

Pending petitions and appeals saved.

**125.** Nothing in this Act shall affect any proceeding pending at the commencement of this Act on any petition or any proceeding on appeal pending at the commencement of this Act relating to any petition and such proceeding or appeal may be proceeded with as if this Act had not been passed.

Electoral commission's power to enlarge time.

**126.** The Electoral Commission may, where the circumstances so require, by order, enlarge or reduce the time prescribed in this Act for the giving of any notice or for the doing of any act or thing.

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Transitional.

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Repeal of Acts No. 15 of 1995, No. 16 of 1995 and No. 17 of 1995.

**129.** The following Acts are hereby repealed:—

- a. Franchise and Electoral Registration Act, 1995;
- b. Electoral Provisions Act, 1995;
- c. Presidential Elections Act, 1995.

## ACTS

*Supplement to the Sierra Leone Gazette Vol. CXXXIII, No. 17*  
*dated 4th April, 2002*

SIGNED this *21st day of March, 2002.*

ALHAJI AHMAD TEJAN KABBAH  
*President.*



No. 5

2002

**Sierra Leone**

**The Electoral Laws (Amendment) Act, 2002.**

Short title

**Being an Act to amend the Electoral Laws Act, 2002.**

[*7th February, 2002*]

Date of Commencement

ENACTED by the President and Members of Parliament in this present Parliament assembled.

## THE ELECTORAL LAWS ACT, 2002

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## PART I—PRELIMINARY

Interpretation

**1.** In this Act, unless the context otherwise requires

“ballot paper” means the printed form used for the purpose of voting for a candidate;

“candidate” means a person nominated for election in a constituency or included in a list of candidates drawn up by a political party under section 53, or as a Paramount Chief member of parliament;

“constituency” means a constituency prescribed under subsection (1) of section 38 of the Constitution;

“Constitution” means the Constitution of Sierra Leone, 1991;

“district” means a district established under the Provinces Act;

“election” means any election for the President of Sierra Leone, Parliament or a local authority;

“election period” means the period between the commencement of the election, which is the date of the proclamation of the election, and the ending of the election, which is the date the Electoral Commission receives the results of the election for publication in the *Gazette*;

“elector” means any person whose name is on any Register of Electors prepared in accordance with this Act or, in the case of the election for a Paramount Chief member, a person whose name is on the *Gazette* List;

“Electoral Commission” means the Electoral Commission referred to in section 32 of the Constitution;

“electoral region” means a district, ward, or other electoral area into which Sierra Leone is divided;

“field registrar” means a person appointed as such under section 18;

“Gazette List” means the latest list of a Chiefdom Council appearing in the *Gazette* prior to an election;

“general election” means a general election for members of Parliament;

“nomination paper” means the printed Form used for the purpose of nominating a presidential candidate or other candidate for election under this Act;

“non-citizen” means a person who is not a citizen of Sierra Leone;

“observer” means any person or group of persons, whether national or international, accredited by the Electoral Commission to observe, verify or monitor the electoral processes established by this Act;

“official mark” means an official secret mark (if any, prescribed by the Electoral Commission) impressed upon a ballot paper before delivery to any elector at an election;

“ordinary resident” in relation to any person means the home or place where he normally resides and to which he returns regularly after any period of temporary absence;

“Paramount Chief” means a chief who is not subordinate in his ordinary jurisdiction to any other chief but does not include an acting chief or a regent chief;

- “Paramount Chief Member” means a member of Parliament referred to in paragraph (a) of subsection (1) of section 74 of the Constitution;
- “political party” means an association of persons registered as a political party under the Political Parties Act, 2001;
- “Polling Assistant” means any person appointed as such under section 35 or 61;
- “polling station” means a polling station provided under section 61;
- “presidential candidate” means a person standing as a candidate in a presidential election;
- “presidential election” means an election to choose a person to the office of President of the Republic of Sierra Leone;
- “Presiding Officer” means any person appointed as such under section 35 or 61 and includes an Assistant Presiding Officer;
- “Refugee Camp” means a camp for the reception and housing of refugees by the approved authority referred to in section 6;
- “Register of Electors” means the register referred to in section 27;
- “registration area” means an area prescribed by the Electoral Commission within a ward or a Chiefdom for the purposes of voter registration under this Act;
- “Registration Officer” means a person appointed as such under section 8 and includes an Assistant Registration Officer appointed under section 9;
- “Revising Officer” means a person appointed as such under section 8;
- “ward” means one of the areas into which Sierra Leone is divided for the purposes of registration and includes such Chiefdoms designated as wards by the Electoral Commission.

## PART II—REGISTRATION OF VOTERS BY WARDS

- 2.** For the purpose of registering electors for the election of the President of Sierra Leone, Parliament and members of a local authority, the Electoral Commission may, by order made by statutory instrument, divide Sierra Leone into wards. Division of Sierra Leone into wards.
- 3.** (1) No person shall be registered as an elector for more than one ward or more than once in any ward. Electors to be registered once only
- (2) Any person who knowingly seeks and obtains registration as an elector in contravention of subsection (1) commits an offence and shall be liable, on summary conviction, to a fine not exceeding Five Hundred Thousand Lones or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.
- 4.** (1) Subject to section 7 every person, whether male or female, who has attained the age of eighteen years and is ordinarily resident in a ward on the date specified for the publication of notices inviting claims for registration under section 12, is entitled to be registered as an elector in that ward and, when so registered, to vote in such ward at any election. Qualification of electors
- (2) A person’s ordinary residence shall be determined by determined by reference to all the facts of the case and in particular, by reference to the rules contained in the First Schedule.
- (3) Without prejudice to subsections (1) and (2), the Electoral Commission may, by order made by statutory instrument, specify places, other than the areas referred to in those subsections, for the purposes of registration, voting or transfer of the votes of such electors as may be specified in such order.
- 5.** (1) Where any elector who is registered in one ward becomes ordinarily resident in another ward or loses a voter registration card or such card is destroyed, he may apply to the Registration Officer of the ward in which he is ordinarily resident, and the Registration Officer shall— Change of residence and loss or registration card.

- a. if he is satisfied that the applicant—
  - i. is qualified for registration; and
  - ii. is ordinarily resident in the ward in respect of which he makes the application: and
- b. as the case may be, on the surrender by the applicant of his voter registration card or upon the applicant satisfying the Registration Officer that it is lost or destroyed,

register the applicant in the register for the ward and issue to the applicant a voter registration card for that ward.

(2) Where a Registration Officer registers an applicant under paragraph (b) of subsection (1) he shall immediately cancel the voter registration card surrendered by the applicant.

**6.** (1) Without prejudice to section 4, the Electoral Commission may—

- a. register outside the country any Sierra Leonean citizen registered by the approved authority as a refugee either in the Republic of Guinea, Liberia or any other lawfully established Refugee Camp during the period of the rebel war commencing 1991 and ending 2002 who—
  - i. is qualified to be registered as an elector under section 31 of the Constitution;
  - ii. presents himself to the Registration Officer or field registrar;
  - iii. possesses the appropriate identification document issued by the approved authority; or
  - iv. is on the register or official list of the approved authority;

Registration of electors outside Sierra Leone.

- b. make provision for the registration outside the country of any non-resident citizens of Sierra Leone who may wish to be registered as electors

(3) In this section, “approved authority” means the United Nations High Commissioner for Refugees.

**7.** No person shall be registered as an elector or, having been registered as such, shall be entitled to vote at any election if he is—

Disqualification for electors

- a. a non-citizen;
- b. a lunatic within the meaning of any law in force in Sierra Leone;
- c. disqualified from being registered as an elector or voting in any law in force in Sierra Leone relating to offences connected with elections; or
- d. serving a sentence of imprisonment.

### PART III—PROCEDURE FOR REGISTRATION OF ELECTORS

**8.** (1) The Electoral Commission may from time to time appoint fit and proper persons to be Registration Officers and Revising Officers to prepare, or as the case may be, to revise Registers of Electors in the manner prescribed by this Act.

Appointment of Registration Officers and Revising Officers.

(2) Any appointment under subsection (1) or any termination thereof, shall be notified by Government Notice, and shall specify the ward or wards in respect of which such appointment or termination shall apply.

(3) Registration Officers and Revising Officers shall comply with any general or specific directions which may be given by the Electoral Commission with respect to the arrangements to be made by such officers for carrying out their registration and revision duties under this Act.

Appointment of Assistant Registration Officer.

**9.** (1) The Electoral Commission may appoint fit and proper persons to be Assistant Registration Officers to assist Registration Officers in the preparation of the Registers of Electors in accordance with this Act.

(2) Subject to the authority, direction and control of the Electoral Commission, an Assistant Registration Officer shall have the powers to perform all of the duties of a Registration Officer under this Act.

Sub-wards.

**10.** The Electoral Commission may from time to time divide any ward into such registration areas (hereinafter referred to as sub-wards) within such ward as it may deem necessary for the proper execution of its duties.

Notice of intention to compile Registers of Electors.

**11.** Upon being so notified by the Electoral Commissioner, the President may, from time to time, by statutory instrument, make orders –

- (a) declaring the intention of the Electoral Commission either generally or in such wards as he may specify in the order to have new Registers of Electors prepared; and
- (b) specifying a date for the publication of notices inviting claims from electors under section 12:

Provided that any order already in existence, if issued not more than two year earlier, shall be sufficient for the purposes of this section.

Notice inviting claims of electors. Form A second schedule

**12.** On the date specified under any order made under section 11, the Electoral Commission shall publish in each ward a notice in Form A in the Second Schedule requiring within fifteen days of the publication of such notice every eligible elector to present himself for registration in the ward in respect of which the notice is published.

**13.** (1) Within the period of fifteen days specified in section 12, every person who is entitled to be registered as an elector in any ward shall present himself to the Registration Officer for registration and shall be registered as an elector, unless the Registration Officer is not satisfied that the person concerned is entitled to be registered.

Notice of claims for registration.

(2) A claim to the entitlement to be registered as an elector shall be in Form B prescribed in the Second Schedule.

**14.** (1) For the purposes of satisfying himself as to the claim of any person to be registered as an elector, a Registration Officer may request from the person applying to be registered any of the following:–

Proof of claim for registration.

- a. a birth certificate or other such document issued under the authority of an enactment;
- b. a naturalisation certificate;
- c. the testimony of a member of the local authority in the area of his residence;
- d. a statutory declaration giving particulars of his birth;
- e. any other satisfactory evidence of his entitlement to be registered as an elector.

(2) A Registration Officer shall examine any document or testimonial evidence presented to him and, if satisfied with the validity of the document or the sufficiency of the testimonial evidence, shall register the person concerned.

(3) A person who establishes his claim to be registered as an elector under this section, shall be registered in a form containing the particulars contained in Form C in the Second Schedule, but designed in a manner determined by the Electoral Commission and shall be given a voter registration card by the Registration Officer.

(4) Where a voter registration card issued to an elector is proved to the satisfaction of the Registration Officer to be lost, defaced or destroyed, the elector may, upon application made in person to the Registration Officer, be issued a new voter registration card in the case of a card that is defaced, upon the surrender of that card.

(5) Any person wishing to vote as an elector in any election shall present the voter registration card referred to in subsection (3).

(6) Notwithstanding subsection (5), a person whose name appears on the Register of Electors shall be entitled to vote at an election even though he does not possess or present to the Presiding Officer, Assistant Presiding Officer or the polling assistant a voter registration card, if he satisfies any such officer that he is the person whose name appears on the Register of Electors for the ward or polling station in question.

Refusal of register.

**15.** (1) The Registration Officer may, after considering an application for registration made under section 14, refuse to register the person if the Registration Officer is satisfied that he is not qualified for registration.

(2) Where the Registration Officer refuses to register any person, he shall—

- a. make a record of his refusal, the reason for it and the date of the refusal and sign the record; and
- b. inform the person that he may, in accordance with section 19, appeal against the refusal to the Electoral Commission.

Records of statements made by persons refused registration.

**16.** (1) If the Registration Officer refuses to register any person, the Registration Officer shall advise him accordingly and make a written record of any statement which the person may wish to make in response to that advice and in support of his application.

(2) Any written records made under subsection (1) shall be retained and secured in accordance with the instructions of the Electoral Commission.

**17.** Within forty days after the expiry of the date fixed under section 12 of the registration of electors, the Electoral Commission shall compile a provisional list of all electors registered for each ward and shall, by Government Notice in Form D in the Second Schedule, specify the places within that ward where a copy of the provisional list shall be exhibited by the Electoral Commission for the review of the public:

Exhibition of provisional list of electors

Provided that if it becomes necessary or expedient, the provisional list or any part thereof may be exhibited in any sub-ward to which it relates.

**18.** (1) For the purpose of compiling the provisional lists under section 17, the Electoral Commission may—

Power of Commission field registrars etc, in compiling provisional list.

- a. appoint field registrars in order to have a house-to-house or other sufficient inquiry made as to the person entitled to be registered and such field registrars may perform such other duties connected with the registration of electors as may be assigned to them by the Electoral Commission; and
- b. inspect existing Rate Books, Local Tax Assessment Lists and all other similar records relating to any area; ward, and any officer of a local authority or other person having the custody of any such records shall afford the Electoral Commission every facility as may be required.

(3) Every field registrar shall submit to the Electoral Commission and to the Registration Officer of the electoral area concerned a report of the enquiries carried out under subsection (1) in which he shall set out the names and other particulars of every person found by him to be eligible to be registered.



Procedure as to omissions and objections.

19. (1) Any person whose name has been omitted from any copy of the provisional list of electors or part thereof, prepared and exhibited under section 17, and who claims to have his name inserted therein shall, during the period of exhibition of the copy or part thereof, apply or present himself to the Electoral Commission to have his name inserted in such copy, in Form E in the Second Schedule.

Form E  
Form F  
Form G  
second  
schedule.

(2) Any person whose name appears in any copy of the provisional list or part thereof may object to any other person whose name also appears therein as not being entitled to be registered as an elector, and shall, during the period of the exhibition of the copy or part thereof under section 17, give notice of his objection to the person objected to, in Form G of the Second Schedule, giving reasons for his objection.

(3) Within five days of the expiry of the exhibition referred to in subsection (1) and (2), the Electoral Commission shall cause to be prepared and exhibited, in a place where a copy of the provisional list or part thereof has been exhibited under section 17, a statement of all claims and objections in respect of such copy or part thereof, giving the names of the persons who have made the claims or the objections.

(4) Any person who knowingly causes his name to be included in any copy of a provisional list while not entitled to be registered and any Registration Officer who knowingly includes the name of any person while that person is not entitled to be registered commits an offence and shall be liable, on summary conviction, to a fine of five hundred thousand Leones or to imprisonment for a term of two years or to both such fine and imprisonment.

Revision inquiries.

20. (1) A public inquiry shall be held for each ward by the Revising Officer for that ward for the purpose of revising the provisional list for the ward.

(2) The inquiry shall be held on such a day being within eight days after the publication of the list of claims and objections referred to in subsection (3) of section 19, as may be fixed by the Revising Officer, and five days' notice of the holding of the inquiry and of the place and time at which the inquiry is to be held shall be given in such manner as the Revising Officer may consider appropriate.

Procedures of revision.

21. (1) Upon the production at an inquiry by the Registration Officer of the provisional lists for the ward and statement of claims and objections relating thereto, the Revising Officer shall go through the lists and shall insert in any list the name every person who is proved to his satisfaction to be entitled to have his name inserted therein and shall strike out of such list the name of every person who, upon the application of an objector or of the Registration Officer, is proved to the satisfaction of the Revising Officer not to be entitled to have his name retained therein or to be dead.

(2) If an objector, other than the Registration Officer, appears neither in person nor by counsel, the objection shall be overruled and the name of the person objected to shall be retained as an elector in the provisional list.

Powers of Revising Officer.

22. (1) The Revising Officer holding an inquiry under this Act may require any of the parties present to give information in his possession which the Revising Officer may require for the purposes of his duties as Revising Officer and may, subject to section 26, adjourn the inquiry to such time and as often as may be necessary.

(2) The Revising Officer shall, in public, determine all claims and objections and shall write his initials against any name struck out of a provisional list or inserted therein, or against any mistake or omission corrected, and shall sign his name to every page of the provisional list when the list is finally settled.

(3) If the Revising Officer is of the opinion that the claim or objection of any person is without foundation or is frivolous, he may order such person to pay the actual costs of the inquiry, including the cost of witnesses, and such costs shall be recoverable by the Registration Officer in a suit before any court of competent jurisdiction.

Grounds of appeal

23. No appeal or notice of appeal shall be received or allowed against the decision of the Revising Officer upon any question of fact or upon the admissibility or effect of any evidence or admission adduced or, as the case may be, made in any case to establish any matter of fact only.

Procedure on appeal.

**24.** (1) Any person—

- a. whose claim to have his name inserted in a provisional list has been disallowed; or
- b. who has made an objection to any other person as not being entitled to have his name inserted in a provisional list; or
- c. whose name has been struck out from any provisional list; or
- d. who has made any objection to any other person as not being entitled to be shown in a provisional list,

and is dissatisfied with any decision of the Revising Officer on any point of law material to the result of his case, may, either in person or by counsel, deliver to the Registration Officer within seven days after the decision of the Revising Officer was given, a note in writing of his desire to appeal to the High Court by way of a case stated and such notice shall contain a short statement of the decision against which he desires to appeal.

(2) The Registration Officer shall forthwith forward the notice of appeal to the Revising Officer.

(3) The Revising Officer shall upon receiving the notice of appeal referred to in subsection (1), state in writing the facts which in his judgement have been established by the evidence in the case, and which are material to the matter in question and his decision upon the whole case, and also his decision upon any point of law appealed against, and shall sign and date his statement.

(4) The Master and Registrar of the High Court, after receiving a case stated under subsection (3) from the Revising Officer, shall file the case in the High Court and shall forthwith set down the appeal for hearing and give seven days clear notice of the date of hearing of the appeal to the appellant and respondent, (if any).

(5) When the High Court has determined an appeal, the Master and Registrar of the High Court shall forward forthwith to the Revising Officer a statement under his hand of the decision of the High Court.

(6) Where by any decision of the High Court any decision of the Revising Officer is reversed or altered so as to require an alteration or correction in a provisional list of the Register of Electors, the Revising Officer shall forthwith alter or correct such list of the register accordingly and shall sign his name after the words “altered (or corrected) on Order of the High Court dated the..... day of..... 20“ which he shall write on the list of the Register against every such alteration or correction.

**25.** The right of any person whose name is for the time being on a Register of Electors to vote at an election shall not be prejudiced by any appeal pending under section 24, and any vote given at an election in pursuance of that right, shall be as good as if no such appeal were pending and shall not be affected by the subsequent decision of the appeal.

Right to vote not affected by pending appeal.

**26.** The provisional lists in respect of any ward shall be finally settled and signed by the Revising Officer and such lists shall be delivered by him to the Registration Officer within five days from the date on which such Revising Officer first commenced to hold his inquiry and to revise such lists.

Settlement of lists.

**27.** (1) Upon delivery to him of the list as revised by the Revising Officer, the Registration Officer shall, within such period as the Electoral Commission may by Government Notice direct, cause the revised list to be kept, ward by ward, in a register to be known as the Register of Electors, beginning with every name in each ward and continuing in regular series to the last name in each ward.

Register of Electors

(2) The Register of Electors for the time being in force in any ward shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote at the election of the President of Sierra Leone, an ordinary member of Parliament or, as the case may be the election of a member of a local authority to represent that ward.

(3) A change of name, if provided to the satisfaction of the Returning Officer, shall not affect the right of an elector to vote under the name in which he is registered.

#### PART IV—PRESIDENTIAL ELECTION

Time for presidential election.

**28.** (1) There shall be a presidential election to fill any vacancy occurring in the office of the President under subsection (1) of section 49 of the constitution.

(2) The vacancy to be filled by any presidential election shall be declared by the Electoral Commission by proclamation made after consultation with the President.

(3) Where the vacancy in the office of President occurs—

- a. in any of the circumstances referred to in paragraph (a) of subsection (1) of section 49 of the Constitution, a period during which the presidential election shall be held shall be determined by the Commission in accordance with section 43 of the constitution; and
- b. in any other case, the Electoral Commission, may in the proclamation referred to in subsection (2), fix the actual date of the election, such date not being earlier than thirty days and not later than sixty days before the day appointed for voting in the elections.

Nomination of presidential candidates.

**29.** (1) No person shall stand as a candidate in a presidential election if he is not a candidate nominated by a political party.

(2) A person is not qualified to be nominated as a candidate in a presidential election unless he is—

- a. a citizen of Sierra Leone
- b. a member of a political party
- c. not less than forty years of age; and
- d. otherwise qualified to be elected as a member of Parliament.

**30.** (1) The nomination of a presidential candidate shall be in writing in the Form prescribed in the Third Schedule and shall be subscribed by—

Form of nomination of presidential candidate. Third Schedule.

- a. The presidential candidate;
- b. The candidate designated for the office of Vice-President by the presidential candidate in accordance with subsection (2) of section 54 of the Constitution; and
- c. three executive members of the political party which nominated the presidential candidate.

Act No. 6 of 1991.

(2) A person shall not be qualified to be designated as a candidate for the office of Vice-President if he does not have the qualifications specified in subsection (2.) of section 29.

(3) The nomination papers of a presidential candidate shall be delivered by the candidate to the Returning Officer on such day and at such time and place as may be prescribed by the Returning Officer by order published by Government Notice and shall be accompanied with two statutory declarations in the Form prescribed in the Fourth Schedule, made separately by the presidential candidate and the candidate designated by him for the office of Vice-President.

(4) Any person who makes a statutory declaration under subsection (3) which he knows to be false in a material particular, or recklessly, whether it is true or not, commits an offence and shall be liable, on summary conviction, to a fine not exceeding five million Leones or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.

(5) The Returning Officer for a presidential election shall be the Chairman of the Electoral Commission.

Presidential candidate to pay election fee.

**31.** (1) Presidential candidate shall not be entitled to take part in a presidential election unless he has paid to the Returning Officer an election fee of one million Leones which shall not be refundable.

(2) The Returning Officer shall cause an official receipt to be issued in respect of any election fee paid under subsection (1).

(3) The election fee shall be deemed to be duly paid under this section if a presidential candidate deposits with the Returning Officer a written receipt issued by or on behalf of the Accountant-General for the amount mentioned in subsection (1) received for or on account of the candidate in respect of that sum.

(4) The election fee prescribed by this section shall be paid on or before such date as may be fixed by the Returning Officer in the order referred to in subsection (3) of section 30.

Publication of Nomination.

**32.** (1) Upon the expiration of the time prescribed under section 30 for the delivery by a presidential candidate to the Returning Officer of his nomination papers, the Returning Officer shall immediately cause to be published by Government Notice and in such other manner as he may think fit, a notice of the nomination, showing the full name, address and occupation of each presidential candidate together with the following particulars—

- a. name of the political party of which he is a member;
- b. the names, addresses and occupations of three executive members of the political party which nominated the presidential candidate.

(2) The Government Notice referred to in subsection (1) shall direct that any citizen of Sierra Leone may lodge an objection, if any, against the nomination of a presidential candidate but that such objection shall be lodged with the Supreme Court within seven days of the publication of the Government Notice.

(3) An objection against the nomination of any presidential candidate shall be heard by the Supreme Court made up of three Justices whose decision shall be given within thirty days of the lodging of the objection.

(4) Where the Supreme Court upholds an objection against any nomination, it shall declare the presidential candidate concerned to be disqualified from contesting the presidential election.

**33.** (1) Where at a presidential election a candidate dies before polling begins, the Electoral Commission shall appoint a further nomination day, being not less than twenty-one days from the date of the death of the candidate to enable the party which nominated the dead candidate to nominate a new presidential or vice-presidential candidate. Political party to nominate fresh candidate.

(2) If a further nomination day is appointed under subsection (1), the Electoral Commission shall appoint another presidential election day and the appropriate procedures shall start afresh.

**34.** A candidate in a presidential election shall be deemed to have been duly elected to the office of President and shall be declared as such by the Returning Officer if he is the only candidate nominated for election after the close of nomination. Election of unopposed candidate.

**35.** After the appointment of the day under section 28 for the holding of a presidential election, the Commission shall, by Government Notice, appoint such persons as it may think fit, other than a candidate for election, to be— Appointment of Presiding Officers and Polling Assistant by the Commission.

- a. the Presiding Officer who shall be in charge of the polling in a polling station; and
- b. Polling Assistants under the direction of the Presiding Officer.

**36.** (1) The hours of voting shall be from seven o'clock in the morning to five o'clock in the afternoon or such later time as the Electoral Commission may allow. Time and procedure for polling.

(2) The voting at any polling station shall not be closed until all the registered electors present inside the polling station or waiting in line outside the polling station at the time specified in subsection (1) have cast their vote.

(3) Part VI shall, with the necessary modifications, apply to the voting in a presidential election.

Declaration of election result.

**37.** (1) After the expiration of the time fixed for polling, the votes shall be counted, polling station by polling station; and each Presiding Officer shall as soon as possible after the votes have been counted, certify, through the regional offices of the Electoral Commission, to the Returning Officer, the result of the counting, slating the number of valid votes cast in favour of each presidential candidate.

(2) As soon as possible after receipt of the result of the counting of votes under subsection (1), the Returning Officer shall tally and compute the results certified to him by the various Presiding Officers and shall thereafter declare the result of the election accordingly.

Certification of election and publication of result.

**38.** The Returning Officer shall, after declaring the result of a presidential election—

- a. issue to the successful candidate a certificate of election in the Form prescribed in the Fifth Schedule; and
- b. as soon as possible, cause the result of the election to be published by Government Notice and in such other manner as he may think fit.

Assumption of office by elected candidate.

**39.** (1) A person elected to the office of President shall, subject to subsection (2), assume that office on the date upon which he is declared elected by the Returning Officer or upon the date that his predecessor's term of office expires, whichever is later.

(2) Before assuming office, the President shall take and subscribe the oath for the due execution of his office, set out in the Second Schedule to the Constitution.

**40.** (1) Any person who is a citizen of Siena Leone may challenge the validity of the election of the President by petition to the Supreme Court within seven days after the declaration of the result of a presidential election under subsection (2) of section 38. Challenge of election of President.

(2) A declaration by the Supreme Court that the election of the President is not valid shall be without prejudice to anything done by the President before the declaration.

#### PARTV—GENERAL ELECTION OF MEMBERS OF PARLIAMENT

**41.** Members of Parliament shall comprise—

- a. the twelve Paramount Chief members referred to in paragraph (a) of subsection (1) of section 74 of the Constitution; and
- b. one hundred and twelve ordinary members.

Composition of Parliament.

**42.** The time for a general election of the ordinary members of Parliament shall be appointed by proclamation made by the President after consultation with the Electoral Commission. Time for parliamentary elections.

**43.** Any general election of ordinary members of Parliament shall be by- Form of general elections.

- a. the one-member constituency system under subsection (2) of section 38 of the Constitution, if before the date of the election constituencies have been established in accordance with subsection (3) of section 38 of the Constitution; or

the district bloc representation system referred to in section 38A of the Constitution,

Time for nomination of candidates.

**44.** When a time is appointed for a general election under section 42, the Electoral Commission shall, by Government Notice, require that nominations of candidates be delivered to the Electoral Commission or the Returning Officer designated by the Commission before four o'clock in the afternoon of the day specified in the Government Notice, which shall not be more than sixty and not less than thirty days before the day appointed for voting in the elections.

Nomination in constituency election

**45.** (1) Where a general election is conducted under the one-member constituency system, every candidate shall be nominated in writing by three electors of the electoral area for which he is a candidate, and no candidate may be nominated for more than one electoral area.

Sixth Schedule Form A.

(2) The writing shall be in Form A in the Sixth Schedule and shall be subscribed by the candidate and the persons nominating him.

(3) Any Returning Officer shall provide nomination papers and shall supply any elector with such number of nomination papers as he may reasonably require and shall, at the request of any elector, the candidate and all his nominators being present, complete any such nomination on such elector's behalf.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination paper, subscribed in accordance with subsection (2), at the office of the Returning Officer before four o'clock in the afternoon of the last day for the delivery of nomination papers.

(5) Every candidate shall deposit or cause to be deposited with the Returning Officer the sum of one hundred thousand leones or a written receipt issued by or on behalf of the Accountant-General for that amount received from or on account of such candidate in respect of such sum and the nomination shall not be valid until such deposit has been made.

(6) The deposit of one hundred thousand leones referred to in subsection (5) shall be repayable to such candidate or his personal representatives if—

- a. he dies before the date of the election; or
- b. there is no contested election; or
- c. if in a contested election the candidate obtains votes equivalent to not less than one-tenth of the total number of votes cast,

but in any other case the deposit shall be forfeited to the Consolidated Fund of Sierra Leone.

(7) On the delivery of the nomination paper of a candidate together with the requisite deposit or receipt therefor, the Returning Officer for the electoral area shall forthwith acknowledge the receipt.

(8) When the requirements concerning the completion and delivery of nomination papers have been duly completed, the Returning Officer shall forthwith publish by placarding in a conspicuous manner at the place of receipt of the nomination, a notice containing the name of the candidate and the names of the electors nominating him, and the symbol of the candidate.

**46.** (1) Any elector of the electoral area in which a candidate is standing for election may at any time up to five o'clock in the afternoon of the last appointed day for the receipt of nominations object to the nomination of that candidate but only on one or more of the grounds set out in subsection (2), and the Returning Officer shall decide on the validity of the objection.

Objections to nominations.

(2) The Returning Officer shall be entitled to hold a nomination paper invalid only on one or more of the following grounds, that is to say—

- a. that the particulars of the candidate or his nominators are not as required by law;
- b. that the paper is not subscribed as so required;

- c. that any one of the nominators is not an elector;
- d. that the candidate is a person disqualified from being a member of Parliament under section 76 of the Constitution.

(3) The Returning Officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made, but in any event before six o'clock in the afternoon of the last day appointed for the receipt of nominations.

(4) Where the Returning Officer decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for the decision; and any candidate aggrieved by the decision of the Returning Officer as to the validity or otherwise of a nomination paper may appeal to the Electoral Commission, who may uphold the decision of the Returning Officer or reverse the same.

(5) The decision of the Returning Officer or, in the case of an appeal, the Electoral Commission, that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever, except by way of an electoral petition.

**47.** If by six o'clock in the afternoon of the last day appointed for the receipt of nominations—

- a. the number of persons remaining nominated exceeds the number of vacancies, a poll shall be taken and the result thereof be declared in accordance with this Act;
- b. the number of persons remaining nominated is the same as the number of vacancies, the Returning Officer shall forthwith declare such person or persons to be duly elected;
- c. no person is or remains nominated, or if the number of persons remaining nominated is less than the number of vacancies, the Returning Officer shall forthwith declare the persons remaining nominated to be duly elected and shall forthwith notify the Electoral

Contested election and unopposed candidates.

Commission who shall by Government Notice appoint some other convenient day for the election to fill any vacancy which remains unfilled and all proceedings with reference to the election to fill such vacancy shall commence afresh.

**48.** Any candidate may withdraw his nomination by notice in writing signed by, and delivered by him to the Returning Officer not later than four o'clock in the afternoon of the tenth day before the first day appointed for the election: Withdrawal of candidate.

Provided that—

- i. such notice of withdrawal shall take effect in the order in which they are delivered; and
- ii. no notice shall have effect if it would result in there being no candidate in respect of any vacancy in an electoral area.

**49.** If when any nominated candidate withdraws his candidature under section 48— Action to be taken on withdrawal.

- a. the number of persons remaining nominated exceeds the number of vacancies, a poll shall be taken in accordance with this Act;
- b. the number of persons remaining nominated is the same as the number of vacancies, the Returning Officer shall forthwith declare such person or persons to be duly elected;
- c. no person is or remains nominated, or the number of persons remaining nominated is less than the number of vacancies, the Returning Officer shall forthwith declare the persons remaining nominated to be duly elected and shall forthwith notify the Electoral Commission who shall by Government Notice appoint some other convenient day for the election to fill any vacancy which remains unfilled and all proceeding with reference to the election to fill any such vacancy shall commence afresh.

Death of candidate.

**50.** (1) If, after the date appointed for the receipt of nominations one of the candidates nominated for election in any electoral area dies before the poll has commenced, the Returning Officer shall, upon being satisfied of the fact of such death, countermand the notice of the poll and shall forthwith report the fact to the Electoral Commission.

(2) In the event referred to in subsection (1), the Electoral Commission shall appoint some other convenient day or days for the election and all proceedings with reference to the election shall commence afresh:

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time when the notice of poll was countermanded.

List of candidates and election result to be published.

**51.** (1) Not later than ten days from the first day appointed for the election, the Returning Officer shall cause to be published by Government Notice, and in such other manner within the electoral area as he may deem appropriate, a list containing the full names, addresses and occupations of the candidates and of the persons by whom they were nominated.

(2) On the day appointed for the election, the voting shall be conducted in accordance with Part VI and the results shall be declared and published in accordance with sections 84 and 85 thereof.

Allocation of seats in district bloc representation system.

**52.** For the purposes of the district bloc representation system referred to in subsection (I) of section 38 A of the Constitution, the specified district shall be—

- (a) the twelve districts established under the Provinces (Administrative Divisions) Order, Laws of Sierra Leone (Subsidiary Legislation) Vol. VI p.466, each of which is hereby allocated eight seats in parliament; and
- b. the two electoral districts (East and West) in the Western Area, each of which is hereby allocated eight seats.

**53.** (1) Pursuant to section 44, the candidates in any general election of ordinary members of Parliament conducted under the district bloc representation system shall be nominated by a list of the candidates drawn up by a political party for each district in Form B, prescribed in the Sixth Schedule.

(2) A list of candidates for the election of the ordinary members of Parliament shall be delivered by the political party concerned to the Electoral Commission or as the case may be, to the designated Returning Officer and shall be accompanied with a non-refundable electoral deposit of two hundred and fifty thousand Leones for every district contested by the political party.

(3) Any deposit received by the Electoral Commission shall be paid into the Consolidated Fund.

(4) No candidate shall be put up by more than one political party and the name of a candidate shall not appear in more than one list delivered to the Electoral Commission.

(5) Subject to section 55, if to the knowledge of a candidate his name appear on more than one list in contravention of subsection (4). that candidate commits an election offence and shall be liable on summary conviction to a fine of five hundred thousand Leones or to a term of imprisonment for two years or to both such fine and imprisonment; and the Electoral Commissioner or, as the case may be, the designated Returning Officer, shall strike out the name of the candidate from all the lists in which it appears and inform the political parties concerned accordingly.

**54.** A list of candidates delivered by a political party shall be accompanied by a statutory declaration made by the national chairman and secretary of that party, stating that—

Nomination of candidates in district bloc representation system.

Sixth Schedule Form B.

statutory declaration in support of list



- a. each candidate has accepted his nomination in writing;
- b. every candidate on the list is qualified to be elected as an ordinary member of Parliament under section 75 of the Constitution; and
- c. no candidate on the list is disqualified for election as a member of Parliament under section 76 of the Constitution.

Publication of list.

**55.** (1) Any list of candidates delivered to the Electoral Commission or, as the case may be, the designated Returning Officer, shall, not later than four days after the date specified for delivery thereof under section 44, be published by Government Notice, as the provisional list of candidates of the political parties concerned.

(2) The Government Notice under subsection (1) shall—

- a. set out in alphabetical order the names of all political parties which have submitted lists of candidates, followed by their respective lists of candidates arranged in the order of preference of the candidates;
- b. invite objections from any elector to be lodged with the Commission or, as the case may be, the designated Returning Officer within seven days of the date of the Government Notice concerning the qualification of any candidate on the list for election as an ordinary member of Parliament.

Disposal of objection.

**56.** (1) Any objection to the nomination of any candidate on a list shall state the grounds of the objection.

(2) Upon receipt of an objection, the Electoral Commission or, as the case may be, the designated Returning Officer, shall inquire into the grounds stated in the objection as well as any other matters which may be relevant and the Electoral Commission or, as the case may be, the designated Returning Officer, if satisfied that the candidate objected to is disqualified from election as an ordinary member of Parliament, shall delete the name of the candidate from the list and the political party of that candidate shall be notified accordingly.

(3) Any person who is aggrieved by a decision of the Electoral Commission made under subsection (2), may, by originating notice of motion, appeal to the High Court within seven days of the decision appealed against; and the decision of the High Court shall be given within thirty days of the date of the appeal and shall be final and not subject to any further adjudication by any means whatsoever.

(4) After any objections have been disposed of under subsections (2) and (3), the Electoral Commission shall, not later than fifteen days before the day of election, publish by Government Notice, the final list of candidates put up by each political party.

**57.** (1) On the day appointed for polling under Part VI, electors shall cast their ballots for the lists drawn up by the political parties contesting the elections.

voting for party lists and distribution of seats.

(2) After the counting of the ballots under Part VI, the seats in Parliament shall be allocated to the political parties concerned on the basis of the mathematical formula set out in the Seventh Schedule.

Seventh Schedule.

**58.** (1) As soon as may be after the result of the ballot has been declared under Part VI, The Electoral Commission shall declare—

Declaration of seats and elected candidates.

- a. which political party or parties have won any seat or seats; and
- b. the candidates on the list of any political party referred to in paragraph (a) who are to be returned as ordinary members of Parliament having regard to the order in which their names appeared on the list of the political parties concerned.

**59.** The Electoral Commission shall, as soon as may be after the declaration referred to in section 58, publish by Government Notice a list of all the elected candidates and by writing, under the hand of the Chairman of the Commission, notify the candidates concerned and the respective parties of their election to Parliament.

Publication of list of elected candidates.

PART VI — PROCEDURES AND ARRANGEMENTS FOR ELECTIONS

Appointment of Returning Officer.

**60.** (1) For the purpose of the conduct of any election under this Act, including Presidential and parliamentary elections, the Chairman of the Electoral Commission shall be the National Returning Officer.

(2) The Electoral Commission shall appoint—

- a. four other Returning Officers to be known as Regional Returning Officers for each of the four electoral regions into which Sierra Leone is divided;
- b. fourteen District Returning Officers; and
- c. as many Assistant Returning Officers as may be required.

Conduct of elections by commission.

**61.** (1) The Electoral Commission shall be responsible for the conduct of any elections under this Act and shall make arrangement for the casting of ballot by voters.

(2) For the purposes of subsection (1), The Electoral Commission shall—

- a. provide such number of polling stations as may be required in each electoral region and allot the voters within each electoral region to the polling stations in such manner as it thinks most convenient;
- b. not later than fifteen days before the day of election, give notice thereof, where practicable, in the same Government Notice referred to in subsection (4) of section 56, specifying—
  - (i) the day and hours fixed for voting;

- (ii) the full name, address and occupation of each candidate in the final list of candidates as determined by the Electoral Commission under section 51 or, as the case may be, subsection (4) of section together with a description of the symbol which the Electoral Commission has accepted for each political party or candidate in any other election being held on the same day, as the case may be.
- c. the situation of the polling station or stations and the persons entitled to vote thereat;
- d. appoint such person as it may think fit, other than a candidate for election, to be—
  - i. the Presiding Officer who shall be in charge of the polling station; and
  - ii. Polling Assistants under the direction of the Presiding Officer;
- e. provide each Presiding Officer with ballot boxes for each polling station in the electoral region and such number of ballot papers as in the opinion of the Presiding Officer may be necessary;
- f. provide the Presiding Officer at each polling station with instruments for making an official mark on the ballot papers;
- g. provide the Presiding Officer at each polling station with copies of the Register of Electors or such part thereof as contains the names of the electors allotted to vote at such polling station.

- h. cause to be published in each polling station—
- (i) the names of the candidates for whom a vote can be cast at such polling station; and
  - (ii) where the election is by the district bloc representation system, the lists of candidates nominated by each political party, or, as the case may be, the names of the candidates for any other election held on the same day and the symbol which the Electoral Commission has accepted for each of the parties, or such other candidates; and
  - (i) do such other acts and things as may be necessary for conducting the election in the manner provided in the Act.

(3) During an election conducted under this Act, the arrangements under this section and other acts relating to the electoral process generally shall be subject to verification and monitoring but only by observers accredited by the Electoral Commission.

**62.** (1) Each political party contesting the election may appoint two persons (hereinafter referred to as “polling agents”) to attend at each polling station within the electoral region, for the purpose of detecting personation and making representations to the Presiding Officer under paragraph (c) of section 65 and subsection (1) of section 70; and generally for the purpose of drawing the attention of the Presiding Officer to irregularities in the procedure at a polling station.

(2) Notice in writing of the appointment, stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by each political party to the District Returning Officer not later than three days before the day appointed for the election and before four o’clock in the afternoon of that day, and the District Returning Officer shall inform the Presiding Officer accordingly.

Polling agents.

(3) If any polling agent dies or becomes incapable of acting as such, the political party concerned may appoint another polling agent in his place and shall give to the Presiding Officer due notice in writing of the name and address of the polling agent so appointed.

(4) No polling agent shall be admitted into a polling station if notice of his appointment has not been given to the Presiding Officer, and a polling agent admitted to the polling station shall not interfere with the voting at that station, except as provided in this Act, or do any canvassing at the polling station or display anything which indicates that he is a representative of a particular political party, and such polling agent shall be obliged to display such identification as is determined by the Electoral Commission.

**63.** (1) Every ballot box shall be so constructed that the ballot papers can be put therein by the voter but cannot be withdrawn by him.

Precautions to ensure secrecy.

(2) The presiding officer shall cause to be placed at each polling station ballot boxes in which shall be deposited the votes of the electors.

(3) Immediately before the commencement of voting, the Presiding Officer at each polling station shall show each ballot box empty to observers (if any) and to such other persons as may be lawfully present so that they may see that the boxes are empty and shall in the presence of such persons close and place distinctive seals upon each ballot box in such a manner as to prevent the ballot box from being opened without breaking the seal and shall keep it so closed and sealed until the voting is completed and counting is about to commence.

(4) The Presiding Officer shall place the ballot boxes, which he has caused to be prepared under subsection (3), in the polling station in full view of the Presiding Office, Polling Assistants, polling agents, observers (if any), and such other persons authorised to be present in the polling station throughout the voting time prescribed.

Hours of voting.

**64.** (1) The hours of voting shall be from seven o'clock in the morning to five o'clock in the afternoon or such later time as the Electoral Commission may allow.

(2) The Presiding Officer shall not declare the poll closed until all the registered voters present inside the polling station or waiting in line outside the polling station at the time specified in subsection (1) have cast their vote.

Manner of voting.

**65.** The voting at an election shall be conducted in the following manner—

- a. every elector desiring to record his vote shall present himself to the Presiding Officer or a Polling Assistant at the polling station at which he is entitled to vote and the Presiding Officer or Polling Assistant, after satisfying himself that—
  - i. the name of such elector appears in the copy of the Register of Electors, or part thereof, provided for that polling station and that the elector is the same person whose picture, if any, is on the voter registration card presented by the elector; and
  - ii. the elector has not already voted having regard to subparagraph (ii) of paragraph (b); the Presiding Officer or Polling Assistant shall deliver him a ballot paper:

Provided that where a number of public elections are held the same day the ballot papers shall be differentiated by such colours as the Electoral Commission shall determine and shall be cast separately for each election held on the day in question;

b. immediately before the Presiding Officer or Polling Assistant delivers a ballot paper to an elector, he shall

- i. call out the elector's serial ward number and his name and address as stated in the Register of Electors and examine the voter's registration card issued by the Electoral Commission and mark the card in the manner prescribed by the Electoral Commission;
  - ii. examine the elector's left hand for traces of the ink (if any) referred to in paragraph (e), and if he satisfied that there are such traces he shall not deliver any ballot paper to that elector;
  - iii. mark the ballot paper or papers with any official mark which may be prescribed by the Electoral Commission;
  - iv. mark the number of the elector in the copy of the Register of Electors on the counterfoil of the ballot paper or ballot papers;
  - v. place a mark against the number of the copy of the Register of Electors to denote that a ballot paper or papers have been delivered;
- c. A Polling Assistant may, and, if required by a polling agent, shall put to any persons applying for a ballot paper or papers at the time of his application, but not afterwards, the following questions or any of them—
- i. "Are you the person whose name is on the Register of Electors as (reading the entry in the Register)
  - ii. "Have you already voted at the present election at this or any other polling station?

- d. no person who is required by the Polling Assistant to answer these questions, or either of them, shall be provided with a ballot paper or be allowed to vote until he has answered the question or questions to the satisfaction of the Presiding officer;
- e. every elector shall, immediately before receiving a ballot paper, submit to having his left thumb or a finger of the left hand, or right hand if an elector suffers from physical defect, marked with indelible ink;

Provided that this paragraph shall not apply in the case of an elector who suffers from a physical defect which in the opinion of the Presiding Officer, makes this application impractical;

- f. the elector shall then go alone to the booth or enclosure which shall be placed in open view of the public but in a manner which will conceal the identity of the candidate or the party the elector voted for, put his mark against the symbol of the candidate or as the case may be, the party of his choice secretly, and then come out of the booth or enclosure with his ballot paper folded which he will then cast in full view of everyone present;
- g. if an elector—
  - (i) spoils any ballot inadvertently; or
  - (ii) marks a ballot by mistake for a party which is not of his choice;

he shall return the paper ballot to the Presiding Officer, who shall, if he is satisfied that the circumstances described in subparagraphs (i) and (ii) have occurred, provide the elector with another paper ballot and the Presiding Officer shall write the word “CANCELLED” across the face of the spoilt paper ballot which shall be kept separately and shall be delivered to the Returning Officer as provided by this Act;

- h. if an elector places any writing or mark on the ballot paper by which he may be identified, the Presiding Officer shall write the word “CANCELLED” across the face of the ballot paper which shall be kept separately and shall be delivered to the Returning Officer as provided in this Act;
- i. an elector who is unable to read or who is incapacitated by blindness or any other physical disability and is unable to cast his vote in the manner prescribed in this Act, must apply in person to the Presiding Officer, who shall—
  - (i) in the case of an elector who is physically disabled, allow the elector to be accompanied by another elector of his own choice, who must guarantee the faithful expression of the vote of the disabled person and who shall be pledged to absolute secrecy;
  - (ii) in the case of an elector who is unable to read or write and cannot draw a cross, inform the elector that he can vote by putting a fingerprint mark in the square corresponding to the candidate, or as the case may be, the party for which he wishes to vote after dipping his finger in the ink which shall be placed for this purpose in the voting booth;
- J. notwithstanding subparagraph (i) of paragraph (a), an elector who is likely to be unable to go in person to the polling station at which he is entitled to vote by reason of being on official duties in connection with the election or a civil servant or employee of

a public corporation or commercial firm or mining company or mission or member of the Sierra Leone Police Force or the Armed Forces of the Republic of Sierra Leone who is transferred by his employer or supervisor to a place of employment in a ward other than the one in which he is registered; may, not later than fifteen days or, in the case of a refugee who has returned to Sierra Leone, five days before the day appointed for voting, make an application to the Returning Officer of his electoral region for a certificate of authorisation in a form approved by the Electoral Commission to authorise a Presiding Officer in a polling station, other than the one at which the applicant is entitled to vote, to permit him to cast his vote in that polling station:

Provided that before issuing any certificate of authorisation under this paragraph, the Returning Officer shall satisfy himself that the application is well founded and supported by the written confirmation of the employer or supervisor of the applicant and delete the applicant's name from the Register of Electors of the polling station at which he is entitled to vote and initial such deletion;

- k. an elector who has been issued with a certificate of authorisation referred to in paragraph (j) shall permit such certificate of authorisation to a Presiding Officer of a polling station other than the polling station at which he is entitled to vote and such Presiding Officer after satisfying himself to the authenticity of the certificate of authorisation, shall permit the elector to vote in accordance with the directions contained therein.

Numbering of counterfoils.

**66.** Every ballot paper shall be attached to a counterfoil which shall have a number printed thereon, but there shall be no numbers printed on any ballot paper.

**67.** Every voter shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper in the ballot box. Voting to be without delay.

**68.** (1) Subject to this Act, no person shall be permitted to vote at any polling station other than the polling station referred to in paragraph (a) of section. 65 Admission of person to polling stations.

(2) The Presiding Officer shall regulate the admission of electors to the polling station, and shall exclude all other persons except polling agents, polling assistants, constables on duty, observers (if any), and any other person who under this Act has lawful reason to be admitted.

(3) Every elector present in a polling station shall comply with any direction of the Presiding Officer for regulating the casting of votes and generally shall conduct himself in an orderly manner.

**69.** (1) No person, with the exception of military or police personnel officially deployed to provide security at a polling station, shall in any part of a polling station carry, wear, or in any manner display any firearm or any object which in the opinion of the Presiding Officer or the military or the police personnel so deployed, is a dangerous weapon. Restriction on admission to polling stations.

**70.** (1) If at the time a person applies for a ballot paper or after he has so applied and before he has left the polling station, a polling agent declares to the Presiding Officer that he has reasonable cause to believe that the applicant has committed the offence of personation and undertakes to substantiate the charge in a court of law, or if the Presiding Officer has reasonable cause to believe that an applicant for a ballot paper has committed the offence of personation, such person may be charged with the offence of personation. Prevention of personation.

(2) A person in respect of whom a polling agent makes a declaration in accordance with subsection (1) or who the Presiding Officer has reasonable cause to believe has committed the offence of personation shall not, by reason thereof, be prevented from voting, but the Presiding Officer shall cause the words "protested against for personation to be placed against his name in the marked copy of the Register of Electors or part thereof:

Provided that where a person in respect of whom such declaration is made admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already done so.

Conduct in polling station.

**71.** (1) The Presiding Officer shall keep order in the polling station.

(2) If any person misconducts himself in a polling station or fails to obey any lawful order of the Presiding Officer such person may, by order of the Presiding Officer, be removed from the polling station by any constable, or by any other person authorised in writing by the Presiding Officer in that behalf; and the person so removed shall not, without the permission of the Presiding Officer, again enter the polling station during the day of the election; and a person so removed may be charged with the commission of an offence in such polling station:

Provided that this subsection shall not be used so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of so voting.

Sealing of ballot boxes.

**72.** (1) On the day appointed for an election under section 42, the Presiding Officer at each polling station shall, at the expiration of the hours of voting prescribed by or under section 64, close the polling station and cease to receive any votes and shall as soon as is practicable thereafter, in the presence of any polling agents and any observers in attendance, make up into separate packets, each sealed with his own seal—

- a. the ballot boxes in use at the polling station, unopened and sealed, so as to prevent the introduction of additional ballot papers;
- b. any certificate he has received under paragraph (j) of section 65;
- c. the unused and spoilt ballot papers, placed together;
- d. the marked copies of the Register of Electors or part thereof; and
- e. the counterfoils of the used ballot papers,

and shall arrange for the counting of votes at the polling station.

Eighth Schedule.

(2) The packets made up under subsection (1) shall be accompanied by a statement to be called “the Ballot Papers Account”, which shall be in Form A prescribed in the Eighth Schedule, prepared by the Presiding Officer, showing the number of ballot papers entrusted to him and accounting for them under the following heads—

Eighth Schedule Form A.

- a. number of unused ballot papers;
- b. number of spoilt papers; and
- c. number of persons marked on the Register of Electors as having been issued with ballot papers.

Counting of votes

**73.** (1) For the purpose of the counting of the votes under section 75, each candidate or, as the case may be, each political party contesting the election shall appoint one person, hereinafter referred to as a “counting agent”, for each polling station to attend at the counting of the votes.

Counting agents.

(2) Notice in writing of the appointment, stating the name and address of the counting agent, shall be given by the candidate or political party concerned to the District Returning Officer not later than three days before the day of the election and the District Returning Officer shall forward the notice to the Presiding Officer.

(3) The Presiding Officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent, but in respect of whom the notice referred to in subsection (2), has not been given.

(4) If a counting agent dies or becomes incapable of acting as such, the candidate or political party concerned shall appoint another counting agent in his place and shall immediately give to the District Returning Officer notice in writing of the name and address of the counting agent so appointed.

**74.** Except with the consent of the District Returning Officer, no person other than the Counting Officer, Counting Assistant, polling staff, counting agents and observers (if any), may be present at the counting of votes.

Persons who may be present at counting of votes.

Counting of votes.

**75.** (1) As soon as is practicable after the Presiding Officer has declared the polls closed in accordance with subsection (2) of section 64 and has complied with section 72, he shall, in his capacity as Counting Officer, in the presence of the persons referred to in section 74—

- a. open each ballot box;
- b. take out the ballot papers;
- c. separate the ballot papers cast for political parties in respect of the election to Parliament for those cast for the election of a President, as the case may be;
- d. in accordance with sections 76 and 77, count the votes separately for each election if more than one is held on the same day; and
- e. ensure that the ballot papers for the candidates or, as the case may be, each political party list and those for any other election held on the same day are kept separate.

Void ballots.

**76.** (1) At the counting of votes under section 75, any ballot paper—

- a. which bears a number or mark or variation indicating that it was issued for use at a polling station other than that at which it was used to vote; or
- b. not bearing any official mark (if any such mark has been prescribed by the Electoral Commission); or
- c. on which anything is written or marked by which the elector may be identified (other than a fingerprint); or
- d. on which is cast votes for more than one candidate or political party or candidate, as the case may be, in any other election held that day; or
- e. which is unmarked or on which it is impossible to determine with certainty for which candidate or political party or other candidate the ballot was cast;

shall not be counted.

(2) The Counting Officer shall not reject but shall count any ballot paper on which there is a mark or writing by means of which a voter has clearly indicated his choice otherwise by a cross or fingerprint on the ballot paper concerned.

**77.** (1) The Counting Officer shall endorse the word “Rejected” on any ballot paper which, under section 76, is not counted and shall add the words “Rejection objected to” if any objection to his decision is made by any counting agent.

Rejection of void ballot papers.

**78.** The decision of the Counting Officer as to any question arising in respect of any ballot paper shall be final and subject to review only on an election petition questioning the election.

Counting Officers decision to be final

**79.** (1) A counting agent may, if present when the counting or any re-count of the votes is completed, require the Counting Officer to have the votes recounted or again recounted, but the Counting Officer may refuse to do so if, in his opinion, the request is unreasonably.

(2) No steps shall be taken on the completion of the counting or any re-count of votes until the counting agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this section.

(3) A counting agent may, in addition to the recount which he may request of a counting officer under subsection (1) request another recount at the office of the District Returning Officer.

**80.** (1) Upon the conclusion of the counting of votes, the Counting Officer shall seal up in separate packets the ballot papers counted and those rejected, the ballot papers for each constituency candidate or political party or candidate in any other election held the same day, being kept separate from those of any other political party or other candidate; and each packet shall be endorsed on the outside by the Counting Officer with the name of the constituency candidate or the political party, or as the case may be, with the name of the candidate in any other election held the same day for whom the votes represented by the ballot papers therein were cast.

Counting Officers duties at conclusion of counting.

(2) The Counting Officer shall prepare a statement of the result of the poll which shall be in the Form prescribed in the Ninth Schedule and shall certify a sufficient number of copies for distribution to—



- a. the National Returning Officer;
- b. each Regional Returning Officer;
- c. the District Returning Officer;
- d. each counting agent of a candidate or political party present at the poll;
- e. himself.

(3) The copy of the statement of the result of the poll which is intended for the National Returning Officer shall be dispatched by a means other than that by which the copy to the District Returning Officer was dispatched.

(4) The Counting Officer shall then place the sealed envelopes with the counted ballots, the rejected ballots and such other election documents as may be decided upon by the Electoral Commission, into the ballot box, and shall lock the ballot box and fix his seal thereto and invite the other polling station officials and such counting agents as may be present to affix their own seals.

Delivery of sealed ballot boxes and election equipment to District Returning Officer.

**81.** (1) After the counting of the votes at the polling station, the Counting Officer shall forward the ballot boxes sealed in the manner stated in subsection (4) of section 80 and all other documents and equipment used in the election to the District Returning Officer.

(2) In dispatching the ballot box referred to in subsection (1), the Counting Officer shall fix outside the ballot box, in a separate envelope, the following—

- a. the statement of the result of the poll; and
- b. the key to the sealed ballot box.

(3) Until the delivery of the ballot box to the person authorised by the District Returning Officer to collect such box or, as the case may be, until the delivery of the ballot box by the Counting Officer to the office of the District Returning Officer, the Counting Officer shall; ensure that the ballot box and other election materials are not tampered with and they shall be regarded as being in his custody.

**82.** Where a ballot box referred to in subsection (1) of section 81 or its content is destroyed, the certified copy of the statement of the result of the poll referred to in subsection (2) of section 80, shall, on the oath of the Counting Officer or other polling station official, be accepted as representing the result of the poll at the polling station concerned.

Loss or destruction of sealed ballot boxes.

**83.** (1) Upon receipt of the sealed ballot box and other election materials referred to in subsection (3) of section 81, the District Returning Officer shall not open the sealed packet containing the marked copy of the Register of Electors nor the sealed packets containing the counterfoils of the used ballot papers, but shall proceed, in the presence of the counting agents, if any, to verify the Ballot Papers Account, kept for the purpose, by comparing it with the number of ballot papers counted and rejected in accordance with sections 76 and 77 and the unused and spoil papers in his possession and shall reseal each packet after examination.

Duty of District Returning Officer regarding counting of ballots.

Eighth Schedule.

(2) The District Returning Officer shall prepare a statement as to the result of verification and showing the number of ballot papers rejected, which shall be in Form B prescribed in the Eighth Schedule and shall, on request by any counting agent, allow him to copy the statement.

**84.** (1) Upon receipt of the statement of the result of the poll from all the polling stations located in the district, the District Returning Officer shall compile a statement of all the statements of the result from the polling stations concerned and certify as many copies as may be required of each summary to the Regional Returning Officer showing the number of votes cast for each constituency candidate or for each political party or, as the case may be, each candidate in any other election held on the same day.

Certificate of result by District Returning Officer.

(2) Certified copies of the summary compiled under subsection (1) shall be supplied to any observers or counting agents present at the office of the District Returning Officer.

(3) Upon receipt of the copies of the summary of results compiled under subsection (1) by each of the District Returning Officers in the electoral region, the Regional Returning Officer shall compile, in turn, his own summary of all the results received from the various District Returning Officers and shall supply certified copies of his summaries to the National Returning Officer and any observers or counting agents present.

(4) Upon receipt of the summaries referred to in subsection (3), the National Returning Officer shall cause those summaries to be tallied and computed and shall at the end thereof forthwith declare the result of the election or elections as follows:—

- a. in the case of an election of the ordinary members of Parliament, the number of votes cast for each constituency candidate or as the case may be, the list submitted by each political party; and
- b. in the case of the election for a President held the same day, in the manner prescribed in section 37;

and ensure that the statements of the polls and the sealed packages containing the voting papers and all other documents relating to the election, including all Forms whether used or not, are securely kept by the Electoral Commission.

Publication of result.

**85.** As soon as may be after the National Returning Officer has declared the result of the election or elections under subsection (4) of section 84, the Electoral Commission shall publish the results so declared—

- a. in the case of the election of the ordinary members of Parliament, in the manner prescribed in subsection (2) of section 51, in the case of a one-member constituency election; or section 59, in the case of an election held under the district bloc representation system; and

- b. in the case of the election for a President, in the manner prescribed in section 37.

**86.** (1) Where, in this Act, any act or thing is required or authorised to be done in the presence of the polling agents or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose, shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Non-attendance of agent not to invalidate.

(2) Upon the determination of any legal proceedings arising in connection with an election under this Act, the High Court shall, if a Returning Officer is a party thereto; certify whether or not such proceedings result from an act or omission of the Returning Officer done otherwise than in the *bona fide* performance of his duty under this Act.

**87.** No person who has voted at an election shall, in any legal proceedings arising out of the election, be required to state for whom he voted.

Secrecy of voting.

#### PART VII — ELECTION OF PARAMOUNT CHIEF MEMBERS OF PARLIAMENT .

**88.** (1) The nomination in the election of Paramount Chief members of Parliament shall be in the Form prescribed in the Tenth Schedule.

Nomination and procedure in election of Paramount Chief members.

(2) Sections 61, 62, 63, paragraphs (f) and (g) of section 65, section 67, 68, 71, 72, .77, 78, 79, 80, 81, 82, 83, 84, 85, subsection (2) of section 86, and section 87 of Part VI shall apply, with the necessary modifications to the election of Paramount Chief members of Parliament.

(3) The Register of Electors, where referred to in any of the provisions of Part VI referred to in subsection (2) shall, for the purposes of this Part, be construed to mean the Gazette List:

Provided that the right of a Chiefdom Councillor to vote in the election of Paramount Chief members of Parliament shall be without prejudice to his right to vote in any other election under this Act.

Returning Officer to meet Chiefdom Council and conduct polling

**89.** (1) For the purposes of an election under this Part, the Returning Officer shall appoint the hours and place of the voting and meet each Chiefdom Council at the time and place appointed by him.

(2) Pursuant to subsection (1), upon receiving a Chiefdom Council, the Returning Officer shall—

- a. mark numbers serially against the names of the members of that Chiefdom Council who are present in the order in which they appear in the Gazette List;
- b. read the list of candidates remaining nominated and display the symbols allocated to such candidates;
- c. show the ballot boxes to the electors in the manner provided in section 63;
- d. call the name of each elector in the Gazette List and cause a Polling Assistant to issue a ballot paper to each elector in turn.

(3) Before issuing a ballot paper under subsection (2), the Polling Assistant shall place a mark against the number of the elector in the Gazette List to denote that a ballot paper has been delivered to him.

(4) The elector shall then go alone to the booth or enclosure, put his mark against the symbol of the candidate of his choice secretly and then come out of the booth or enclosure with his ballot paper folded which he will then cast in full view of everyone present.

Counting of votes.

**90.** The Returning Officer at a Polling Station shall, at the conclusion of the time appointed for voting under subsection (1) of section 64, close the polling station and cease to receive any votes and shall as soon as is practicable thereafter proceed to open each ballot box, take out the ballot papers and count the same, subject to section 76 and 77, and record the number of valid ballot papers, but, so that, the ballot cast for each candidate shall be kept separate from the ballots of any other candidate.

**91.** Except with the consent of the Returning Officer, no person other than the Returning Officer, his assistants, the polling agents, and observers (if any), may be present at the counting of votes. Persons who may be present at counting of votes.

**92.** Upon the conclusion of the counting, the Returning Officer shall— Returning Officer's duties at conclusion of counting.

- a. prepare a statement to be called the Ballot Papers Account, which shall be in Form A prescribed in the Eighth Schedule;
- b. seal up in separate packets (a) the counted and (b) the rejected ballot papers, the ballot papers for each candidate being kept separate from those of any other candidate;
- c. endorse on the outside of each packet the name of the candidate for whom the votes represented by the ballot papers herein were cast;
- d. seal in separate packets the marked copy of the Gazette List and any unused ballot papers;
- e. prepare a statement to be called the "Verification of Ballot Papers", which shall be in Form B prescribed in the Eighth Schedule and shall, on request by any candidate or his polling agent allow him to copy the statement.

#### PART VIII — ELECTION OFFENCES

**93.** (1) In this Part, unless a contrary intention appears "corrupt practice" means any of the following offences against, this Part; namely, personation, undue influence, bribery and aiding, abetting, counselling or procuring any such offence. interpretation of term.

(2) No prosecution shall be initiated for an offence created by this Part unless such offence is committed during an election period.

(3) A corrupt practice shall be deemed to be committed by a person if it is committed with his knowledge and consent.

Interference with lawful Public Meeting.

**94** Any person who at a lawful public meeting held in connection with presidential or parliamentary elections, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called, commits the offence of corrupt or illegal practice and shall be liable, upon a summary conviction, to a fine of five hundred thousand leones or to a term of imprisonment for two years or to both such fine and imprisonment and shall be incapable, during a period of five years from the date of his conviction, of voting at any election.

Prevention of election by force etc.

**95** Any person who prevents, obstructs or disturbs any election by force, violence or threats commits an offence and shall be liable, on summary conviction, to imprisonment for a period of two years.

Undue influence.

**96.** Any person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on count of such person having voted or refrained from voting at any election held under this Act, or who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise by any elector or thereby compels, induces or prevails on any elector, either to give or to refrain from giving his vote at any such election, commits the offence of undue influence and shall be liable, upon summary conviction, to a fine of one million leones or imprisonment for a term of three years or to both such fine and imprisonment.

Offences in respect of nomination papers, ballot papers, etc.

**97.** (1) Any person who—

- a. forges or fraudulently defaces or knowingly destroys the nomination papers of any constituency candidate or the list of candidates of a political party or delivers to any person or authority to whom such list or nomination papers are required to be delivered by this Act any list of candidates of a political party or nomination paper knowing the same to be forged; or

- b. forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or any official mark on any ballot paper: or
- c. without due authority, supplies any ballot paper to any person; or
- d. fraudulently puts into any ballot box any paper other than a ballot paper which he is authorised by law to put in; or
- e. without the authority of the Presiding Officer, brings into or takes out of the polling station, place of voting or place of election any ballot paper; or
- f. without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet or ballot papers then in use for the purposes of the election; or
- g. unlawfully votes for more than one list of candidates or, as the case may be, votes or records more than one vote in favour of any candidate, commits an offence and shall be liable, on summary conviction, to a fine of one million Leones or to imprisonment for a term of three years or to both such fine and imprisonment.

(2) In any prosecution for an offence in relation to constituency candidate or the list of candidates of a political party nomination papers, ballot boxes, ballot papers, counterfoils, marking instruments and other things at use at any election, the property in such papers, boxes, instruments and things may be stated to be in the possession of the Returning Officer at such election.

Improper practices by elections staff.

**98.** Any person, having an official duty to perform under this Act who wilfully or negligently fails to perform such duty in an impartial manner, or who makes use of or attempts to make use of his official duties or position to influence the way in which any person votes, commits an offence and shall be liable, on summary conviction, to a fine of five hundred thousand leones or to imprisonment for a term of two years or to both such fine and imprisonment.

Penalty for false answer.

**99.** Any person who makes a false answer to any of the questions prescribed in paragraph (c) of section 65 knowing it to be false or careless whether it be true or false, commits an offence and shall be liable, on summary conviction, to a fine of five hundred thousand Leones or to imprisonment for a term of two years or to both such fine and imprisonment.

infringement of secrecy.

**100.** (1) Every electoral officer, Polling Assistant, and polling agent shall maintain and aid in maintaining secrecy of voting in an election and shall not communicate, except for some purpose authorised by law, before the election is closed, to any person any information as to the name or number on a Register of Electors or a Gazette List of any elector who has or has not applied for a ballot paper or voted, or as to any official mark.

(2) No electoral officer, Polling Assistant or polling agent, and no person whatsoever shall interfere with or attempt to interfere with an elector when casting his vote, or otherwise attempt to obtain information as to the candidate or the political party for whom or for which an elector is about to vote or has voted, or communicate at any time to any person information during any election as to the candidate for whom or the political party for which an elector is about to vote or has voted:

Provided that this subsection shall not extend to be construed to extend to any procedures prescribed by this Act for recording the vote or votes of any elector who is incapacitated by blindness or other physical cause from casting his vote himself.

(3) Every electoral officer, Polling Assistant, or polling agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at such counting as to the candidate for which any vote is given by any particular ballot paper.

(4) Any person who acts in contravention of this section commits an offence and shall be liable, on summary conviction, to a fine of five hundred thousand Leones or to imprisonment for a term of two years or to both such fine and imprisonment.

(5) In this section, “electoral officer” means any member or staff of the Electoral Commission.

**101.** Any person, being an officer charged with the counting of votes or the making of a return at an election, who wilfully falsifies the count of such votes or makes a false return commits an offence and shall be liable on summary conviction, to a fine of five hundred thousand leones or to imprisonment for a term of two years or to both such fine and imprisonment.

Falsification of return of election.

**102.** Any person who at an election held under this Act knowingly votes or attempts to vote or applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any such election votes or attempts to vote at the same election in his own name, commits the offence of personation, and shall be liable, on summary conviction, to imprisonment for a period of six months.

Personation.

**103.** (1) The following persons shall be deemed to have committed the offence of bribery and shall be liable, on summary conviction to a fine of five hundred thousand Leones or a term of imprisonment of two years or to both such fine and imprisonment—

Bribery.

- a. every person who gives, lends, offers, promises, or promises to procure, or to endeavour to procure, any money or valuable consideration to or for an elector, or to do for any other person, in order to induce any elector to vote or refrain from voting or corruptly does any such act as aforesaid on account of such elector having voted, or refrained from voting at any election under this Act;

- b. every person who gives, procures, agrees to give or procure, offers, promise, or promises to procure or endeavour to procure, any office, place or employment to or for any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election under this Act;
- c. every person who makes any gift, loan, offer, promise, procurement or agreement referred to in paragraph (b) to or for any person in order to induce such person to procure or endeavour to procure the return of any person as President or a Member of Parliament or the vote of any elector at any election under this Act;
- d. every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person as President or a member of Parliament or of a local authority or the vote of any elector at any election under this Act;
- e. every person who advances or pays or causes to be paid any money to or for the use of any other person, with the intent, that such money or part thereof shall be expended in bribery at any election under this Act; or who shall knowingly pay or cause to be paid any money to any person in discharge of repayment of any money wholly or in part expended in bribery at any such election:

Provided that this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any lawful expenses bona fide incurred at or concerning any election, and in particular to the hire of transport by or on behalf of a candidate's agent or the travelling expenses of a candidate or his agent.

(2) The following persons shall also be deemed to have committed the offence of bribery and shall be liable, on summary conviction, to the penalty specified in subsection (1):—

- a. every elector who before or during any election under this Act receives, agrees or contracts for any money, gift, loan, valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election;
- b. every person who, after any election under this act, receives any money, gift, loan, valuable consideration, office, place or employment for himself or for any other person, on account of any other person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election.

**104.** Any person who is convicted of personation, undue influence or bribery or aiding, abetting, counselling or procuring the commission of the offence of personation shall, in addition to any other punishment, be incapable during a period of five years from the date of his conviction—

- a. of being registered as an elector or voting at any election; or
- b. of being elected a member of Parliament or a local authority, or if elected before his conviction, of retaining his seat as a member of Parliament or any local authority.

Disqualification  
for person-  
ation, etc.

Penalty for certain illegal practices.

**105.** (1) Any, person who—

- a. votes or induces or procures any person to vote at any election under this Act knowing that he or such other person is prohibited by this Act or; by any other law from voting at such election; and
- b. before or during an election under this Act knowingly publishes a false statement of the, withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate,

commits the offence of an illegal practice and shall be liable, on summary conviction, to a fine of five hundred thousand Leones or imprisonment for a term of two years and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election.

Symbols and emblems of candidates.

**106.** (1) The Electoral Commission or its agents may display symbols and emblems of the candidates or a political party within the vicinity of the place of voting:

Provided that no person shall on the day of the election, within four hundred yards of the place of voting, make any public address indicating his support for a political party or candidate.

(2) Any person acting in contravention of this section commits an offence and shall be liable, on summary conviction, to a fine of one million Leones or to imprisonment for a term of three years or to both such fine and imprisonment.

Prohibition of Interference with voting materials.

**107.** Any person who on the day of the election removes, destroys, conceals or mutilates or assists in the removal, destruction, concealment or mutilation of any voting material, save with the authority of the Electoral Commission or under this Act, commits an offence and shall; on summary conviction, be liable to imprisonment for a period of two years.

**108.** Any person who, directly or indirectly, prints, manufactures or supplies or procures the printing, manufacture or a supply of any voting material in connection with any election, save with the authority of the Electoral Commission, commits an offence and shall, on summary conviction, be liable to a fine of ten million leones or to imprisonment for a term of five years or to both such fine and imprisonment.

Prohibition of unauthorised printing manufacture and supply of voting and election materials

**109.** Any person who—

- a. directly or indirectly, by the use of threat or force, violence, sexual harassment or otherwise, prevents the conduct of any political meeting, procession, demonstration or other event of a political nature or any person from attending or participating therein; or
- b. creates a material disruption with the intention of preventing a political party from holding a public political meeting; or
- c. impedes or prevents or threatens to impede or prevent the right of any representative of any political party to gain access, in the manner and during the hours prescribed, to voters in any particular area, whether public or private, for the purposes of conducting political canvassing or campaigning and of soliciting membership and support; or
- d. impedes or threatens to impede or prevent any member of the Electoral Commission, any representative of the Electoral Commission or any other person or organisation engaged in voter education to gain access, in the manner and during the hours prescribed, to electors in any particular area, whether public or private, for the purpose of conducting voter education; or

Prohibition of interference with free political canvassing and campaigning.

- e. conducts a political party procession along a public thoroughfare or a political party meeting or rally in a public place without first obtaining the written approval of the Inspector-General of Police or any police officer authorised in that behalf or any local authority so authorised by law;

commits an offence and shall, on summary conviction, be liable to a fine of two million Leones or to imprisonment for a term of three years or to both such fine and imprisonment.

Application of penalties to political parties.

**110.** Any act or omission which would, if committed by an individual, constitute an offence shall also be an offence if committed by any group of persons.

Election offences court.

**111.** (1) Pursuant to subsection (3) of section 131 of the Constitution, there is hereby established a division of the High Court to be known as the Election Offences Court.

(2) The Election Offences Court shall sit in such places in Sierra Leone as the Chief Justice may determine and shall be presided over by—

- a. a High Court Judge; or
- b. a retired Judge of the Superior Court of Judicature; or
- c. any barrister or solicitor who is qualified to hold office, as a High Court Judge.

(3) The Election Offences Court has jurisdiction to try any election offence under this Act.

(4) A defendant in a trial before the Election Offences Court may be represented by the counsel of his own choice.

(5) A trial before the Election Offences Court shall be by summary procedure and bail shall be at the absolute discretion of the Court.

(6) All trials by the Election Offences Court shall be by Judge alone and shall be concluded not later than six months after the establishment of the Court under this section.

(7) Any decision of the Electoral Offences Court shall be final and shall not be questioned in any other court by any means whatsoever.

#### PART IX — ELECTION CAMPAIGN PERIOD

**112.** (1) The Electoral Commission shall, after the close of nominations, by Government Notice, determine and declare the period when campaigning by candidates and political parties may begin and end.

Electoral commission to declare election campaign periods.

(2) The Commission may, in its discretion, declare different periods for election campaigns for different offices.

**113.** (1) During an election campaign, candidates and political parties may, in addition to activities normally associated with election campaigns—

Election campaign periods.

- a. publish books, magazines, brochures, pamphlets, flyers, posters, signs and other similar materials;
- b. make use of the press, radio, television and other media forms;
- c. carry out various political activities within the limits of the law.

(2) Every election campaign material referred to in subsection (1) shall clearly state thereon—

- a. the issuing candidate or political party, as the case may be; and
- b. the printer of the material.

(3) No person shall post banners, posters, placards, drawings, billboards or other similar material on public building, national monuments, religious institutions or on any private property unless the owner of that property gives his consent.



(4) A candidate or political party shall, notwithstanding any law to the contrary be exempted from the payment of customs duty in respect of election campaign material which is imported and supported by a Certificate of Authorisation issued by the Electoral Commission.

(5) The Electoral Commission may, on application made to it by a candidate or political party wishing to import electoral campaign materials, issue such candidate or political party, as the case may be, with a Certificate of Authorisation.

Demonstration or procession in election campaign.

**114.** (1) Where a political party wishes to hold a demonstration or procession during a political campaign period, it shall, at least three days before the event, submit a written request to the Electoral Commission indicating the date, time and place of the holding of such event.

(2) The Commission shall, upon receipt of a request under subsection (1), take a decision within forty-eight hours of the submission of the request.

(3) Where a demonstration or procession is requested by different political parties for the same time and place, the Electoral Commission shall grant the requests in the order in which they were received by it.

(4) The Electoral Commission may, for the purposes of ensuring the smooth co-ordination of a demonstration or procession and the maintenance of the peace and public order, during an election campaign liaise with the Inspector General of police.

(5) Nothing contained in this section shall be construed to prohibit a political party from conducting any meeting, organisational activity or publishing any book or other material in connection with its normal activities as a political party.

Publishing information.

**115.** When the election campaign for any election comes to an end, all election campaign activity shall cease and the public media shall be at the disposal of the Electoral Commission to publicise information on procedures for voting at the elections.

**116.** (1) where a candidate or political party believes that his or its rights under this Part have been violated, such candidate or political party may lodge a complaint with the Electoral Commission. Complaints against violation of rights.

(2) The Electoral Commission shall, upon receipt of a complaint under subsection (1), take all necessary steps to ensure that the issues raised by the complaint are properly addressed and any fault or delict is rectified without delay.

**117.** Every candidate or political party shall, in an election campaign— Civic obligation of candidates and political parties.

- a. respect and take into account the fundamental principles of State policy set forth in Part II of the Constitution; and
- b. carry out the campaign in keeping with ethical and moral standards and the respect due to the other candidates and political parties and the electorate of Sierra Leone.

**118.** No candidate or political party shall during the campaign period— Prohibitions during election campaigns

- a. insult or defame another candidate or political party;
- b. abuse or engage in the improper use of Government property for political propaganda purposes;
- c. campaign in public offices or educational institutions during working hours or hours of instruction.

**119.** (1) The Electoral Commission shall prepare a code on election campaign ethics which it shall, at least thirty days before the beginning of election campaigning, publish by Government Notice and issue copies to each candidate and political party. Code of election campaign ethics.

(2) The acceptance of the code prepared and issued by the Electoral Commission under subsection (1) shall be a condition for the acceptance of a candidate's nomination paper or the list of nomination submitted by a political party, as the case may be.

Air time on radio and television.

**120.** (1) The Electoral Commission shall, during an election campaign period, ensure that equal air time is given to each candidate and each political party on the national radio and television.

(2) The Electoral Commission shall, in pursuance of subsection (1), determine the time to be allocated to each candidate and political party per day or such other period as the Commission may consider reasonable, taking into account, the number of candidates and political parties making a request under, subsection (3).

(3) A candidate or political party wishing to be given air time under subsection (1) shall make a request therefor in writing addressed to the Electoral Commission, and the Commission shall only act upon the receipt of the request in writing.

Use of private radio and television stations

**121.** (1) Every candidate and political party shall enjoy the right to use private radio stations and television stations by contract with the owners.

(2) A private radio station or television station shall, during an election campaign period, guarantee to each candidate and political party, in accordance with the principle stated in subsection (1), a minimum air time of five minutes.

Rates of air time.

**122.** (1) The owners of every radio station or television station, whether public or private shall, within seven days of a declaration being made under section 112, prepare and present to the Electoral Commission the rates they intend to charge for air time for candidates and political parties.

(2) Upon receipt of the rates, the Electoral Commission shall, if it considers it reasonable to do so, enter into negotiations with the persons concerned in the management of the radio stations and television stations for the purpose of—

- a. finalising the rates; and
- b. ensuring fairness in the distribution of air time.

(3) The Electoral Commission shall publish the rates under subsection (2) and a copy of such rates shall be made available, free of charge, to each candidate or political party upon request.

(4) A candidate or political party requesting to be given air time in pursuance of section 120 or 121 shall pay the rates published by the Electoral Commission under subsection (3).

#### PART X — MISCELLANEOUS PROVISIONS

**123.** (1) Every officer of the Electoral Commission shall perform his functions in a neutral and impartial manner and shall receive his instructions only from the Electoral Commission. Obligation of impartiality.

(2) Any employee of the Electoral Commission who contravenes subsection (1) and any person who causes that employee to commit such contravention shall each be liable, on summary conviction, to a fine of five hundred thousand Leones or to imprisonment for a term of two years or to both such fine and imprisonment.

**124.** (1) The Rules of Court Committee may make Rules of Court for practice and procedure for election petitions under this Act.

(2) Until any rules are made under subsection (1), the procedures to be followed in relation to the presentation and hearing of a petition under this Act shall be as provided in the Election Petition Rules 1986, which shall be read and construed with such modifications and adaptations as are necessary to give effect to this section. Election Petition Rules.