively.
- (h) He has presented a forged certificate to the Commission.
- (I) He is a member of any secret society or.
- (j) He has been elected to such office at two previous elections
- (k) Where in respect of any person who has been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment or adjudged or declared bankrupt, an appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria subsection (4) of this section shall not apply during a period, beginning from the date when the appeal is finally determined or, as the case may be, the appeal lapsed or abandoned, whichever is earlier, and for the purpose of this subsection, and "appeal" includes any application for an injunction or an order of certiorari mandamus prohibition or habeas corpus any appeal from any such application.
- (I) A Chairman shall not hold any other executive office or paid employment whatsoever, during his tenure office.

6. Election of Chairman and Council Members:

- I. An election to the office of the Chairman and members of the Local Government Council shall be held on a date appointed by the Commission.
- ii. A candidate for an election to the office of Chairman shall be deemed to have been duly elected where there being two or more candidates, he has the highest number of the votes cast at the election and he has not less than one. quarter of all the votes cast in each of at least, two thirds of all the wards in the Local Government Area.

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- iii. In default of a candidate being duly elected in accordance with the forgoing sections, there shall be a second election in accordance with Local Government Laws of Enugu State 2004.

7. Nomination and Election of Vice Chairman

- (I) In any election to which section (9) of this Law relates, a candidate for the Office of Chairman shall not be deemed to have been validly nominated for such office, unless he nominated another candidate as his associate for his running for the Office of Chairman, who is to occupy the Office of Vice- Chairman and that candidate shall be deemed to have been duly elected to the Office of Vice-Chairman if the candidate who nominated him is elected as Chairman in accordance with the said provisions.
- (ii) The provisions of the part of this Law relating to qualification for election, tenure of office, declaration of assets and liabilities and Oaths of Chairman shall apply in relation to the office of the Vice-Chairman as if reference to Chairman were reference to Vice-Chairman.

8. Qualification for Councillors

Subject to the provision of section 22 of Local Government law of Enugu State a person shall be qualified for election as a Councillor if he:

- (a) Is a citizen of Nigeria
- (b) Has attained the age of 25 years and above
- © Has been educated up to at least School Certificate level or its equivalent.

9. Disqualification for Councillors:

- (1) No person shall be qualified for an election as a councillor if:
 - (a) He has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be presented by this Law, has made declaration of allegiance to such a country.
 - (b) Under any law in force in any part of the Federation; he is adjudged to be a lunatic or otherwise declared to be of unsound mind.
 - © He is under a sentence of death imposed on him by any court of Law in Nigeria or a sentence of imprisonment or fine for any offence involving dishonesty or fraud (by whatever name called) imposed on him by such a court or substituted by a competent authority for any other sentence imposed on him.

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- (d) He has been convicted and sentenced by any court of law or tribunal established by law for an offence involving dishonesty or he has been found guilty of or contravention of the Code of Conduct under the Code of Conduct Bureau and Tribunal Act.
 - (e) He is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under a law in force in any part of the Federation.
 - (f) He is convicted for being a member of a secret society.
 - (g) He is a person employed in the public service of the Federation or any State, Local Government and he has not resigned, withdrawn or retired from such employment 30 days before the date of the election.
- (2) Where in respect of any person who has been adjudged, to be a lunatic; declared to be of unsound mind; sentenced to death or imprisonment or adjudged or declared bankrupt, an Appeal against the decision is pending in any court of law in accordance with any law in force in Nigeria, subsection (1) of this section shall not apply during a period beginning from the date when such appeal is lodged and ending on the date when the appeal is finally determined or, as the case may be the appeal lapses or is abandoned, whichever is earlier.
- (3) For the purposes of subsection (2) of this section, an "appeal" includes any application for an injunction or an order of certiorari, mandamus, prohibition or habeas corpus, or any appeal from any such application.
10. A person shall not be qualified as a candidate to contest any Local Government Election unless:
- a) He is sponsored by a registered political party.
 - b) He is ordinarily resident in the ward or the Local Government Area or an indigence there.
 - c) He is not otherwise disqualified from holding public office under the Local Government Law of Enugu State or any other enactment.
 - d) He produces evidence of tax clearance as and at when due for a period of three years immediately preceding the year of the election.

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- e) In the case of a Councillor, he has been nominated by ten registered voters in his ward or constituency and in the case of a Chairman, he has been nominated by 20 registered voters coming from at least two-thirds of all the wards in the Local Government Area.
11. Where a person seeking to contest as a candidate is involved in a case that may lead to his being banned from participation in politics and the case is pending before a court or Tribunal, he may stand as a candidate in an election pending the determination of the case, but if he is found guilty by the court or Tribunal as the case may be, he shall cease to be a Councillor or Chairman, as the case may be.
- (I) Voting shall be open secret ballot and in accordance with procedures set out in the Electoral law and in schedule Five of the Law
 - (ii) Subject to the provisions of this Law, voting for a particular election shall take place on the same day and at the same time throughout the State.
 - (iii) The Local Government Area Returning Officer shall take delivery of FORM ENSIEC 8A and 8B from the Ward Returning Officers and collate results into FORM ENSIEC 8C and 8E.
12. **The Ward Returning Officer shall:**
- (a) Take delivery of FORM ENSIEC 8A (1) from the Presiding Officers.
 - (b) Collate the votes entered in FORM ENSIEC 8A(1) using ENSIEC 8B(1) and get the party agents to sign notwithstanding failure to sign by the candidate or his agent does not invalidate the result of the election.
 - © Complete FORM ENSIEC 8E (1) and declare the 'candidate that had the highest number of votes from ENSIEC 8B(1) the winner, and give a copy of ENSIEC &E (1) to the candidate or his agent, provided that where there is likelihood of disorder, the Ward Returning Officer shall not be compelled to announce the result at the spot but send same to the Local Government Headquarters for the result to be announced.
 - (d) Dispute arising from the elections shall be resolved through an election petition brought before an Election Tribunal, which shall be duly established for the purpose.

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13. Political Party Campaigns:

Electioneering campaigns shall start on 14th Sept 2024 and end by 6:00pm on the 4th Oct 2024

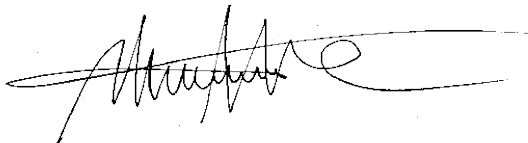
- 1) Abuse and inciting words shall not be used.
- 2) Campaigns shall be limited to ward or council area in which a candidate is contesting the election.
- 3) Campaigns or addresses shall not be based on sectional, ethnic or religious sentiments.
- 4) Campaigns and addresses shall not be carried out in schools, Churches, mosques, Military or police barracks or stations.
- 5) Political Parties rallies must not extend beyond 6pm on any day within the specified period.
- 6) Each candidate for the Local Government Council Elections shall show certificate of participation in ENSIEC workshop on Electoral process and Violence Free Local Government Council Elections.
7. All candidates for the election shall depose to a sworn declaration against violence and other electoral malpractice.

**ELECTIONS IN ENUGU STATE
5TH OCTOBER, 2024
ACTIVITIES AND AMENDED TIME-TABLE**

1. Public Notice announcing the Chairmanship and Councilorship Elections in all the Local Government Councils in Enugu State.
2. **3rd - 14th June, 2024**
Call for Political parties to submit information on conduct of party primaries specifying the time, venue and day of party primaries.
3. **1st - 12th August, 2024**
Conduct of Party Primaries including resolution of disputes arising from the primaries.
4. **16th- 23rd August, 2024**
Political parties are to obtain nomination forms, ENSIEC 7 and Councilorship elections respectively on 16th - 23rd August, 2024.

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- 5. 25th - 30th August, 2024**
List of candidates nominated by political parties shall be forwarded to the headquarters of Enugu State Independent Electoral Commission, No. 3 Achi Street, Independence Layout, Enugu.
- 6. 1st - 6th September, 2024**
Checking of candidates credentials, Councillorship candidates shall be checked at various Local Government Headquarters while Chairmanship candidates shall be checked at Enugu State Independence Electoral Commission, No. 3 Achi Street, Independence Layout, Enugu.
- 7. 9th - 11th September, 2024**
Return of lists of qualified and unqualified candidates on forms ENSIEC 3 and ENSIEC 4 for Chairmanship and Councillorship elections respectively to political parties.
- 8. 12th - 13th September, 2024**
 - a. Replacement of unqualified candidates by the affected political parties.
 - b. Names of two party agents with passport photographs attached to each polling unit shall be forwarded to Enugu State Independence Commission, No. 3 Achi Street, Independence Layout, Enugu by political parties. Parties shall endorse the passport photographs.
- 9. 14th September - 4th October, 2024**
Campaign kickoff - Candidates and their parties shall campaign for the election in such manner and in accordance with such guidelines as may be determined, from time to time, by the Commission.
- 10. 5th October, 2024**
Voters' accreditation and voting by open secret Ballot System in the hours of 8.00am and 3.00pm.
- 11. 12th October, 2024**
Chairmanship and/or Councillorship run-off election if need be.



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