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## LOCAL GOVERNMENT ELECTIONS IN NIGERIA: A CASE OF INEC AND SIEC AND THE NEED FOR CREDIBLE AND TRANSPARENT ELECTIONS

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**Abstract:** Many state governments have resorted to "caretaker committees" instead of allowing their State Independent Electoral Commissions (SIECs) to hold elections when they are scheduled. It has been known that the party in charge of a state apparatus has won elections in those cases. The primary aim of this research is to evaluate the influence of local government elections on Nigeria's political evolution. Among the specific goals are evaluating the function of state political executives in deciding local government representation in Nigeria and evaluating the actions of SIECs in overseeing local government elections.

This paper analyzes Nigerian local government polls using a comparative/case study methodology. Geopolitical considerations are used to discuss this. Using a scientific research methodology, the study included both qualitative and quantitative data. Primary and secondary data were gathered through observation and interview techniques, as well as from newspaper publications and other official records related to elections and offices. Among the study's conclusions are that SIECs are merely independent in name and not in reality, and that many state governments in Nigeria do not give local government elections a high priority in their state's political landscape out of concern for their political rivals. The study suggests, among other things, that Nigeria should follow the Third Republic's system, which gave the EMB the authority to hold elections at all levels of government, and that local elections in Nigeria should be integrated into the nation's electoral process in all its implications.

**Keywords:** local government, election, Nigeria, independent national electoral commission (INEC), state independent electoral commission (SIEC), credibility and transparency.

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### Introduction

Because Nigeria lacks a fully representative system of government, local governments have struggled to implement good governance based on accountability and openness. Local communities have been denied the opportunity to democratically choose their representatives into local government councils in free, fair and credible elections from independence till date. The majority of local council elections since the 1950s, when they were initially held in a few Eastern Nigerian local governments, cannot be considered credible. Because state governors exploit the incumbency factor to manipulate elections in favor of their favored candidates, the majority of elections equate to the "selection" and "appointment" of local legislators. In rare instances, opposition parties acquire control of local councils; in these cases, the councils are dissolved and replaced with caretaker committees, which are frequently composed of supporters of the ruling party. The primary cause of this trend is that, in the event of gubernatorial elections, whomever controls the local councils will undoubtedly win control of the state or regional administration. Therefore, local government power has always been seen as crucial by Nigerian

politics. This explains why Dr. Azikiwe, Chief Awolowo, and Sir Ahmadu Bello, the premiers of the Eastern, Western, and Northern Regions, respectively, also served as local government ministers in their respective regions before independence.

In the late colonial era, local council elections were first held. Following World War II, the elections were organized in an effort to stem the rising tide of anti-colonial nationalism. The colonial authority in both the Eastern and Western areas was compelled to start the process of transitioning to a representative system in the early 1950s because educated elites generally agreed that the local government system needed to be democratized. The colonial government set up a number of commissions at this time to implement reforms that would improve the representation of the local community in the general management of local affairs. A Select Committee of the Eastern Regional House of Assembly members was established in 1948 to examine a memorandum on the topic written by Brigadier E.J. Gibbons, a Senior Resident in the Eastern Provinces. This was the first step in this direction. As a result, the Local Government Law of 1950 was enacted.



According to the colonial government, the Local Government Law of 1950 was designed to address a significant flaw in native administration, specifically the underrepresentation of the educated elites on local councils. Therefore, a crucial feature of this Law was the legal need that the Instrument creating a council should indicate the time of election to the council and the quantity of elective members. Elections are now legally required to choose council members as a result of the reform. It established three fundamental forms of government, each independent of the others: county, district, and municipal councils. However, there was no change in representativeness over the first five years of the reform. Dr. Azikiwe, the Premier of the Eastern Region, was unable to guarantee the implementation of universal adult suffrage in a single metropolitan district as a pilot program until after 1955 (Gboyega 36: 1987).

The Eastern Region served as a model for local government reform in the Western Region. Divisional, district, and local councils are the three fundamental forms of councils established by the Local Government Law of 1952. Each Council was established by a document that outlined its composition and set the election time. The Councils served three-year terms. A president who served as the paramount chief of the region oversaw the divisional council; in the absence of such a leader, the position was alternately held by the acknowledged traditional leaders of the community. Other traditional members, some of whom were elected for a three-year term and others who were permanent, were also part of the councils' membership. Five years after this reform was implemented, in 1957, it became evident that the Action Group (AG)-controlled regional administration was interfering politically, preventing the liberal representative local government system from functioning as expected.

In a similar vein, the Northern Region's Native Authority Law of 1954 had no significant impact on the local government structure. The use of power by traditional leaders in local governments increased even more. A strong group of traditional leaders formed up the Executive Council of the regional government, and the Northern People's Congress (NPC), the major party in the area, was essentially composed of the nobility. Therefore, a comprehensive restructuring of local government based on public participation was not attempted by the Native Authority Law of 1954. As a result, Nigerian local governments were everything but representational by January 1966, when the military seized control.

Before the military transferred control to a civilian administration in 1979, attempts were made to democratize the local government system. With a democratically elected council, local government was acknowledged as the third level of government in the Second Republic's 1979 Constitution. According to the constitution's Section 7, (1):

"the system of local government by democratically elected local government councils is under this constitution guaranteed; and accordingly, the Government of every state shall ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of local councils"

Many local councils were disbanded on thin pretexts and replaced with Management Committees as a result of the 1979 Constitution's decision to place local councils under state government supervision. This typically occurred when an opposing party controlled the local council or when the council

refused to follow the state government's lead. Additionally, the number of municipal administrations spread around the nation. Instead of a sincere intention to further democratic governance, local governments were typically established to appease self-serving political interests. There was not a single election to local councils nationwide throughout the Second Republic, which lasted from 1979 to 1983.

## STATEMENT OF PROBLEM

In the past, Nigeria was a unitary state. This period spanned January 1900 to 1954, when the nation transitioned to a federal system of government and was formally colonized. Although there had previously been native councils and native courts in the country's north, Nigeria first saw a decentralized system of government in 1939 under the leadership of Sir Bernard Bourdillon, who was the colonial governor-general at the time. This was done to supervise the operation of the "indirect rule system" in that region of the nation, which used traditional leaders to act as a bridge between the colonial government and their subjects. Following that, his government separated the nation into three administrative divisions, which are as follows: North, East and West. According to Nicolson (1979), this:

In addition to being an acknowledgment of the social divide between the Ibo, who made up the majority in the East, and the Yoruba, who made up the majority in the West, Step had the benefit of administrative convenience. (page 246)

The administrative divisions established under Sir Bernard Bourdillon's rule were later incorporated into the "Richard Constitution of 1946," which was named for Sir Arthur Richard, the nation's governor general at the time.

The three administrative divisions established by Sir Bernard Bourdillon's government were transformed into political divisions under the Richard Constitution of 1946. By establishing three Regional Assemblies, it achieved this. This was the Constitution's most important innovation. Sir Arthur Richard introduced the concept of federalism into the nation's constitutional history by dividing the country into three political units, or regions.

Native Authorities were acknowledged as a level of administration in Nigeria after the country's 1954 adoption of a federal system. Nonetheless, each regional parliament and government had authority over them. In actuality, the different constitutions Nigeria had throughout the colonial era did not provide them any particular (official) duties. This pattern persisted until 1976, when General Olusegun Obasanjo's military administration started "Local Government Reform." The country's local government administration was transformed by the reform, which also gave it official legitimacy as the third level of government. "The reform aimed to address the role and content of the local government system, which up until now only functioned as an extension and appendage of the existing local government." Otoghagu

Some of the major features of the 1976 Local Reforms include the following:

1. The establishment of additional local government areas (LGAs) in Nigeria, subject to the requirement that any local government establish subordinate local councils that are dependent on the parent LGA for staff, funding, and authority.

2. The implementation of the elective concept in the nation's local government administration. According to this analysis, this reform is the most noteworthy.
3. Both the federal and local government councils were to provide funding for local governments.
4. Traditional leaders are not included in the management of local government councils. Under the new regime, they were to serve in advising and consultative capacities. The creation of "traditional councils," which were empowered to handle all chieftaincy traditional and cultural issues within an LGA, was another provision of the reform (Otohagwa 2009:114).

Although local government administration in the nation was officially recognized by the constitutions of 1979 and 1999, the current structure is based on the 1976 reform. Additionally, they have provided a precise definition of the composition and duties of local government councils. However, the part about the nation's local government polls (an electoral system) is of importance to this study.

## SCOPE AND PURPOSE OF STUDY

In order to give a suitable solution to the nation's electoral issues, it is necessary to critically evaluate the role INEC performed at the state and federal levels in the 1999, 2003, and 2007 elections.

- To assess INEC as an organization in light of its accountability, independence, impartiality, and transparency.
- To investigate Nigeria's electoral processes' institutional shortcomings and the electoral law framework in relation to INEC
- To prove that the organization in charge of overseeing election administration plays a crucial part in the expansion and advancement of the country's democracy.
- To make suggestions on how INEC can hold credible and transparent elections in order to enhance Nigeria's political stability and good governance.
- To provide a guide for INEC or any other future electoral body.

## OBJECTIVES OF THE STUDY:

- To identify the role of political executives of a state in the determination of representation at the local government level in Nigeria
- To examine the activities of SIECs in the management of local government polls in Nigeria
- To investigate the imperatives of local government elections on the political well-being of Nigeria

## RESEARCH QUESTIONS,

The study is guided by the following research questions:

- What is the role of political executives of a state in the determination of representation at the local government level in Nigeria?
- To what extent are the activities of SIECs in the management of local government polls in Nigeria?
- How are the imperatives of local government elections on the political well-being of Nigeria?

## OPERATIONAL DEFINITION OF TERMS:

### LOCAL GOVERNMENT:

Local government refers to the lowest level of government within a country, responsible for managing public affairs within a specific geographic area, like a city, town, or county. It's the government closest to citizens, overseeing services and regulations within its jurisdiction.

### ELECTION:

Elections are the process through which citizens choose who will represent them in government or what will be done about a particular issue. Citizens participate in elections by voting.

### INDEPENDENT NATIONAL ELECTORAL COMMISSION:

INEC stands for the Independent National Electoral Commission, the body responsible for organizing and overseeing elections in Nigeria. It was established under the 1999 Nigerian Constitution to ensure fair and transparent electoral processes.

INEC's primary functions include:

- **Organizing and supervising elections:**

This encompasses elections for the President and Vice President, Governors and Deputy Governors, Senators, House of Representatives members, and State House of Assembly members.

- **Registering political parties:**

INEC ensures that political parties meet the requirements outlined in the constitution and relevant legislation.

- **Monitoring political parties:**

This includes oversight of their finances, conventions, congresses, and party primaries.

- **Auditing party finances:**

INEC arranges for the annual examination and auditing of political party funds, with reports made public.

- **Ensuring transparency:**

INEC uses platforms like the online portal to publicly display election results, promoting transparency and trust in the electoral process.

INEC is a permanent body composed of a Chairman and 12 National Commissioners. The commission is responsible for the smooth and lawful conduct of elections, playing a vital role in Nigeria's democratic system.

### STATE INDEPENDENT ELECTORAL COMMISSION:

SIEC stands for State Independent Electoral Commission. These bodies are responsible for organizing and conducting local government elections within each state. They are established by the 1999 Constitution. INEC (Independent National Electoral Commission) is responsible for federal and state elections, while SIECs handle local government elections.

### CREDIBILITY:

Credibility is said to be the most important aspect of any system when it comes to being honest while assigning assignments. Credibility in risk assessment instruments is equivalent to

competence and reliability. A credible tool should have the following qualities: a) the ability to recognize risk, b) the reliability to handle common risk variables, and c) the flexibility to handle a variety of risk situations in the workplace.

## TRANSPARENCY:

The legal, political, and institutional frameworks that provide actors inside and outside of the domestic political system with access to information about the internal workings of a government and society are collectively referred to as transparency. Any system that results in information being made public, such as a free press, open government, hearings, or the presence of nongovernmental organizations having an interest in disseminating unbiased information about the government, increases transparency.

## NIGERIA:

**Nigeria** is a country located on the western coast of Africa that has a diverse geography, with climates ranging from arid to humid equatorial.

Nigeria, the most populous Black nation in the world, is situated between Benin and Cameroon on Africa's west coast and borders the North Atlantic Ocean. The total area of Nigeria is 356,668 square miles (923,7770 square kilometers). It is roughly the same size as Nevada, Utah, and California put together. Nigeria's population and culture are diverse. The country's history began in 500 BC, when the Nok people lived there. European traders and explorers started a profitable slave trade with the Yoruba and Benin peoples at the end of the 15th century. The British colonized Lagos in 1861, and the entire nation became the Colony and Protectorate of Nigeria in 1914. In 1960, Nigeria gained its independence.

## REVIEW OF RELATED LITERATURE

### CONCEPTUAL CLARIFICATIONS

A number of concepts that are considered germane to this study are to be examined in this section. They include the following:

1. Local government.
2. Election.
3. Electoral Commission or State Independent Electoral Commission (SIEC).

### LOCAL GOVERNMENT

In Nigeria, local government is considered a level of governance. Nigeria has three levels of government: municipal, state, and federal. The Federal Republic of Nigeria's 1999 Constitution, Section 7, provides a legal foundation for the local government system. The Section stipulates that:

This constitution guarantees the existence of democratically elected local government councils as the system of local government. Accordingly, each state's government must, subject to section 8, ensure the existence of these councils by enacting legislation that addresses their formation, composition, structure, funding, and operations. (Nigerian Federal Republic, 1999:5)

McLean and McMillan (2009:213) define local government as 'a governing institution which has authority over a sub-national territorially defined area; in federal systems, a sub-state territorially

defined area'. The authors added that local government authority springs from its elected basis.

According to Appadorai (2004:7), local government is run by elected bodies tasked with carrying out executive and administrative functions pertaining to the residents of a region, district, or location.

The International Union of Local Government Authorities (IULA) defines local government as:

The legally stated rights and responsibilities of that level of government to control and oversee public affairs are exclusively in the best interests of the local populace. Individuals who are freely elected or appointed with the full participation of the elected body will be able to execute these rights and responsibilities. (quoted in Uga & Bello-Imam 2004:7)

All of the aforementioned definitions of local government share the view that the government is an elected institution. As a result, this disproves Nigeria's present caretaker system.

The necessity of a government system in any location is Egonmwan's (1990) primary contribution to the discussion of the literature definition of local government. He asserts that the following factors make local government crucial:

1. Many facilities and services are better served locally rather than centrally, particularly in situations when there are numerous demands on the populace and the central government's resources cannot meet them all.
2. Since the Central Government is typically far from the local community, it is unrealistic to expect it to understand the specific desires of the numerous communities that exist across the nation. Egonmwan believes that local governance is the best way to address this issue.
3. Traditions and practices, as well as possibly languages, vary throughout towns and areas. Local government is better suited to protect these traditions and customs.
4. Local governments encourage healthy competition among population units, which makes them envious of one another's standards and motivated to raise their own.
5. The local government offers a safe and tranquil environment for each member of the community to seek their own happiness and prosperity.
6. Local governments provide services that people in the community desire and are willing to pay for, but as private citizens, they are unable to purchase or supply for themselves, such as water supplies and roads (Egonmwan 1990:41–42).

According to this study, the successful fulfillment of local government's legislative obligations is the only way to make its significance a reality. For example, the primary duties of a local government council in Nigeria are outlined in the Fourth Schedule of the Federal Republic of Nigeria's 1999 Constitution. However, it is essential to note that a local government council can only carry out its duties in an environment that is favorable, which can only be ensured by its independence.

## ELECTION

Poll and election have the same meaning. This explains why in political discourse, they are frequently used interchangeably. The process of choosing public servants to serve in the various decision-making tiers is known as election. Since any error on the part of any electoral stakeholder might undermine all subsequent efforts, it is the most important step in the "electoral processes."

Scholars from a wide range of backgrounds and ages have offered numerous explanations of the concept of elections. It is impossible to give them all fair treatment in this book; instead, the idea will be discussed in relation to a select handful of these perspectives.

Elections are "the processes through which leaders are appointed to and/or selected for an office," according to Yakub (2010:33). He warns that the original and literal meanings of the terms "appointed" and "selected" should not be interpreted as compromising the freedom of the people to express their will. The process that creates public office holders is more significant. Regarding this, he believes that the most important component of reliable polls is the presence of an impartial election management body (EMB). It should be highlighted, nevertheless, that Yaquob's notion of election is not limited to party politics, which is the exclusive avenue by which candidates can run for public office in a modern democracy. Rather, it defines the idea broadly, meaning that an election has occurred whenever the leadership of a company or organization is decided by a vote or a show of hands.

Elections are "the process of selecting one or more for an office, public or private, from a wider field of candidates," according to Dumoye (2010:1). Once more, Dunmoye's definition of election has a flaw in that it does not link party politics to elections. Additionally, while voting is not a work that belongs to everyone in a society, the definition portrays elections as a habit that can be completed by everyone. Instead, a person must fulfill specific qualifications before being permitted to take part in an election process.

According to this study, any definition of an election in a political context needs to relate it to party politics. This can be found in Harris's (1979) definition. He describes an election as "an occasion that allows political parties to present their platforms and candidates to eligible voters" (1979:327). In addition to tying elections to party politics, this definition stipulates that a person must meet specific requirements in order to participate in the electoral process—in this example, voting. However, the question that is brought up is what would happen if a nation adopted a "zero party system," which is a system in which political parties do not exist and candidates are chosen solely on the basis of their qualifications. Or what happens when a nation's constitution permits "independent candidates" to run in its elections, as was the case in Nigeria during the First Republic? Is it possible to say that an election was held? This study's stance on these matters is that, once a state's electoral law or constitution has established the parameters of its electoral process, there is no need to argue that any definition of election must be related to party politics. More significantly, however, elections are the only way to create a new group of ruling elites in every given community. This viewpoint is consistent with that of Boynton (2001), who emphasizes the significance of elections in all democracies and asserts that:

Some people are elected to government, while others advance through the military or civilian bureaucracy. Legislators differ from the majority of other members of a country's political elite due to the fact that they are chosen through an election process, which makes it a unique path into the political elite. (page 280)

However, in a liberal democracy, the legislature alone does not hold the aforementioned view. Other institutions are included. Additionally, it encompasses the executive branch at all governmental levels, including local government councils. Elections are important because, under normal circumstances, they result in "responsive and responsible government." Additionally, it communicates people's desires to the government at a higher level. For example, a government's unpopular policies may cause the electorate to vote against it.

## ELECTORAL COMMISSION OR STATE INDEPENDENT ELECTORAL COMMISSION

The entity tasked with planning and carrying out elections in a state is the Electoral Commission. They are typically formed by the nation's executive head in the majority of nations.

McLean and McMillan (2009) explain an electoral commission as:

A non-partisan body which determines election procedures and district boundaries and oversees the conduct of elections. (p. 165)

An electoral commission's primary responsibilities in any country are explained in the definition above. More significantly, though, it describes it as an apolitical organization. Major electoral stakeholders must not criticize its neutrality on any basis. The election it conducts will become less credible if the contrary is true.

The name of the Electoral Commission typically varies depending on the political system. It is currently known as the "Independent National Electoral Commission" (INEC) at the federal level in Nigeria, while the "State Independent Electoral Commission" is the name at the state level. This demonstrates that Nigeria has a commission system with two elections. In Zimbabwe, the "Zimbabwe Electoral Commission" (ZEC) is the organization that plans and runs elections. Whatever its name, electoral commissions serve the same purposes in all democratic systems. However, depending on the climate, these functions may vary in size. But in essence, organizing and running elections continues to be their primary responsibility. Regarding Nigeria, INEC's authority is outlined in Section 15 of the Federal Republic of Nigeria's 1999 Constitution's Third Schedule. This study is interested on Section 15(a), which states that INEC will have the authority to:

Organize, conduct, and oversee all elections for the Senate, House of Representatives, and House of Assembly seats in each State of the Federation, as well as for the positions of President and Vice-President, Governor, and Deputy Governor. (Nigerian Federal Republic, 1999:143)

This authority does not include the ability to hold national elections for local government bodies. The Constitution specifically gives the "State Independent Electoral Commission," another EMB, this authority.

Section 3 Part II of the Third Schedule of the 1999 Constitution of the Federal Republic of Nigeria makes provision for the establishment of SIEC. Section 4 of the constitution defines the powers of the EMB as:

1. To organise, undertake and supervise all elections to local government councils within the state
2. To render such advice as it may consider necessary to the INEC on the compilation of and the register of voters in so far as that register is applicable to local government elections in the state (Federal Republic of Nigeria 1999:148).

The aforementioned clauses make clear that SIEC's exclusive responsibility is to plan and carry out local government council elections. This is in contrast to INEC, which is in charge of planning and carrying out national and state elections. However, because SIEC continues to use the voter record that INEC generated, it continues to be the better EMB. However, in terms of operations, it has no regulatory authority over SIEC. This suggests that they all have a great deal of independence. Additionally, Section 154 of the Federal Republic of Nigeria's 1999 Constitution grants the federal government the authority to determine INEC's membership, while Section 3 of Part II of the same constitution grants state governors the same authority to determine SIEC's membership. SIEC is formed of "a chairman; and not less than five but not more than seven other persons," in contrast to INEC, which has an organizational structure primarily made up of the Chairman and National Commissioners (Section 3, Part II of the 1999 Constitution of the Federal Republic of Nigeria:148).

#### **TRANSPARENCY:**

According to Mitchell (1998), transparency includes the demand for information, citizens' access to it, and the government's and non-governmental organizations' actual release of that information. The underlying premise of this theory is that for transparency to occur, citizens must actively participate; governments cannot merely broadcast information. A drawback to transparency, which is described as openness, was also noted in the same research. Negotiations can take longer when there is greater openness since it makes it harder to communicate honestly. Increased access to ongoing debates gives interest groups the ability to alter, interrupt, or derail the agenda. Democratic countries may be at a disadvantage due to the knowledge imbalance between them and nondemocratic countries. Sovereign governments may not want to share some information with the public or with other democratic nations, even when they are negotiating trade or other agreements (Finel and Lord, 1999; Florini 1998; Roberts 2004; Schultz 1999).

Consequently, there are hints of a dilemma in the developing definition of international relations. Government actors may want privacy and secrecy while simultaneously advocating for increased transparency (Brin 1998; Fung, Graham, and Weil 2007; Roberts 2006). NGOs may also be hesitant to make decisions public because they feel obligated to the countries that support them to keep some information secret (Katt 2006; Woods 2001).

#### **CREDIBILITY**

Credibility is thought to be the most important aspect of any system when it comes to being truthful while assigning assignments. Credibility in risk assessment instruments is equivalent to competence and reliability. A credible tool should have the following qualities: a) the ability to recognize risk, b) the reliability to handle common risk variables, and c) the flexibility to handle a variety of risk situations in the workplace. Ademoye (2022).

#### **CONCEPTUAL FRAMEWORK**

#### **A HISTORICAL PERSPECTIVE OF ELECTORAL COMMISSIONS IN NIGERIA**

Prior to the establishment of Nigeria's Independent National Electoral Commission (INEC), there were several electoral management bodies (EMBs). Nigeria's political life was reflected in these EMBS, which had authority comparable to that of INEC. The figure largely highlights Nigeria's capacity—or lack thereof—to create a political culture. What is evident, though, is that every time military intervention ends democracy, the nation's desire for democracy grows and it looks to a new EMB for relief.

The pre-independence 1959 elections were held by the now-defunct Electoral Commission of Nigeria (ECN), the first organization to manage elections. The Federal Electoral Commission (FEC), established by Abubakar Tafawa Balewa's government upon independence, oversaw the 1964 and 1965 elections. The FEC was disbanded after the first military coup d'état on January 15, 1966. The Federal Electoral Commission (FEDECO), another electoral body, was not established by the Obasanjo military government until 1978. Nigeria's Second Republic began with transitional elections held by FEDECO, and the National Party of Nigeria (NPN)'s Alhaji Shehu Shagari was elected president. When the government of General Ibrahim Babangida started one of Nigeria's longest transitions to civil rule in 1987, FEDECO was immediately dissolved. Democratic governance had just begun to take hold when it was abolished in 1983. The National Electoral Commission (NEC) was established by him. Up until the June 1993 annulment of the presidential election, NEC worked diligently. Chief Ernest Shonekan, Head of the Interim National Government (ING), was succeeded as Head of State by General Sani Abacha. The National Electoral Commission of Nigeria (NECON) then took the place of NEC and held another round of elections for the National Assembly's local government councils. However, the process was stopped when Abacha unexpectedly passed away in June 1998 before the elected officers had been sworn into office. In 1998, General Abdulsalam Abubakar created the Independent National Electoral Commission (INEC) and disbanded NECON. (INEC'S Retreat, August 16–20, 2009, Kaduna). The first Chief Electoral Officer of Nigeria since its independence was Chief Eyo Esau, who presided over the 1964–1965 elections. Dr. Abel Guobadia took over in 1999, and Professor Maurice Iwu oversaw the organization from 2005–2010. Since 2010, political scientist Professor Attahiru Jega has served as INEC Chairman (see Appendix). with the National Electoral Commission of Nigeria (NECON), which held additional elections for the National Assembly's local government councils. However, the process was stopped when Abacha unexpectedly passed away in June 1998 before the elected officers had been sworn into office. In 1998, General Abdulsalam Abubakar created the Independent National Electoral Commission (INEC) and disbanded NECON. (INEC'S Retreat, August 16–20, 2009, Kaduna).

The first Chief Electoral Officer of Nigeria since its independence was Chief Eyo Esau, who presided over the 1964–1965 elections. Dr. Abel Guobadia took over in 1999, and Professor Maurice Iwu oversaw the organization from 2005–2010. Since 2010, political scientist Professor Attahiru Jega has served as INEC Chairman (see Appendix).

## CONCEPTUAL DISCUSSION ON STATE INDEPENDENT ELECTORAL COMMISSIONS AND THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS IN NIGERIA

Nigerian local government council elections did not follow a consistent trend. Native authorities, as they were formerly known, followed a consistent pattern from 1951 until the fall of the First Republic in 1966. The administration of local governments was determined by each regional government. In order to transform the colonial system of native administration—which was run by traditional leaders, chiefs, and elders—into a contemporary type of grassroots self-government through elected representatives, the Western Region was the first to enact laws in the 1950s. The Eastern Region did the same. Although an effort was made in the Northern Region to include an elected principle into the native authority system in the "Middle Belt" non-Muslim regions, In 1982, Dudley states:

For a large portion of the region, the colonial framework was largely unchanged; the only change was the transformation of what was once known as "sole native authorities," in which the Emir served as the only administrator, into a system known as "Emir-in-Council," in which the Emir was to receive advice from his "council," but he was not required to heed it. (page 110)

However, he points out that local officials turned into "voting machines" for the ruling parties even in areas that adopted representative local government management holistically, such as the west and the east (Dudley 1982:110). Due to this experience, the majority of elected councils were suspended, and a "caretaker committee" made up of government appointees was established in their stead. This served as the foundation for the current situation in Nigeria, where the majority of state governments favor caretaker committees over elected councils for local government administration, as will become clearer later in this work. Alongside other tiers of government, native authorities operated as a single unit during military rule. This persisted until 1976, when General Olusegun Obasanjo's (retd) military government started a nationwide Local Government Reform initiative. As previously mentioned in this work, the reform was the legal catalyst for LGA's establishment as Nigeria's third tier of government. The reform offers a standardized elective local government council, which is more significant. Council elections were conducted nationwide in December 1976 in accordance with this development. This was Nigeria's first time conducting an election for a uniform council.

Because Nigeria was ruled by the military at the time, the 1976 council elections were contested without the participation of any political parties. The Federal Electoral Commission (FEDECO), which was the nation's EMB at the time, was given the authority to conduct elections for both federal and state political offices under the Federal Republic of Nigeria's 1979 Constitution. FEDECO is listed as one of the Federal Executive Bodies in Section 5 Part C of the Constitution. However, the Constitution gave a separate EMB the authority to hold local government council elections for the first time in the nation's electoral history. This was 'State Electoral Commission' (SEC). Section 6 Part II (C) of the Constitution provides for the establishment of SEC. Section 7 Part II (C) of the Constitution defines the powers of the Commission as:

1. to organise, undertake and supervise all elections to local government councils within the state

2. to provide the FEDECO with any advice it deems appropriate regarding the preparation of the voter register, to the extent that the register pertains to state local government elections (Federal Republic of Nigeria 1979:108).

Local governments disregarded the aforementioned clause during the Second Republic. They chose to use caretaker committees instead. This was due to the fact that it was their only means of guaranteeing complete control over local government councils, as opposition parties might be able to take control of some of them if elections were held.

Nigeria's local government administration underwent a significant change during the abortive Third Republic. The Federal Republic of Nigeria's 1989 Constitution's provisions and the issuance of several decrees on local government management actually brought stability to the tier of government.

The State Local Government Service Commission is listed as one of the State Executive Bodies in Section 195 of the Federal Republic of Nigeria 1989 Constitution (Federal Republic of Nigeria 1989:75). For every LGA in the federation, Section 283 also establishes a local government council (Federal Republic of Nigeria, 1989:102). The Constitution distinguished between legislative and executive functions in accordance with the principles of the presidential system of government. A council's chairman and vice-chairman are elected under Sections 290 and 291, respectively. Furthermore, the appointment of "Supervisory Councillors" is provided for in Section 302. Both speak for the council's executive branch. The Constitution's Section 298 also provides for the election of council members, who make up a council's legislative branch (Federal Republic of Nigeria 1989:106).

It is important to remember that the 1989 Constitution lacked a clear definition of the authority of the National Electoral Commission (NEC), the nation's EMB at the time. According to Section 158 of the Constitution, Federal Executive Bodies established under Section 151 may, with the president's consent, regulate their own procedures by rules or in other ways, or grant authority and responsibilities to any officer or authority in order to carry out their duties (Federal Republic of Nigeria 1989:64).

The "State Electoral Commission," which was established under the Federal Republic of Nigeria's 1979 Constitution, was also absent from the Constitution. This implied that the NEC was also in charge of holding elections for the nation's local government bodies. In order to do this, NEC held the first party-based local government election nationwide in December 1990. However, it should be mentioned that it has previously held a non-party local government election in 1989.

Some experts praised the NEC for the conduct of the council elections in December 1990. For example, Ibrahim (1993:58) makes the following observations regarding the election: The election was conducted in a fairly calm manner, and there was very little evidence of election tampering in comparison to previous years. (page 58)

The aforementioned stance affirms that the results of a local government poll conducted by a central EMB will be more credible than those of an election conducted by an SEC, which is governed by a state apparatus. However, the 1999 Federal

Republic of Nigeria Constitution clause that restored the arrangement to its pre-1989 state undermined this advantage.

As previously mentioned in this book, the Federal Republic of Nigeria's 1999 Constitution, which serves as the Fourth Republic's enabling legal document, allows for a decentralized version of EMB. Section 3, part II of the Third Schedule of the Constitution establishes SIEC, which has the authority to conduct local government polls, while INEC, established by Section 153 of the Constitution, plans and conducts elections for federal and state elective offices. SIEC is a State Executive Body, whereas INEC is a "Federal Executive Body." According to the study's results, SIECs have developed into a ready weapon for committing electoral frauds during local government elections, even though INEC has been granted some degree of autonomy in carrying out its mandated duties.

This is made possible by the fact that the chairman and members of "State Independent Electoral Commissions" are either allies of the governor or card-carrying members of the state's leading political party. This explains why opposition parties typically criticize the process whenever a state government forms a new SIEC. It also demonstrates why the general public, and opposition parties in particular, typically do not respect the results of elections held by SIECs. The reason for all of these is that the independence of SIEC was not explicitly defined in the 1999 Constitution.

Once more, the 1999 Constitution makes no mention of holding local government elections every three years, in contrast to the 1989 Constitution. Local government councils are therefore subject to the whims and desires of state governors. Therefore, dissolving the inherited councils is one of the main responsibilities of the incoming government when a political party loses a gubernatorial election. The fact that certain state governors consistently authorize their SIECs to conduct local government elections right before they leave is one of the justifications frequently offered to support this decision. The experience of local government councils in Rivers State in 2015 serves as an example. Just six days before it left office, on May 23, 2015, the state's immediate former governor, Rotimi Amaechi, ordered the Rivers State Independent Electoral Commission (RSIEC) to hold a local government election poll. This came after Mr. Nyesom Wike, the candidate of the state's opposition Peoples Democratic Party (PDP), defeated Mr. Peterside, the candidate of the All Progressives Congress (APC), the state's then-ruling party, in the March 2015 gubernatorial election. Members of the PDP boycotted the election. When a Port-Harcourt High Court dissolved the councils that were all won by APC candidates on July 9, 2015, the party that had previously filed a lawsuit against the decision of the Governor Rotimi Amaechi administration received justice on the grounds that the election was conducted against the court's order (Nigerian Tribune, 10 July 2015:4). Given that the incoming administration of the PDP has the constitutional right to form SIEC, the scenario raises the question of what could have motivated Amaechi's administration to hold a local government poll following the defeat of its political party (APC) in the gubernatorial election. This question has two possible responses. First, Rotimi Amaechi's departing administration sought to install its stand-ins in positions of authority so that the APC would lead local government matters while the PDP would oversee state affairs. Two, despite the fact that a local government council in Rivers State has a three-year term, the new administration might

claim protection from the court's ruling on July 9, 2015, which declared that the local government election held on May 23, 2015, in Rivers State was held against the court's order.

Many state governments do the same crimes as the administration of Rotimi Amaechi at the time did, but as was the case in Rivers State, their antics are untenable anytime there is a change of government. As an example, Ondo State held a local government election on April 23, 2016, nine months before the end of the governor Dr. Olusegun Mimiko's second term in office. It was the first election in seven years. This implied that Ondo State has not conducted a local government election since 2008, when Governor Olusegun Mimiko's administration took office. The governor used caretaker committees made up of associates or members of his party in place of elected councils. This approach gave his (the governor's) party, which was once the Labour Party-LP and then the PDP, to which he defected in 2014, a firm hold on the state. Fourteen other opposition parties ran in the election, while the state's main opposition party, the APC, boycotted it. "As anticipated," the PDP, the state's ruling party, won every chairmanship and councillorship. The results of the April 2016 local government elections are in conflict with the outcome of the governorship election that was later held in Ondo State on November 26, 2016. The opposition party, the APC, defeated the PDP, the state's ruling party, which had won all 18 local government chairperson posts. Mr. Rotimi Akeredolu, the state's opposition party candidate, defeated Mr. Eiyitayo Jegede, who received 150 380 votes, with a total of 244 842 votes (The Punch, 28 November 2016:1). The problem is that the PDP should have won the November 2016 gubernatorial election as well if it was as popular in the state as the results of the poll conducted in April 2016.

Even though the results of local government elections typically favor both state governments, Kwara State and Ogun State are among the few states in the federation that have been conducting them on a regular basis. In October 2013, the Kwara State government conducted its most recent local government election. In November 2016, the state administration established caretaker committees after the term councils ended in October 2016. According to the results of the 2010 election, the ruling party was elected to the chairmanships of 16 local government areas. Additionally, it was elected to every councillorship in the state's 193 wards. According to our understanding, the election's outcome was merely a political ploy that failed to capture the essence of an electoral struggle. In actuality, the opposition party Action Congress of Nigeria (ACN) won Offa Local Government, one of the state's LGAs, in the 2010 local election. However, the PDP, which was then in power, "manipulated" the legal system to regain the territory. Ogun State's ruling party, the APC, gained all 20 chairmanship seats in the state's 20 local government councils in the most recent local government election, which took place in October 2016. Additionally, it won 5 of the 234 council seats held by the state's opposition parties. The PDP, the state's biggest opposition party, really only won two councillorship seats, while the PPN, the state's least popular party, got three seats, according to the results announced by the Ogun State Independent Electoral Commission (OSIEC).

Given the aforementioned, it is reasonable to assume that the results of Nigeria's local government elections do not accurately represent the preferences of the people. Typically, only the distribution of scores among candidates occurs. This explains

why state-level opposition party members consistently view local government elections as a pointless political exercise, a routine, and an exercise in which they should not invest their resources.

Approximately 75% of Nigerian states do not have elected councils as of the time of this study. The fact that several states have not held local government elections in the previous seven or eight years is even more concerning. In order to achieve their political and economic goals at the local level, they have instead turned to caretaker committees, which are undemocratic organizations. One example is the Oyo State Government, which hasn't held municipal elections in the last nine years. It has been using the tactic of requesting that the State's House of Assembly, which is the legislative branch of the state, extend the term of caretaker committees when their current one expires. Only in November 2016 did Mr. Isiaka Ajimobi, the state's governor, announce that local elections would take place in the state in February 2017. Because he has previously made similar claims without being fulfilled, people are not very excited about this pledge. Comrade Jaiye Gbogagoke, a social critic and trade union leader in Oyo State, is an example of one of these skeptics. He proposed that:

The governor's (Ajimobi) pledge shouldn't take anyone by surprise. He has previously made similar pledges that have not been fulfilled; moreover, Chief AlaoAkala, his predecessor in office, committed the same crime. (November 25, 2016:4; The Courier)

Anambra State is another excellent illustration of a Nigerian state that has not held local government elections in a while. The accusation was made against Governor Peter Obi's most recent administration. On the platform of the Anambra State ruling party at the time, Governor Willie Obiano was elected. "All Progressive Grand Alliance" (APGA) was this. However, Mr. Peter Obi, the state's governor at the time, quickly lost favor with the party's leadership after winning the office in 2003 on the APGA platform. Chief Odumegwu Ojukwu, the indisputable Igbo (ethnic group) leader of his era and the former warlord commander of the failed Biafran Republic, was the founding father of the APGA. Therefore, holding a local government election in a state where he was unable to surpass Chief Odumegwu Ojukwu's popularity must have been a political suicide for the then-Governor Obi, who had a falling out with prominent Igbo leaders. However, the administration of Governor Willie Obiano has subsequently held local government elections, capitalizing on the APGA's popularity in the state.

Since taking office in 2011, Governor Rochas Okorocha's administration in Imo State has failed to organize local government elections, which is perhaps due to political reasons. In 2011, Governor Okorocha was elected on the platform of the APGA after defeating the PDP candidate. But in 2013, Governor Okorocha led a group of APGA members to the APC, defecting to the party. This scenario demonstrates that the PDP, APGA, and APC are the three "popular" parties that are now active in Imo State. Therefore, any plan that results in the holding of a local government poll could end up being political suicide for Governor Rochas Okorocha's administration. Therefore, based on the results of the 2015 national elections, the APC cannot completely ignore the PDP and APGA's popularity in Imo State. Perhaps as a result of Governor Rochas Okorocha's popularity, the APC won the gubernatorial election; nevertheless, the results of the elections held for the National Assembly, Nigeria's federal legislature,

showed differently. For example, during the election, the PDP secured all three of the state's senatorial seats. This demonstrated that the PDP is still a powerful political force in the state. However, if everything else is equal, the PDP will control certain local government councils in every state local government election. This will definitely precipitate political bickering between the local government councils concerned and the state government.

Security concerns are at the heart of the state administrations' (Borno, Yobe, Bauchi Gombe, Yola, Adamawa, and Taraba) failure in the country's northeastern geographic zone. The northeastern geopolitical zone has not had peace since Muhammad Yusuf created the Boko Haram group, an avowed Islamic sect, in 2002. When President Muhammad took office, they were only just beginning to receive respite. "The group turned insurgents" after Muhammad Yusuf, the group's founder, was killed in a police cell in 2009. In actuality, it ruled over roughly 14 of the 23 LGAs in Borno State, which served as Boko Haram's operational base, between 2012 and 2015. The states of Adamawa and Yobe also did not do any better. Insurgents from Boko Haram were always attacking, and they mostly targeted public institutions, particularly primary schools, and local government secretariats. Taraba, Bauchi, and Gombe, the other three states in the nation's geographical zone, all reported a respectable number of insurgency attacks. The aforementioned explains why state governors in the nation's northeast geopolitical zone have not held local government elections since 2009.

Furthermore, several state governments in Nigeria have failed to hold local government elections, which can be explained economically. There are two sides to this. One side is the one that, due to their dire financial situation, is unable to hold local government elections. The second is the group of state governments that, in theory, will not hold local government elections as they will still receive funding from the Federation account for local government councils.

Since appropriations for local government councils typically come from the federal government, the first group's claim that their inability to conduct local government polls is due to their poor financial situation raises the question of how financially committed these states are to the exercise. One could argue that LGAs are not independent of state governments since, at the at least, Section 3, Part II of the Third Schedule of the 1999 Constitution, which gives a State Government the authority to create SIEC, formally ties LGAs to state governments. This is why Mr. Rauf Aregbesola, the governor of Osun State, one of Nigeria's 36 states, recently proposed that Nigeria has two tiers of government: federal and state. He made this declaration in reaction to the Speaker of the House of Representatives, Hon. Yakub Dogara, accusing state governors of mismanaging local government funds from the Federation account. He claims that this is an offense that can lead to impeachment. According to a remark from Osun State Governor Mr. Rauf Aregbesola:

States have complete authority over Local Government Councils, and the state parliament is the only body authorized by the Constitution to enact legislation on their behalf. (Alao 2016:6)

There are two levels of government in a federal system, and Governor Rauf Aregbesola called the idea that local government councils should be independent completely bizarre and anti-federalist.

The majority of state governments are guilty of this charge, as they are among the group that technically forbids holding local government elections due to the financial advantages they receive from local government councils. They typically use the tactic of withholding a substantial portion of local government appropriations from federal accounts under the guise of "joint accounts" and releasing "peanuts" to the councils as soon as they arrive. Nonetheless, because members of the caretaker committee are appointed by the governor, the latter will still choose which capital projects to undertake in their regions. State governments conduct the bidding process when contracts are to be awarded. The Speaker of the House of Representatives, Nigeria's Lower Legislative Chamber, attributes the issue with local government councils to their lack of autonomy, as explained by the aforementioned. According to him, this is Nigeria's local government's worst enemy (Alao 2016). Regarding the issue of financial independence that Nigerian local government councils face, Honorable Dogara proposed that:

Since the Local Government Councils are under the state executive's authority, there is a lack of independence and it seems like nothing is moving. Since it grants local government ministries in the state jurisdiction, joint accounts are actually one of the worst things in the world. The state's local government ministry is considered the minister of petroleum resources in the majority of states, particularly in the North where there is no oil and so on. As a result, we are all aware that when funds are given to the councils, they are immediately taken over and used at the discretion of the ruling class. Alao (2016), p. 24

The aforementioned role of Nigeria's fourth citizen and Speaker of the House of Representatives says a lot about the current struggles of local government councils in the country. Some local government authorities actually owe their employees salary arrears at the moment. One example is Kwara State, where employees (including pensioners) who are paid by local government councils are owed between five and six months' salary, depending on their grade levels. The Kwara State Government's prejudice against local government employees is much more concerning. The state administration consistently asserts that local government employees are not its (Kwara State administration) employees, despite the fact that state employees receive their salaries on time. However, as previously stated, the state government cannot be shielded from local government councils' inability to pay employee salaries:

The aforementioned explains why local government councils in about 75% of states and the Federal Capital Territory (FCT) are not elected. The unconstitutional caretaker committees, which are powerless to stop the harsh measures taken by state governments against them, have provided them with some reprieve. Therefore, Nigeria will eventually reach the point where it lacks an elected local government council unless the ruling authorities act quickly to modify the constitution.

#### **CONCEPTUAL DISCUSSION ON INDEPENDENT ELECTORAL COMMISSION AND STATE INDEPENDENT ELECTORAL COMMISSION ON LOCAL GOVERNMENT ELECTION**

The Constitution established State Independent Electoral Commissions, whose duties include organizing, conducting, and overseeing all state-wide local government council elections as well as advising the Independent National Electoral Commission

(INEC) on voter registration and compilation, as it relates to state-wide local government elections. However, INEC's mission is more expansive. In addition to holding elections, the INEC can register, deregister, and keep an eye on political parties, as well as their finances, conventions, congresses, and party primaries. It can also register voters and bring charges against electoral offenses. INEC holds elections for the President, 469 members of the National Assembly's two chambers, 36 governorship seats, and 36 State House of Assembly seats, totaling 991 constituencies, in each election cycle.

With offices, structures, and personnel spread across 36 States and 774 Local Government Areas (LGAs), an up-to-date voter register, and experience holding elections for governorship and the presidency, INEC can be said to possess the technical, geographic, and logistical capacity to hold local government elections in Nigeria. Nevertheless, a cursory examination of the problems would demonstrate how problematic it would be for INEC to be given the authority to hold LGA elections. For starters, INEC has too much work to do in order to fulfill its legal obligations. The Political Parties Registration and Regulatory Commission, which will be responsible for registering political parties, keeping an eye on their activities, and accrediting observers during elections; the Electoral Offenses Commission, which will prosecute electoral offenses; the Constituency Delimitation Commission, which will be in charge of constituency delimitation; and a Center Democratic Studies, which will oversee civic and political education, are the four new institutions that the Electoral Reform Committee, established by President Umaru Musa Yar'Adua, recommended in its final report in 2008. The report hasn't altered much. INEC continues to carry out the same tasks. It is already overburdened, and we shouldn't be adding to it, even though the advancement of technology and its incorporation into some of these duties has made its job easier.

Proponents of centralizing elections contend that because SIECs are too heavily influenced and compromised by state governors, they are unable to independently perform their duties with the integrity that is expected of them. They also contend that even when elections are held, they fail to uphold the principles of free, fair, and credible elections, with the political parties in power in those states winning a majority or overwhelming majority of the seats up for grabs. Only 21 states had LGAs staffed by elected officials as of the most recent count; eight had LGAs led by Caretaker Committees, four by State Principal Officers, and four by Transition Committees, all of which were formed by the governors. If we don't want to unbundle INEC, we shouldn't go outside its mission.

#### **REVIEW OF ELECTORAL COMMISSIONS AND ELECTIONS IN NIGERIA**

The majority of Nigerians think that the main cause of the issues with Nigeria's election administration is electoral commissions. Nigeria's first neo-colonial civilian government was established in 1959 as a result of elections run by the Electoral Commission of Nigeria (ECN). The election's contentious outcome paved the way for the contentious Western Region regional elections in 1964. The military's decision to topple the civilian government in 1966 was motivated by the problems surrounding the 1964 elections (Iyayi 2006:11). Elections held by FEDECO in 1979 led to the well-known conflict involving the two-thirds of 19 states. The military was accused of favoring a specific set of persons to whom they wished to transfer power,

which caused this dispute to intensify (Iyayi 2006:11). Even though the 1979 estimate was thought to be much exaggerated, FEDECO's announcement that the number of registered voters had risen from 48, 499,07 in 1971 to 65, 304,818 in 1983 was seen as crucial to the reigning party, the NPN, regaining power (Iyayi 2006:11). In a similar vein, it was believed that INEC had manipulated the 1999 election results in order to legitimize the voting procedure and outcomes (Iyayi 2006:11). Once more, INEC was perceived as a component of the massive electoral fraud that occurred in 2003 and 2004. The Transition Monitoring Group (TMG) claims that INEC was partially to blame for the electoral issues that plagued the 2003 elections. The absence of clearly marked thumbprinting compartments compromised the vote's confidentiality and left voters vulnerable to the schemes of those who would have favored "community voting." Additionally, INEC failed to adequately plan for the delivery of delicate electoral materials to the polling places and collation centers. While dishonest party agents merely sold unused ballot papers to the highest bidder, result sheets vanished and then reappeared at collation centers in various formats. Voters abstained from voting in the state House of Assembly elections after INEC reversed the election order. Therefore, even if there were winners in these elections, there was no vote.

The 2007 elections did not meet international, regional, or national democratic election criteria. They were plagued by severe procedural errors, a lack of vital transparency, extremely poor organization, and strong indications of fraud. The European Union Observer Mission claims that:

Technical issues, the establishment of unauthorized voter registration centers, and a shortage of Direct Data Capturing Machines caused delays in INEC's voter registration drive. The final voter registration was of low quality, with missing and blurry voter photos, double registrations, and voters who were under the legal voting age. The voter registration was partially uploaded before Election Day for orientation purposes only, and it was not displayed locally as required by law. Due to the final register's delayed release, permanent voter registration cards were not issued.

According to the aforementioned assessment, Nigerian electoral commissions have up to now tended to support the interests of the ruling party, which has led to issues with Nigerian elections. However, these findings may not fully account for the reasons behind these commissions' actions (Iyayi 2006:12). In several cases, INEC was found to be partisan by the electoral tribunals formed to decide how certain elections were conducted, but the full force of the law was never applied to certain INEC officials. Naturally, impunity emerges from a lack of punishment. Billions of naira are spent on elections, but because of high turnover rates and numerous nullifications, billions of naira are wasted because yet another enormous sum of money is allocated for a rerun. Nobody has been prosecuted for such huge waste of the country's resources.

#### **INDEPENDENT NATIONAL ELECTORAL COMMISSION AND STATE INDEPENDENT ELECTORAL COMMISSION AND ITS INSTITUTIONAL FRAMEWORK IN THE CONDUCT OF LOCAL GOVERNMENT ELECTION IN NIGERIA**

Twelve national commissioners and a chairman comprise the commission. The Federal Republic of Nigeria Constitution's section 153(f) allowed for the commission's creation. According to

part 1 of the Third Schedule to the 1999 Constitution, the Commission's duties include the following:

- Organize, carry out, and oversee all elections and election-related matters for all elected posts specified in the Federal Republic of Nigeria 1999 Constitution, as amended, or any other legislation.
- Register political parties in accordance with the provision of the relevant enactment or law.
- Monitor the organisation and operation of the political parties, including their finances.
- Arrange for the annual examination and auditing of the funds and accounts of political parties and publish a report of such examination and audit for public information.
- Conduct registration of persons qualified to vote and the preparation, maintenance and revision of the register of voters for the purpose of any election.
- Monitor political campaigns and provide rules and regulations, which shall govern the political parties.
- Ensure that all Electoral Commissioners and Electoral Returning Officers take and subscribe to the oath of office prescribed by law.

#### **2010 ELECTORAL ACT**

President Goodluck Ebele Jonathan stated, "I would not also want to conduct an election in which people would raise issues," during the 15th African Union Summit in Uganda in 2010. In my ideal world, there would be no need for anyone to appear in court after elections, thus nobody would. In anticipation of Nigeria's 2011 general elections, the 2010 Electoral Act was enacted by the National Assembly. In this case, INEC has been given a certain amount of autonomy and will now receive its funding from the consolidated fund. Overall, it seems that the Electoral Act has advanced significantly, paving the way for a more equitable and free election under Goodluck Jonathan's leadership.

The 2010 Electoral Act mostly reflects the recommendations of the newly appointed INEC chairman, Alhaji Attahiru Jega, as well as those of the Uwais-led Electoral Reform Committee (ERC). The following adjustments were made, among others:

- There will be separate elections for the federal government and the states. The State Governor and State Assembly elections will be held after the National Assembly and Presidential elections.
- Parties that do not secure seats in the National Assembly or State Legislative bodies may be unregistered under section 78 of the modified law. This implies that the official list of political parties may be amended to exclude at least 50 parties.
- The amount of money that can be spent on a single campaign is limited by Section 91. While governorship candidates can only spend N200 million, presidential contenders are only allowed to spend N1 billion. Candidates for the State Assembly can only spend N20 million, while those for the National Assembly can spend N40 million. As per section 92
- Six months following elections, all political parties must present their expenses to the commission, fully signed by the chairmen and auditors of their respective parties. A conviction and/or a fine of N1 million result from failure to comply with this.

## TRENDS IN LOCAL GOVERNMENT ELECTIONS

An essential component of the democratic process is the holding of elections. Through representation, citizens can influence policy, hold governments responsible, and elect representatives. The primary political element in the contemporary democratic process is the will of the people, and free, fair, transparent, and regular elections are an important means by which the people can express their will and hold elected officials—including local leaders—responsible (see Norris, 2014). In Nigeria, local government elections are, in theory, an essential component of the democratic process that guarantees community-level representation and decision-making. It helps the country's political system run smoothly overall and gives residents a say in local government. In addition to election making LGAs accountable to the grassroots, it will help secure their tenure in office since they cannot be dismissed except through impeachment—or at the next election.

A democratically elected local government council system is guaranteed by the 1999 Federal Republic of Nigeria Constitution. According to Section 7(1), "This Constitution guarantees the system of local government by democratically elected local government councils." A state's administration is required to make sure that everyone who is eligible to vote or be elected to a House of Assembly also has the ability to vote and be elected to a local government council, as stated in Section 7(4). Every state House of Assembly enacts legislation governing the structure, function, and process of municipal governments. Elections for the chairmanship and council seats in each Local Government Area are held by the State Independent Electoral Commissions (SIECs), one of the three state executive bodies established under Section 197. The SIECs are independent of each other and exist in each of the 36 states in the nation. At various times, they hold elections for the Local Governments in their respective states.

In general, the SIECs deal with a variety of difficulties. Despite being properly established under the Constitution, the State Governors, to whom the SIECs are accountable for their nominations, have the last say over how they are run. They were unable to function autonomously and hold elections when they were scheduled. While some states chose to designate caretaker committees, others asserted that they lacked the resources necessary to hold LG elections. The SIEC has been flagrantly refused by numerous state governments. They lack the funding necessary to carry out their constitutional responsibilities, even after being sworn in.

Additionally, fraud and other electoral irregularities exacerbate the operations and activities of many SIECs. Additionally, individuals' criticism of local elections as "selection, not election" reveals how they perceive the country's local government election process and results. According to Yiaga Africa's election observer group, voter turnout for the Lagos State local government elections in 2021 was "abysmally low as citizens showed lack of interest in the process," which "poses a major challenge to the practice of democracy in the state and Nigeria." Yiaga Africa went on to say:

The results of the elections demonstrated a continuing lack of the technological know-how, financial resources, and human capital needed for effective municipal election administration. It also demonstrated that there isn't a strong legislative foundation for

LGA elections that can adequately ensure electoral integrity, facilitate political participation, and control the behavior of political parties during the elections. Significant questions are also raised by the election regarding the independence and autonomy of local government structures, the caliber of local leadership, and important organizations such as the State Independent Electoral Commission.

Given the aforementioned circumstances, it was nearly impossible to maintain the integrity of the local government elections held in many states, particularly those where the SIECs were merely the governor's "agents," chosen to carry out his or her wishes. In an interview, Mr. Ambali Olatunji, President of the Nigerian Union of Local Government Employees (NULGE), provided the following statements to put this into perspective:

It has nothing to do with local government area chairmen. Examine the process via which they emerged. The majority of them fail to win elections; they lack the public's consent, and the person who pays the piper makes the decisions. In Nigeria, the majority of states decline to have elections. In order to avoid being held accountable to the public, the governors would rather place their political hangers-on and surrogates in charge of local government matters. Even in places where elections are supposedly held, they fall short of democratic norms. Instead of elections, a coronation takes place in local government regions. For this reason, all of the chairmen and council members belong to the political party that controls state affairs. Only in Abuja, where elections are held by the Independent National Electoral Commission, can one discover a variety of political groups.

The different democratic transition programs that the military regimes in Nigeria created and carried out took local government elections into consideration. As a result, in March 1996 and 1997, elections were held for area councils and local government. The 1996 elections were held on a "zero party" basis, with the intention of having the winners serve for a year before being replaced by the winners of a subsequent party-based local election. Voters lined up behind their favorite candidates to have their votes counted in the 1996 elections, which used an open balloting system. Local government elections were conducted on a party basis utilizing the "secret ballot system" on March 15, 1997. According to reports, there were many anomalies in the election's procedure and results.

In many quarters, it is assumed that the electoral processes for the 1998–1999 transitional elections were revised with consideration for the lessons acquired from the previous elections. INEC then developed the open "secret ballot system." Only three political parties participated in the 1998 local government, which was held in December of that year: the Alliance for Democracy (AD), the All Peoples Party (APP), and the Peoples Democratic Party (PDP). None of the political parties' manifestos made reference to or addressed local governments. There were no parties at the state or municipal levels, and the national parties that did exist were mostly uninterested in issues pertaining to local governments. "As a result, local issues tend to be eclipsed by larger national issues," according to the assessment's findings (USAID/ARD, 2001,10). The results of the elections were as follows: PDP was in the lead, with 459 local government chairpersons and 4,650 councillors having won in 21 states. APP won in 9 states and six states for AD.

## LIMITATIONS AND CHALLENGES

Like all prior constitutions since the Lyttelton Constitution of 1954, the 1999 Constitution of the Federal Republic of Nigeria portrays the nation as a federal political system. In actuality, though, Nigeria is organized and chartered according to a unitary system of government, which leads to imbalances in the Nigerian Federation's vertical and horizontal intergovernmental ties. Because the political elite essentially runs the local government system as an extension of the state government, denying it financial autonomy and independence, among other things, the argument that fiscal federalism encourages multiple orders (levels) of government to facilitate efficient and effective delivery of services to their citizens is essentially a myth.

Local government is not a federating unit, according to the political elite. They contend that only the federal government and the states are federating units under the traditional understanding of federalism. As a result, there are differences between what the political elites actually do and what the constitution says.

Additionally, local council members have been marginalized and executive accountability, particularly that of the Local Government Chairman, has been weakened as a result of the merging of powers between the legislative and executive branches of government. LGCs' inability to operate efficiently is further hampered by a lack of technical capability and inadequate finance.

Even though the country has institutional and legal frameworks for holding local government elections, there have been more cases of constitutional violations than compliance, primarily through the dissolution of democratically elected councils and the appointment of caretaker committees or sole administrators to lead the local councils. For instance, by the end of 2023, administrators or caretaker committees chosen by the state governors were in charge of the remaining 774 LGAs, with elected politicians controlling less than 60% of them.<sup>4</sup> Despite the Constitution's provisions requiring frequent local government elections and granting autonomy to local government areas (LGAs), it was evident that the majority of state governors were unwilling to support local government elections or any move toward local government autonomy. Expectedly, this has implications for democracy and governance. First, it is an undemocratic practice that reflects a lack of accountability. Secondly, it disturbs service delivery and a lack of development at the grassroots level.

Local government councils' credibility crisis is made worse by electoral fraud. Similar flaws are present in Nigeria's national and subnational elections, including those for local governments. These include voter apathy, misunderstanding regarding the absence of a competing party on the ballot, late polling station openings and election material distribution, and non-deployment of political party agents. People realize they are helpless to make demands of the local government authority since they have little confidence that their ballots will be counted and virtually no access to its representatives. There is a clear lack of public engagement, particularly when it comes to the marginalized groups of individuals, such as young women, young men, and those with disabilities. The people's response to the lack of legitimate governance and powerlessness to demand accountability for the most basic services at the local level is political apathy. The citizens have no confidence in making their voices heard and exerting power to make local governance.

Nigerian local government operations, including local government elections, take place in a complicated environment. As a result, institutional, organizational, financial, and technological capability deficiencies have created serious obstacles and constraints for the discussion of local government elections in Nigeria as well as the administration of those elections when they are held.

## SOLUTIONS

It took a number of administrative and legislative reforms, together with adequate financing and training, for INEC to become functional and autonomous. This allowed it to function independently of the legislature and executive branch.

The Constitution states that INEC's appointment and dismissal powers cannot be controlled or directed by any individual or body in order to uphold INEC's independence. It goes on to say that the President has no authority or control over the INEC's ability to create rules and regulations that govern its operations. Since these provisions do not limit the authority of governors with regard to SIECs, a similar clause is required to safeguard the independence of State Independent Electoral Commissions.

The Constitution states that the Consolidated Revenue Fund is the primary source of revenue for INEC. This clause guarantees INEC all the money it requires to operate independently of the legislative and executive branches. SIECs can be directly financed using the same strategy as state-level judiciaries, which are directly funded by the Consolidated Revenue Fund as their major charge. This would enable SIECs to oversee election finance, employee education, and compensation independently of state governors.

In a similar spirit, in order to limit governors' authority to nominate and remove members of SIECs at whim, the process of doing so needs to be reviewed and examined more closely by other governmental branches. Despite the local government level's crucial role in governance, the majority of civil society organizations and development partners focus their research and lobbying on INEC. In order to hold governors responsible for interfering in local elections, stakeholders should concentrate more on local government governance and elections. YIAGA said in its 2021 preliminary election observation bulletin that the elections for the Lagos State Local Government *"revealed the absence of a robust legal framework for LGA elections that can sufficiently guarantee electoral integrity, enable political inclusion and regulate political party conduct in the elections."* This demonstrates that comprehensive institutional and legal reform is necessary in addition to the institutional reform of SIECs. By matching schedules, election dates, and the terms of local government chairmen and council members through constitutional revisions, such reforms should also prioritize conformance. All elections will take place on a regular basis as a result of these features being legally protected and fixed, and it will also give stakeholders a foundation for legal enforcement.

## THEORETICAL FRAMEWORK

According to Lopez-Pintor's (2002, cited in Dennis 2010) "Independent Model EMB," which serves as the study's theoretical framework, EMB must function as an institution of government free from interference from other branches of government or

election-related stakeholders while carrying out its duties as a subsystem within a polity.

## METHODOLOGY

The study's methodology is the comparative cum case study technique of analyzing Nigerian local government polls, which first reviewed the country's local government elections before focusing on particulars.

Additionally, the study draws on both historical and analytical sources. The historical method explains the origins of INEC, whereas the analytical approach evaluates how well INEC performs its duties. The ability of INEC to serve as an impartial, equitable, and open arbitrator during elections is thoroughly examined in this institutionally based examination. Materials from other libraries and secondary sources of data gathered from INEC offices were used in the study.

## RESULT OF FINDINGS

According to a review of several editions of the INEC journal *Electoral Magazine* that were gathered from the INEC offices, Professor Iwu is credited for bringing numerous improvements to the electoral process, including the Electoral Institute, which is now known as the Electoral Institute of Nigeria. Despite the fact that the man has been criticized, demonized, and mistreated, INEC is adamant that the numerous unfavorable remarks made by people following elections are the result of inaccurate information. However, the dehumanization of Nigeria's electoral process from 2005 to 2010 should be attributed to Iwu. It is impossible to forget his unyielding defense of the indefensible, including election tampering, vote box stuffing, candidate imposition, election result manipulation, and outright electing politicians who never won party primaries. He was indeed, the face of Nigeria's democracy in its most decadent state.

The electronic voting system, which consists of four main parts—electronic voter registration, voter accreditation and verification, electronic balloting, and electronic results transmission—is INEC's magic bullet for election tampering. These would eradicate ballot box stuffing, violence, money laundering, erroneous vote counting, and the ensuing election manipulation.

Examining INEC's official report on the 2007 general election, certain problems are noted as having hampered both the polls and INEC's operations specifically. These consist of:

- One significant issue was a lack of financial autonomy, which led to excessive delays with ultimately negative effects.
- Delineation of electoral constituencies. This prevented political participation in elections from taking place on an appropriate level playing field.
- The National Assembly rejected a proposal to implement suitable technology, such as electronic voting machines.
- To reduce complaints and anomalies, most political parties were not represented at the polling places.
- The commission's authority to exclude candidates whose submitted assertions are determined to be untrue is not expressly granted by the Constitution.
- The Commission turned to the state and local governments for electoral logistical support. Even if this is positive in and of itself, it needs to be looked into to make sure that politicians aren't extorting or compromising INEC employees at the local level.

- The incapacity of the various commands and security organizations to deploy their personnel to all the 120,000 voting stations nationally during elections is a big obstacle. • The production of important election materials abroad causes supply delays, which severely impair logistical planning. This explains why ballot snatching incidents and other electoral offenses occur during voting.
- Nigeria's geographical diversity and wide topography make it difficult to distribute supplies to all of the country's locations. Although staggered elections are likely to cause other issues, such as a bandwagon effect in voting patterns, they may be able to address this issue.
- The Nigerian electoral system has suffered because it permits the nomination and substitution of candidates under the first-past-the-post concept, which declares the winner to be the candidate with the majority of votes, regardless of the smallest number. With a focus on the political party that receives a seat based on the percentage of votes cast in elections, INEC supports the proportional representation system.

The bulk of national and foreign observers, as well as the Nigerian people at large, have different opinions about INEC's performance during elections. The purpose of election monitoring in Nigeria and other developing nations is to lend credibility to the results of those elections. Among those who kept an eye on the 1999 general elections were the Carter Center and the National Democratic Institute for International Affairs (NDI), a Washington, D.C.-based organization that included President Carter and General Colin Powell in their sizable delegation. The following are some of their well-documented observations from the literature:

- In 1999, all of the monitors agreed that there were significant irregularities in every election. International observers estimated that only 20% of voters cast ballots, however the election results showed that between 30% and 40% did (Aluko, 1999:2).
- "There was a wide disparity between the number of voters observed at the polling station and the final results that were reported from several States," said President Carter, who was close to Obasanjo, but declined to endorse the presidential vote. Aluko (1999: 2)
- Both sides committed fraud, according to the Transition Monitoring Group (TMG), a collaboration of 70 civil liberties and human rights NGOs. However, INEC upheld and legitimized the 1999 elections.

Political analysts expressed dissatisfaction with the president's appointment of INEC's chairman and members following the 1999 elections. He has these rights under Section (1) of the Federal Republic of Nigeria's 1999 Constitution, and the arrangement permits the Commission to use the Presidency's revenues. According to analysts, the incumbent could always use his position to influence INEC under this scenario. They seriously questioned whether a chairman who is nominated by the president and who is financially dependent on him could actually serve as an unbiased umpire (Okusabor 2001:5). Indeed, since these funds are not personal, the real explanation for dancing to the whims and caprices of Mr. President could lie elsewhere, and my suspicions are lack of integrity and corruption.

In the 2003 elections the EU Observation Mission, noted that:

- There were numerous delays throughout the election process as a result of INEC's tardy start to electoral

preparations, especially voter registration. Regarding issues pertaining to political party campaigning and candidate nominations, INEC failed to provide sufficient guidelines and instructions.

- Given how difficult it was to find and remove millions of applications in such a short amount of time, INEC's total voter registration figures just before election day varied widely and stoked skepticism.
- It was determined that the established parties were engaged in malpractice. Due to inadequate logistical support and poor execution of its own protocols, INEC was unable to thwart these trends.
- The 2002 Electoral laws that guided the 2003 elections stipulated that INEC should issue guidelines on campaigns, but it failed to do so.
- INEC's training capacity was small, in regards to the number of people who had to be educated on electoral matters.
- Due to INEC's organizational, technical, and structural flaws, the parties and their candidates were able to engage in fraudulent operations.

In his commentary on the 2003 elections, Ogunsanwo (2003:14–15) stated that INEC was unquestionably and honestly not in complete charge of election-day operations. Additionally, he noted that INEC was unable to attest to the honesty of the electoral officials working throughout the nation (Ogunsanwo 2003:15). He went on to say that declaring people who did not run for office as winners—that is, those who did not win party primary elections within their party caucus or were not recognized candidates—was a serious error in INEC's handling of the 2003 general elections (Ogunsanwo 2003:16).

The report of the EU Observation Mission on the 2007 elections pointed out that the 'elections at both state and federal levels were marred by very poor organisation, lack of essential transparency, widespread procedural irregularities, substantial evidence of fraud, widespread voter disenfranchisement at different stages of the process, lack of equal conditions for political parties and candidates and numerous incidences of violence'.

The 2006 Electoral Act was enacted in order to comply with the 1999 Constitution, which governed the 2007 elections. After the Supreme Court ruled on April 16 to permit Atiku Abubakar to run for president in 2007, his disqualification by INEC caused serious logistical issues for the presidential elections. In general, a number of logistical issues were encountered:

- The final number of candidates, the final number of voters in each constituency, the quantity of ballots produced and distributed, and the provision for results to be displayed at voting places were all not disclosed by INEC.
- The delivery of permanent voter registration cards was impacted by the significant delays in finishing the voter registration process.
- Ballot papers were produced with pictures missing and names misspelt in some cases.
- The ballots were not delivered to the states, LGAs, wards, and polling places by INEC in a timely manner. In other instances, this resulted in the cancellation of elections as well as significant delays and disturbances. Two senate elections in Lagos State were canceled because certain candidates' names were absent from the ballots for the Senate and House of Representatives. Polling in Enugu didn't begin until 1500 hours. No rule

was published to prolong the official polling hours, despite INEC's awareness of the significant delay in the polling station's opening. When compared to the results of six polling stations, it was discovered that the results in Enugu North were entirely different and in favor of the ruling parties.

- Due to technical difficulties, a shortage of Direct Data Capturing Machines, and issues with the batteries and lights, INEC's voter registration drive was beset by delays.

## SUMMARY OF DISCUSSION

From the study, a number of observations can be made. They include the following:

- In Nigeria, local government councils are not autonomous from state governments since, for example, the state government is the conduit via which they receive allocations from the Federation account. Because of this, the former has an unfair edge in taking control of them all in the name of the Joint Account.
- Rather than using elected councils, many state administrations have turned to caretaker committees for political reasons. Conducting local government elections will equate to giving some councils to opposition parties because the majority of states are made up of political parties with roughly similar electoral strengths.
- Some state administrations also rarely hold local government elections for economic reasons. Conducting local government elections will lessen this benefit because almost all state governments rely heavily on local government councils for their federal funds. Additionally, some state governments' inability to hold elections for local governments can be attributed to their dire financial situation.
- State governments have been unable to direct their SIECs to conduct local government elections due to security concerns in several regions of the nation, particularly the northeast.
- The caretaker committee syndrome is unconstitutional since the Federal Republic of Nigeria's 1999 Constitution does not support it. Some state governments' actions of dissolving elected local government councils and establishing caretaker committees are also unlawful. Members of the dissolved councils have actually not received "justice" in cases where they have challenged such actions in court (until the Supreme Court of Nigeria's December 2016 ruling), as either some courts have upheld the governors or, in cases where counts have ordered their reinstatement, state governments have consistently rejected such rulings. The experience of the members of the dissolved councils in Rivers State in 2015, which was previously mentioned in this study, served as an example.

The majority of state governors are intolerant of opposition, which is why they oppose any opposition party controlling any local government council in their states. The 2010 Offa Local Government Area example in Kwara State, which was previously mentioned in this study, easily fits into this context. The APC, which is in charge of state affairs, held all of the councillorship positions and local government chairmanship seats in Kwara State

until their dissolution in October 2016. According to this study, this goes against the democratic norm for any liberal.

## CONCLUSION

In conclusion, the function of SIECs in the planning and execution of Nigerian local government elections has been investigated in this study. The introduction comes first, followed by conceptual explanations. The study then moves on to the discussion phase, where the primary focus is on the analysis of SIEC's function in holding local elections in Nigeria. Before focusing on the period when Nigeria had its own EMB to plan and carry out local government elections, this section of the paper starts with a historical overview of local government administration in Nigeria. Even though the Federal Republic of Nigeria's 1979 Constitution established this, most state governments used caretaker committees, which prevented SIECs from operating efficiently at the time. Also, the central EMB in the country then, FEDECO, conducted elections into the local government councils of the few states that opted for elected local government councils.

1. The old order, in which the central EMB in the nation had a statutory responsibility to organize local government elections, was restored under the military tenure of General I.B. Babangida (retd). As a result, the constitutional duty to hold local government elections fell to NEC, the nation's EMB that oversaw elections in the defunct Third Nigerian Republic. The 1999 Constitution gives the SIEC the authority to hold local government elections in the present Fourth Republic of Nigeria. However, the degree of autonomy that SIECs have in carrying out their statutory duties has always been the point of controversy. democracy.

## RECOMMENDATION

Based on the aforementioned conclusions, the study hereby recommends the following policies to allow SIECs to fulfill their mandated duties and release them from state government servitude for as long as Nigeria maintains three levels of government. This is required to preclude local government councils from acting as "voting machines" for the state's dominant political parties.

1. Local government councils ought to be granted autonomy. Local government councils in Nigeria are governed by the state government, as stipulated in Section 7 (1) of the 1999 Constitution, which provides legal support for the local government system as a tier of government. It stipulates that state governments must guarantee their survival by enacting legislation that addresses the creation, makeup, and funding of these bodies. According to this report, local government councils in Nigeria ought to be regarded as separate entities, similar to states, and not be affiliated with either the federal or state governments. Local government councils ought to share authority with the federal government, just as state governments do. Local government councils in Nigeria are not autonomous under the existing system. When he argued for the independence of Nigerian local government councils, Honorable Yakubu Dogara, Speaker of the House of Representatives, was struck by this. When he said that, he provided insight into the accoutrements of local government council independence in any political system:

I'm not sure if local government council independence in Nigeria is attainable, thus I'm not sure if we should discuss some form of semi-autonomy or semi-independence instead. Since they have a democratically elected council and a democratically elected council legislature, local government councils are independent. You have council police, and councils are solely responsible for hiring and disciplining their employees. You have lawmakers. The chairmen are fully independent and carry out their duties because they are the executive branch and can be removed if they violate specific regulations (Alao 2016a:24).

2. Closely related to the above recommendation is that SIECs should be abrogated and the central EMB of the country (INEC) be made to be conduct local government elections. If adopted for action, this will give electoral stakeholders during local government polls confidence in the ability of INEC to organise and conduct credible elections. The current arrangement exposes SIECs to partisanship which runs foul of the international standard of conducting free and fair elections by any EMB. In essence, for any election to meet international standard, the EMB that conducts such election must be seen to be neutral, in any ramifications. INEC is the EMB that conducts local government councils' polls in the country's FCT, Abuja. Since 1999, when INEC has held this responsibility, major challenges have not been recorded. In fact, in the last FCT Council poll it conducted in 2015, PDP which is currently the main opposition party in Nigeria won two of the three chairmanship positions in the FCT council.
3. It should be against the constitution for state governors to dissolve legally elected local government councils and install undemocratic caretaker committees in their place. The Federal Republic of Nigeria's 1999 Constitution currently makes no mention of the practice. This indicates that state governors' actions of dismissing elected councils are unconstitutional. As a result, a clause establishing sanctions for negligent state governors ought to be included in any future constitutional revision process. The aforementioned issue was addressed in the Supreme Court's (Nigeria's highest court) ruling on December 9, 2016, regarding the dismissed local government council chairs in Ekiti State. The administration of former Governor Kayode Fayomi dismissed the 16 local government chairmen, who had been elected in 2008, on October 16, 2016, two days after he took office as the state's governor. The impacted council chairman contested his action in court. In its ruling, the Supreme Court mandated that the Ekiti State Government reimburse the council officials who were unlawfully removed in 2010 for all 15 months of their rights, allowances, and emoluments (Nwaoko 2016:5). This ruling, which upheld the January 2015 Court of Appeal ruling on the subject, supports the study's earlier conclusion that it is unlawful for state governments to dissolve elected councils before their terms are up. However, this study is of the view that the judgement will bring sanity to local government administration in Nigeria.

- According to this study, the primary cause of state governments' preference for caretaker committees over elected councils is their theft of the monies allotted to local government councils. This report suggests eliminating the "Joint Account," which state governments utilize to enrich local government councils, in order to halt the trend. State governments should not be involved; instead, funds should be sent straight to local government councils.

This study believes that local government elections in Nigeria will be an election that endures and not just a political game if the above-highlighted proposals are accepted by the country's ruling elite.

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