



Local Government Elections: A travesty of Electoral Democracy?

Preliminary Report on recent Local Government Elections

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All enquiries can be directed to:

Yiaga Africa Initiative

Plot 54, Cadastral Zone, Idu, Karmo 900108

Abuja, Nigeria

info@yiaga.org

Download free copies of the report at: <https://yiaga.org>

Introduction

Local government elections are essential for enhancing democracy, decentralizing power, and promoting local development. They enable effective governance, representation, and community engagement at the grassroots level. These elections empower communities and foster citizen participation, which is crucial for inclusive governance. By participating in local elections, citizens can help establish robust local governments that meet community needs. Transparent and inclusive electoral processes strengthen democratic institutions and promote sustainable development.

However, local government elections in Nigeria face significant challenges that impede free, fair, and transparent electoral processes. Key obstacles include electoral violence, which manifests as intimidation, harassment, and physical aggression during elections, disrupting peaceful voting and undermining the electoral integrity. Such violence can diminish voter turnout, influence election outcomes, and erode public trust in the electoral system, raising concerns about the legitimacy of results.

This preliminary report is designed to explain the current debacle over local government elections in Nigeria and highlight major issues in the public and policy discourse around the problems. The aim is to provide ingredients for discussions on local government elections in Nigeria. The report has three sections. The first section is the introduction. The second provides a cursory presentation of local council elections as a vital part of the process of transition to the Fourth Republic. The third examines the recent elections as catalysed by the Supreme court. The character and outcomes of the elections provide the basis for highlighting issues for further discussion with electoral reforms in focus. The report also point to the importance of an electoral integrity index as a useful tool for monitoring progress, peer review and learning for improvement.

The Local Government Election Quagmire

Elections for Local Government and Area Councils played a crucial role in Nigeria's transition to democratic rule, particularly in the lead-up to the Fourth Republic. After the collapse of the Third Republic, local elections were held in March 1996 on a “zero party” basis, allowing winners to serve for just one year before transitioning to party-based elections. However, the 1996 elections were criticized due to the open balloting system, which lacked ballot secrecy and viable options for legal challenges.

In March 1997, local elections shifted to a party-based system, filling 774 council chairmanships and 8,184 councillorships through a secret ballot process. Despite this improvement, significant irregularities were reported, including electoral malpractices, concerns regarding voter registration and constituency delineation and corrupt practices among election tribunals.

After the death of General Abacha, fresh elections were held in December 1998 as part of the Abdulsalami Abubakar transition programme, which resulted in the Peoples Democratic Party (PDP) securing a majority of the seats.

Under the Fourth Republic, local government elections originally scheduled for 2002 faced multiple postponements, officially attributed to logistical challenges but widely speculated to be politically motivated. After the terms of local councils expired in May 2002, state governors appointed caretaker committees that remained in power until elections were finally set for March 2004. During the period, opposition parties accused ruling parties of placing loyalists in council positions. Thus the 2004 elections were conducted under pressure from various stakeholders.

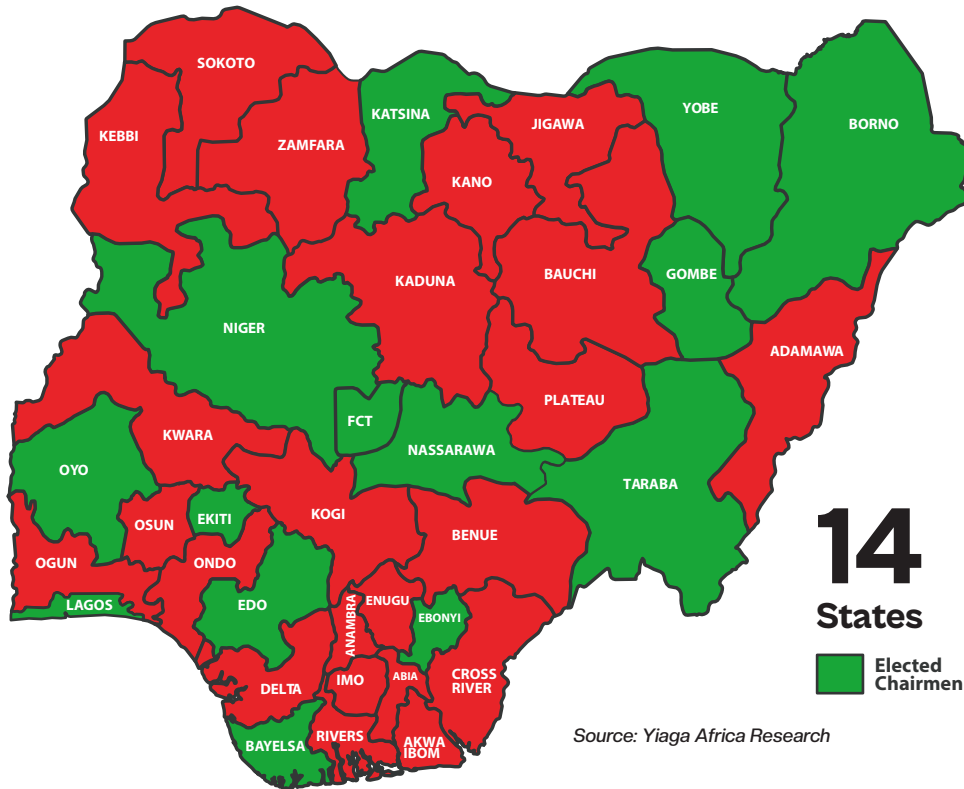
However, the preceding general elections of 2003 and subsequent local elections were fraught with violence and intimidation (Human Rights Watch 2004). Critics, including Suberu(2023: 401), assert that state governors play a significant role in undermining local democracy through arbitrary alterations of election timelines and manipulation of electoral processes, thereby stifling genuine democratic governance at the local level. Indeed, in the years that followed, many states resorted to the use of non-democratic process to fill vacant positions in the local councils.

The Supreme Court Judgement on Local Government Autonomy and Local Elections

The Supreme Court's ruling on July 11, 2024, aimed at enhancing the financial autonomy of local governments, has spurred a flurry of activity among state governments to conduct local government elections. In the wake of the ruling, more than 20 states have either announced or already held local government area (LGA) elections. The Court underscored that a "democratically elected local government is sacrosanct," deeming caretaker committees appointed by governors unsustainable. The Court stressed that federal funds should only be allocated to local governments with elected officials, requiring states to hold local government elections to access these funds.

Additionally, states are mandated to promptly transfer federal allocations to local governments upon receipt from the Federation Account. The Court also directed that future allocations should be disbursed directly to local governments to ensure their financial independence and uphold their democratic structure. Before this ruling, only 14 states had democratically elected councils, while 462 local governments across 22 states were operated by such caretaker committees, now ineligible for funds from the Federation Account until elected officials assume office. There is great relief that local government elections are currently being held across states, and elected officials will soon preside over all local councils in Nigeria. There is hope that the era of running local governments through caretaker committees or sole administrators will soon become a thing of the past. Going forward, there is a strong likelihood of regular elections at the local government level.

States with Democratically Elected LGA before the Supreme Court Judgement



States with Elected LGAs after the Supreme Court Judgements

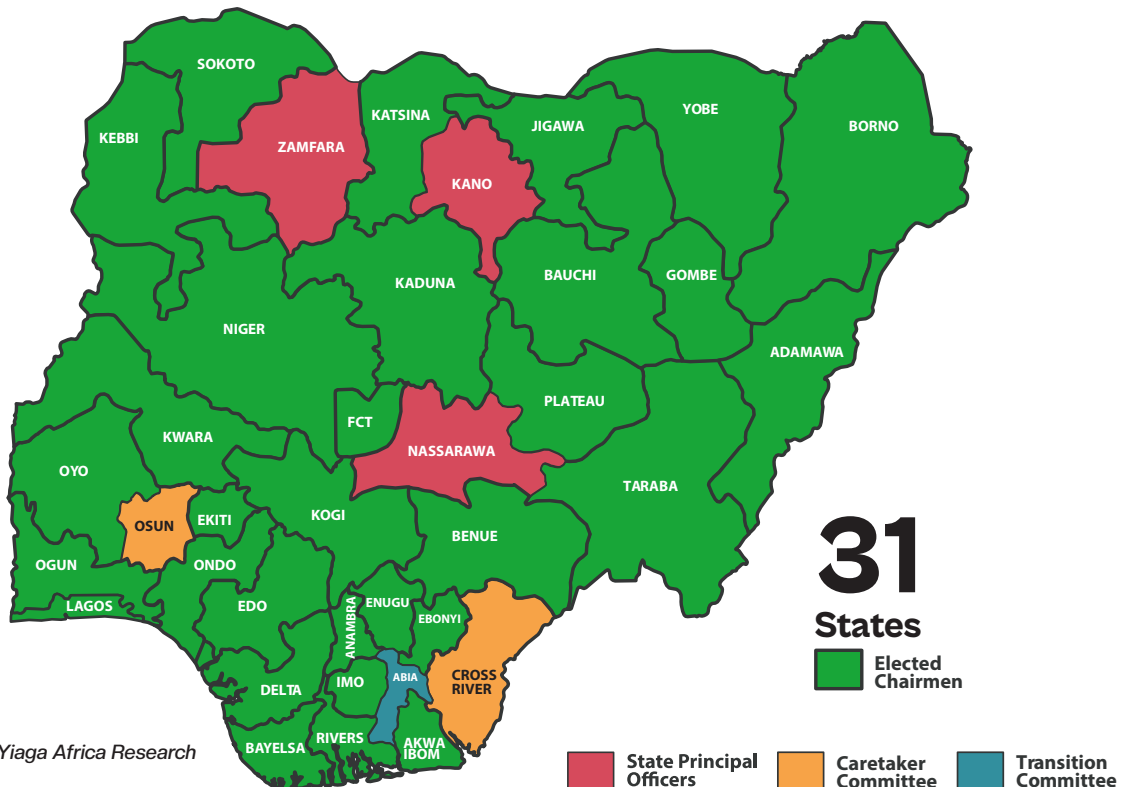


Table 1: Recent Local Government Elections and their Outcomes

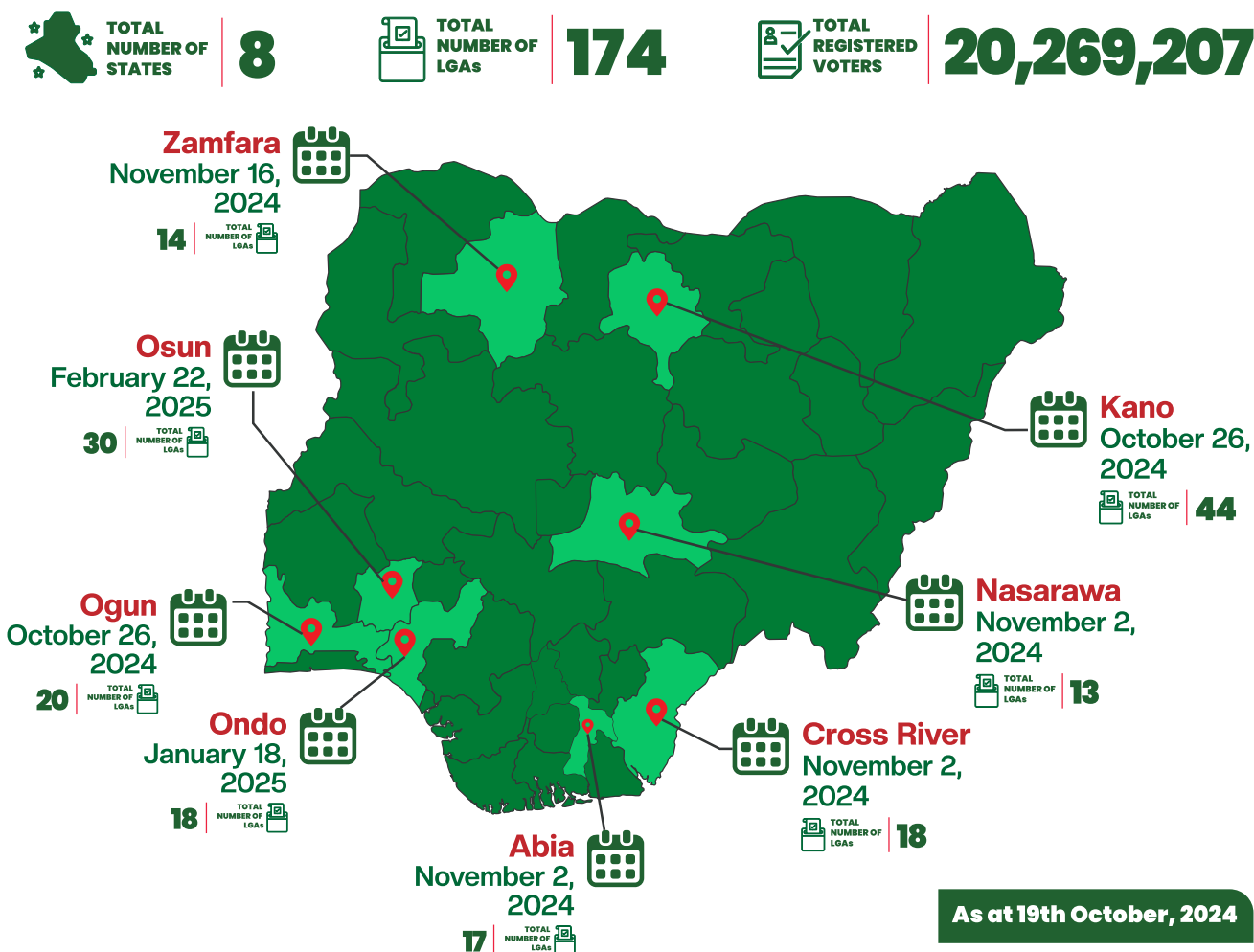
S/N	State	Date	Party of Governor	Governor's Parties		Other parties	
				Chairman	Councillors	Chairman	Councillors
1	Adamawa	13 July 2024	PDP	21	225		1
2	Delta	13 July 2024	PDP	25	499		1
3	Ebonyi	20 July 2024	APC	13	171	0	0
4	Bauchi	17 August 2024.	PDP	20		0	
5	Kebbi	30 August 2024	APC	21	225	0	0
6	Kwara	21 Sept. 2024	APC	16	193	0	0
7	Imo	21 Sept. 2024	APC	27	305	0	0
8	Enugu	21 Sept. 2024	PDP	17	260		
9	Sokoto	21 Sept. 2024	APC				
10	Anambra	28 Sept. 2024	APGA	21	326	0	0
11	Akwa Ibom	05 October 2024	PDP	30		1	
12	Benue	05 October 2024	APC				
13	Rivers	05 October 2024	PDP/APP	22		1	
14	Jigawa		APC	27	287	0	6
15	Plateau	09 October 2024	PDP	17	285		19
16	Kogi	19 October 2024	APC	21	239	0	0
17	Kaduna	19 October 2024	APC	23	256	0	0

A clear pattern of one-party dominance is evident across the states, making political interference—particularly by state governors regarding the constitution and funding of State Independent Electoral Commissions (SIECs)—a prominent topic in public discourse. Numerous newspaper editorials and opinion pieces have labeled local government elections as a “charade” or a “joke” (see News Express 04 October 2024, Leadership 14 October 2024, Punch 30 August 2024, Daily Trust, The Nation 11 October 2024, The Cable 12 October 2024, This Day 05 May 2024, Nigerian Tribune 04 October 2024).

This situation jeopardizes the potential for local governments to serve as the bedrock of democracy and development, limiting citizen engagement and the ability to address local needs. Lack of transparency and accountability in Nigeria’s electoral landscape has eroded public trust, resulting in voter apathy and disengagement.

Observers have reported various issues related to inadequate electoral infrastructure, including ineffective voter registration systems, insufficient polling stations, and a lack of necessary electoral materials. Logistical challenges and resource constraints often lead to delays and irregularities, negatively impacting voter access and turnout, which undermines the credibility of the elections. Addressing these challenges is essential to enhance the integrity and transparency of local government elections in Nigeria.

States with Upcoming Local Government Elections



Key Issues Arising from Recent Local Government Elections

To restore credibility to local government elections, it is essential to reform the electoral process at the local levels. Independent electoral bodies must ensure that all political parties have equal opportunities to compete, fostering an environment where democracy can thrive. The ongoing malpractice in elections highlights the urgent need for meaningful dialogue about genuine methods for selecting leaders, as the current electoral charade undermines the principles of democracy and governance in Nigeria.

1. Uncertain Tenure for Local Governments

Section 108 of the Electoral Act 2022 mandates that an area council in Nigeria will be dissolved after a four-year term, starting from the Chairman's oath of office or the inauguration of the Council's legislative arm, whichever comes first. This amendment replaces the previous three-year term under the Electoral Act of 2010. Currently, local government council tenures vary across states, ranging from six months to three years, which directly contravenes Section 108. This inconsistency has prompted calls for standardizing council terms nationwide to establish a uniform duration for local government councils across Nigeria.

2. Inconsistency between State Electoral Laws and the Electoral Act 2022

In the aftermath of the Supreme Court judgment, most states amended their electoral laws. Although efforts were made to align with the Electoral Act 2022, as required by Section 150, many states introduced provisions that deviate from the Act. For example, Section 103(3) of the Act provides that local elections must be conducted not earlier than 150 days and not later than 30 days before the expiration of the incumbent's term. However, there has been substantial non-compliance with this provision, with many states swearing in chairmen within 24 hours after elections.

3. Irregular or Inconsistent Local Elections

Since the return to democratic rule in 1999, local government elections have been irregular in most states. Some states have not held elections for over a decade, while others have postponed elections due to financial constraints or legal disputes. This troubling trend has persisted since 1999. The recent wave of local government elections is a direct result of the Supreme Court's ruling on local government financial autonomy.

4. Vote Allocation, Predictable Outcomes – Dominance of Ruling Parties

In nearly all states, the incumbent governor's party secured overwhelming victories in local government elections, winning all available council seats. While these results were viewed as unjustifiable given the diversity within states, ruling parties cited them as a reflection of public

confidence. In states like Enugu, Plateau, Bauchi, Rivers, Anambra, Kwara, Imo, Kogi, Benue, and Jigawa, the ruling party maintained dominance over local government leadership. In Akwa Ibom, the opposition “won” a chairmanship seat in Essien Udim LGA, though the ruling party was initially declared the winner by the returning officer. The Akwa Ibom State Electoral Commission later upturned the declaration without providing justification.

5. Poor Electoral Administration/Governance

Several challenges emerged during the 2024 local government elections, reflecting ongoing issues in the electoral process. Logistical challenges, such as delays in distributing electoral materials, led to frustration among voters. Allegations of vote buying, ballot stuffing, and manipulation further damaged the credibility of the elections. In some polling units, there was a lack of proper sorting or counting of votes, and vote collation was often neglected.

Electoral interference took various forms, including undue influence during the elections. The absence of a standardized electoral framework across states led to inconsistencies in how elections were conducted. Many states experienced incidents of violence and intimidation targeting voters and opposition parties, further undermining the credibility of the process.

These challenges have contributed to voter apathy, fueled by a lack of awareness about the importance of local governance and a perception that local elections are frequently tainted by violence and malpractice. This disillusionment undermines the legitimacy of elected officials and hinders effective local governance. Widespread voter apathy was particularly notable in states where citizens expressed dissatisfaction with political processes, raising concerns about the effectiveness of voter mobilization efforts.

6. Partisan Election Administration:

Partisanship is frequently evident in the appointment of members of State Independent Electoral Commissions (SIECs), with card-carrying members of the ruling parties often being selected to serve the interests of the ruling party. This partisanship impacts the distribution of election materials, with reports of delays and instances where votes in opposition strongholds are not counted. These practices raise concerns about the neutrality of SIECs, which are meant to be impartial but have become instruments for manipulating the electoral process under the control of state governors. Allegations suggest these commissions systematically allocate all positions to the ruling party in every election. Yiaga Africa's report on local government election stated that:

The SIECs generally face a gamut of challenges. Although duly provided for in the constitution, the SIECs operate at the mercy of the state governors to whom they owe their appointments. They could not operate independently and conduct elections when they were due. In some states, the government claimed not to have funds to conduct LG elections, while others opted to appoint caretaker committees. Many state governments have blatantly refused to constitute the SIEC. Even when inaugurated, they are poorly funded to enable them to perform their constitutional duties (Yiaga Africa 2024a:6).

Proposals to improve the Integrity of Local Government Elections

1. Election Management Body

Three proposals have been put forth to enhance the credibility of elections at the local government level in Nigeria. The first proposal advocates for the reform of state electoral commissions to ensure their independence from gubernatorial influence. The second proposal suggests the abolition of State Independent Electoral Commissions (SIECs) and the delegation of local government election responsibilities to the Independent National Electoral Commission (INEC). The third proposal calls for the establishment of a new national body specifically tasked with conducting local government elections.

In a recent legislative development, Nigeria's upper house, the Senate, progressed the third proposal. A bill sponsored by Senator Sani Musa (APC, Niger East) was passed for its first reading. This bill aims to establish the National Independent Local Government Electoral Commission (NILGEC) as a federal agency responsible for organizing, overseeing, and conducting elections for local government chairpersons and councilors across all 36 states and the Federal Capital Territory (FCT) (Aiyede 2024, Itodo 2024). The most plausible proposal is to introduce far-reaching reforms to local governments such as strengthening SIECs.

2. Autonomy and Operational Capacity of SIECs

Governors and state assemblies should prioritize efforts to improve the funding, autonomy, and capacity of State Independent Electoral Commissions (SIECs). They can take cues from the experiences of the Independent National Electoral Commission (INEC) and similar organizations around the globe. The objective should be for the Forum of SIECs to initiate a process that addresses the legal framework, potentially incorporating constitutional amendments to strengthen the independence and operational efficiency of SIECs.

Moreover, There is also a pressing need to strengthen the legal and institutional framework governing local elections. This includes establishing clear guidelines for conducting local government elections, ensuring the autonomy of local electoral bodies, and imposing stringent penalties for electoral malpractice. A more robust legal framework will improve the credibility of local elections and encourage greater public participation.

3. Voter Education

Promoting civic education and awareness is essential to address voter apathy and encourage participation in local governance. Engaging citizens in discussions about the importance of local government and their role in the electoral process can empower them to participate meaningfully. This effort can be enhanced through technology, which streamlines voter registration and provides crucial information about candidates and electoral procedures.

Fostering accountability and transparency in local governance is also critical. This can be achieved by using technology in the electoral process, such as electronic voting and real-time results transmission, reducing the risk of fraud.

4. Election Observation

Civil society organizations and the media should take on a more active role in observing local elections and advocating for necessary electoral reforms.

5. Election Integrity Index

A local government election integrity assessment index could serve as a tool for evaluating the quality of local elections in various local governments across Nigerian states. It helps monitor progress toward electoral integrity and provides insights into the challenges within the electoral process. The index supports the development of targeted strategies to address challenges, mitigate electoral misconduct, and uphold the credibility of local elections.

Furthermore, the index can play a significant role in advocating for reforms that improve security measures, enhance civic education, and fortify electoral institutions to ensure free, fair, and transparent elections at the local level. It also serves as a monitoring tool for election observers and civil society organizations, allowing them to evaluate the professional conduct and impartial oversight of State Independent Electoral Commissions (SIECs).

States can leverage the index as a peer review mechanism to exchange best practices, identify areas for improvement, increase public confidence in the electoral process, and uphold the democratic principles of accountability and representation. Yiaga Africa's Local Government Election Index provides a model for adoption.

Conclusion

Local government elections in Nigeria are critical for promoting democratic governance and addressing local community needs. Credible elections are essential for reinforcing democracy at the grassroots level and giving citizens a meaningful voice. However, challenges such as state interference, electoral violence, low voter turnout, and logistical inefficiencies undermine the effectiveness of these elections. These systemic issues must be addressed to improve the integrity and credibility of future elections.

To enhance local governance, it is crucial to strengthen State Independent Electoral Commissions (SIECs), promote civic education, ensure transparency in electoral processes, and foster genuine political competition. Addressing these issues will improve the credibility of local government elections in Nigeria.

Additionally, establishing an index for assessing electoral integrity can serve as a framework for peer review, monitoring, and advocating for improvements. This will enhance local election integrity.

A renewed commitment to free and fair elections is essential for strengthening democracy and ensuring effective representation of citizens in governance.

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Plot 54 Cadastral Zone, Idu, Karmo, Abuja
900108, Federal Capital Territory, Nigeria

info@yiaga.org | www.yiaga.org

