

B. There shall be a 7-member Governorship Election Committee in each State of the Federation who must be persons of proven integrity. They will be recruited from outside the State of their assignment comprising of a Chairman, Secretary and 5 other Members. They shall be responsible for the overall conduct of the exercise in the State.

C. There shall be a 7- member legislative Election Committee (State House of Assembly, House of Representatives and Senate) of each State of the Federation and FCT. They will be recruited from outside of their State for their assignment, and shall comprise of a Chairman, Secretary and 5 other Members. They shall be responsible for the overall conduct of the exercise in the State and FCT.

D. The membership of the various Electoral Committees shall be as constituted by the National Working Committee (acting on behalf of NEC).

Duties of the Committee shall include

- Verification. Accreditation of delegates
- Organizing and conducting Elections and all duties related thereto. The Electoral Committee shall serve as Electoral Officers/Returning Officers from each election. They shall supervise the conduct of party's primaries in the State, compile results and submit same to the National Secretariat. They shall have powers to announce the outcome of all elections conducted.

The Electoral Committee shall appoint Returning officers from amongst themselves and shall have the power to appoint a Returning officer to supervise areas where they cannot cover, and such Returning Officer shall not be from that Constituency/ Senatorial Zone/ State.

From the provisions of paragraphs 14 and 20 of the guidelines, there is very clear emphasis on the person to be recruited for the purpose of conducting primary elections, both paragraphs placed emphasis on recruiting persons from outside the area where elections are to be conducted, the power to appoint the 7 man Committee is vested in the National Working Committee, PW1 stated in his evidence that Lawal M. Liman is the Chairman of the party in Zamfara State, he is not a member of the National Working Committee, he was not appointed by the National Working Committee to conduct primaries, in the face of all these hard facts, he crafted exhibit 6 signed and sent list of

allegedly successful candidates to the Resident Electoral Commissioner Zamfara State, forwarding list of successful candidates, and the list included his name as a successful candidate, he is also one of the Respondents in this appeal.

I must say it loud and clear, that Lawal M. Liman the Chairman APC Zamfara State had no slightest power to conduct primaries and forward list of successful candidates to INEC. He acted illegally against his party's Constitution and guidelines with respect to conduct of primaries. He had no authority or slightest business conducting primary elections and forwarding list of allegedly successful candidates including his name to INEC. His action is incongruous, patently bizarre and detrimental to healthy competition in politics. It is also strange that PW₁ insisted that Primary elections were conducted, his stance was either founded on ignorance or a calculated design to stick to falsehood and hoodwink the lower Court. I must also add, that PW₁ is not a reliable witness because he has a mission and a purpose to serve. He is a candidate and a product of the purported party primaries, hence he has a stake in the purported primary election, which he tried to defend by all means, all be it very unfairly.

Section 31 (1) of the Electoral Act 2010 (as amended) provides that:

Every political party shall not later than 60 days before the date appointed for a general election under the provisions of this Act, submit to the Commission in the prescribed forms the list of the candidates the party proposes to sponsor at the elections.

The above provision of the law, takes me to section 87 (1) of the same Electoral Act the section also dealing with primary elections provides as follows:

87(1). A political party seeking to nominate candidates for elections under this Act shall hold primaries for aspirants to all elective positions.

Having found that the 39th Respondent failed to conduct primary elections in line with the provisions of the law, particularly sections 31 and 87 of the Electoral Act 2010 (as amended), the 41st Respondent in this appeal, the Independent National Electoral Commission on the 9th day of October 2018

and no other must be employed in the performance of the Act, see: **BERNARD AMASIKE V, REGISTRAR GENERAL, CORPORATE AFFAIRS COMMISSION (2010) LPELR-456 (SC).**

I am convinced that the lower Court failed in its duty to properly evaluate the evidence placed before it by the Appellants in this appeal, let me refer the decision in **OVUNWO & Ors V. WOKO & Ors, (2011) LPELR-2841 (SC)**, where my Lord **CHUKWUMA ENEH JSC** (of blessed memory) said: *"I must however , respectfully observe at this stage vis-à-vis the lower Courts manner of couching its judgment in this appeal that every Judge reserves the right as to his own style of writing judgments whether sitting at the trial or appellate level of the Courts. All the same, what must be recognized as settled law is the duty to pronounce judgment on all issues placed before the judge for resolution. Without over simplifying this duty every judgment has to state the facts of the case, state the points at issue requiring the Court to pronounce upon them, then the Courts decision with the reasons for same"*.

Having said this much, I am of the view that Appellants issues three and four must be and are hereby resolved in favour of the Appellants against the Respondents.

Let me end with these words of admonition proffered by his Lordship **AUGIE JSC** in **LAU V. PDP (Supra)** at pages 66-67 thereof, thus

"This is a hard and very bitter lesson for political parties to learn, they may have chosen candidates or eminent personalities they want to present as candidates to INEC, but they have to play by the rules, the chosen candidates must comply with the requirements of the law; they must abide by the provisions of the Electoral Act, which creates a level playing field for all aspirants, who seek to contest elections. So, the political parties and their candidates must obey the Rules".

I think with that, I am done. I only need to add that those who have ears to hear should hear and do what the Courts have been saying.

Having resolved issues three and four in favour of the Appellants it follows that Appellants appeal has merit and therefore deserves to be and is hereby allowed by me. In consequence of allowing this appeal, the Judgment of the