

PUBLIC ELECTIONS ACT, 2012,  
(ABRIDGED VERSION)

PART I-INTERPRETATION  
(Not included)

PART II - ESTABLISHMENT OF ELECTORAL COMMISSION

The Electoral Commission is created by the Constitution of Sierra Leone and consists of the Chief Electoral Commissioner (who is also the Chairman) and four other Commissioners.

Members of the Electoral Commission are to be appointed by the President after consulting all registered political parties. They are then approved by Parliament. A person is not qualified to be appointed as an Electoral Commissioner or Chief Electoral Commissioner if the he/she is not qualified to be elected as a Member of Parliament. A person is not qualified to be a Member of Parliament if the person is a naturalized citizen of Sierra Leone, is declared a lunatic or of unsound mind, if a court has convicted the person for fraud or dishonesty or if a court has sentenced that person to death.

There are other disqualifications in the Constitution. A member of the Electoral Commission can only be removed by the President if that member is unable to perform the duties for which he/she was appointed, as a result of sickness of the body or mind or for gross misconduct. ("Gross misconduct" means that the person has engaged in behavior which has brought the Electoral Commission into disrepute in the eyes of the public.)

An Electoral Commissioner's appointment ends five years after his/her appointment or if he/she attains the age of sixty-five years.

The Electoral Commission is responsible for conducting the registration of voters, the election of the President, Members of Parliament and members

of local councils. It is also responsible for conducting any referendum.

When the Electoral Commission is performing its functions, no person or authority has the power to give instructions to it or seek to influence it. The Electoral Commission can acquire, hold and dispose of property whether movable (such as cars, office equipment etc.) or immovable property (such as land or buildings) and can sue any person in court or be sued in court .

The activities of the Electoral Commission are funded mainly from the Consolidated Fund. It can also accept gifts, grants and “bequests” (property given away by a will).

The Electoral Commission is not however allowed to receive gifts or grants or bequests from either a political party or from a person or organization if the person or organisation attaches any conditions to the gift or grant or bequest which will compromise the functions of the Electoral Commission.

The accounts of the Electoral Commission are to be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.

The Electoral Commission is empowered to appoint staff needed to perform its functions. It is also to appoint an Executive Secretary who is to be responsible for the administration of the affairs of the Electoral Commission, recording and keeping minutes of meetings of the Electoral Commission, supervising and disciplining the staff of the Electoral Commission and performing other functions that the Electoral Commission will determine.

## PART III-REGISTER OF VOTERS AND THE REGISTRATION OF VOTERS

### Voters Register

There shall be a National Voters Register containing a voter's name, date and place of birth, current address; sex, signature, thumbprints and other details. The Electoral Commission has authority to reproduce, keep, modify the format, content and design of the Voters register. The voters register is to be the final evidence of the right to vote.

The Electoral Commission for the purpose of public elections may divide Sierra Leone into Wards and into sub-wards if necessary. It may also, specify additional areas for registration, voting and transfer of votes.

A person is qualified to be registered to vote in elections if he / she has attained during registration the age of 18 years or will attain the age of 18 years on Election Day and if he/ she is 'Ordinarily Resident' in the area of registration. 'Ordinary Residence' is where a person sleeps, or lives or intends to return within six months of temporary absence ; but where there is any doubt the Registration Officer will consider the convenience of the applicant and his decision shall be final.

The following persons are disqualified from registering and if registered, disqualified from voting: a non citizen; a lunatic, someone who has been convicted of an election offence and someone who is serving a prison sentence.

Registration of voters, updating and revision of the Voters Register are to be conducted not later than six months before a public election or a referendum.

The Electoral Commission can arrange for registration of Sierra Leoneans outside the country.

It is an offence for a person to register more than once or in more than one place. A person who is found guilty of registering twice will be fined not more than five hundred thousand Leones or be imprisoned for not more than two years.

#### **PART IV-PROCEDURES FOR REGISTRATION OF VOTERS.**

The Electoral Commission may appoint Registration staff, namely Registration Officers, Assistant Registration Officers, and Revising Officers. When appointments or termination of these officers are made, the details must be published by Government Notice. Assistant Registration Officers also have the powers to perform the duties of Registration Officers when necessary.

Notice of the Electoral Commission's intention to compile Voters Register on a specific date will be given by the President.

The Electoral Commission will post on that date notices inviting eligible voters to register within 15 days in their respective wards. Within this period those entitled to be registered are to present themselves to the Registration Officer to be registered.

In the case where the Registration Officer doubts the applicant's qualification for registration .he /she may request the following: birth certificate, a testimony or satisfactory evidence to show that the applicant is eligible to be registered as a voter.

A Registration card can be replaced if the Registration Officer is convinced it is lost or destroyed.

A registration card is to be presented for voting but its absence does not prevent a registered person from voting if he/she shows enough evidence

to the satisfaction of the Presiding Officer that his/her name is on the Voters Register for that ward.

A Registration Officer may refuse to register a person if he is convinced that the person is not qualified. In that case, he will record the details of his refusal and inform the applicant concerned that he/she (the applicant) can appeal against the refusal to the Electoral Commission.

When a person is refused registration, the Registration Officer shall inform him/her accordingly and record any statement the person concerned may want to make in response.

The statement will be kept according to the instructions of the Electoral Commission.

Within 40 days after the final day of registration a provisional voters list will be compiled for each ward and displayed in centers within the wards [or sub-wards]. Names of these centres will be published by Government Notice. During this time omissions can be challenged and objections filed.

The Commission may appoint field registrars to gather information to help in the compilation of the provisional list. Any person who is found guilty of obstructing the work of the Field Registrars will be fined not more than five hundred thousand Leones or be imprisoned for not more than two years.

A person may challenge the omission of his name in the provisional list during the exhibition period and a registered person may file an objection to the inclusion of another person's name in the list.

After the conclusion of the exhibition period the Commission will, within 5 days publish a statement of claims and objections including names of persons concerned at the respective exhibition centres.

A person who knowingly includes his name in the list or a Registration Officer who knowingly includes a persons name in the list, if found guilty shall be fined five hundred thousand Leones or be imprisoned for two years.

A one day public inquiry is to be held by the Revising Officer of each ward within 8 days of the publication of the statements of claims and objections on the provisional register. He/she shall give 5 days notice of the holding of the inquiry, showing date, places and time of the inquiry.

Using the provisional list and the statement of claims and objections, the Revising Officer will insert into the list any name that should have been on that list or delete any name that should not be on the list. But if the person objecting [apart from the registration officer] does not attend the inquiry, his objection will be overruled.

The Revising Officer may request information from the parties concerned and may adjourn the inquiry to such time or as often as is necessary.

Inquiries will be held in public and the Revising Officer will sign off every alteration he/she makes on the provisional list and sign on every page of the list which is finally settled.

A person who claims or objects may be asked to pay costs to the Commission through court process if the Commission finds that his/her claims or objections are unjustified.

The decision of the Revising Officer is final and is not subject to any appeal to the Electoral Commission or to the High court.

A person who claims that his/her name has been left out or objects to the inclusion of a name in the voters register or a person whose name has been

struck out of the provisional list and is dissatisfied with the decision of the Revising Officer may inform the Registration Officer in writing within seven days of the decision that he intends to appeal to the High Court against the decision of the Revising Officer.

The notice will then be forwarded to the Revising Officer who will then write a statement in response, giving reasons for his decision and then forward it to the Master and Registrar of the High Court. The case will then be filed and with a seven days notice, a date for the hearing will be communicated to the appellant and respondent. The Master and Registrar will then communicate the decision of the High Court to the Revising Officer who will effect the changes ordered by the Court, if where necessary

A registered person whose appeal is pending will be allowed to vote.

A final provisional list in respect of a ward will be finally settled and signed by the Revising Officer and within five days of the day on which the inquiry started, deliver the list to the Registration Officer.

The Registration Officer will then direct that the revised list be kept ward by ward in the voters register beginning with every name in each ward and continuing in regular series to the last name in each ward.

The Chief Administrator of a local council shall by the 31<sup>st</sup> of January of each year give to the Commission a list identifying all persons of the age of 17 years and above who have died in the locality during the previous year.

Where a voter who is registered in one ward becomes ordinarily resident in another ward, he/she may apply to the Registration Officer of the ward in which he/she currently resides for his/her name to be transferred to the Voters Register for that ward.

If the Registration Officer is satisfied that the applicant is qualified to be registered in the new ward of his/her ordinary residence, he/she shall

register the applicant in the new ward, cause his/her name to be deleted in the previous ward and issue a new Voter Registration Card.

A voter whose registration card is lost or damaged shall apply not less than 21 days before elections to the Registration Officer of his ward stating the circumstances of his card being lost or damaged. The Registration Officer if satisfied with the reason(s) given by the voter shall where necessary replace the card with a new one printed on it 'duplicate'.

No one is allowed to issue a Duplicate registration card less than fourteen days before the elections. Any person who is found guilty of violating this provision shall be fined not less than five million Leones or be imprisoned for not less than one year.

The Voter Registration Card remains to be the property of the National Election Commission.



## PART V-PRESIDENTIAL ELECTION

Presidential elections will be held to fill a vacancy occurring in the office of the President. The vacancy to be filled by Presidential elections will be declared by proclamation made by the Electoral Commission consultation the President. Where the said vacancy occurs as a result of the circumstances mention in paragraph (a) of subsection (1) of section 49 of the Constitution, (that is when his five year or second five year term of office expires), the Electoral Commission will determine the date of the Presidential election according to section 43 of the Constitution (that is (a) within the first three months of the last four months before the expiration of the term of the President or (b) in any other case within three months after the expiration of the term).

No person is to be elected as candidate for the position of president if he/she is not nominated by a political party. For a person to be qualified as a candidate for President and to be nominated for that position, he should be a citizen of Sierra Leone by birth, a member of a political party, not less than forty years of age and should be qualified to be elected as a Member of Parliament.

For a person to be nominated as a presidential candidate that nomination should be in writing and in the form set out in the Third Schedule of the Public Election Act, 2012. The written nomination form should contain the names and signatures of the nominated candidates, the Vice President to be, and three executive members of the political party nominating the candidate.

Also, the person who is to be nominated as Vice President should be a citizen of Sierra Leone by birth, a member of a political party and should not be less than forty years of age . He/she should also be qualified to be elected as a Member of Parliament.

The nomination papers of the presidential candidateis to be delivered to the Returning Officer on the day, time and place which has been declared by

the Returning Officer. It should be published by Government notice and accompanied with two statutory declarations made by the presidential candidate and the candidate for the Vice President. Any person who is found guilty of making a false declaration shall be fined not more than Five Million Leones or be imprisoned for not more than three years.

The presidential candidate will only take part in the presidential election after he/she has paid an amount which will be fixed by the Electoral Commission and that amount once paid, will not be refunded. This amount is paid to the Returning Officer who is the Chairman of the Electoral Commission and an official receipt will be issued for the amount paid by the candidate.

After the expiration of the time scheduled by the Returning Officer for nomination of candidate for the presidency, the Returning Officer, will publish by Government Notice or any other means the name, address and occupation of each presidential candidate and the political party to which the candidate belongs and also the names, addresses and occupations of the three nominators.

Any person who believes that the nomination of a candidate for the position of president is not proper or is dissatisfied, can object to the nomination of that individual or the candidate. The objection against the nomination of a candidate for President will be lodged with the Supreme Court within seven days after his/her name has been published by Government Notice. The Supreme Court will then hear the objection and decide within thirty days of the lodging of the objection. If the Supreme Court upholds an objection against the nomination of a presidential candidate concerned he/she will be disqualified from contesting the presidential election.

If a presidential candidate dies before polling begins, the Electoral Commission will select another day for nomination not less than twenty one days from the time of the death of the nominated candidate, and the

party affected will then nominate a new presidential candidate or Vice Presidential candidate as the case may be.

Where the Electoral Commission appoints another date for nomination of a presidential candidate to replace a dead presidential or vice presidential candidate, a new date will also be appointed for presidential election and all necessary procedures will start afresh.

If at the end of the period of nomination there is only one candidate who has been nominated that candidate will be declared elected President by the Returning Officer.

After the casting of votes and counting of the ballot papers polling station by polling station, each Presiding Officer will 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 showing the number of valid votes cast in favour of each presidential candidate. The Returning Officer as soon as possible after having received the result will tally and compute the certified results which have been sent to him/her and then declare the result of the election.

After the Returning Officer has declared the result of a presidential election he/she shall issue to the successful candidate a certificate of election and then ensure that the result is published by Government Notice or any other way as he/she thinks fit.

Before the elected President takes office he/she shall take the Oath of Office. Any person who is a citizen of Sierra Leone and who has voted lawfully in the presidential election can challenge the result if he/she thinks the result is not valid; and this could be done by putting up a petition to the Supreme Court within seven days after the declaration of the result for the Presidential Election. After petitioning, if the Supreme Court declares that the election of the President is not valid, all acts and deeds of a President before the declaration will not be affected.

## PART VI-GENERAL ELECTION OF MEMBERS OF PARLIAMENT

Parliament is made up of twelve Paramount Chiefs (one from each district) and one hundred and twelve Ordinary Members of Parliament (One from Each Constituency).

The time for a general election of members of Parliament shall be by proclamation made by the President after consulting with the Electoral Commission.

A General Election of Ordinary Members of Parliament is by the one-member Constituency System. This means that every constituency is to return one Member of Parliament.

When a date is fixed for a general election, the Electoral Commission will, by Government Notice, require that nominations of candidates be submitted to the Electoral Commission or the Returning Officer appointed by the Commission before 4:00 p.m. of the appointed day. Nominations are to take place between thirty and sixty days before the election day.

Three voters in an electoral area are to nominate a candidate intending to contest an election. No candidate is to be nominated for more than one electoral area. The candidate's particulars and those of the persons nominating him will be recorded on the nomination paper.

The Returning Officer will provide and supply the nomination papers to the voter as required. He shall at the request of the voter complete the nomination paper in the presence of a voter, the candidate and all his nominators. The candidate or one person nominating him shall deliver the nomination paper before 4:00 p.m. on or before the last day of nomination.

Every candidate shall pay to the Returning Officer a non-refundable nomination fee that will be stated by the Electoral Commission and the nomination shall not be valid until the nomination fee has been paid. On

the delivery of the nomination paper of a candidate together with the stated nomination fee, the Returning Officer for the electoral Area is to immediately confirm receipt of the nomination paper and nomination fee.

When the requirements concerning the completion and delivery of nomination papers have been satisfied, the Returning Officer shall at once publish by displaying in a very clear manner at the place of receipt of the nomination, a notice containing the name of the candidate, the names of the voters nominating him, the political party of the candidate as applicable and the symbol of the candidate. The nomination fees received by the Electoral Commission shall be paid into the Consolidated Fund and shall not be refundable.

Each political party must deliver to the Electoral Commission or the Returning Officer a list of that party's endorsed candidates for the election of ordinary Members of Parliament. A candidate is to be endorsed by only one political party. He/she should appear in only one list, otherwise the Electoral Commission will delete his/her name from the entire list and inform him/her and his/her political party of the deletion.

The political party shall deliver the list of candidates confirmed by statutory declaration to the electoral Commission. The list will show that the candidates have been accepted and are qualified for election as ordinary members of Parliament.

A voter in an electoral area may object to the nomination of a candidate at any time up to 5: 00 p.m. of the last day of nomination on the grounds that the candidate or his/her nominators have not fulfilled the criteria for nomination.

The Returning Officer shall decide on an objection as soon as possible before 6:00 p.m on the last day of nomination. However, a candidate who is dissatisfied with the decision of the Returning Officer may appeal to the

Electoral Commission. The decision of the Returning officer or in the case of an appeal, the Electoral Commission, is final except contested by an election petition.

A candidate may withdraw his/her nomination by notice in writing, signed and delivered by him to the Returning Officer, not later than 4:00 p.m. of the tenth day before the first day of the election. The notice of withdrawal takes effect in the order as delivered and no notice will be accepted if it would result in there being no candidate in the electoral area.

In the case where the nominated candidate withdraws his/her candidature or if by 6:00 p.m. of the last day appointed for receiving nominations, the persons nominated exceed the number of vacancies, an election will be conducted. Where the number of persons nominated equals the number of vacancies, all the persons nominated will be declared duly elected. And in the case where the nominated persons are less than the number of vacancies, the persons nominated will be declared duly elected and the Electoral Commission will fix another date for fresh elections to be conducted to fill the vacancies.

Upon receipt of the information of the death of any nominated candidate, the Returning Officer will cancel the elections and report the death to the Electoral Commission. The Electoral Commission will then appoint a convenient day for fresh elections to be conducted.

The Returning Officer must publish by Government Notice a list containing the particulars of the candidates and their nominators, or political parties, not later than ten days before the first day of the election.

## PART VII -PROCEDURES AND ARRANGEMENTS FOR ELECTIONS

The Chairman of the Electoral Commission shall be the National Returning Officer and he/she is responsible for the announcement of results of public elections.

The Electoral Commission will appoint four other Returning Officers who will serve in the four Regions and will be called Regional Returning Officers. The Electoral Commission will also appoint fourteen District Returning Officers and Assistant Returning Officers to serve in the fourteen Districts in Sierra Leone.

The Electoral Commission is responsible for the conduct of elections and for making arrangements for voters to cast their votes. For this purpose the Commission will provide as many polling stations as may be required in each electoral area as it thinks fit.

The Electoral Commission will, not later than fifteen days before the election date give notice in the Gazette which shows the day and hour fixed for the voting and the full name, address, occupation and symbol of each of the candidates in the final list that has been accepted by the Electoral Commission for each political party or candidate.

The Electoral Commission will also appoint fit and proper persons to be Presiding Officers and polling assistants, provide the Presiding Officers with ballot boxes for each polling station in the electoral area, the number of ballot papers necessary for that area, instruments for making an official mark on the ballot papers and copies of the voters register.

The names of candidates and their party symbols will be displayed at each polling station.

Only observers who are accredited by the Electoral Commission will have

the power to verify and monitor the arrangements and acts of the electoral process.

Each political party or independent candidate contesting elections may appoint two persons who will be called “polling agents” to attend each polling station. These polling agents are to detect irregularities and report or call the attention of the Presiding Officer to them.

The political parties or independent candidates contesting the elections must notify the Electoral Commission in writing of the appointment of the polling agents showing the names and addresses of the polling agents and the polling stations to which they have been assigned, not later three days before election day and before 4:00 pm of that day. The District Returning Officer will then inform the presiding officer about this arrangement. If a polling agent dies or is incapable of performing his/her functions he/she will be replaced by the political party or the independent candidate concerned. The Presiding Officer will then be notified in writing, otherwise the polling agent will not be allowed into the polling station.

Polling Agents are not to interfere with the voting at the polling station or canvass or display anything which indicates that he/she is a representative of a particular political party or candidate.

Every ballot box is to be made in such a way that ballot papers can be put into it by a voter but not removed by him/her. It is the duty of the Presiding Officer to place at each polling station ballot boxes for voters to deposit their vote.

The Presiding officer will, before starting the voting process at each polling station, show the empty ballot box to observers and to all other persons who are allowed by law to be at the polling station. He/she must in their presence seal the ballot box with a distinctive seal so as to prevent it from being opened without the seals being broken. The Presiding Officer must also ensure that the ballot box remains closed until the voting is completed.



The Presiding Officer will then place the ballot box in the presence of every authorized person present at the polling station throughout the voting time.

Voting hours are from 7:00am to 5:00pm but if there are registered voters present inside the polling station or waiting in the line outside, the Presiding Officer must not close the voting session even after 5:00pm but must wait until all the persons waiting in the line have voted.

When a voter comes to the polling station he/she must present himself/herself to the Presiding Officer or the polling assistant who will check for the name of the voter on the Voters Register and also verify that the voter is the same person whose picture shows on the voter registration card. The Presiding Officer or polling assistant will then give to the voter a ballot paper or papers,( in the case where more than one election is held on the same day,) to be cast separately. The voter's serial number, name, address as stated on the Voters' Register will be called out and the voter's left hand will be examined for traces of ink (if any) and if there is, the Presiding Officer or polling assistant will not give the voter any ballot paper. The ballot papers to be given to the voters should be marked with the mark prescribed by the Electoral Commission.

The voter before being issued the ballot paper will be asked the following questions and he/she is expected to give correct answers to them. The voter will be asked

- (i) if he/she is the person whose name is on the Voters Register
- (ii) If he/she has already voted at the present election. He/she must answer these questions and if he/she refuses to answer, he/she will not be provided with ballot papers or allowed to vote.

Every voter is expected to submit his/her left thumb or a finger of the left

hand or the right hand if he has problems with the left hand either due to physical defect or other disabilities. The thumb or finger will be marked with indelible ink, but if the voter suffers from physical defect of both hands this situation will not apply.

The voter, after having received the ballot paper and having gone through all the processes earlier mentioned will then go to the booth or enclosure and put his/her mark against the symbol of the candidate or party of his/her choice, fold the ballot paper and drop it into the ballot box.

If while voting the voter spoils the ballot paper mistakenly or marks on it a name or mark that would identify him/her, he/she will return the ballot paper to the Presiding Officer, who will write the word "CANCELLED" across the face of the spoilt ballot paper and give out another ballot paper to the voter.

Where a voter is physically disabled he/she will be allowed to be accompanied by another voter of his/her own choice especially in the case where the voter is blind, and the person accompanying the physically disabled person will ensure that he/she follows the will of the physically disabled person and must keep it a secret.

In the case of a person who is unable to read and write, he/she the Presiding Officer will explain to him what to do.

Every voter is to vote at the polling station at which he is entitled to vote except if he /she is on official duty in connection with the election, or a public officer, employee of a public corporation or commercial firm, or mining company or member of the Sierra Leone Police Force or 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/she is registered. In that case the voter must within fifteen days before the voting day, apply to the Returning Officer of the area where he

has been posted for a certificate of authorization and the Returning Officer must give him/her permission to cast his/her vote at the polling station other than the polling station at which he/she is entitled to vote.

Every voter is to comply with the direction of the Presiding Officer and conduct himself/herself in an orderly manner. If a voter misconducts himself/herself, the Presiding Officer must order his/her removal from the polling station by a police officer or by any other authority and that person must not be allowed to enter the polling station again. No voter or person should carry or display any dangerous weapon or missile in any part of a polling station except in the case where he/she has been authorized to do so by law, such as a military or police officer serving as security on the day of election or under lawful assignment. If the person is not authorized by law he/she will be considered to have committed an offence and will be liable if convicted to pay a fine not less than one million Leones or be imprisoned for two years.

If a voter at the polling station is suspected of personation by a polling agent and if the polling agent undertakes to substantiate the charge in a court of law or if a Presiding Officer is convinced that a voter can be charged with an offence of impersonation, that voter will not be prevented from voting but will have his or her ballot paper marked 'PROTESTED AGAINST'. But where the voter accepts the charge of impersonation, he or she will be prevented from voting.

At the end of voting the Presiding Officer will arrange for the counting of votes. He/she will also prepare separate packets where he will put the number of used ballot papers, the number of spoilt ballot papers and the number of persons marked on the Voters Register which were issued with the ballot papers.

Each candidate or political party that contested the election must appoint one person called the Counting agent to witness the counting of votes. The

names of these counting agents should have been given by a notice in writing of their appointment and addressed to the Returning Officer not later than three days before the election.

If the Presiding Officer has not received the notice mentioned above, he/she will refuse a person who is claiming to be a counting agent. If a counting agent dies or is unable to act as such he/she will be replaced by the candidate or political party concerned and notice will also be given to the Presiding Officer as regards the change.

It is only with the consent of the District Returning Officer that persons other than the Counting Officer, Counting Assistant, Polling Staff, Counting Agents and Observers (if any) will be allowed to be present at the counting of votes. At the time of counting, the Counting Officer will open the ballot box and take out all the ballot papers, and separate the ballot papers cast in respect of the election of Members of Parliament from those cast for the election of a President, where more than one election is held on the same day.

Only ballot papers bearing the official mark of the Electoral Commission will be issued for use at a polling station. A ballot paper issued for use at a polling station other than the one meant to be used will be declared void. Any ballot paper cast for more than one candidate or which is unmarked or which is different from the one issued by the Electoral Commission will be declared void.

Where the Counting Officer believes that a ballot box has been evidently tampered with before the completion of counting of votes, the ballot papers in that box will not be counted.

If the votes cast at an election are more than the number of registered voters the result will be declared null and void by the Electoral Commission and another election conducted at another date to be fixed by the

Commission, if the results affect the overall result in the electoral area. But if the result will not affect the overall result then no election will be conducted.

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

The Counting Officer may recount votes at the request of the counting agents if the counting officer sees that there is need to do so.

At the completion of the counting of votes, the ballot papers will be sealed in separate packets: the ballot papers counted and those rejected. Each candidate will have his/her votes separated, the name of the constituency stated on the packet and a statement of result of the polls as prescribed in the form recorded on it. Sufficient copies will be prepared for the Returning officer, the Regional Returning Officer, the District Returning Officer and each counting Agent or Political Party present at the poll and also for himself.

The Counting Officer will then place the sealed envelopes with the counted ballots, the rejected ballots and other election materials into the ballot box, close the box with a seal and invite other officials present to also fix their own seals. The ballot boxes will then be forwarded to the District Returning Officer. Until the ballot box is delivered to the District Returning Officer it is regarded as being in the custody of the Counting Officer. After the counting, if the ballot box gets missing, the certified copy of the statement of result of the poll declared on oath by the Counting Officer will be accepted as representing the result of the poll at the polling station concerned.

Upon receipt of the sealed ballot box by the District Returning Officer, he/she will open the seal and in the presence of the counting agents (if

any), verify whether the ballot papers accounted for tally with the ones counted or rejected. He/she will then reseal each packet, compile a summary of all statements of results from the polling station concerned and make as many certified copies as may be required, showing the number of votes cast for each constituency candidate for any election held on that same day.

The National Returning Officer, observers and agents must be given copies of the compiled summary statement. These copies will now be given to the National Returning Officer. When the National Returning Officer receives these copies he/she must have them tallied and computed and after which he/she will announce the result. In the case of elections of Ordinary Members of Parliament the number of votes cast for each constituency candidate must be published by Government Notice. The presence or absence of agents does not affect any act or thing required or authorized to be done in their presence once they know the place and time for such act or thing and yet refuse to make themselves available.

## PART VIII - ELECTION OF PARAMOUNT CHIEF MEMBERS OF PARLIAMENT

The Constitution provides that, Parliament is to consist of one Paramount Chief from each District and one Member from each constituency elected by all persons eligible to vote in each constituency.

Each Chieftom in a District is to nominate one Paramount Chief. The nomination is made by three Chieftom Council members. After the nomination, the nominated Paramount Chief is to certify that he/she is willing to stand for election in the District as a Member of Parliament.

A Paramount Chief who intends to stand for election as a member of Parliament must be qualified to be a Member of Parliament. It is the duty of the Returning Officer to determine the hours and place of voting for a Paramount Chief Member of Parliament in each District.

Provisions in the Act such as appointment of polling agents by each candidate, precautions to ensure that ballots cast are done in secret, sealing of ballot boxes void ballots, rejection of void ballots, publication of the results of the poll apply also to the election of Paramount Chief Members of Parliament.

## PART IX - ELECTION OF LOCAL COUNCILLORS

The Public Elections Act, 2012 provides that the time for local council elections will be appointed by the President in a Government Notice, after consulting the Electoral Commission.

The Act, also provides that sections 60 to 97 will, with the necessary modifications, apply to local council elections. Some of the provisions in these sections applicable to local council elections include nomination of candidates, objections to nominations, withdrawal of candidates, death of a candidate, polling agents, hours of voting, prevention of personation, void ballots and rejection of void ballot papers.

## PART X - ELECTORAL OFFENCES

“Corrupt practice” in this Part means, presenting oneself as being someone when you are not that person. It also means bribery, undue influence, helping or assisting another person in committing any of the offences listed below.

“Electoral Officer” includes a member or staff of the Electoral Commission or a person performing any duties under this Act.

A person must have knowledge and consent to any of the offences under this Part before such offence can amount to “corrupt practices”. The offence should be committed during the election period for it to take effect.



## OFFENCES RELATING TO REGISTRATION OF VOTERS AND REGISTER OF VOTERS

It is an offence to do the following: make a false statement when applying for registration; hide information relating to the process of being registered as a voter; use the name of another person whether alive or dead; knowingly give false information, without having authority destroy or make any document for the purpose of registration of voters; offer anything valuable to a person in order to influence that person not to register; apply to be registered when not qualified, include a false statement into a record, register or when unqualified to do so obstruct a Registration Officer or a Revision Officer when the officer is exercising his/her duty; obtain registration for himself/herself or other person when he/she knows that that person is not entitled to be registered; if found guilty of any of these offences he/she will be fined not less than five million Leones or be imprisoned for not less than one year.

Any person who after being registered as a voter applies again to be registered or who makes two or more applications to be registered at the same time, commits an offence and if found guilty be fined not less than five million Leones or be imprisoned for not less than one year . In addition to the punishment above, the person will not be permitted to vote in that election or in the next election.

If an electoral officer or another person helps any other person to register more than once, he /she commits an offence and if found guilty be fined not less than five million Leones or be imprisoned for not less than one year.

A person who buys or sells or attempts to buy or sell voter registration cards for himself/herself or for another; or a person who forges or without lawful authority makes or supplies a voter registration card commits an offence and if found guilty, be fined not less than five million Leones or be imprisoned for not less than one year. If a person who is entitled to a

registration card gives it to another person who is not an electoral officer or has more than one registration card in his possession without authority he/she commits an offence and if found guilty will be fined not less than ten million Leones or be imprisonment for two years.

A person who does any of the following : forges, or delivers nomination papers which he/she knows are forged, signs a nomination paper for a candidate which he/she knows is not qualified as a candidate, without lawful authority supplies, prints or print more than the requisite number, of ballot papers, opens, manufactures, imports, constructs, destroys, is in possession of, takes ballot papers, brings into or takes ballot papers out of a polling station, commits an offence and if found guilty will be fined not less than five million Leones or be imprisoned for not less than one year.

A person commits an offence of wrongful voting when he /she votes more than once knowing that he/she has no right to do that, interferes with the secrecy of other voters or pretends to be disabled in order to obtain assistance in voting, and if found guilty will be fined not less than five million Leones or be imprisoned for not less than one year.

An electoral officer commits an offence when he/she willfully or negligently fails to perform his/her duty impartially, or does so partially. Also if he/she tries to or uses his/her office in a manner that will influence a voter's vote, or prevents a free and fair electoral process, by interfering with the functions of the Electoral Commission and if found guilty be fined not less than five million Leones or be imprisoned for not less than one year.

Any electoral officer who has a duty to perform in the registration of voters, and in the voting process and who fails to perform such duty as the law prescribes, commits an offence and if found guilty will be fined not less than five million Leones or be imprisoned for not less than one year. In

addition to such punishment, the person shall not be qualified to hold public office for ten years after being found guilty.

A member of the Electoral Commission or Counting Officer who willfully gives a false account of votes, commits an offence and if found guilty be imprisoned for a period of not less than one year.

No electoral officer or polling personnel should interfere with the secrecy of any voter; an electoral officer should not get or try to get information as to whom a voter has voted for. Only the Presiding Officer or someone authorized by him /her may communicate with a voter after he/she has received his/her ballot paper and before he/she casts a vote. A person who goes contrary to these commits an offence and if found guilty will be fined not less than five million Leones or be imprisoned for two years.

Any person who stops, obstructs or disturbs an election whether by using force, violence or threat commits an offence, and if found guilty will be imprisoned for not less than two years.

A person who uses his/her influence directly or indirectly; uses or threatens to use force, violence, sexual violence, physical or spiritual injury, harmful cultural practices, tricks, or deception to force another person to vote or not to vote for a candidate or political party, commits an offence, and if found guilty, will be fined not less than three million Leones or be imprisoned for not less than one year.

Any person who induces, influences or applies force on another person to vote, when he/she knows that the person is not qualified to vote or threatens a person to show him/her the person he/she voted for, commits an offence and if found guilty will be fined not less than one million Leones or be imprisoned for not less than one year.

Any person who uses the name of another person or presents himself as another person, or tries to vote or votes more than once, commits an offence and if found guilty will be imprisoned for six months.

Any person who induces another person to vote or not to vote, gives or receives money or any valuable item before or after an election in an attempt to ensure that a person or candidate wins an election, commits the offence of bribery and if found guilty, will be fined five million Leones or be imprisoned for not less than two years. In addition, any person found guilty of the offences of personation, undue influence and bribery will be prevented from participating as a voter and as a candidate in any electoral process for five years.

Any person who influences another person to vote or allows a person who has been prevented from voting by law to vote knowing that that person does not have a right to vote or publishes false information, will be banned from voting for five years.

Any person who without authority from the Electoral Commission interferes with election materials, commits an offence and if found guilty, will be imprisoned for not less than five years.

Any person who prints, manufactures or supplies election materials without authority from the Electoral Commission, commits an offence and if found guilty, will be fined not less than ten million Leones or be imprisoned for not less than five years.

Any person who interferes with a lawful public meeting held in connection with an election, commits an offence and if found guilty, will be fined not less than ten million Leones or be imprisoned for not less than two years. And in addition, the person will be prevented from voting at an election held within five years. However, police or military officers acting in their lawful capacity are exempted.

Symbols and emblems of candidates or political parties may only be displayed by the Electoral Commission or its agent within the area of voting.

Any person who interferes with free political canvassing and campaigning commits an offence and if found guilty, will be fined not less than twenty million Leones or be imprisoned for not less than five years.

No person shall make use of a vehicle or boat belonging to the Government, a public body or institution for the purpose of elections unless that person ordinarily has a right to use that vehicle or boat or in an emergency. Any person found guilty of such offence, will be fined five hundred thousand Leones or be imprisoned for not less than six months.

Any person who acts in a disorderly manner or encourages another person to act in a disorderly manner, commits an offence and if found guilty, will be fined not less than five hundred thousand Leones or be imprisoned for not less than six months.

Any person who knows that he is not registered as a voter but votes or tries to vote, commits an offence and if found guilty will be fined not less than five million Leones or be imprisoned for not less than two years.

On Election Day and within a polling station or within three hundred meters of a polling, any person who asks another person to support a particular candidate, or convinces him/her to vote or not to vote, is in possession of an offensive weapon or shouts slogans concerning the election, or displays public photos, notices or symbols of a party or candidate, unlawfully blares a siren, without authority uses a megaphone or amplifier to make official announcement commits an offence. Also a person who uses a vehicle containing the symbol of a political party, snatches or destroys any election material, stands or waits after voting or after being

refused voting, without lawful excuse or within the area of the polling station, holds or attends a public meeting during voting hours or wears anything which has to do with any political party, commits an offence and if found guilty, be fined not less than one million Leones or be imprisoned for not less than six months.

## **PART XI OFFENCES RELATED TO INFORMATION TECHNOLOGY**

A person who is found guilty of manipulating a computer in order to gain unauthorized access into any data or computer program connected with public elections commits an offence and if found guilty will be imprisoned for two years. If such convict intended to commit or facilitate the commission of a further crime either by himself or by any other person, whether immediately or later, he shall, when convicted be imprisoned for five years even if the chance of committing that crime is impossible.

In connection with public elections, a person who without authorization knowingly modifies the content of any computer with the intent to cripple the operation of the computer or any program in the computer or the reliability of any data or prevents or hinders access to any program or any data held in a computer commits an offence and if found guilty will be imprisoned for not less than three years.

It will not matter whether the act or event warranting the conviction occurred within Sierra Leone or outside it.

A person will be regarded as having gained access to a program or data if he/she causes the computer to alter or erase the program or data, copies or moves it to a location different from its usual location uses it or outputs it any form. A person is deemed to have used a program if he manipulates the computer to execute a program or to perform a computer function. "Output" means giving instruction to output and it will not matter the form in which the instruction or any other data is output.

Unauthorized access by a person to a program or data in a computer means the person who accesses it is not entitled to control access to the program or data and he/she does not have the permission of the person so entitled to access the program or data.

To modify the contents of a computer is to alter or erase a program or data in that computer or add a program or data to its content. Any act which contributes towards causing that modification will be regarded as causing an alteration or erasure.

Unauthorized modification occurs when a person who causes it is not entitled to decide whether or not the modification should be made or when he does not have the permission from the person so entitled.

References to a program include references to part of the program.

## PART XII - ELECTORAL OFFENCE COURT

An Electoral Offences Court is to be established, which will sit anywhere in Sierra Leone as the Chief Justice decides. A High Court Judge, a retired Judge eligible to sit in the Supreme Court, or a lawyer qualified to be a High Court Judge shall decide cases of election offences brought before it. The Election Offences Court has power to try election offences. A person accused of a crime in a trial of Election Offences can choose to represent him or be represented by a lawyer. The Electoral Offences Court has power to hear and decide cases brought before it and bail will be granted according to how the Judge thinks fit. All cases tried in this Court will be by a judge alone and must be concluded not more than six months after the formation of the Court.

A person dissatisfied with a decision of the Electoral Offences Court may appeal to the Court of Appeal.

## PART XIII - ELECTION PETITION AND CIVIL PROCEEDINGS

Any question that may arise as to whether a person has the right to be a Member of Parliament or remain as a Member of Parliament is to be presented in a form of a petition filed in the High Court within 21 days after the publication in the Gazette. Decision(s) of the court will be put in writing and sent to the Speaker or the Electoral Commission as appropriate. If the decision arrived at by the Court is that the Member of Parliament does not have the right to remain as a Member of Parliament then that person immediately ceases to be a Member of Parliament. The petition will be filed in the High Court, if not, and then the election shall be deemed to have been a good and valid election. No election petition shall be filed in the High Court if it contains electoral offences(s) related to Information Technology unless it happens between the last day appointed for the delivery of nomination papers and the day on which the results are declared.



An election petition can be presented to a Judge in the High Court by either a person who has voted or has the right to vote or a person who claims to have a right to be made a Member of Parliament or a candidate. The Electoral Commission must be served with a copy of the petition and the matter be tried in the full view of the public. Election Petitions take priority of hearing in Court over all other matters. In the trial of a matter, the High Court has the power to order the inspection or production of any ballot paper or sealed packet of counterfoils. However how the person voted shall not be disclosed until that vote has being declared invalid by the Court.

Any person called as a witness in an Election Petition matters is expected to answer all questions put to him/her correctly. That person will have immunity from Court unless in cases of perjury. When an action is brought against a witness in the circumstance, the court must stop proceedings upon the production of a certificate of indemnity.

When the matter is concluded the decision of the Judge shall be put in writing and sent to the Electoral Commission and to the Minister of Local Government where the decision concerns a Member of Parliament and a local council as the case may be.

A person can appeal to the Court of Appeal if he is not satisfied with the decision of the High Court and a decision given by the Court of Appeal will be final. The appeal must be made within fourteen days of the decision of the High Court. The person appealing to the Court of Appeal must pay a sum to be determined by the Court of Appeal to cover costs, expenses and charges which may be incurred as a condition for hearing his/her appeal.

If the High Court decides that a Member of Parliament was not duly elected or that the election was void, the seat of the Member of Parliament becomes vacant immediately. If however an appeal is made the seat becomes vacant within fourteen days from the time notice of appeal was given until

decision is made by the Court of Appeal.

All decisions made by the Electoral Offence Court must be in writing and sent to the Speaker, the Electoral Commission and the Minister of Local Government as appropriate.

An election will be declared void by the Court if it is shown that election offences were committed in order to ensure that a person wins the election to the extent that it affects the result of his election. In addition to that the Court may impose other penalties.

#### **PART XIV - ELECTION CAMPAIGN PERIOD**

The Electoral Commission has power to declare when campaign period begins and ends and may also to decide to have different campaign periods for different offices. This is to take place at the close of nominations after discussing with registered political parties. The Electoral Commission will publish campaign calendar by Government Notice after discussing with candidates and political parties. In order to ensure coordination and peaceful campaigning, the Electoral Commission will liaise with the Inspector- General of Police and notify the Paramount Chiefs and Local Councils as appropriate.

Political parties and candidates can decide whether to publish books, magazines, posters or similar materials or make use of the media or organize activities other than the normal activities associated with campaigning. Campaign materials shall clearly state the political party or candidate issuing it and the name of the printer.

It is an offence for a person to post campaigning materials like placards, posters etc on a public building, national monuments, religious institutions or any private property without first obtaining the consent of the owner.

A political party or candidate does not have to pay custom duty for any election campaign materia imported, if supported by a Certificate of Authorization from the Electoral Commission. At the end of the campaign period the public media must be available for use by the Electoral Commission for the purpose of making public the manner of voting at the elections. Any complaint that a candidate or political party's rights have been violated may be made to the Electoral Commission who must ensure that all complaints are properly taken care of.

No candidate or political party is allowed during election campaign to insult, abuse, defame another person or party or engage in the misuse of Government property. They are also not allowed into public offices or educational institutions during work hours.

The Electoral Commission may prepare Codes of Election Campaign ethics at least thirty days before campaign starts, giving each candidate or Political Party a copy.

Equal air time must be given to each candidate and political party on national radio and television during campaign period. The management of national radio and television must ensure that a minimum airtime of thirty minutes is given to each candidate and political party on application made in writing addressed to its management. Management will act only when it receives the written application.

## PART XV- MISCELLANEOUS PROVISIONS

The Electoral Commission will accredit any group of people or institution to observe elections. No group or institution can observe elections unless it is accredited by the Electoral Commission. The group or institution must however apply to the Electoral Commission before being accredited.

The Electoral Commission will issue a certificate of accreditation to the applicant but may cancel the certificate if the observer fails to comply with conditions given by the Electoral Commission

Any group or institution which observes elections without having been accredited commits an offence and when convicted will be fined not less than ten million Leones. When a group or institution is accredited, the group or institution can observe all aspects of the electoral process, including registration of voters, voting, counting of votes and the determination and declaration of results.

The accredited group or institution has freedom of movement within and from the area specified in the Certificate of Accreditation. They also have the right to communicate freely with registered political parties, candidates contesting the elections, electoral officials, Government functionaries, the media or civil society organizations.

After observing the elections, observers are required to send a report to the Electoral Commission three months after results of the elections are declared or at an earlier date determined by the Electoral Commission in writing.

Where the Electoral Commission is given a period within which to perform a function under the Public Elections Act, 2012 the Commission may by order extend that time.