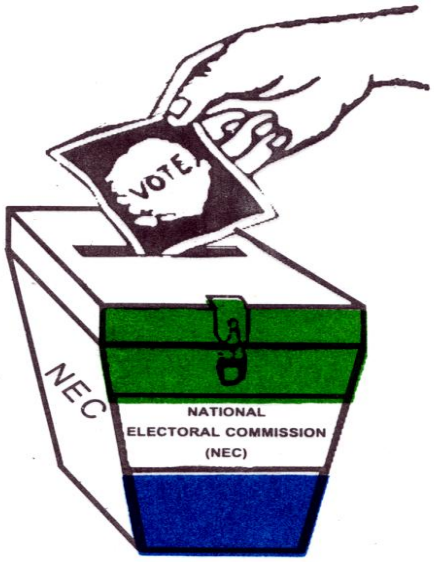
An Introduction to Election Administration for Election Managers and Tertiary Institutions in Sierra Leone



By

Mohamed N. Conteh

PREFACE AND ACKNOWLEDGEMENTS

This book is written with three categories of people in mind:

- Election managers who will use it as a reference guide in the performance of their election related duties.
- Lecturers and students in tertiary institutions in Sierra Leone teaching or taking the Diploma course in Election Administration and Civic Education, organized by the Institute of Electoral Administration and Civic Education (INEACE), in collaboration with the University of Makeni (UNIMAK) in Sierra Leone.
- Stakeholders in the electoral process and the general reader.

The book provides a detailed survey and readable account, in a single volume, on Sierra Leone's historical, political and electoral developments from colonial days to the present day and Election Administration (electoral studies) in general, using the most extensive research materials. This single volume thus presents the reader with the most up-to date and authoritative information on major aspects of Sierra Leone's electoral process and Election Administration in general.

The book is divided into two major parts: part one (1) deals with the historical context and general considerations on the country's electoral process. It explores the historical, political and related electoral developments in Sierra Leone; particularly the development of political parties, the history of elections conducted in the country from 1951 to 2008 and the body responsible for conducting them (the electoral commission). Local governance structures related to decentralized local governance, are also discussed in detail.

Part two (2) treats in detail all aspects related to the management of elections (i.e. Election Administration). In other words, all the major tasks connected with the actual conduct of Presidential, Parliamentary and Local government elections are discussed in detail e.g. the demarcation of electoral boundaries (constituencies and wards), voter registration, candidate nominations, polling day activities, including the announcement of results.

This humble piece of academic work, comprising major aspects of Sierra Leone's experiment with electoral democracy (including the challenges) and the best practices in the administration of credible elections in a single volume, will no doubt serve as a useful guide to election managers, students of Election Administration in tertiary institutions in Sierra Leone, stakeholders in the electoral process, both international and local NGOs with interest in the conduct of credible democratic elections.

Hardly any one writes a book of this kind all alone. In this regard, I owe a lot of gratitude to all those accomplished writers and institutions whose works formed the basis of research in the writing of this book. I wish specifically to mention the following (out of many of them whose names regrettably I am unable to mention here): C. Magbaily Fyle, Professor of History, formally of Fourah Bay College, University of Sierra Leone; Dr. Joe A.D. Alie, Associate Professor and formally Head of Department of African Studies, Fourah Bay College, University of Sierra Leone; Carl .W. Dundas, formally of the Commonwealth Secretariat; Kwadwo Afari-Gyan, current Chair of the Electoral Commission of Ghana;

International Organizations like the UNDP Sierra Leone Country Office, International Foundation for Electoral Systems (IFES) and the International IDEA.

I am also grateful to the Board members, management and staff of the National Electoral Commission of Sierra Leone (especially Ansu Bangura and Michael Kamara who typed the manuscripts) for their support and encouragement in the writing of this book. This work would indeed not have been possible without the support of the Chief Electoral Commissioner, Dr. Christiana Thorpe, and my Colleague Commissioners.

Special thanks go to my wife, Agnes Conteh, and children (Fatima, Aisha and Hawa Conteh), who missed my company for most of the time whilst I was busy writing in the office. Additional thanks also go to Ansu Bangura, my personal Assistant; Mark Sesay, my driver and Abdulai Kargbo my Security; all of whom patiently waited whilst I spent long hours in the office after official hours.

The views expressed in this book are solely those of the author and do not necessarily represent the policy of the National Electoral Commission of Sierra Leone (NEC/SL) or any other institution mentioned in the book. Efforts have been made to acknowledge copyright materials, but where inadvertently this is not done, the author will be willing to do so at the earliest opportunity.

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Mr. Conteh's unpublished works include: "A short history of the Electoral Commission of Sierra Leone:-1961-2010" (2012), "The Institution of Paramount Chieftaincy in Sierra Leone: An introduction to its history and electoral process" (2013) and "Topics in Government for West African Secondary School Certificate Examination (WASSCE) and the tertiary institutions" (2013). The first two publications are available in PDF form at the NEC website www.nec-sierraleone.org.

He is a Sierra Leonean.

Dedication

This work is dedicated to the Institute of Electoral Administration and Civic Education, Sierra Leone (INEACE/SL) and its partner, the University of Makeni (UNIMAK).

Note

The author is in search of democratic institutions, interested individuals or other elections related INGOs that are willing to sponsor the publication of this book; as a demonstration of their commitment to the promotion of democratic governance through credible elections in Sierra Leone.

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Acronyms

AAEA -	Association of African Election Authorities
ADEO -	Assistant District Electoral Officer
AFRC -	Armed Forces Revolutionary Council
APC -	All Peoples Congress
BD -	Boundary Delimitation
BEAC-	Basic Electoral Administration Course
BRIDGE -	Building Resources In Democracy, Governance and Elections
CEC/Chair -	Chief Electoral Commissioner and Chairperson
DEO -	District Electoral Officer
DFID -	Department for International Development (British)
EC -	Electoral Commission
EC -	European Commission
ECONEC -	ECOWAS Network of Electoral Commissions
ECOWAS -	Economic Community of West African States
ELA, 2002 -	Electoral Laws Act, 2002
EMB -	Electoral Management Body
EOC -	Elections Offences Court
ERSG -	Executive Representative of the (UN) Secretary General
EU -	European Union
FVR-	Final Voters Register
GoSL -	Government of Sierra Leone
HRMO -	Human Resource Management Office (formerly Establishment Secretary's office)
I.e. -	id est. -"that is"
Ibid -	Ibidem i.e. 'in the same place'/work as quoted above'
IDEA -	Institute for Democratic Electoral Assistance.
IFES -	International Foundation for Election Systems.
INEACE -	Institute of Electoral Administration and Civic Education.
INEC -	Interim National Electoral Commission
INGO -	International Non Governmental Organization
IT -	Information Technology

JICA -	Japan International Cooperation Agency
LGA, 2004 -	Local Government Act, 2004
LPA -	Lome Peace Agreement
MDAs -	Ministries, Departments and Agencies
MIALGRD -	Ministry of Internal Affairs, Local Government and Rural Development
MoFED -	Ministry of Finance and Economic Development
MoU -	Memorandum of Understanding
NEC -	National Electoral Commission
NEC Act, 2002 -	National Electoral Commission Act, 2002
NGO -	Non Governmental Organization
NPRC -	National Provisional Ruling Council
ONS -	Office of National Security
Op.cit -	"Opere citato" – "in the work cited" (some where in this monograph)
PC -	Paramount Chieftaincy/Chief
PEA-2012	Public Elections Act, 2012
PPRC -	Political Parties Registration Commission
RUF-	Revolutionary United Front
SLP -	Sierra Leone Police
SLPP -	Sierra Leone Peoples Party
SRSG -	Special Representative of the (UN) Secretary General
UMANSIL -	United Nations Mission in Sierra Leone
UN -	United nations
UNDP -	United Nations Development Programme
USAID -	United States Aid
VR -	Voter Registration
WANEP-	West Africa Network for Peace building

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PART ONE

HISTORICAL CONTEXT AND GENERAL CONSIDERATIONS ON SIERRA LEONE'S ELECTORAL PROCESS

CHAPTER 1

HISTORIACL CONTEXT

Overview of Historical and Political Developments

Introduction: This chapter provides only the basic, but important general information on major aspects of Sierra Leone's development from a Colony to an independent and sovereign state (e.g. its history, social, political and economic developments).

Location/Geography: Sierra Leone is situated on the west coast of Africa (between 6th and 10th degree north latitude, and 10º and 14º west longitude) and is bordered on the south and south – east by the Republic of Liberia, the Republic of Guinea on the north and the Atlantic ocean on the south-west. The total land area is nearly 74,000 square kilometers(or 27,925 square miles).

Capital: The capital is Freetown, located on the Sierra Leone peninsula. It was founded in 1787 as a settlement for freed slaves. It has a beautiful natural harbour through which most imports and exports pass.

Administrative Divisions

Sierra Leone is divided into four administrative regions: three provinces (North, East, and South) and the Western Area where Freetown, the capital is located. The Resident Minister (who is the political head) and a Provincial Secretary (who serves as the regional administrative head) perform the work of the central government in running each of the provinces. A District Officer (D.O), appointed by the central government, ran the district administration from colonial days to 2004. However, following the 2004 Local Government elections, the office of the DO was abolished and replaced with the elective office of the District Council Chairperson. The All People's Congress (APC) administration, led by the President Dr. Ernest Bai Koroma, brought back the office of the DO in each of the provincial Districts on the 10th June, 2011.

Ethnic groups

Sierra Leone has up to 17 ethnic groups: Mende, Temne, Limba and Kono being the largest. Others are Creole, Bullom, Sherbro, Madingo, Krim, Susu, Vai, Kissy, Yalunka, Fullah, Koranko, Loko, and Gola.

Background history and major political developments

In 1462 Pedro Da Cintra, who was a Portuguese navigator, named the area around the coast (Freetown Peninsula) **Serra Lyoa.** Thus, the name Sierra Leone comes from a mixture of Portuguese and Italian words "**Serra Lyoa**", meaning "**Lion Mountains**". This was an apparent reflection of the shape of the mountain ranges on the peninsula as seen then by the early explorers.

The Sierra Leone Colony (Freetown) was later founded in 1787 as a **"Province of Freedom"**, on the Sierra Leone peninsula by Christian philanthropists. It was established for mostly freed slaves from Britain commonly called **"the Black Poor"**ex-service men of the British Crown in the American War of independence; and later "recaptured" slaves from slave traders along the Bay of Guinea.

In the words of Arthur Porter, the Colony of Sierra Leone.
"Was conceived as a home for Negroes whose ancestors had been forcibly transported to Europe and the New World for one reason or another, primarily as slaves to work in the plantations, cotton fields and big houses of their masters"[1].

.Thus, different groups of freed slaves (including the aforementioned ex-servicemen of the British Crown in the American war of Independence) were sent to Sierra Leone starting from 1787. Of these, the following were of immense importance to the later development of the Colony (Porter, 1963):

- The "**Black Poor**" who arrived in 1787, were a group of ex-slaves, among others, who had lived in and around London.
- The **Nova Scotians**, who arrived in 1792, were former American slaves who, having sided with Britain in the American War of Independence, were first sent to Nova Scotia in Canada and later to Sierra Leone following the defeat of Britain in the said war.
- **The Maroons** arrived in 1800. These were former slaves who had revolted against their British masters in Jamaica, and were forcibly sent to Nova Scotia by the British government.
- **The Recaptives** were a group of captured Africans who, while on their way to slavery in the ''New world'', were recaptured and set free in Freetown, following the passing of the Anti-slave Trade Act of 1807.

The first form of British administration in the Sierra Leone Colony (after the failure of the first settlement at Granville town, called Province of Freedom) was company rule by the **"Sierra Leone Company"**. In other words, control of the Colony was vested by a Royal Charter in the

[1] Arthur T. Porter, **Creoledom: A study of the development of Freetown Society** (Oxford University press, London, 1963 p19).

hands of the Board of Directors of the Sierra Leone Company,which was founded in London in1791 to trade with the Sierra Leone Colony. This was after the failure of the first settlement at Granville Town, called Province of Freedom, and the British government's refusal to re-fund the province. The Board of Directors appointed a Governor with legislative powers and an advisory council to administer the Colony.

As a result of difficulties faced by the Sierra Leone Company (i.e. inadequate finance, insecurity due to, among others, frequent classes with the neighbouring Temne), the settlement was declared a **Crown Colony** in 1808 and its inhabitants were given the status of British subjects. Britain declared the Sierra Leone hinterland (i.e. the greater part of the country) a **Protectorate** in1896. Both the Crown Colony and the Protectorate constitute what is called Sierra Leone today.

Constitutional Developments and Democratic Experience

Constitutional developments took place from 1863 until the country gained independence on 27th April 1961 and a Republican status on 19th April 1971. Sierra Leone was declared a one party state in 1978 under the All People's Congress (APC) party, following a referendum which approved a one-party constitution. Another referendum held in August 1991 approved a new constitution, which became the 1991 multi-party constitution.

Sierra Leone's experience with western democracy (that is, electoral democracy and political party pluralism) goes back to 1951, with the formation of true political parties and the holding of the first general elections under the tutelage of the colonial power, Britain. General and Local Government elections have since been conducted from 1951 to 2012; some "free and fair", while others were not "free and fair" (especially elections conducted during the period 1973–1986).

Undemocratic Developments

Sierra Leone's democratic experience had been intermittently halted by military coups and other undemocratic developments, as follows:

Military Coups :(21st March 1967 to 26th April 1968)

Following the 1967 elections, which were won by the APC, the Army led by Brigadier David Lansana took over power through a military coup. This military action prevented Siaka Stevens (leader of the APC) from initially taking power. Following his defeat in the said elections, the incumbent, Sir Albert Margai and other Sierra Leone People's Party (SLPP) leaders, to use the words of Jimmy D Kandeh**,** *"prevailed upon the army commander at the time to seize power and declare martial law. This military intervention prevented a smooth transfer of power from one political party to the other and represented a major reversal in the country's nascent democratic*

fortunes."[2]An Army mutiny by senior officers ousted Brigadier Lansana on the 23rd March 1967 and formed the **National Reformation Council (NRC)**. A group of Warrant Officers of the Army again overthrew the NRC on the 18th April 1968. After investigations by the Dove Edwin Commission of Inquiry into the conduct of the 1967 elections, power was restored to Siaka P. Stevens and the APC on the 26th April 1968.

National Provisional Ruling Council (NPRC): 29th April 1992 to 29th March 1996

The introduction of the 1991 multi-party Constitution and multi-party politics by President Joseph Saidu Momoh, who replaced President Siaka P. Stevens in January 1986, was shortlived. The Army, led by Captain Valentine E. M. Strasser, on 29th April 1992 overthrew the APC administration of Joseph Saidu Momoh and formed the National Provisional Ruling Council (NPRC). Captain Strasser was also overthrown in a "palace coup" on 16th January 1996 and replaced by his former deputy, Brigadier Maada Bio. Both internal and external pressures (by civil society and the international donor community, respectively) for a return to multi-party democracy forced the NPRC to hold elections and relinquish power in 1996. Brigadier Maada Bio handed over power to a democratically-elected government led by President Ahmad Tejan Kabbahof the SLPP, on the 29th March 1996.

Armed Forces Revolutionary Council (25th May 1997 to 10th March 1998)

On 25th May 1997, President Ahmad Tejan Kabbah, who had won the 1996 elections under the SLPP, was overthrown by the Army, which formed the Armed Forces Revolutionary Council (AFRC) led by Major Johnny Paul Koroma. This was a coalition of the Military and the Revolutionary United Front (RUF) rebels, who had invaded the country since 23rd March 1991. This was the most violent coup in the country's history. President Kabbah was reinstated on 10th March 1998 after the military intervention by a "stabilisation" force, formed by the Economic Community of West African States(ECOWAS), called ECOMOG (i.e. Economic Community of West African States Ceasefire Monitoring Group).

Introduction of One Party State (14th June 1978 – 30th September 1991)

As already stated, Sierra Leone became a one party state under the APC from 14th June 1978 to 30th September 1991. The declaration of a one party state no doubt adversely affected the country's initial democratic experience.

Conduct of fraudulent elections

In addition to the above, the introduction of undemocratic elements in the conduct of elections was also another drawback in the democratic process; as the elections conducted between1973 – 1986 were not credible, to say the least. Elections conducted by the APC during the period under review, have been described as "fraudulent rituals whose outcomes were never in doubt".

[2] Jimmy D. Kandeh: Sierra Leone's post-conflict elections of 2002, Journal of African Studies volume 41 No. 2 of 2003 pp. 191-192.

They were "characterised by electoral violence, fraud and substantial numbers of unopposed candidates" (Hayward and Kandeh, 1987).

Civil war (23rd March 1991 – 18th January 2002)

This was an armed conflict between the RUF and successive governments. It began on the 23rd March 1991, when a group of armed persons of the RUF, comprising discontented "radical youths and itinerant diamond diggers" among others, "led by a British-trained former army corporal, Foday Saybana Sankoh, who had been imprisoned by President Stevens in the 1970,s"[3] attacked the town of Bomaru in Upper Bambara chiefdom, Kailahun district. The formation of this armed rebellion could be traced back to the mass expulsion of radical students from Fourah Bay College in 1985. Using their Libyan connections, the expelled students recruited disaffected Sierra Leoneans to undergo military training in Benghazi, Libya and waged war against the APC government and innocent Sierra Leoneans (Kandeh, 1998). This was the most violent armed conflict with devastating social, political and economic consequences in the country's post independence history. Of significance, the rebellion temporarily halted the momentum towards multi-party elections, as it led to the overthrow of the APC and ushered in the military in 1992 (Kandeh, 1998).

Peace Accords/Agreements

Two major peace accords were signed, first between the SLPP led government and the RUF; and later between the SLPP led government (in exile) and the Military/RUF alliance[4]. However, both accords failed to either stop the war or restore the democratically elected government back to power. As already stated, ECOMOG, a peace keeping/intervention force formed by member states of the Economic Community of West African States (ECOWAS) forcefully removed the AFRC government from power and restored the ousted democratically elected government of President Kabbah to power on 10th March 1998. The restoration of the government was followed by the escalation of the war between the SLPP led government (backed by ECOMOG) and the dual alliance between the AFRC and RUF.

A peace treaty was later renegotiated and signed by all the major stakeholders in the Sierra Leone conflict on the 7th of July 1999 in Lome, the capital of the West African State of Togo. Among the provisions contained in the Lome Peace Accord were:

[3] Sierra Leone's Presidential and Parliamentary Elections 14th May 2002: Report of the Commonwealth Observer Group p5

[4] *The first peace agreement was signed in Abidjan on the 30th of November 1996 between the elected SLPP government and the RUF. Peace was not achieved because of the AFRC coup of May 25th 1997. In an effort to encourage the military to hand over power to the ousted democratically elected government, member states of the Economic Community of West African States (ECOWAS) arranged for the signing of the second peace agreement in Conakry, Republic of Guinea, on the 23rd October 1997 between the AFRC and the SLPP government. But the AFRC did not hand over power. This resulted to the removal of the military from power in February 1998 by an intervention force called ECOMOG*.

- the formation of a government of national unity, which was to be inclusive of the AFRC and the RUF;
- the deployment of United Nations Peace Keeping Forces in Sierra Leone;
- and the holding of general elections after the successful completion of the tenure of office of the democratically elected government.

The Lome Accord, however, faced many problems, to put it mildly. For instance, in May 2000, the RUF held as hostages around 500 members of the United Nations Peace Keeping Force, called UNAMSIL, in Makeni in the North and Kailahun in the East. This was later followed by mass demonstration by Sierra Leoneans in Freetown resulting in the death of at least 19 people.

Another peace meeting between the Government of Sierra Leone (GoSL) and the RUF was scheduled to be held in Abuja, Nigeria on the 9th of November 2000 (the meeting was actually held on the 10th of November 2000 because of the late arrival to the Abuja talks of the RUF delegation). Both the GoSL and the RUF agreed to a month's ceasefire, among other things. Two more peace talks were later held in Abuja, Nigeria, which led to, inter alia, the deployment of forces of the United Nations Mission in Sierra Leone (**UNAMSIL**) in RUF controlled territories and the start of disarmament process by March 2001. The war was officially declared over on 18th January 2002, after the completion of the disarmament process of over 50,000 ex-combatants by the **National Commission for Disarmament, Demobilization and Reintegration (NCDDR).** This was followed by Presidential and Parliamentary elections on the 14th May 2002. President Kabbah and the SLPP were returned to power after winning the 2002 elections.

The NCDDR was officially dissolved on 3rd February 2004, following the completion of the Government's programme of disarmament, demobilisation and reintegration. The Government of Sierra Leone and the UN jointly set up a **Special Court for Sierra Leone,** with mandate "to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30th November 1996"[5].

Like the aforementioned developments, the civil war was a disaster, for democracy in Sierra Leone.

Local Councils

There are various forms of local council administrations. Nineteen (19) local councils currently exist in the country. They are as follows:

[5]Report of the Commonwealth Observer Group, Opcit.

- five (5) **City Councils** (one in the Freetown Municipality called Freetown City Council, one each in Bo, Makeni, Koidu-New Sembehun and Kenema);
- one (1) **Municipal Council** (in the municipality of Bonthe,); and
- 13 **District Councils**, one in each of the 12 provincial districts and one in the western area rural district.

Each local council serves as the highest political authority in its respective locality (i.e. District or City) with legislative and executive powers, which it exercises in accordance with the Local Government Act, 2004.

A total of 394 wards nationwide were used to conduct the 2004, 2008 and 2012 Local Government elections. While the City Councils have Mayors as heads, the Municipal and District Councils have Chairpersons.

There is in addition, a local administration system of **"Tribal Heads''** in the whole of the Western Area urban and **Heads of Villages and towns** for the Western Area Rural District specifically. The latter, like Councillors and Chairpersons of the above councils, are elected by universal adult suffrage by electors of their respective villages, towns or localities.

Districts and Chiefdoms

The Provinces are sub–divided into 12 districts (Kailahun, Kenema Kono in the East; Bo, Bonthe, Moyamba, Pujehun in the South; Bombali, Koinadugu, Tonkolili, Port Loko and Kambia in the North), made up of 149 chiefdoms. A traditional leader called Paramount Chief, who is elected by Chiefdom Councillors for life, heads each Chie fdom. Only members from established ruling houses are allowed to contest.

Government type

Sierra Leone is a unitary republic with a presidential system of government, as provided for in the 1991 Constitution. The President has executive powers. The Vice President and the Cabinet members are drawn outside of Parliament i.e. separation of powers.

The Executive:

The term limit for the President is five (5) years, but can hold office for a second 5-year term {section 46(1)} of The 1991 Constitution (Act No. 6 of 1991). Ex-President Alhaji Ahmad Tejan Kabbah's second term of office, which began in May 2002, ended in 2007]. Following an amendment, a subsection was added to section 43 of the Constitution, which makes provision for the extension of the president's tenure of office for four (4) months in "exceptional circumstances" ("as if parliament has granted an extension" of the term under section 49(2), once the election date is set. Under section 49(2) ex-president Kabbah's term was extended due

to the war for two six month periods in 2002, paving the way for the President to continue in office until the 14th May 2002 elections.

The Legislature:

Parliament comprises the President, the Speaker and Members of Parliament (MPs). There are two categories of Members of Parliament:

- ✓ 12 Paramount Chief Members; each of whom is elected by an electoral college called Chiefdom Councillors to represent each district in the provinces.

- ✓ 112 Ordinary Members directly elected by secret ballot and universal adult suffrage system (One Member of Parliament per constituency).

The total number of both categories of Members of Parliament must not be less than sixty (60). There are currently 124 Members of Parliament elected for a five-year term.

The Judiciary:

The Judiciary is made up of:

a) Superior Courts of judicature, which consist of the Supreme Court, the Appeal Court and the High Court;

b) Lower courts, consisting of Magistrates Court, with jurisdiction on both civil and criminal matters; Local Courts.

The powers to interpret and apply the laws of Sierra Leone, including the Constitution, resolve conflicts and punish offenders are vested in the Judiciary. The head of the judiciary is the Chief Justice. The judiciary has jurisdiction over criminal and civil matters, and those matters which relate to the Constitution. In other words, judicial powers cover all criminal, civil and constitutional matters. The judiciary may also deal with other matters which Parliament confers jurisdiction on it. Members of the judiciary include: justices of the Supreme Court, High Court judges, Administrator and Registrar General, Registrars and Deputy Registrars of the Supreme Court, Court of Appeal, Master and Registrar of the High Court, Magistrates of all levels, State Counsels, Customary Law Officers.

Others

- There is also a **Judicial and Legal Service Commission** with power to "appoint, promote, transfer and discipline Judicial and Legal Officers"[6];and
- an **Attorney – General and Minister of Justice;** a political appointee of the President, "under whose suit all offences are prosecuted in the name of the Republic"[7].

- The **Solicitor – General** is the principal assistant to the Attorney – General and Minister of Justice.

- The **Director of Public Prosecution** has power to "institute and undertake criminal proceedings against any person before any court in respect of any offence against the law…"[8], among others.
- There is a **Rules of Court Committee** with power, inter-alia, to make rules of court, which regularises the practice and procedure of all courts in Sierra Leone. The Chairman of the Committee is the Chief Justice.

The judiciary is independent. Put differently, the judiciary is free to exercise its authority in both judicial and administrative matters, without the direction or control of any person or authority. The extent to which this is in practice is a different question.

Constitution (and legal system)

The 1991 Constitution (Act no. 6 of 1991), introduced after 13 years of one party rule, is the national constitution. There were plans to review some aspects of the constitution e.g. citizenship, and to introduce a bi-cameral legislature.It is based on the American model of "separation of powers".Some salient features include a chapter on fundamental human rights and the representation of the people (franchise).

[6] Peter L. Tucker: **The Sierra Leone Constitution for Lay Persons p 79**
[7] The Handbook of Sierra Leone: p21
[8] Ibid p21

CHAPTER 2

A SHORT HISTORY OF THE ELECTORAL COMMISSION OF SIERRA LEONE: 1961-2010

Introduction:

This chapter is an introduction to the history of elections management in Sierra Leone, the body responsible for conducting elections and related matters and developments within it since 1961-2010.

History of electoral management: 1951 - 1961

The administration and management of elections in Sierra Leone began in 1951 under the supervision of the British Colonial administration. The latter established an elections office contained within a government department (i.e. Ministry of Interior/ Internal Affairs), headed by an Elections Officer who was assisted by a sizeable number of staff (civil servants) to run elections. The Elections Officer and his/her assistants were responsible to the executive (i.e. the Ministry of Interior).

As part of the colonial legacy, the incorporation of election management into the country's central administration or civil service continued at Independence in 1961, when the Independence Constitution established the Electoral Commission (EC), and even thereafter unto August, 2005.

The "civil service based institutional arrangement"[9] for elections management in Sierra Leone posed a serious challenge to the independence, impartiality and neutrality of the EC established under both the 1961 and 1991 Constitutions; as the Civil Servants who staffed the Election Management Body(EMB) had no loyalty to it but to the ruling government.

History of the Electoral Commission: 1961 - 2004

Beginning with the 1961 Constitution up to the current 1991 Constitution, the Electoral Commissionwas provided for in every post- independence Constitution, including the 1978 One-Party Constitution. For instance, section 37 of the then 1961 Independence Constitution provided for the establishment of:

[9]JinaduAdele et al:Elections Management Bodies in West Africa: A comparative study of the contribution of Electoral Commissions to the strengthening of democracy, 2011

> *…an Electoral Commission, the membership of which were the Chief Electoral Commissioner, as Chairman, and not less than two nor more than four other members, who were appointed by the Governor General on the advice of the Prime Minister*[10]

PROFILE OF THE ELECTORAL COMMISSION (EC)

Establishment

The Electoral Commission (also called, the National Electoral Commission under the Lome Peace Agreement signed between the Government and the RUF, and the repealed NEC Act, 2002) is one of the country's independent governance institutions provided for in Section 32 of the Constitution of Sierra Leone, 1991 (Act No 6 of 1991). It was set up purposely to manage the essential elements (besides the registration and supervision of the conduct of political parties and related matters) directly related to the conduct of public elections and referenda in the country (i.e. Presidential, Parliamentary, Local Government elections, Referendum and, with the passage of the Chieftaincy Act, 2009, Paramount Chieftaincy elections).The terms Electoral Commission (EC) and National Electoral Commission (NEC), or the Commission are used interchangeably in this book.

Composition

The Commission is made up of five (5) members: a Chief Electoral Commissioner, who serves as Chair,[11] and four others, called Electoral Commissioners; each one having oversight responsibility (amongst others) for each of the four administrative regions into which Sierra Leone is divided i.e. East, West, North, and Southern regions). There is, however, no mention of regional representation in the 1991 Constitution as a condition for appointment to the Commission.

Between 1961 and August 2005, NEC (in addition to being part of the central administration of the Executive and Civil service structure) was a decentralized (quasi-managerial) body, with each Electoral Commissioner residing in his/her respective regional headquarter town (Freetown, Bo, Kenema and Makeni) and overseeingprovincial/regional electoral operations; with the Chairman regularly calling Commission meetings to make policy. Following the reconstruction process in September 2005, the NEC became a central (quasi-judicial) executive body meetingregularly to make policy for implementation on a day-to-day basis and overseeing the broad direction of the EMB. The Commission has administrative and regulatory powers. With the passage in May, 2012 of the Public Elections Act, 2012 into law, the Commission became a corperate body.

[10]Quoted from J.H. Price: Political Institutions of West Africa (Second edition page 80)

[11]Justice Johann Kriegler in his ''Assessment on Sierra Leone Local Government elections'' report, December, 2004 maintains that "the chairman of the NEC is not merely the first among equals". In law his position is superior to those of his fellow Commissioners.

Appointment of Commissioners and related matters.

The President of Sierra Leone appoints all the members of the Commission, after consultation with leaders of all the registered Political Parties, subject to the Presidential nominees being interviewed by the Parliamentary Appointments Committee (PAC) and followed by the approval of Parliament (i.e. by a vote of majority of all Members of Parliament present, including members of the PAC).

The tenure of office of the Commissioners (including the Chair) is five years, and must by law take an oath before assuming office. The President may remove a member of the Commission from office, only on grounds of inability to discharge his/her functions (whether due to mental disorder, infirmity of body or any other cause) or for gross misconduct[12.]

The terms and conditions of service of Commissioners shall be prescribed by Parliament, in accordance with the State Salaries, Pension, Gratuities and other benefits Act, 2003 (Act No. 4 of 2003).

Qualifications for members of the Electoral Commission.

There is apparently no academic qualification to become an Electoral Commissioner; but only persons of proven integrity who are qualified to be Members of Parliament (MPs), and not over 65 years old, shall be eligible for appointment as members of the Electoral Commission. The qualifications for MP's are contained in Section 75 of the 1991 Constitution.

Disqualificationsfor members of the Electoral Commission.

The following persons are disqualified from being members of the Electoral Commission.

- a person who is disqualified to be elected as an MP;
- a Minister of government;
- a Deputy Minister;
- a public officer;
- a person who is 65 years old or above.

Organizational Structure of the EC: 1961 – 2010

It has been stated that between 1961 and August, 2005 the staff members of the Electoral Commission were civil servants, recruited through the Public Service Commission (PSC). The head of the Civil Service staff of the Electoral Commission, who served as Secretary (later Executive Secretary) to the Commission, was a serving senior Civil Servant posted from the open

[12] The removal Procedure of Election Commissioners is provided for in section 5 of the Public Elections Act, 2012 and section 32 subsections 8 and 9 of the 1991 constitution.

Civil Service structure. As Secretary to the Commission, he also served as the Chief Elections Officer.

The Civil Service staff members of the Commission were placed into two functional categories, namely: the administrative staff and the professional (or elections staff). The administrative staff members were responsible for the day-to-day affairs of the Commission, including taking down minutes during Commission's meetings, finance and logistics matters, and recommendation for promotions. Members of the administrative arm of the Commission belonged to the "open service" of the Sierra Leone Civil Service.

The administrative staff comprised, in order of seniority;

- the Secretary to the Commission;
- the Deputy Secretary (who was the principal assistant to the Secretary);
- Assistant Secretary;
- the Staff Superintendent (who as Chief Clerk, was the intermediary between the senior staff cadre and the lower staff cadre); and
- the general support staff (whocomprised the clerical and minor grades, including drivers, messengers and cleaners).

The professional arm of the Electoral Commission, which was mostly made up of elections officials, consisted of the following:

- Principal Elections Officer (PEO);
- Senior Elections Officers (SEOs);
- Elections Officers (EOs);
- Assistant Elections Officers (AEOs);
- Publicity Officer (PO);
- Utility Officer and Supervisors.

Besides the central office of the Electoral Commission in Freetown, the capital of Sierra Leone, there is a District Elections Office in each of the 12 provincial administrative districts into which Sierra Leone is divided, and two in the Western Area: one in Freetown and one at Waterloo to serve the rural District of the Western Area. Each District Office was under the general supervision of the central office. Each of the District Elections Offices was headed by a

professional civil servant designated as Elections Officer, supported by a sizable number of permanent staff of civil servants. A Senior Elections Officer was based in each of the three provincial regional elections offices in Bo, Makeni, and Kenema, and one in Freetown for the Western Area, with responsibility for the supervision of the District Elections Offices assigned to each region. Temporary election workers may be recruited and trained at district level, to carry out election exercises like voter registration and polling day activities anytime each exercise was due. But such temporary workers were relieved of their duties immediately after the completion of the election exercise for which they were recruited. As already stated, an Electoral Commissioner was assigned to each of the regions of the country, with responsibility for policy formulation and the supervision of the operations of the District Election Offices within the region.

By January 2010 the restructured NEC, which began as a "lean and mean" public institution in September 2005, had expanded from its initial three Departments and 7 units, to one with seven Directorates.

Independence of the EC

The Constitutional and statutory independence of the EC from the executive is clearly stated in section 32 (11) of the 1991 Constitution of Sierra Leone (Act no. 6 of 1991) as follows:

> *"In the exercise of any functions vested in it by this Constitution, the Electoral Commission shall not be subject to the direction or control of any person or authority"*

The independence of the Commission is further guaranteed in section 3 of the Public Elections Act, 2012.

Functions of the Electoral Commission

The functions or responsibilities of the Electoral Commission are clearly stated in Chapter 4 section 33 of the 1991 Constitution of Sierra Leone. Under this section:

> *…. The Electoral Commission shall be responsible for the conduct and supervision of the registration of voters for, and of, all public elections and referenda; and for that purpose shall have power to make regulations by statutory instrument for the registration of voters, the conduct of Presidential, Parliamentary or Local Government elections and referenda, and other matters connected therewith, including regulations for voting by proxy.*

In practice nearly all aspects of electoral matters are vested in the Electoral Commission of Sierra Leone. The only exceptions are those functions connected with the registration and regulation of the conduct of political parties, performed by the PPRC. The constitutional functions of the Electoral Commission are summarized broadly as follows:

- Organization and conduct of public elections;
- Voter registration;
- Making of regulations;
- Delimitation and revision of constituencies;

The following are the functions of the Commission, provided in the Public Elections Act, 2012, (section 7 sub sections 1 and 2);

(a) The continuous registration of eligible voters for all public elections and referenda;

(b) The preparation, maintenance and regular revision of the register of voters;

(c) The delimitation of constituencies and wards in accordance with the Constitution and any other enactment;

(d) The regulation of the process for nomination of candidates for elections;

(e) The conduct of civic electoral education;

(f) The facilitation of the observation, monitoring and evaluation of elections;

(g) The promotion of knowledge of sound democratic election processes;

(h) (Performance of) such other functions as maybe provided for by the Constitution (or any other subsidiary legislation).

In accordance with the Act, the Commission may utilize appropriate technology and adopt appropriate approaches in the performance of its functions.

Proceedings or internal operations of the Commission

The proceedings of the Commission, including the regulation of the conduct of its staff, are provided for in the Public Elections Act, 2012, and its Standing Orders A, B, and C. Members of the Commission meet regularly to make policy and take broad direction of the operations of the EMB. Commission meetings are generally called by the Chief Electoral Commissioner.

The quorum for any Commission meeting shall be any three members. The Chief Electoral Commissioner (CEC) shall preside over Commission meetings at which he/she is present; while a member who is elected by the members present from among themselves shall preside over any meeting at which the substantive Chair is absent.

The time and venue of Commission meetings are determined by the Chair of the Commission, with each member having one vote. However, where there is a tie of votes on any issue, the Chair (or any other member presiding) shall have a casting (or better still, a second) vote.

Commission decisions in respect of "all acts, matters or things authorised or required to be done by the Commission" must be supported by simple "majority" of votes of the members present and voting. In most cases, after a lengthy debate, decisions are reached by a consensus.

Under the Public Elections Act, 2012, the Executive Secretary of the Commission shall attend Commission meetings to, inter-alia, record and keep minutes. Where necessary, staff of the Commission may be requested to attend Commission meetings to clarify matters being discussed.

In addition to making regulations, by statutory instrument, the Commission may issue standing orders for the internal regulation of its business and general conduct of its staff, but such regulations and standing orders must be consistent with the 1991 Constitution of Sierra Leone and any other existing legislation.

Status and developments in the Electoral Commission: 1961 – 2010

The Electoral Commission (EC) at independence (with the various changes in membership) successfully conducted the immediately post independence elections of 1962 and 1967. The Commission was, indeed, a credible institution that efficiently managed the country's electoral process, especially from the period 1962 to 1968. However, the position was to change gradually for the worse, especially starting from the period 1973 up to 1986. Thus, as stated earlier, elections conducted in 1973, 1977, and 1986 have been described as "fraudulent rituals whose outcomes were never in doubt", as they were "characterized by electoral violence, fraud and substantial numbers of unopposed candidates (Hayward and Kandeh, 1987).During this period (1973–1986), the credibility of the Commission was seriously damaged, as it was politicized and used as a "dumping ground" by the then governments of the day. The result of the above situation was that many, if not most, Sierra Leoneans lost confidence in the political system, and thus became apathetic to all aspects of the electoral process. The public's perception of the Electoral Commission then, especially the period under review, was that it was not independent; but looked rather like an "agency of the ruling party" established to maintain it in power through elections that were neither free nor fair. Worst still, the facilities under which the Electoral Commission and its staff worked were poor and totally inadequate. For example, the wooden building which at that time housed the headquarters of the Commission and its staff at Tower Hill in Freetown was dilapidated and a total write off . The said building has been demolished and a modern building constructed as the Commission's headquarters. Besides, the Electoral Commission then hardly had any equipment.

The same was true for the provincial offices of the EC. They were merely "cubicle"- like offices attached to the offices of the District Officers (DOs) of the Ministry of Interior.

Changes in the membership of the Electoral Commission: 1986-1992

In an apparent bid to improve the image of the Electoral Commission, the membership of the Commission was constituted immediately after the 1986 general elections. The reconstituted Commission was led by Mr. Max A. Bailor, who was then a retired principal of the Albert Academy (a secondary school in Freetown). The public's perception of Mr. Max A. Bailor was that he was "a man of integrity, and a man who would remain neutral in the exercise of his election duties."[13]

The Commission under Max Bailor began improvements in the electoral process of the country; leading to the conduct of the 1991 referendum, which saw the replacement of the 1978 One-Party Constitution with the current Constitution ofSierra Leone, 1991 (Act No 6 of the 1991). This move was indeed by then a seemingly impossible task.

The leadership of the Electoral Commission again changed after the 1991 multi-party referendum. Max A. Bailor was replaced as Chair of the Electoral Commission in 1992 by Mr. Willie Pratt, another retired principal of the Collegiate Secondary School in Freetown. The Pratt led Commission was, however, short lived and inactive due to the aforementioned 29th April 1992 National Provisional Ruling Council (NPRC) military coup led by Captain Valentine E.M. Strasser.

The NPRC military junta, after deposing President Joseph Saidu Momoh and his All Peoples Congress (APC) led government in the 1992 coup, suspended the new 1991 multi-party constitution and banned all Political Parties and activities. This action of the NPRC, coupled with the already mentioned armed RUF rebellion against the APC, temporarily halted the earlier momentum towards the democratization process, through multi-party elections, scheduled to have taken place in May 1992. This action thus made the Electoral Commission temporarily ineffective and redundant. The Electoral Commission remained redundant until it was replaced in 1994 by the Interim National Electoral Commission (INEC).

The Interim National Electoral Commission: 1994 – 2000

Internal pressures (i.e. an intractable civil war and the inability of the NPRC to end it, urban protests by Civil Society and University Students, all of which had rekindled popular demands for democratic multi party elections) coupled with pressures from the international donor partners, "convinced the junta to announce a democratic transition programme in November 1993".[14]

13A pre- election assessment report by the International Foundation for Electoral Systems (IFES): Report on Sierra Leone, December 1999 (page 29).

[14]Jimmy D Kandeh:- Transition without Rupture: Sierra Leone's Transfer Election of 1996 in Africa Studies Review, Volume 41, November 2 of September 1998 (Pages 91 – 111).

The NPRC's democratization programme, amongst others, provided for:

- the lifting of the ban on Political parties and activities;
- the establishment of an EMB called Interim National Electoral Commission (INEC);
- the holding of democratic presidential and parliamentary elections (by end of 1995) and;
- the swearing in of a democratically elected president and Parliament in January 1996 (Kandeh, 1998).

Major Activities of INEC:

Under the leadership of Dr. James O.C. Jonah, a retired UN under Secretary-General for political affairs, INEC undertook the following activities in preparations for the 1996 elections:

- Attempts to restructure INEC;
- Establishment of Electoral laws (NPRC Decrees Nos. 14, 15, 16, and 17);
- Registration of 16 Political Parties;
- National Consultative Conferences: Bintumani 1 and 2; and
- INEC conducted the 1996 Presidential and Parliamentary elections, which were meant to end the rebel war.

Creation of a new National Electoral Commission (NEC).

The 1996 Presidential and Parliamentary elections did not end the civil war between the RUF and government; as Freetown was invaded on 6th January 1999 by a combination of "renegade soldiers and RUF rebels". This invasion forced the government into signing the 1999 Lome Peace (Agreement) with the RUF (Kandeh, 1998)on 7th July, 1999. It has been argued that bad governance (due to the strangle – hold on power by the central government, as a result of years of one party rule, 14th June 1978– 30th September 1991, through the conduct of fraudulent elections during the same period) was, among others, a major cause of the civil war. Accordingly, the Lome Peace Agreement (LPA), made specific provisions for the creation and strengthening of local government (as a mechanism for the devolution of political power to localcommunities), and the creation of a new body to manage elections. The LPA expressly stipulated that:

"(a) new National Electoral Commission ... shall be set up by the Government (of Sierra Leone) not later than three months after the signing of the present Agreement"[15].

The above provision of the LPA was given substance when the democratically elected SLPP led government, under Ahmad Tejan Kabbah, dissolved the then INEC and appointed a new National Electoral Commission (NEC) in March 2000, under the Chairmanship of Mr. Walter Nicol, a former Inspector General of Police. The new NEC was made pursuant to Section 32 of the 1991 Constitution of Sierra Leone.

[15]Justice Johann Kriegler: "Assessment Report on Sierra Leone Local Government Elections" UNDP Senior Electoral Adviser, December 2004.

Two years after the creation of the new NEC, Parliament passed the National Electoral Commission Act, 2002. The (NEC) Act made detailed provisions for the structure and functioning of the NEC. Of significance, section 9 of the said Act formally empowers the Commission to "hire and fire its own staff and to interface with the National Treasury for funding directly from the consolidated Revenue Fund" (Kriegler, December 2004). Therefore, to use the words of Justice Kriegler, "according to the letter of the law" (i.e. section 32 of the 1991 Constitution of Sierra Leone and provisions in the NEC Act, 2002) the NEC became fully empowered to function satisfactorily as an independent election management body free from political control[16].

The new NEC conducted the 2002 Presidential and Parliamentary elections; using a new electoral system called the District Block Representation List System (DBRLS), which replaced the Proportional Representation National list System (PRNLS) used in the 1996 Parliamentary elections[17].Like the 1996 elections, the SLPP led by President Ahmad Tejan Kabbah won the 2002 elections.

Inspite of the fact that the 2002 Presidential and Parliamentary elections were successfully conducted by the NEC and accepted by the international community, the NEC as an EMB faced a lot of difficulties. Of importance, not withstanding its legal status, the reconstituted NEC was unable to conduct the next electionsin 2002 all by itself, without international assistance. Following the official declaration of the end of the war on the 18th January 2002, there was substantial assistance by the international community (both financial and technical) in the planning and organisation of the 2002 Presidential and Parliamentary elections, which it was hoped to bring sustainable peace to Sierra Leone. Besides the aforementioned perceived inability of the NEC to conduct the 2002 elections all by itself, there was "little capacity building within and transfer of skills to the NEC in the course of the 2002" elections (Kriegler, December 2004).

Prior to the 2002 elections, the International Foundation for Election Systems (IFES) carried out extensive review of the EMB and produced a comprehensive report (containing a set of detailed prioritised and cost recommendations), with a view of restructuring and organisational streamlining the Commission .Inspite of this, the then NEC failed to take the opportunity after the 2002elections to "enhance the skills and increase the capacity of the Commissioners and staff of the (organisation)"[18].

Changes in the membership of the NEC: January 2004 – September, 2005

In January 2004 all the Commissioners and the Executive secretary of the NEC were replaced. Their removal from office and replacement was apparently as a result of "… rumours and press

[16]Justice Johann Kriegler, ibid

[17]For details on types of electoral systems used in Sierra Leone see chapter 9 of this book.

[18]Justice Johann Kriegler, opcit. See also IFES report on the restructuring of NEC

report" (followed by "enquiries from donors") "suggesting financial corruption at a high level within the NEC."[19]

The newly reconstituted NEC was led (i.e. Chaired) by Mr. Eugene Davies, a former Civil Servant who retired as Establishment Secretary in Sierra Leone's Civil Service.
The democratically elected parliament, which followed the 2002 elections, adopted the Local Government Act, 2004 (LGA, 2004), with a view of strengthening local government as a mechanism for the devolution of political power to local communities. The passage of this Act, and the conduct of local government elections, re-introduced elected local councils in 2004 (after elected local councils were abolished in 1972). The reconstituted Eugene Davies led NEC was faced with the task of conducting the 2004 Local government elections. The conduct of the said elections was beset by a number of difficulties; ranging from the general lack of operations of elected local councils (as already stated, elected local councils having been abolished in1972), to the limited timeframe available for the conduct of the elections due to the belated appointment of all the Commissioners and the adoption of the Local Government Act, 2004[20]. These problems were compounded by the lack of professional skills and capacity of the newly appointed Commissioners and staff of NEC to conduct elections(especially local government elections, after 32 years of the abolition of elected local councils). Nonetheless, the 22nd May, 2004 local government elections (again conducted with significant technical and financial input from the international community) "were characterised as substantially free and fair by the Political role players, the international community, the media and the Sierra Leonean civil society generally" (Kriegler 2004 p3). Later indications of irregularities, however, as a result of an elections audit by NEC and IFES, tarnished the above impression.

Aftermath of the 2004 local government elections and NEC's restructuring process.

The 22nd May, 2004 local government elections have been described as a "political success", and "a major step forward in the devolution of power to the people of Sierra Leone; which, in turn, is a step along the road to sustainable democracy in the country" (Kriegler, 2004). Shortly after the conduct of the elections, NEC and IFES, as already stated, jointly conducted a "forensic audit" of selected samples of polling stations nation-wide. Put differently, it was a step-by-step inspection of the electoral materials which related to selected polling stations used for the local government elections.

The result of the said audit indicated, among others, "widespread and blatant ballot stuffing either by or with the connivance of electoral staff." Put another way, the report of the audit

[19]Justice Johann Kriegler Report p3 opcit.

[20]The Chief Commissioner and his four colleague Commissioners were appointed in January 2004, the Local Government Act(LGA), 2004 was passed on 24th February, 2004; while the elections were conducted on the 22nd May 2004.

revealed "compelling evidence of widespread systemic fraud" in the 2004 local government elections.[21]

Against the backdrop of the aforementioned lack of capacity within NEC to conduct credible elections all by itself, compounded by electoral fraud, all previous missions and studies relating to NEC and Sierra Leone's democratic electoral process (including the 2002 IFES report and reports by Ron Gould, 17th -24th May 2004, and the aforementioned Kriegler reports of December 2004 and March 2005) recommended, inter-alia, an urgent need for the "transformation of the NEC into a professionally (independent) equipped body"; the "training and capacity building of both Commissioners and staff of NEC".

Given the numerous studies recommending the restructuring of the NEC since 1996, the NEC Commissioners, led by the chair Eugene Davies, and senior staff continued the efforts started by INEC in 1994 to restructure the Commission after the 2004 local government elections. The NEC received maximum cooperation and collaboration from the Government of Sierra Leone (GoSL), the international partners (especially, UNDP, DFID, EU, IFES and UNAMSIL) in its reconstruction process.

Resignation of Mr. Eugene Davies as the Chairman of NEC

However, as an aftermath of the local government elections, the Chairman of the NEC, Mr. Eugene Davies, resigned his position in September 2004 (after 9 months in office, and nearly 4 months after conducting the elections), due to political interference.

Prior to the official announcement of the local government elections results, the NEC had dismissed eighty appeals it had received against a variety of electoral complaints. Only one appeal was upheld by the Commission. As a result of ballot stuffing, provisional results indicated that the SLPP candidate in ward 3, Koya Chiefdom, Port Loko District (Mr Sultan Abdul Karim Kamara) was winner. This was immediately followed by an appeal from the APC candidate (Mr. Mohamed Koroma). After investigation at the NEC data centre, followed by a recount of all polling station results in the ward, the NEC confirmed ballot stuffing in favour of the SLPP candidate (100 ballots were illegally introduced in the ballot box in favour of the SLPP candidate Mr. Sultan Abdul Karim Kamara). The NEC then reversed the provisional results and declared the APC candidate winner of the elections conducted in the said ward.

However, "acting on the advice of the (then) Attorney General" (and Minister of Justice, Mr. F. M. Carew), the NEC's "decision was reversed". The NEC Chairman, Mr. Eugene Davies, consequently "resigned, citing as one of the precipitating reasons for his resignation this decision by the Attorney General (AG)". The NEC Chair regarded the AG's decision "as governmental interference with the NEC'sindependence" (Kriegler, 2004); quite contrary to Section 32 (11) of the Constitution of Sierra Leone, 1991. It is, however, fair to state poor conditions of service for

[21]Justice Johann Kriegler: Interim Assessment Report on Sierra Leone's National Electoral Commission, March 2005.

both Commissioners and staff may be additional reasons for the Chairman's resignation. The former AG's decision to reverse the NEC's decision on the Koya ward 3 electoral fraud was only the last straw that broke the camel's back.

Restructuring process of the Electoral Commission

As already indicated, efforts to actually restructure the Electoral Commission into a professionally equipped EMB, functioning independently of government, dates back to 1994, under the Interim National Electoral Commission (INEC). When INEC was established in 1994, it inherited a dilapidated and ill equipped office structure nationally, and a staff with very little capacity to conduct credible democratic elections.

Under NPRC Decree No. 1 of 1994, INEC had "a free hand to restructure itself" and "was under no compulsion to retain the old staff" it inherited[22]. In keeping with its independence and in pursuance of its restructuring exercise(as provided for in the aforementioned Decree) the INEC took the following initial challenges:

- The acquisition of suitable staffing and office accommodation;
- The commissioning of a personnel audit of the organisation it had inherited, undertaken by the Institute of Public Administration and Management (IPAM);
- INEC wrote a proposal for a "new (staff) structure of salaries and allowances attached to the respective offices" (INEC report, 1994-1996, December 1996).

In pursuance of its restructuring exercise for the Commission, INEC submitted to the NPRC military regime a scheme containing the following:[23]

- A new staff structure;
- A new salary structure and conditions of service; and
- A self accounting status, with payments made on a quarterly basis to INEC's operational account to reduce the bureaucratic and red tape which existed in the Civil Service.

INEC's proposed structure allowed for growth, especially professional growth, thereby ensuring that "a person who chose elections as a career had the opportunity to grow from Assistant District Election Officer to Executive Secretary…" [24]

However, when it received the above proposal, the NPRC military regime rejected INEC's plan to restructure itself. Consequently in order to meet its mandate, INEC resorted to obtaining,

[22]Report on the work of the Interim National Electoral Commission (INEC) 1994-1996 (December 1996 p5).
[23]INEC Report p6 ibid.
[24]INEC Report p5 ibid.

through bi-lateral assistance, the required component of professional staff as consultants in the various fields to assist its work in conducting the 1996 elections.

Notwithstanding the junta's refusal of plans to restructure the EMB, INEC in its 1996 report (page7) made the following recommendations:

The Commission:

- Must be given self accounting status;
- Should have an independent staff over which it has power to hire and fire;
- Must be allowed to develop its own staff structure with conditions of service quite separate from that obtainable within the (Sierra Leone) Civil Service;
- Should develop its own training scheme which would give every trainable staff the opportunity to progress in the elections service to the highest level of professionalism.

Notwithstanding the aforementioned resignation of the NEC Chair, Mr. Eugene Davies, some of the other members of the NEC and a few senior staff members continued the reconstruction process of the EMB, under the guidance and assistance of the United Nations Mission in Sierra Leone (UNAMSIL) Electoral Adviser (Adrian Maurice). It is important to mention the names of one Commissioner and two senior staff members whose efforts in NEC's restructuring process were invaluable. In his March 2005 aforementioned Interim Assessment Report on Sierra Leone's National Electoral Commission, Justice Johann Kriegler, United Nations Development Programme (UNDP) hired Special Electoral Adviser to the Special Representative to the United Nation's Secretary General (SRSG), specifically mentioned the invaluable efforts of Commissioner Algassimu S. Jarr (Electoral Commissioner North), Stephen Aiah Mattia (the then Principal Electoral Officer) and Mohamed N'fah – Alie Conteh (the then Senior Electoral Officer, Western Area, who incidentally is the author of this book) in the restructuring process of NEC. In his words:

> *Despite their lacking a Chairman and notwithstanding (the Commission's) grossly inadequate human and material resources, Commissioner A.S. Jarr and two senior staff members, Messers S.A. Mattia and M.N. Conteh, have shown remarkable dedication in the face of daunting odds…"*[25]

With the support of the GoSL and the International Community, the NEC completed on 15 December 2004 a plan for a comprehensive electoral reform programme and the reconstruction of the Commission, called Electoral Reform Matrix, based on 7 intervention areas (commonly

[25]Justice Johan Kriegler opcit (Mr Engene Davies was only replaced on the 16th May 2005 by Christiana A.M. Thorpe (later Dr), the country's first female Chair of NEC).

called 7steps). The NEC organised a restructuring retreat from 16-17th February 2005. It was attended by stakeholders and representatives of the International Community. It was, at this stage that pressure was put on the GoSL (by the donor Community) to appoint a new Chair for NEC.

As part of its restructuring process in August 2005, the civil servants of the NEC, recruited through the Public Service Commission (PSC) were transferred to the Establishment Secretary's Office for new postings within the country's open Civil Service. The Commission thereafter recruited its own staff as per the NEC Act, 2002.

Thus since 2005, the management of elections in Sierra Leone has witnessed a major shift from an Elections Office staffed by civil servants contained within a central government department, to the establishment of an "independent statutory Commission" with power to conduct all public elections and to recruit its own staff.

Christiana Thorpe Appointed Chairperson of NEC: May 2005- May, 2010

In the place of the resigned Chair of the Commission, the President of the Republic of Sierra Leone appointed in May 2005, Christiana A.M Thorpe (later Dr),to serve as Chief Electoral Commissioner and Chairperson (CEC/Chair). The process of appointment was completed on the 16th May 2005 and Dr. Christiana Thorpe assumed office on the same day, thereby making her the first female to become CEC/Chair of NEC in Sierra Leone's electoral history.

Beginning in September 2005, Dr. Christiana Thorpe and her team of Commissioners (in collaboration with the GoSL and international partners) began the implementation of a comprehensive electoral reform programme, called the 7 steps Electoral Reform Matrix and the reconstruction of NEC. By 2010, the team successfully completed, among others:

- The transformation of the NEC into a comparatively professionally equipped EMB with trained and qualified staff;
- Delimited 112 electoral constituencies and 394 ward boundaries in 2006 and 2008, respectively;
- Conducted the 2007 Presidential and Parliamentary elections (which resulted to the peaceful handing over of power to the opposition APC Party for the first time since the 1967 elections) and the 2008 local government elections.

  With support from the GoSL, the international partners (UNDP, DFID, Irish Aid, Japan, Germany) and a dedicated staff, the Christiana Thorpe's led team succeeded in transforming Sierra Leone's system of administering elections from its chequered state between the 1970's and 1990's to a model in Africa. By 2010, as stated by the European Observation Mission tothe 2007 elections, "in 2007, the NEC (led by Dr Christiana Thorpe)

proved to be one of the most important factors behind the success of the (2007) elections".[26]

Further Changes in the Membership of NEC (June 2006 – March 2008) and aftermath of the 2007 elections

Changes were continued to be made in the membership of the Commission. On the 13th June 2006 the then Electoral Commissioner for the Western Area, Mr. Freddie C. Bright, was replaced by Mrs. Daphne Olu-Williams. The replacement was apparently due to the former's poor attitude to work and allegedunprofessional conduct, contrary to NEC's guiding principles of impartiality and integrity. In an earlier mission report on Sierra Leone before the 2004 local elections, Ron Gould had this to say:

> *"The partisan actions of the NEC Commissioner of the Western Region, which were reported in the press, had the potential of damaging the perception of the NEC as a whole, as being politically independent, neutral and non-partisan. Fortunately the Chairman (Eugene Davies) acted quickly and affectively to resolve this problem…"*[27]

Effective from the 13th June 2006 to March 2008 Daphne Olu- Williams was part of Christiana Thorpe's team and thus played major role in that team's success.

Cancellation of 477 Polling Station Results in the 2007 Presidential run off elections and the Replacement of two Commissioners

As already stated, the Christiana Thorpe led Commission conducted the 2007 elections; which were won by the opposition APC led by Ernest Bai Koroma. In accordance with "regulations" or better still minutes of Commission meeting, which had earlier been signed by all members of the Christiana Thorpe's led Commission (regarding "over voting" at Polling Stations), 477 Polling Stations results (out of 6,157 Polling Stations), which had recorded a turn out higher than the registered number of voters, in the Presidential run-off elections, were invalidated by the Commission. The NEC later released the invalidated results, but claimed that the inclusion of the invalidated results in the officially released results would not have altered the outcome. Though the cancelled polling stations were nationwide, some analysts believe that majority of the invalidated polling station results were found in the strong holds of the then incumbent SLPP (see table). An unsuccessful injunction was filed by the SLPP to stop NEC Chair from announcing the results.

[26]Magnus Oman (2008) Article titled "The 2007 Presidential and Parliamentary elections in Sierra Leone" in electoral Studies 27 (The words in brackets are those of the author)

[27]Ron Gould, Electoral Consultant: Report on Mission to Sierra Leone (Local Elections) 17th -24th May 2004 (p 9). The above comments reffered apparently to Freddie C. Bright who was the then Electoral Commissioner, Western Region with Eugene Davies as Chairman NEC.

NATIONAL ELECTORAL COMMISSION (NEC)

15 INDUSTRIAL ESTATE WELLINGTON, FREETOWN 12TH FEBRUARY 2008

SUMMARY OF THE INVALIDTAED STATIONS IN THE 8TH SEPTEMBER 2007 PRESIDENTIAL RUN-OFF ELECTIONS

SRL. NO.	DISTRICT	TOTAL STATIONS	NO. OF STATIONS REPORTED	NO. OF STATIONS AFFECTED	Regis-tered Voters	Total Ballots Cast	% Turn Out	Total Valid Votes	Distribution of Votes		
									Invalid Votes	APC	SLPP
1	KAILAHUN	422	332	90	38,273	39,043	102%	38,655	388	977	37,678
2	KENEMA	630	565	65	27,078	28,584	106%	28,049	535	3,005	25,044
3	KONO	417	408	9	3,301	3,465	105%	3,413	52	702	2,711
4	BOMBALI	512	495	17	6,856	7,106	104%	6,970	136	6,605	365
5	KAMBIA	322	314	8	3,493	3,619	104%	3,573	46	3,537	36
6	KOINADUGU	348	336	12	4,513	5,292	117%	5,181	111	2,480	2,701
7	PORT LOKO	528	526	2	850	871	102%	857	14	605	252
8	TONKOLILI	411	405	6	2,437	2,468	101%	2,450	18	2,393	57
9	BO	567	444	123	49,868	51,872	104%	50,480	1,392	3,910	46,570
10	BONTHE	189	187	2	773	782	101%	755	27	80	675
11	MOYAMBA	309	285	24	8,179	8,656	106%	8,568	88	598	7,970
12	PUJEHUN	254	141	113	45,189	46,854	104%	46,114	740	2,956	43,158
13	WA RURAL	252	251	1	402	434	108%	425	9	208	217
14	WA URBAN	995	990	5	2,419	2,624	108%	2,568	56	948	1,620
		6,156	**5,679**	**477**	**193,631**	**201,670**	**104%**	**198,058**	**3,612**	**29,004**	**169,054**

In an apparent refusal to accept the decision to cancel the 477 Polling station results, two of the Commissioners (i.e. the Eastern and Southern Regional Commissioners, Messrs Edward Nyaley and Winston B. Minah, respectively) out of a membership of five, "dissociated" themselves and walked out of the British Council hall in full view of the press and observers (national and international) on the day of the announcement of the results (17th September, 2007). With the official quorum of three Commissioners, the NEC Chair, Dr Christiana Thorpe, announced the results.

It has been argued by one school of thought that the decision of the said Commissioners was not only unprofessional but was contrary to the principle of collective responsibility; moreso when they had signed the aforementioned minutes and they did not resign their positions, but continued to go to work even after the results were announced. Another school of thought has argued though, that notwithstanding NEC's power, in accordance with Sections 33 and 127 of the Constitution and the then Electoral LawsAct 2002,respectively, to make regulations by statutory instruments, the aforementioned rules lacked the force of law; as they were not placed before Parliament for the required 21 day period, as per section 170, subsection 7 A, B and C of the Constitution of Sierra Leone (Act No 6 of 1991), which is quoted here for ease of reference:

"Any orders, rules or regulations made by any person or authority pursuant to a power conferred in that behalf by this Constitution or any other law-

(a) Shall be laid before Parliament;

(b) Shall be published in the Gazette on or before the day they are so laid before Parliament;

(c) Shall come into force at the expiration of a period of twenty-one days of being so laid unless Parliament, before the expiration of the said period of twenty-one days, annuls any

such orders, rules or regulations by the votes of not less than two-thirds of the Members of Parliament."

The SLPP presidential flag bearer and candidate Solomon Berewa, conceded defeat, but the SLPP remained critical of the elections and took NEC to court regarding the 477 invalidated polling station results (Oman, 2008).

Summary of Principal steps in the SLPP vs. NEC case

Following the declaration of the presidential run-off elections results on 17th September 2007 (which the SLPP's Solomon Berewa lost to the APC's Ernest Bai Koroma), the SLPP on the 13th December 2007 filed the above case to the High Court asking, inter-alia , for the following:

- High Court Order requiring NEC to produce data relating to the invalidated 477 polling station results;
- Declaration that the presidential run-off results are null and void;
- Declaration that NEC had no power to nullify results.

NEC in reply to the above filed a preliminary objection on the ground that the SLPP had filed the case in the wrong court (i.e. The High Court instead of the Supreme Court, which has jurisdiction to deal with matters relating to presidential elections). The High Court (presided by Hon. M. Sey J.) on 13th February 2008 agreed with NEC's position that the case had been filed in the wrong court, and thus dismissed the case. The SLPP appealed in the Court of Appeal on 7th March 2008 against the above ruling. The Court of Appeal gave judgment endorsing the aforementioned High Court ruling and dismissed the Appeal on the 8th January 2009.

The SLPP, which was still not satisfied with the judgment made by the Court of Appeal, filed an application on 30th April 2009 in the Supreme Court asking for the following:

- An order granting leave and enlargement of time within which to appeal; or
- An order granting enlargement of time within which application for leave may be made.

The NEC took preliminary objections to the above on grounds that, inter-alia, the motion has been filed out of the time limited for the filing of such a motion and as such it should be dismissed. On perusal of the motion, the Supreme Court reserved its ruling on the 10th June 2009.

On the 2nd May 2011, the Supreme Court pursuant to section 126 of the 1991 constitution " … granted leave (to the SLPP) for an enlargement of time within which to appeal to the Supreme Court from a decision of the Court of Appeal" in the aforementioned matter.

Though the SLPP on 3rd May 2011 filed the Notice of Appeal at the Supreme Court Registry, yet "the copy of the said Notice of Appeal was not served on the respondents"; contrary to Supreme Court rule 35(1), which requires that (paraphrased) every appellant shall, within 7 days after filing a Notice of Appeal, serve a copy of such notice on the respondent(s). Given the non compliance with the 7 days provision of the above rule, and having considered the prevailing circumstances and evidence in the said matter, the Supreme Court ruled against the applicant i.e. the SLPP. (Note that though the above mentioned Supreme Court order was made on the 2nd May 2011, yet the application came before the court only on 17th November 2011).

Comments on the SLPP vs. NEC case:

It must be noted that the above Supreme Court (and other Courts rulings) were not on the original case (or motion) filed by the SLPP asking the High Court for the earlier mentioned orders; but rather on lapses on the legal procedures by which the case was brought to court by the SLPP. In short, the argument on issues which were originally brought by the SLPP were not argued in any of the aforementioned courts (i.e. High Court, Court of Appeal, and Supreme Court); instead only the procedures by which such issues were brought to court were litigated on (Reginald Sydney Fynn Jnr, 2009) .

The SLPP vs. NEC matter is dealt with in some detail in this book because of its importance not only to the 2007 presidential and parliamentary elections, but to the electoral history of Sierra Leone and NEC as an independent EMB.

Changes in the membership of the Commission: March 2008-2011

An apparent consequence of the aforementioned actions of the Eastern and Southern Regional Electoral Commissioners was their replacement. Mr. Sylvanus Torto replaced Edward A. Nyaley as Electoral Commissioner, Eastern Region in March 2008; while Mrs Florence Kulla Kebbie replaced Winston B. Minah as Electoral Commissioner, Southern Region, also in March 2008.

Commissioner Torto resigned as NEC Commissioner in October 2009 to contest Paramount Chieftaincy election in Nimikoro Chiefdom, Kono District. He was subsequently replaced on 30th March 2010 by Mr. Stephen Aiah Mattia, who resigned as the Commission's Executive Secretary to become Electoral Commissioner.

Also on 12th March 2008, Commissioner Daphne Olu-Williams was replaced by Mrs. Hannah Kawaley as Electoral Commissioner for the Western Area.As she turned 65, on 3rd September, 2010 Commissioner Hannah Kawaley resigned from the Commission on the 7th October, 2010, as per section 32(4) of the 1991 Constitution. She was replaced by Commissioner Miatta French on 13th January, 2011, who until her appointment was Director of Operations in the NEC.She is also a professional elections administrator, who joined the Commission as staff on the 1st of September, 2005.

The circumstances which led to the replacement of Commissioner Daphne Olu-Williams were unclear and thus were shrouded in mystery.[28] It was understood that she had been appointed to serve as "Chairman of an Insurance Board," a position she did not accept. However, it has been argued that Daphne Olu-Williams replacement may not be unconnected with "familiar happenings which were internal to the Commission" (Olu-Williams, 2010). It is not certain what the "familiar happenings, which were internal to the Electoral Commission" were. But in her book "Through The Storms of life: From Test to Testimony", Daphne Olu-Williams made clear reference to the following:

- the relocation of the "Office of the Commissioner, Western Area to the Freetown centre, at Adelaid Street … on instructions from Madam Chair" (Page 41);

- the alleged "unauthorised use of (her) signature" on the Boundary Delimitation document, " describing the act as fraudulent" (Page 42).

Commissioner Algassimu S. Jarr, Electoral Commissioner Northern Region, was replaced on 21st May 2009 by Mr. Mohamed N'fah-Alie Conteh as a result of age (retiring age for Commissioners is 65 years) and end of tenure of office (Commissioners serve for a 5 year term, though renewable). Both Commissioner M.N. Conteh (the writer of this book) and Commissioner Mattia have been Elections Administrators attached to NEC since 1990, where they had risen, through the ranks, from Elections Officers to the positions of Director of Operations and Executive Secretary, respectively. As already stated elsewhere in this chapter, they played an invaluable role in the reconstruction of NEC from its previous stage of being an appendage of the Ministry of Interior to its present status as an example of an independent EMB in Africa. As officers (and later Commissioners) of the NEC, the two gentlemen served as the "institutional and human memories" of the restructured NEC.

Thus, Johann Kriegler, special Electoral Adviser to the then SRSG again stated in his March 2005 report:

> *"…only Commissioner Jarr is punctilious in his NEC duties and only he was willing to have a meeting with the writer (of the report) on Easter Monday. Of the senior staff only Messers Mattia and Conteh appear to take their duties seriously" (Kriegler, March 2005).*

Without doubt on their appointment as Electoral Commissioners, Commissioners Conteh, Mattia, Kebbie and later Miatta French brought to the Commission a wealth of professional practical experience in election administration.

These ladies and two gentlemen, indeed, witnessed and made invaluable contributions to the transformation of the NEC, from its former status as an appendage to the Ministry of Interior

[28] Daphne Olu-Williams had this to say in her book "The Circumstances leading to my replacement had not been made clear even to me, how much more to the public" Olu- Williams 2010, p 53.

and staffed by civil servants, to its model status as a professional EMB that is capable of conducting transparent and credible democratic elections.

It is only but fair to state that the restructured Commission led by Dr. Christiana Thorpe, with support from the staff, GoSL and the international community, was very instrumental in the transformation of the system of administration of elections in Sierra Leone from its worst state in the 1970's and 80' to its current model system in the African Continent.

Whatever criticism levied against Christiana as Chair of NEC, in fairness, by 2010 Christiana Thorpe's achievements included the receipts of the following honours:

- Star of Sierra Leone Award 2007, for services to Humanity;
- Honouring Women 2007- Award for outstanding role in promoting women's issues, the empowerment of women in their communities and in national development;
- 2nd Runner Up African of the year 2008- Award by Media Trust Nigeria;
- Award of honor for outstanding contribution towards national development, God's conquering Army Ministry (Sierra Leone) 2nd August, 2009;
- 2009 German African Award – from the German Africa Foundation;
- Officier d l'ordre National, December 2009- Award from the Government of Ivory Coast.

Finally, by 2010, Dr. Thorpe was a member of the Board of the Electoral Institute for the Sustainability of Democracy in Africa (EISA) and an Executive Committee member of the ECOWAS Network of Electoral Commissions (ECONEC). She became president of ECONEC in 2012.

Dr. Christiana Thorpe re-appointed as Chair of NEC for a second five year term: 5th July 2010 – 4th July 2015

Following the end of her first 5 year tenure with NEC on 16th May, 2010, Dr. Christiana Thorpe was reappointed and confirmed by Parliament on 17th June 2010 for a second 5 year term as CEC/Chair of NEC, amidst opposition from the leading opposition SLPP[29]. Her second five year tenure formally started on the 5th July, 2010, after taking the oath of office before His Excellency the President of Sierra Leone, Dr. Ernest Bai Koroma, at State House in Freetown.

[29]The SLPP MPs in parliament unanimously staged a peaceful walk out of parliament on 17th June,2010 in protest against the reappointment of Dr. Christiana Thorpe. SLPP Deputy Minority Leader, Hon. Emmanuel Tommy, had earlier quoted Parliamentary Standing Order 32 subsection (6) against the reappointment, among others; which is quoted as "Reference shall not be made to any matter on which a judicial decision is pending" –an apparent reference to the NEC versus SLPP court matter over the results cancellation in the 2007 elections.

The Electoral Commission and electoral networking: 2005-2010

Electoral networking with EMB's (including INGO's and other election administrators), as a key component of institutional capacity building measures, was a major feature of NEC's election administration policies since its restructuring in 2005.

Between 2005 and 2010 NEC networked with other EMB's, INGO's both at regional and global levels. NEC's electoral networks were, and still are, however, constrained by inadequate resources to participate in regional networking activities. NEC had therefore only mostly attended activities paid for by either from the then Electoral basket fund or by the organisation sending the invitation.

Electoral reform measures in the management of elections in Sierra Leone

By **electoral reform** is meant, changes (or improvements) targeted at improving the management of elections (or electoral administration) in a given country. It may be targeted at "…the electoral legal framework (including the …EMB), the administrative and technical processes of electoral management, and the political context for Electoral Activities" (International IDEA 2006). Electoral reform, or better still, improvements in election administration may be due to a number of factors, inter-alia:-[30]

- growing national dissatisfaction in the system of administering elections due to failure to deliver transparent and credible elections;
- a "package of general democratization initiatives" due to conflict;
- response to national and international pressures.

It is important to note that the EMB, with support from the Government, the international community and stakeholders, can play a major role in reforming a country's electoral process.

As already stated, Sierra Leone's enviable experiment with democratic elections (began in 1951, under the supervision of the British Colonial Administration, and continued immediately after independence) reached its climax with the 1967 elections. However, the immediate post 1967 period, unto the 1986 elections (especially the One-party era), marked a gradual and systematic decline in the system of election administration in Sierra Leone. There was failure, during the period under review, on the part of both the central government and the respective Electoral Commissions to deliver competitive, transparent and credible democratic elections. This was due to, amongst others, the absence of internationally accepted structural and procedural measures in the way elections were conducted, and the lack of Political will to conduct competitive transparent elections. Little wonder then that, as already stated, elections conducted in 1973, 1977, 1982 and 1986 have been described as "fraudulent rituals whose outcomes were never in

[30]International IDEA Handbook (Opcit).

doubt"; as they were "characterized by electoral violence, fraud and substantial numbers of unopposed candidates" (Hayward and Kandeh, 1987).

With the passage of time (especially with the "internationalization of electoral frameworks" and the system of administering elections around the world, particularly after the mid 1980's) Sierra Leone, like many other countries in the Commonwealth and UN system, came under pressure to introduce electoral reform measures. Thus, between 1996 and 2008, there was gradual but systematic structural and procedural changes in the way public elections were conducted in Sierra Leone.It is evident that the process of electoral reform in Sierra Leone during this period, though gradual, had been systematic since the 1996 elections. Not withstanding the AFRC Military coup of 1997, there has been, since the 1996conflict elections, commendable progress inthe democratic developments of Sierra Leone, especially in the system of administering credible democratic elections. Thus, since the end of the civil war in 2002the international community had provided significant assistance required for the conduct of all the elections held since then, including the transformation of NEC as a professional independent EMB.

Conclusion on the Electoral Commission as an Independent EMB

The restructured NEC has indeed contributed immensely to the strengthening of democratic governance in Sierra Leone, with an increased capacity to deliver professional, transparent and credible election services all by itself to stakeholders and the electorate in general. This has thus resulted to an improved public perception of the Commission as an independent and professional EMB.

Challenges of the restructured NEC

- Funding of logistical support, maintenance services, and the entire electoral process;
- Sustainability of the restructured NEC and its independence;
- Retention of the services of the professional election administrators vis-à-vis international competition and staff remuneration;
- Issues of electoral fraud, the acceptance of final results by loosers and elections violence;
- Provision of convenient district offices and storage facilities.

CHAPTER 3
FEATURES AND LEGAL FRAMEWORK OF SIERRA LEONE'S ELECTORAL PROCESS

In this chapter the term **electoral process** refer to the entire set of a country's electoral arrangements, as prescribed in its electoral legislation. These include, the electoral legal framework, electoral system, the EMB, issues related to strategic planning, funding and organization of core electoral activities, recruitment and training of electoral staff and public sensitization.

The following are the basic characteristics of our electoral process. They are the underlying guiding principles, found in the 1991 Constitution and other electoral legislation.

Provision of fundamental human rights.

The provision of fundamental human rights and freedoms (especially elections related rights) in the Constitution of Sierra Leone, 1991 (Act no 6 of 1991) and the rule of law are core principles of the country's electoral system.

These rights include:

- Freedom of speech (expression) and a free press;
- Freedom of association for political purposes (including the establishment of political parties);
- Secrecy of the ballot.

It must be noted that transparent and credible elections are impossible without adherence to the rule of law and respect for human rights.

Existence of two Independent Electoral Management Bodies (EMB's)

Sierra Leone has two Electoral Management Bodies that are responsible for managing the essential elements for the conduct of elections and referenda; they are:

- The Political Parties Registration Commission (PPRC);
- The National Electoral Commission (NEC).

Universal Adult Suffrage.

The principle of Universal Adult Suffrage (UAS) means that the right to vote and be voted for is given to all qualified adults, both male and female, on equal terms and without qualifications, except those stated in the Constitution and other election related legislation. This right is, however, subject to certain conditions under the law, such as: age, nationality and residential requirements. In other words, the right to vote and to be elected in Sierra Leone is restricted to minimum age, nationality and habitual resident requirements. The eligibility criteria to register, vote and to be elected for President and Parliament are contained in the 1991 Constitution of

Sierra Leone and other subsidiary Electoral Laws. A person must be a Sierra Leonean, at least 18 years old and of sound mind in order to register. In order to run for the position of president, a candidate must be a Sierra Leonean of not less than 40 years of age, must belong to, and nominated by, a registered political Party with the PPRC; while candidates for parliamentary election must be Sierra Leoneans, aged at least 21 years. Residence requirement means habitual or ordinary residence in a particular area.

Deprivation of the right to vote and be elected may occur only as provided for in the law. e.g. conviction by a court of competent jurisdiction of certain election offences.

Equal Suffrage

Equal suffrage refers to equal voting rights to all eligible persons. Put differently, each registered voter has in principle one vote, and one vote only. Voting is individual based. Thus, multiple registration and voting, and any other form of control by one voter over the voting of any other are therefore contrary to the electoral laws of Sierra Leone.

Equal suffrage may also be interpreted to mean equal voting power to constituents of the various (112) constituencies in the country. Thus, constituency seats must be evenly distributed between the country's existing 14 administrative districts, with a view of giving equal voting power to all. As a way of guaranteeing this principle of equal voting power to all the 112 constituencies, the Constitution allows NEC to review constituency boundaries at an interval of at least 5 years and not more than 7 years.

Secret (and free) Suffrage

Section 36 of the aforementioned 1991 Constitution, makes provision for secret ballot at all public elections, by stating that "at any public elections or referenda voting shall be by secret ballot". Secrecy of ballot is an aspect of the elector's freedom. It involves the freedom of the voters to form their opinion and to express their wishes on the ballot in secret in either a voting booth or some enclosed place. The purpose of secret suffrage or ballot is to shield voters from pressures they might face if others knew how they voted.

Partisan Politics

Politics and elections in Sierra Leone, both at national and local levels, are based primarily on parties. The creation of Political Parties with a view to "sponsor candidates for Presidential, Parliamentary or local government elections" is a feature of our Constitution. Section 35 of the 1991 Constitution provides that:

(1) Political parties may be established to participate in shaping the political will of the people, to disseminate information on political ideas, and social and economic

programmes of a national character, and to sponsor candidates for presidential, parliamentary or Local Government elections.

(2) The internal organization of a political party shall conform to democratic principles, and its aims, objectives, purposes and programmes shall not contravene, or be inconsistent with, any provisions of this Constitution.

However, independent candidates are also free to contest parliamentary and local council elections; but not presidential election. Candidates for presidential election must belong to and be sponsored by Political Parties. Paramount Chieftaincy (PC) elections are, however, not based on political party basis, but on the principle that candidates must belong to ruling houses.

Political Parties are corporate bodies with the capacity to acquire and own property and to sue and to be sued.

Electoral Systems

The First-Past-The-Post electoral system (FPTP) is used for parliamentary elections and local government elections; while the Two – Round electoral system (TRS) is used for Presidential and Paramount Chieftaincy elections.

No minimum voter turnout needed

There is no minimum voter turn out required as a prerequisite to win presidential, parliamentary, local council or paramount chieftaincy elections. However, for an issue to be approved in any referendum, such issue shall be approved by the "votes of not less than one-half" of persons voting "or by not less than two-thirds of all the valid votes cast" (Section 37(1) of the 1991 Constitution).

Voluntary Participation in Voter Registration and Polling

Participation in voter registration and polling processes is voluntary and not compulsory. However, the existence of one's name on the voters register is a pre-requisite for parliamentary approval of presidential nominees for public positions; such as Ministers, members of public corporations and Commissions established under the Constitution, Ambassadorial Positions.

Other legal and procedural characteristics

The following are procedural features of Sierra Leone's electoral process.

- The compilation or update of the voters register prior to a Presidential, Parliamentary or local government elections;
- Use of fixed registration centres to register eligible voters; which will later serve as polling centres i.e. "where you register is where you vote";
- Use of a voter identity card issued by NEC to establish a voter's identity at the polling station to prevent impersonation;
- Use of indelible ink (i.e. an electoral stain) to prevent multiple registrations and voting;
- Votes cast are counted immediately at the polling stations and provisional results published at polling stations;
- Accredited national and international organizations, Embassies may observe all aspects of the electoral process;
- Accredited Party and candidates' agents may also observe the Polling and counting processes on behalf of their respective parties and candidates;
- The NEC is a corporate public institution with the capacity to acquire and own property and to sue and be sued.

Phases of the electoral process

The following are the major phases of the electoral process:

- Delimitation of electoral boundaries and their review between 5 and 7 years by the NEC (and not by a separate Boundaries delimitation Commission);
- Voter registration process;
- Candidate nominations;
- Political campaign;
- Recruitment and training of Polling Staff;
- Polling;
- Counting and announcement of results;

- Post-election activities.

Electoral Legal framework

The following are part of Sierra Leone's electoral legal framework for public elections i.e. Presidential, Parliamentary, Local Government and Paramount Chieftaincy elections:

- The Constitution of Sierra Leone, 1991 (Act No. 6 of 1991); including amendments;
- The Public Elections Act, 2012 (PEA, 2012)[31];
- The Political Parties Act, 2002 (Act No. 3 of 2002), including amendments;
- The Local Government Act, 2004 (Act No.1 of 2004);
- The Chieftaincy Act, 2009 (Act No. 10 of 2009).

Other elections related legislation include the following:

- The Independent Media Commission Act, 2000 (Act No. 12 of 2000);
- The Sierra Leone Citizenship Act, 1973, including all the amendments;
- Election Petition Rules, 2007.

Regulations adopted by the National Electoral Commission (NEC) also form part of the electoral Legal framework e.g.

- Constitutional Instrument No. 2 of 2008: the Wards (Boundaries) Regulations, 2008;
- Constitutional Instrument No.6 of 2008: The Electoral Commission (Local Government Elections) Regulations, 2008;
- Constitutional Instrument No.9 of 2008: The Local Government Elections (Nomination of Candidates) Regulations, 2008.

[31] This Act was passed on 1st May 2012. It received presidential assent on 7th May 2012, thus repealing the National Electoral Commission Act, 2002 and the Electoral Laws Act, 2002.

International legal instruments

Sierra Leone has signed/ratified elections related international legal instruments (both regional and international) on human and political rights. The most prominent amongst them include:

- International Covenant on Civil and Political Rights (ICCPR) 1966;
- International Convention on the Elimination of Racial Discrimination (ICER), 1965;
- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979;
- The Convention of the Political Rights of Women (CPRW), 1952.

Regional legal instruments include:

- The African Charter on Human and Peoples' Rights (ACHPR), 1981;
- The African Union Charter on the Principles Governing Democratic Elections in Africa (AU-CPGDEA), 2002;
- The Declaration of Political Principles of the Economic Community of West Africa States (ECOWAS), 1991;
- The ECOWAS Protocol on Democracy and Good Governance, 2001;
- The New Partnership for Africa's Development (NEPAD), 2002; and
- The Convention on the Rights of Persons with Disabilities, 2007.

CHAPTER 4

POLITICAL PARTIES IN SIERRA LEONE: 1950 – 2012

Introduction and Background information to Political Party formation

This chapter is a survey of the development of political parties in Sierra Leone from colonial days to 2012, their role in the electoral process and related matters.

The formation, organization and role of political parties in any democratic country constitute a core element of its electoral process. Political parties, as used in this book, refer to all registered groups of Sierra Leonean citizens whose main objective is to "attain, maintain and exercise" political power through constitutional means.

The establishment of advisory (and later representative) institutions by the British in both the then Colony and Protectorate of Sierra Leone, and the introduction of constitutional reforms (which later gave representation to indigenous Sierra Leoneans) have been regarded as, amongst others, the factors which led to the emergence of political parties in the real sense of the word (Joe A.D Alie, 1985, 1990). Examples of institutions that Britain established were:

- the **Advisory Council** of Sierra Leone, which was constituted as **Executive and Legislative Councils in 1863**;
- the **Municipality of Freetown** established in 1799, and later by the Municipality Ordinance of 1893;
- the **Protectorate Assembly** which came into being in 1946 and;
- **District Councils** also established in 1946.

The establishment of the above institutions first led to the emergence of pressure groups or quasi-political organizations in both the Colony and the Protectorate. Among these quasi-political organizations were:

- the **Sierra Leone Mercantile Association** (established in the late 1850's);
- **the Rate Payer's Association** (1895);
- **the National Congress of British West Africa** (NCBWA) Sierra Leone branch, which was formed in 1920;
- the **Protectorate Educational Progressive Union** (PEPU) which was revived in 1946 and sought to advance the interest of Chiefs; and
- the **Sierra Leone Organization Society** (SOS), which was formed in June 1946 by the Protectorate educated elite as an "educational and improvement" association.

It should, however, be noted that the above organizations were not political parties in the true sense of the word. It is necessary to further point out that the Creoles of what was then the Colony, though in the minority, had enjoyed a long-standing dominant or privileged position in Sierra Leone politics over the majority of the people in what was then called the Protectorate (now provinces). This was much to the displeasure of the latter group (the protectorate people). This was due to, among other factors, the early contacts of the Creoles with western education. It was thus the conflict over power distribution that acted as the political catalyst that led to the formation of true political parties in the country (i.e. the Creoles wanting to maintain their long-standing political dominance over the people of the protectorate, and the latter group desirous to change the status quo).

Proposal for Constitutional Changes

It is important to note that, as part of its decolonization strategy, the colonial government's proposal for constitutional changes influenced the development of political parties in Sierra Leone after World War II (1939 – 1945). In 1947 a new constitution was proposed; which will give more representation in the Legislative Council to the Protectorate people over the Colony people (i.e. 10 of its unofficial members were to be elected from the Protectorate and 4 from the Colony; with no qualification for the Protectorate representatives). This proposal, if put into effect, would certainly give more political space to the people of the protectorate by transferring power from the Colony to the Protectorate; and thereby constitute a threat to Creole hegemony in the Colony politics. There was a disagreement over the proposal between the groups that existed in the Colony and the Protectorate. This disagreement over representation formed the basis of the two major post war nationalist parties. The 1947 proposal came into effect in the 1951 Constitution. The 1951 Constitution provided, amongst other things, for fourteen members to be indirectly elected from the Protectorate and seven members directly elected from the Colony.

Political Parties Are Formed:

The National Council of the Colony of Sierra Leone

The above provision appeared in the draft of the 1951 Constitution. In protest, nearly all the Creole colony groups or organizations merged together to form in August 1950 a single political party called the **National Council of the Colony of Sierra Leone (NCCSL) or National Council of Sierra Leone (NCSL))** to champion the political interest of the Creoles. It was led by Dr. H. C Bankole-Bright, and was certainly Sierra Leone's first political party in the real sense. It was an alliance of nearly twelve political or semi political associations that were either predominantly Creole in membership and leadership, or were Creole in leadership but composed largely of protectorate people resident in Freetown. The major aim of the NCCSL was to resist any challenge by the protectorate people to the long-standing Creole hegemony or dominance in the politics of Sierra Leone before independence. It demanded that the Colony should be equally represented (as the Protectorate in the proposed Constitution of 1951) in the Legislative Council.

The Sierra Leone People's Party

As a counter force, in April 1951 the Protectorate people formed the SierraLeone People's Party (SLPP) "to contest Creole hegemony" in Sierra Leone's politics of colonial era.It was a coalition of three bodies or groups which were only partly political:

- One of these groups was the **Protectorate Educational Progressive Union (PEPU)**, which had earlier been formed by several chiefs to raise money to finance the education of boys from the protectorate,
- The second group was the **Sierra Leone Organization Society,** a group mainly founded by teachers and other educated people.
- The third group which joined in the formation of the SLPP was the small radical Colony based Mr. Lamina Sankoh's **Peoples Party** (founded in 1949 by a Creole Minister of Religion, Rev. E.N. Jones, who adopted the African name Lamina Sankoh).

The SLPP initially aimed at putting an end to the long-standing Creole dominance in the politics of Sierra Leone. Protectorate people predominantly dominated the leadership of the party. The first nation-wide elections held in 1951 were won by the SLPP led by Dr. M.A.S Margai. The SLPP in alliance with the traditional elite (the Chiefs) and some Independent candidates played a dominant role in the political activities of Sierra Leone from 1951-1967. The SLPP was also virtually unchallenged in the 1957 elections. The NCCSL did not win any seat in the 1957 elections and therefore disappeared from the centre of Sierra Leone's Politics.

The **United Progressive Party (UPP),** which had also been formed by Creoles and led by a Freetown based barrister, C.B. Rogers- Wright succeeded the NCCSL in 1954. The UPP became the main opposition party after the 1957 elections, as it provided a rallying platform for all dissent and opposition to chiefs and protectorate rule.

The **Kono Progressive Movement (KPM)** was formed in 1955 and led by a druggist, Tamba S. Briwa. It was a minority party dedicated to the advancement of the interests of the Kono people, who were dissatisfied with the way the district's diamond resources were managed. As a Kono based party, the KPM dominated the politics of the Kono district during this period. In 1959 the KPM merged with the **Sierra Leone Independence Movement (SLIM);** a party with limited popular support, which had been launched in 1956 by Edward Wilmot Blyden III. This was apparently in order to broaden its political base from Kono district to the Colony of Sierra Leone. The new party, which emerged from the merger, the **Sierra Leone Progressive Independence Movement (SLPIM),** was short-lived as it was forced into a political merger with the SLPP after independence. As already stated, the SLPP defeated all its opponents in the 1957 elections. As noted by Mary Louise Clifford in her book **The Land and People of Sierra Leone**:

> *"The alliances forged in opposition to the SLPP were very fluid, depended largely on the leadership abilities of the men who wielded them together, and failed to achieve the cohesion necessary to threaten Dr. Margai's supremacy. All of these parties jockeyed with each other in an attempt to gain control of the leadership positions, but none of them provided any outlet for lower class discontents that were just beginning to surface in the 1950's"*[32]

In September 1958 **the People's National Party (PNP)** was formed when a number of liberal or radical members within the S.L.P.P (led by Albert Margai), became dissatisfied with the conservative leadership of Sir Milton Margai. The PNP was thus formed as a result of ideological differences and struggle for leadership in the SLPP, between the older and conservative members of the party and the younger, better-educated and radical members of the party. The former (who included the chiefs) were satisfied with Milton Margai's cautious leadership and his commitment to a "slow but sure" pace of decolonization and development in Sierra Leone; whereas the latter (the radicals or liberals amongst whom were Albert Margai as head, Siaka Stevens, Maigore Kallon, S.T Navo and A. J. Massally) wanted a more dynamic leadership and a faster rate of changes in the country. The PNP was short lived, as by 1960 most of its members had rejoined the SLPP.

The United Front, Independence and the formation of the All Peoples Congress (APC)

By 1960, it had become apparent that the proliferation of political parties, with varying ideologies, will threaten the SLPP's leadership in Sierra Leone politics. By this time (1960), therefore, Sir Milton Margai (leader of the SLPP) had convinced the main political parties and other prominent politicians to form a **United Front (UF),** to discuss arrangements with the British government for Sierra Leone's independence. Sir Milton Margai led the UF. However, a few PNP members (led by Siaka Stevens, who were outside the legislature) wanted elections to be held before independence. This idea was refused by the UF. It was at this stage that Siaka Stevens and other dissatisfied former members of the PNP defected from the UF to form in July 1960 the **Elections Before Independence Movement (EBIM),** which two months later became the **All Peoples Congress (APC).** The APC became a rallying platform for all sorts of discontented groups in the country, to the extent that it won the Freetown City Council elections two months after its formation. It became the most organized opposition to the SLPP after the 1962 elections (1962-1967), which were won by the SLPP.

Constitutional talks between the UF and the British government, however, took place in London. These talks led Sierra Leone to independence on 27th April 1961, under the SLPP led by Sir Milton Margai. The SLPP ruled Sierra Leone until 1967, when they were defeated by the APC in the 1967 elections. The APC continuously ruled Sierra Leone from 26th April 1968 – 29th April 1992, when it was overthrowned by the army under the already mentioned National Provisional Ruling Council led by Captain Valentine E. .M. Strasser.

[32] *Mary Louis Clifford: The Land and People of Sierra Leone (Printed in the USA, 1974 edition P. 80)*

Another political party called the **United Democratic Party (UDP)** was formed on the 21st of September 1970, following the resignation from the APC of two prominent government Ministers in the persons of Dr. John Karefa-Smart and Dr. M.S. Fornah. They resigned in protest against the proposed introduction of a republican constitution. The UDP was banned on the 8th of October 1970. Inspite of threats to its rule, the APC succeeded in introducing a republic on the 19th April 1971 (with Stevens as Executive President) and a one-party state in 1978. As already stated, the APC ruled Sierra Leone until 29th April 1992, when the APC government was overthrowned by the military under the National Provisional Ruling Council (NPRC)

Multi-Party Referendum and the Emergence of More Political Parties (1991-1996)

President Joseph Saidu Momoh, who had replaced President Siaka Stevens in 1985, re-introduced multi-party politics in 1991 after a referandum. The electorate overwhelmingly supported Sierra Leone's return to multi-party politics in the referendum. A new constitution that has provision, among others, for the establishment of more than one political party was introduced on 1st October 1991. After the introduction of the 1991 Constitution, more political parties were formed; in addition to the existing All Peoples Congress headed by Joseph Saidu Momoh and the SLPP (which was revived) with Dr. Salia Jusu Sheriff as head. Among the new political parties were -

1. Democratic People's Party **(DPP),** with Gibril A. Koroma as its leader;
2. National Action Party **(NAP),** with Dr. Shaka Kanu as head;
3. National Democratic Party **(NDP),** with Ahmed Morie Banya as head;
4. National Unity Movement **(NUM),** with Desmond Luke as Chairman.
5. Peoples Democratic Party **(PDP),** with Thaimu Bangura as leader;
6. Unity Party **(UP),** with Mohamed Amadu Deen as leader;

The desire of the people of Sierra Leone, to once again, participate in multi-party politics was, however, dashed when the APC government of President Joseph Saidu Momoh was overthrown on the 29th April 1992 by the aforementioned military junta.All political parties and political activities were banned.

Registration of political parties by the Interim National Electoral Commission (INEC) for the 1996 Presidential and Parliamentary elections

It has been stated in chapter 2 of this book that following the lifting of the ban on political activities by NPRC Decree No. 7 of 1995, which was preceded by the establishment of the **Interim National Electoral Commission (INEC)**, 16 political parties were registered by INEC [33]

[33] See Chapter 4 of "A short history of the Electoral Commission of Sierra Leone" by M.N. Conteh (Unpublished, July,2012), for list of political patties registered by INEC.

Registration of political parties by the reconstituted National Electoral Commission.

The replacement of the INEC with a newly reconstituted National Electoral Commission (NEC) in March 2000 saw the registration of more political parties, as the following: -

1. Citizens United for Peace and Progress **(CUPP)**, with Alfred Musa Conteh as interim Chairman;
2. Democratic Party **(DP)** with Henry Baio as Acting Chairman;
3. The Grand Alliance Party **(GAP),** with Dr. Idris M. Fofanah as interim Chairman;
4. Movement for Progress Party **(MOP),** with Mrs. Zainab Bangura as leader;
5. Peoples Democratic Alliance **(PDA**) with Abdul R. Kamara as leader;
6. Peace and Liberation Party **(PLP)** with Darlington Morison as interim Chairman;
7. Young People's Party **(YPP)** with Cornelius Deveaux as Interim Chairman.

In accordance with the Lome' Peace Accord, the already mentioned Revolutionary United Front of Sierra Leone led then by Cpl. Foday Saybana Sankoh (which had fought a guerilla war with successive governments of Sierra Leone from 23rd March 1991 to 18th January 2002), applied to INEC to transform itself from a guerilla movement into a political party, called the **Revolutionary United Front Party (RUFP)**. A piece of electoral legislation titled "***The Revolutionary United Front of Sierra Leone Act (participation in political and democratic process, Act No 4 of 1999)***" enabled the RUF to register as a political party on the 22nd November 1999, thus enabling it to henceforth function as a political party in Sierra Leone. The RUFP was among the parties that received final certificates of registration for the 2002 presidential and parliamentary elections.

It is important to note that (besides the SLPP, which, as we already know, was established in 1951, and the APC established in 1960) nearly all the political parties that mushroomed after independence lacked continuity and thus were short-lived. Among the reasons for this, were: the then one party system, and consequently, the desire to suppress other political parties and freedom of speech by the government of the day; and the fact that some of these new parties had no strong political power bases, resulting in their limited support. Besides, nearly all the political parties that had emerged in Sierra Leone since the 1950s were either ethnically or regionally based. Thus, they failed to make any significant political break-through in areas outside their ethnic or regional political footholds. Finally, they were parties that depended largely on the leadership abilities and finances of their founders (with the exception of the SLPP and the APC).

LEGAL STATUS OF POLITICAL PARTIES IN SIERRA LEONE

1. Constitutional Provision for the formation of Political Parties

- Political parties are firmly entrenched in Sierra Leone. They are recognized in the constitution. Chapter iv Section 35 of The 1991 Constitution, for example, make provision not only for the establishment of political parties, their internal organization and democratic principles, but also confers specific roles on them.

Subsections (1) & (2) of the above-mentioned section provides that;

(1) "Political parties may be established to participate in shaping the political will of the people, to disseminate information on political ideas, and social and economic programmes of a national character, and to sponsor candidates for presidential, parliamentary or Local Government elections."

(2) "The internal organization of a political party shall conform to democratic principles, and its aims, objectives, purposes and programmes shall not contravene, or be inconsistent with, any provisions of this constitution".

- Another area of recognition accorded to political parties in the constitution is in the nomination of presidential candidates for presidential elections. Chapter v Section 42 (1) provides that "a presidential candidate shall be nominated by a political party". As stated above, parties may also sponsor candidates for other public elections.

The introduction of the then District Block Representation (list) System (DBRS) in the 1991 Constitution (Section 38 amended), ensured the need for political party affiliation to parliamentary elections. Under the DBRS used in the 2002 elections, candidates for elections for Ordinary Members of Parliament were nominated in a list drawn up by a political party (not under the constituency FPTP system anyway). Voters voted for lists of candidates drawn by political parties and not for individual candidates.

2. Requirements for the registration of political parties by the Political Parties Registration Commission (PPRC)

For political parties to function in Sierra Leone, their registration by the Political Parties Registration Commission is a legal requirement. The 1991 Constitution (Section 34 (1) establishes the already mentioned independent **Political Parties Registration Commission (PPRC)** responsible, among other things, for the registration of all political parties.

The PPRC shall refuse registration of a political party if it is satisfied, inter-alia, that:

- the membership or leadership of the party is restricted to members of a particular tribe, ethnic group or religious faith; or
- if its leadership include non-citizens and other people who are not qualified to be Members of Parliament; or
- the party is formed to promote the interest and welfare of a particular group, community, geographical area;
- a political party shall also be refused registration if it does not have registered offices in each of the provincial regional headquarter towns and the Western Area;
- each political party is required to submit a statement of the sources of its income and its audited accounts, together with a statement of its assets and liabilities, to the Political Parties Registration Commission.

However, any association aggrieved by the decision of the PPRC in refusing its application for registration, has the right to appeal to the Supreme Court of Sierra Leone, whose decision shall be final.

Since its establishment in December 2005 (up to the time of writing this book) the PPRC has registered the following new political parties, in addition to some of the aforementioned ones:

1. Peoples Movement for Democratic Change (PMDC) led by a lawyer, Charles F. Margai.
2. Convention Peoples Party (CPP) led by Mr. Andrew Turay;
3. Citizens Democratic Party (CDP) (2012);
4. United Democratic Movement (UDM) (2012), led by Mr. Mohamed Bangura.

The PPRC, in collaboration with political parties and other stakeholders, has since 20th October 2006 established a political party's code of conduct. The Commission in 2012 applied to the Supreme Court to de-register political parties that were not fulfilling their responsibilities as per the law. Upto the 17th November 2012 election's, only 10 political parties were registered (or better still, have regularized their documentations) with the PPRC. They were as follows:

1. All Peoples Congress (APC);
2. Citizens Democratic Party (CDP);
3. National Democratic Alliance (NDA);
4. Peoples Democratic Party (PDP);
5. Peoples Movement for Democratic Change (PMDC);
6. Peace and Liberation Party (PLP);
7. United National People's Party (UNPP);
8. United Democratic Movement (UDM);
9. Revolutionary United Front Party (RUFP);

10. Sierra Leone Peoples Party (SLPP);

THE FUNCTIONS OF POLITICAL PARTIES IN THE ELECTORAL PROCESS

Under The 1991 Constitution, political parties may be formed:

- to shape the political will of Sierra Leoneans;
- to act as the chief mechanism of informing Sierra Leoneans about social, political and economic issues that deal with the whole country and;
- to produce and sponsor candidates for all public elections.

Let us briefly explain the above-mentioned functions of political parties in the country's electoral process.

1. Shaping the political will of Sierra Leoneans during political campaigning

During political campaigns (which will officially begin after candidate nominations, followed by a proclamation by the Electoral Commission to that effect), political parties in Sierra Leone, like in many democratic Commonwealth countries, must help the voters to form their opinions through the presentation of political manifestos or programmes. By this, Parties may help to mould public opinion. By helping the people to form and mould their opinions, political parties participate in shaping their political will.

2. Agent for the dissemination of information on national issues

Political parties are expected to be a medium of informing (and influencing) voters about political, social and economic issues or programmes affecting the entire country. For example, political parties may help to inform voters about the electoral process in general, and their civic responsibilities as electors in particular. Any relevant information received on any of the above issues, should be passed by political parties unto their supporters.

3. Provision of leadership for national elections

As already stated, under the 1991 Constitution political parties are the only source for providing executive (political) leadership. Any person who intends to contest as a candidate for Presidential election shall have to be nominated by a political party. In other words, no person shall attain the office of the President of Sierra Leone, democratically, without being sponsored by a registered political party. Political parties may also sponsor candidates for Parliamentary and Local Council elections. Moreover, as already stated, under the then National List Proportional Representation and District Block Representation Systems (DBRS), as used for the 1996 and 2002 elections respectively, candidates for the elections for Ordinary Members of Parliament were included in party lists of candidates presented by each registered political party. Under the First-Past-the-Post (FPTP) system, however, qualified citizens may contest as Independent candidates (except for the Presidency). This is also true for Local Government elections.

4. Observation of the Election Process

For the electoral process to be meaningful in any emerging democratic state, the Election Management Body has to make the issue of transparency a fundamental component of its electoral policy. Political Parties are allowed to observe the electoral process, through the following ways: -

- they may be permitted to observe the voter registration exercise in the field (or any other electoral tasks) and to report on any abnormal or irregular act. However, political parties should not be allowed to interfere with the actual functions of the field officers. In May 2012, registered political parties monitored in Brussels, Belgium, the de-duplication process (or matching) of the biometric voter registration data collected by NEC for the voters register for the 2012 elections.
- there is a provision in the electoral laws of Sierra Leone allowing each political party to nominate two agents who will be present at polling stations and results collation centres on election day. Such agents may report on any suspected irregularity or fraud to their political parties, or polling or counting officers; or even to the National Electoral Commission.

However, the National Electoral Commission (NEC) must accredit party agents like national and international Observers, before they are allowed to observe the electoral process.

Conclusion

It is, however sad to note that in practice many political parties in Sierra Leone do not perform most of the above functions. Some political parties technically cease to exist barely a few months after they have lost an election. This is because, inter-alia, they find it difficult to maintain their infrastructures and even membership. Political Parties in Sierra Leone have also been viewed by some analysts as encouraging “tribalism” and ‘religionalism’ in politics. They “centre their activities almost exclusively on personalities” rather than on ideologies. There is thus the need for Political Parties in Sierra Leone to, inter-alia, reform themselves along national and ideological lines, establish sustainable national structures, practice internal democracy, develop and practice a sound gender based policy, and include youths and persons with disabilities in their executive positions. One other disturbing feature in the politics of Sierra Leone is the frequent “cross carpeting” of party members from one party to the other, especially to the party in power, there by leaving smaller parties in a weak position.

In spite of all their shortcomings, political parties are important in the electoral process of Sierra Leone. In the words of (Dr) Abu Bakarr Kargbo

"without any doubt, Political Parties constitute the centre stage for political socialization. They are the intermediaries between the people and the state. They play a crucial role in the democratic process of any state"[34]

[34] Dr Abubakarr Kargbo: Political Parties and the Democratic Process In Sierra Leone, 1952-2004 (Article in Sierra News, October edition 2004) The author was a Lecturer at N'jala University, Sierra Leone). He is currently (2012) Chairman of the National Commission for Democracy in Sierra Leone.

CHAPTER 5

HISTORY OF ELECTIONS IN SIERRA LEONE: 1951-2008

Introduction

This chapter briefly examines the country's practical experience with elections, both of a democratic (i.e. free, fair, transparent and credible) and undemocratic nature.

A. Pre – Independence Elections

1. The 1951 General Elections

As already stated in chapter one, the history of elections (i.e. political pluralism and electoral democracy) dates as far back as in 1951, when the first general elections were held (though on a limited scale) under the control of the British colonial administration. The **1951 general elections** were preceded by the formation of "*indigenously constituted*" political parties in the true sense of the word i.e. the NCCSL and SLPP.

By 1951, the Stevenson constitution had been adopted by the colonial administration.
Two main Political Parties and a number of independent candidates contested the 1951 general elections on a limited and mostly indirect franchise:

- The National Council of Sierra Leone (NCSL), which was then a Creole based colony party;
- The Sierra Leone People's Party (SLPP), which was widely representative.
- Independent candidates also contested the elections.

The elections were won by the SLPP (led by Sir Milton Margai), which got six (6) seats (2 from the Colony and 4 from the Protectorate);

- while the **NCSL** won five (5) seats (all from the Colony).
- Ten (10) Independent Candidates from the Protectorate also won seats.
- All the Independent Candidates crossed over to the SLPP, thus giving the latter an absolute majority in the Legislative Assembly.

2. The 1957 General Elections

The second general elections were held in 1957 on a much extended and direct franchise (based on the recommendation of the 1954 Keith-Lucas Commission). The 1957 general elections were more pluralistic and open than the 1951 elections, because more parties contested. They were as follows:

- The SLPP;
- The NCSL;
- The United Progressive Party(UPP);

- The Sierra Leone Progressive Independence Movement (SLPIM);
- The Sierra Leone Labour Party (SLLP).

A total of 121 candidates contested the elections, 47of whom were Independents.

- The SLPP won the elections with 21 contested seats and 4 unopposed (or uncontested) seats,
- the UPP won 9 seats (7 from the Protectorate and 2 from the Colony),
- the SLPIM won 1 seat in Kono district,
- 12 seats went to Independent Candidates.
- 12 Paramount Chief Members of Parliament were also elected.
- All Independents and Paramount Chiefs crossed over to the SLPP.
- The Legislative Council was renamed **House of Representatives.**

B. Post – Independence Elections

1. The 1962 General Elections

Sierra Leone's **third general elections** (the first after Independence) were held on the 23rd May 1962. They have been rated as the "*freest and fairest elections"* held "*during the (immediate)* post *colonial period*".[35]

Before the holding of the 1962 elections, Parliament had passed the Electoral Provisions Act No. 14 of 1962. It was a comprehensive piece of legislation which provided for all aspects of a national election, be it general elections for Ordinary Members of Parliament, elections for Paramount Chief Members of Parliament or Local Government Elections. Indeed the 1962 Electoral Provisions Act has since served as Sierra Leone's parent electoral statute (with some amendments, of course).

Four (4) major parties contested:

- The SLPP;
- The APC (which was formed, as already stated, as a result of a split within the SLPP; over, among other reasons, disagreement over whether general elections were to be held either before independence or after independence);
- The UPP;
- The SLPIM (which had succeeded the Kono Progressive Movement);
- Independent Candidates also contested.

[35] IFES: Sierra Leone: **A pre- election Assessment Report**, December 1991 p7 (The word in brackets is that of the author of this book).

The results were as follows:

- The SLPP returned 29 members,
- the APC 20 members (4 of whom were as a result of a merger with the SLPIM),
- Independents 13,
- 12 Paramount Chief Members of Parliament.
- As with the previous elections, Independent candidates and Paramount Chiefs aligned themselves with the SLPP, which formed the government.

Analysis of the 1962 elections

While the 1962 General elections may be regarded as being one of Sierra Leone's "freest and fairest" elections, yet the results of the elections indicated that the country's political parties were either regionally or ethnically based. This is confirmed by the following; while most of the SLPP's 29 seats were won in the South and East, all of the 16 seats won by the APC were from the Northern Province and the Western Area, which was formally called **Colony.** In addition, the SLPIM, which was a Kono based party won its 4 seats in the Kono area. Besides, the emergence of a new regional division between the north and southeast was to become more serious than the one between the Colony and the Protectorate that had hitherto existed. One could perhaps be tempted to say that the seeds of regional or ethnic polarization in the provinces had begun to sprout. Moreover, since the political parties that contested the elections were not totally national in outlook and character, the electorate therefore assessed the candidates not much because of their political affiliation but "*pretty much on their own personal performance and position*"[36] . Finally no one political party was able to attain a clear majority of the seats in the House of Representatives. However, it should be emphasized that even after independence Sierra Leone continued her experiment with electoral democracy, an experiment started under British tutelage in 1951.

2. The 1967 General Elections

The next general elections were held on the 17th March 1967 for Ordinary Members of Parliament and on the 21st March 1967 for Paramount Chief Members of Parliament. These elections were witnessed by tense election campaign between the two (2) major parties, the SLPP and APC.

The elections, which were violent in some parts of the country, also saw the introduction of undemocratic elements in the country's electoral history.

For example, by the close of nominations 6 SLPP candidates were declared "*unopposed*"; "although the APC had indicated its intention of opposing if permitted to do so"[37]. They were as follows:

[36] Mary Louise Clifford, Opcit p86.
[37] Robert S. Jordan: Government and power in West Africa (Faber and Faber, London 1969 p289)

- Sir Albert Margai (the incumbent Prime Minister) of Moyamba South Constituency;
- Mr. Samuel Margai of Bonthe South Constituency;
- Mr. S. Y. Kpakiwa of Kono North-East Constituency;
- Mr. R. G. O. King of Koya Rural District;
- Mr. Maigor Kallon of Kailahun Central constituency, and;
- Dr. Hadj Momo Conteh of Tonkolili-East Constituency;
- One Paramount Chief also went unopposed.

The 1967 elections were contested by two main political parties:- the SLPP (which put up candidates to run for all the remaining 60 contested seats) and the APC (which registered at least 50 candidates in the contested seats for Ordinary Members of Parliament). A total of 61 Independent candidates also contested in at least 37 out of 60 contested constituencies. The election contest was closely fought between the SLPP and the APC. However, a great deal of confusion surrounded the whole electoral process, especially the nomination and vote counting processes.

The APC, however, gained a majority of seats in the 1967 elections; but its leader, Siaka P. Stevens, was prevented from taking power by the already mentioned military coup of 1967.

The results of the elections (though, were not officially declared) were as follows:[38]

- "APC: 32 contested seats and non-unopposed"
- "SLPP: 22 contested seats and 6 unopposed"
- "Independents: 6," (these were previously SLPP members)

Confusion over the election results led to the already mentioned first Military intervention in the Politics of Sierra Leone on the 21st March 1967. This was followed by the declaration of a state of emergency by the Force Commander, Brigadier David Lansana; who was later deposed by his Officers and the National Reformation Council (NRC) was formed with Lieutenant-Colonel Andrew T. Juxon-Smith as head of state.

After intense internal power struggle (which led to the overthrow of the NRC by Warrant Officers of the military and later headed by John Bangura) and a lengthy investigation into the conduct of the 1967 elections, government was returned to civilian control under Siaka P. Stevens and the APC on the 26th April 1968.

Analysis of the 1967 elections

The results of the 1967 general elections exposed further the continued polarization of Sierra Leone, along ethnic and regional lines. As already indicated, the confusion over the results of the said elections gave the first taste of political power to the Military in Sierra Leone; a

[38]Section 122 of the Dove-Edwin Commission of Inquiry.

phenomenon which regrettably continued up to 1997. However, the 1967 elections were significant for the following reasons:

- They showed that democracy was still at work inspite of attempts to introduce undemocratic elements in the electoral process.
- The 1967 general elections showed further how determined the electorate was, by then, to have a change of government through the ballot box, despite the alleged malpractices of the then government in power headed by the late Sir Albert Margai.
- Finally, the elections were unique in the sense that they gave the opportunity to the APC to become "the first opposition party to win a general election in independent Black Africa"[39].

C. Undemocratic Elections, during the period 1973-1986 (1973, 1977, 1982 and 1986 elections)

Sierra Leone's experiment with democratic elections reached its climax with the 1967 elections. It is unfortunate to note that the period beginning with the 1967 elections, unto the 1986 elections, was marked by a gradual and systematic decline in the experiment of electoral democracy and political pluralism, began under colonial rule. Nearly all elections conducted under this period (i.e. 1973 – 1986) were not "free and fair"; or, better still, credible to say the least. They were characterised by violence, intimidation and electoral manipulation, which led to a large number of "unopposed" candidates and uncontested seats.

1. The 1973 General elections

The next general elections were held on the 15th May 1973, under a state of emergency. The 1973 elections were characterized by "a large measure of violence along with voting irregularities" initiated mostly by the ruling APC, thus allowing it to control every single seat in Parliament (Deveneaux, Gustav). There were nation-wide violent clashes between the SLPP and APC supporters (other political parties like the United Democratic Party remained banned) during what was a very tense election campaign. The SLPP complained of APC violation of nomination procedures and organized interference in the nomination process, thereby preventing SLPP candidates from reaching nomination centres. There were, for instance, allegations of the deliberate and forceful prevention of prospective SLPP candidates from reaching nomination centres; and the deliberate refusal to accept nomination papers of many SLPP prospective candidates by Returning Officers using flimsy excuses. Thus, by close of nominations 46 APC candidates were declared unopposed, out of 85 elective seats. The SLPP thus withdrew from the elections, apparently because of intimidation and violence against its supporters by the incumbent APC. The SLPP withdrawal made the results of the elections a foregone conclusion (i.e. victory for the APC).

[39] The Rising Sun – APC Secretariat (1982) p66

The results of the 1973 elections were as follows:

- APC 4 contested seats and 80 unopposed;
- SLPP Nil;
- 12 Paramount Chief Members of Parliament;
- Independent 1 (but later declared support for the APC).

Analysis of the 1973 General elections

The results of the 1973 general elections indicated, among other things, that:

- Sierra Leone's political experiment with genuine multi-party politics and democratic electoral process had been literally assassinated;
- The country now became a de facto one party state, with a Parliament "whose members owed their positions to the party rather than to their constituency electorates….."[40]
- The withdrawal of the SLPP from the 1973 general elections gave the APC the opportunity to be the only political party in the nation's law making body (parliament).
- This paved the way for the passing of legislation without any organized opposition.
- The results also indicated that Sierra Leone was to, henceforth, experience continued election manipulation and violence under a one party system.

2. The 1977 General elections

After violent nation-wide student demonstrations in opposition to the APC government, the next general elections were held on 5th May 1977earlier that expected .The elections were contested by the APC, SLPP and a new party called the National Democratic Party. The 1977 elections, which were won by the APC, were not only "widely regarded as unfair" but the "most violent in the country's history" (Deveneaux, Gustav). Thus, Sierra Leone became a de-facto one party state after the 1977 elections and a de-jure one party state on the 14th June 1978.

3. The 1982 General elections

The 1982 general elections were the first to be held under the one-party system. They were also characterized by allegations of fraud and electoral violence. The elections were contested under the APC.

- Seventeen (17) candidates were returned unopposed, out of 85 elective seats.
- All the 12 Paramount Chief Members of Parliament were returned unopposed.

President Siaka P. Stevens retired in 1985 and was replaced by his hand picked successor, President Joseph Saidu Momoh, an ex-Major General of the Sierra Leone Army.

[40] Jimmy D. Kandeh "transition without Rupture: Sierra Leone's Transfer Election 1996 (African Studies Review, vol. 41, No. 2, September 1998 page 93).

4. The 1986 General elections

The second general elections under the one-party system were held in 1986. They were, however, characterized not only by a comparatively lack of violence, but also for multiple candidates competing for each seat in each constituency where the elections were contested. Nine (9) candidates, out of the 105 seats for Ordinary Members of Parliament, were declared unopposed.

D. Transition elections from military to civilian rule:

The 1996 Presidential and Parliamentary Elections

Introduction

In an attempt to "liberalize" the one-party state, because of both internal and external pressures (i.e. by civil society and principal aid donors, respectively), the government established a Constitutional Review Commission, which later recommended a return to multi-party politics. President Momoh, therefore, re-introduced multi party politics following the introduction of the 1991 Constitution. But as already stated, the Army again seized power on the 29th April 1992. The **National Provisional Ruling Council** (NPRC), which seized power, set up the **Interim National Electoral Commission** (INEC) in 1994. INEC conducted Presidential and Parliamentary elections on the 26th and 27th February 1996, using the Proportional Representation National List System (PR) for the latter)[41]. Fifteen (15) Political Parties (including the APC and SLPP) contested the elections (See chapter 2 for other pre-elections preparations by INEC). Political campaign was peaceful. The elections were observed, for the first time in the electoral history of Sierra Leone, both by International and Local elections observers. They were largely regarded as free and fair, though some armed elements tried to prevent the conduct of the elections in some places e.g. Freetown and Kenema. Also, the elections were not conducted in areas under the control of the RUF.

Results of the 1996 elections

The results of the Parliamentary elections were as follows:

- Sierra Leone Peoples Party (SLPP) = 27 Seats (35.9%)
- United National Peoples Party (UNPP) = 17 Seats (21.5%)
- Peoples Democratic Party (PDP-Sorbeh) = 12 Seats (15.2%)
- All Peoples Congress (APC) = 06 Seats (5.7%)
- National Unity Party (NUP) = 04 Seats (5.2%)
- Democratic Centre Party (DCP) = 03 Seats (4.8%)[42]

[41] The 1996 election are analysed in detail in Kandeh 1998 in African Studies Review, vol. 41 No. 2 (Sept 1998) pages 91-111. (See also Stephen Riley 1996, in Electoral Studies volume 15 No 4 pages 537-545)

[42] Because of a rounding up principle used by INEC the DCP got 3 seats in parliament, though it did not receive the 5% threshold.

- 12 Paramount Chief Members of Parliament were also elected (5 of whom were returned unopposed).

With regards the Presidential election, no candidate was able to score 55% as required by the law during the first election. A second presidential election was held on the 15th March 1996 between Alhaji Ahmad Tejan Kabbah of the SLPP and Dr. John Karefa-Smart of the UNPP, with each candidate polling 603,008 (59%) and 419,099 (41%) respectively. Alhaji Ahmad Tejan Kabbah of the SLPP thus won the elections, even though the UNPP leader, Dr John Karefa-Smart complained of irregularities. For example, many polling stations in the east of the country, especially in Kenema and Kailahun Districts, recorded a voter turnout higher than the registered number of voters. The same is true of polling stations in Pujehun and Bonthe districts. Those polling station results were not invalidated by the then INEC. Instead, it only deducted the excess votes of 570,000; thus leaving the percentage turn out of most of those polling stations at 100%.This situation is hardly possible and thus not in conformity with international electoral standards.

E. Post – conflict elections:

1. Presidential and Parliamentary Elections of 14th May 2002

Introduction

The National Electoral Commission (NEC), which replaced the INEC on the 20th March 2000, conducted the next presidential and parliamentary elections held on the 14th May 2002[43]. As stated earlier, the period 23rd March 1991 to 18th January 2002 was characterised by a brutal civil war. The war was declared over on 18th January 2002, through the collaborative efforts of the UN, ECOWAS and the International Community. The end of the war was preceded by the disarmament of over 50,000 combatants. President Kabbah's first five – year term expired in March 2001. It was extended for two six-month term to allow time for the completion of the disarmament process and prepare for the elections.

Preparations for the elections

The NEC began preparing for the elections as early as possible:

- It registered political parties within the law, in the absence of the Political Parties Registration Commission (PPRC); which had not yet been established.
- As already stated, a strategic plan was formulated and published by the NEC in February 2001. The plan, which was the first ever to be produced by an election management body in Sierra Leone, was a technical document which focused primarily on the process of conducting the elections. It also contained the Commission's goal, objectives and a timeline for the elections;
- A process of consultations on the electoral process with political parties (including the RUFP) and civil society representatives was begun at a

[43] For a detailed analysis of the 2002 elections, see Kandeh (2002) Journal of African Studies, 41 (2003) page 189-126

Roundtable Conference on 18th April 2000. This culminated into the formation of a National Consultative Committee (NCC) and Regional Consultative Committees (RCC), comprising representatives of registered political parties and civil society groups;

- The Electoral Laws Act, 2002, which consolidated the electoral legislation contained in the NPRC Decrees, was passed by parliament;
- An election budget (including, a possible run-off) to the tune of Le20,973,034,700.00 (US $11,417,000) was prepared by the NEC. But given the country's difficult financial state as a result of the war, it became difficult for the Government of Sierra Leone to fund the elections process alone without donor assistance.
- The 1991 Constitution (section 38) was amended, to introduce the aforementioned District Block Electoral System to replace the proportional representation system used in the 1996 Parliamentary elections.

Electoral Process:

Voter registration, Nominations, Campaign and Election Day activities

1. Voter Registration

From the outset, the NEC recognized the need to prepare a fresh voter register if the 2002 presidential and parliamentary elections were to be credible to Sierra Leoneans and the international community. This was a result of the fact that the previous voters register used to conduct the 1996 elections had become obsolete due to the mass displacement of people (both as internally displaced persons and as refugees in neighbouring countries). Moreover, the names of eligible people who were then behind rebel line were not included. The preparation of a new voters register posed a tremendous challenge for the NEC. This was due to the lack of adequate funds, and the fact that the disarmament of the warring factions was officially declared completed by the United Nations Mission in Sierra Leone(UNAMSIL) on the 17th January 2002, and thus making the country fully accessible to all stakeholders in the electoral process.

With funds provided by the Government of Sierra Leone (GoSL), the British Department for International Development (DFID) and USAID, the NEC conducted the voter registration exercise from the 24th January to the 13th February 2002(the exercise was extended for 3 days). The fixed centre registration method (instead of the house-to-house method used in previous voter registration exercises) and a computerized system using OMR (Optical Mark Reader) technology for data compilation were used for the exercise. The exercise was also supported with a voter identity card.

A total of 5,400 registration centres were identified, most of them were later used as polling stations. A total of 2,348,657 eligible voters were registered to vote in the elections, including some returnee refugees. However, political parties criticized the NEC for its handling of the voter registration exercise. There were complaints, for instance, of shortage of registration materials

like registration forms, films and laminates in some areas; the exclusion of certain eligible voters and multiple registrations.

However (given that the disarmament process officially came to the end on the 17th January 2002, and the start of the exercise on the 24th January 2002, etc) the NEC must be commended for going closer to its original target of registering 2.7 million voters. As indicated above refugees who returned from neighbouring countries were also registered a few weeks to the elections.

2. Candidate Nomination

The nomination of candidates for the presidential and parliamentary elections took place on the 2nd and 3rd April 2002. Since the election process was considered as a "conflict management tool"[44], the Commission adopted a flexible approach to certain aspects of the electoral process. Like the voters registration exercise, the period for nomination of candidates was extended by one day, to the 3rd April 2002, in order to allow the Revolutionary United Front Party (RUFP) meet the nomination requirements. The participation of the RUFP in the 2002 post-conflict presidential and parliamentary elections (unlike the 1996 elections, in which the RUF did not contest) was considered by NEC to be more crucial to the overall success of the exercise than strict adherence to deadlines (Jimmy D. Kandeh, 2003). The nomination process was peaceful, free and fair. Nine candidates were nominated for the presidential election, while 10 parties sent in list of candidates for the parliamentary elections. The District Block Representation PR list system was used for 2002 elections.

3. Campaign

The period for political campaigning, as declared by the National Electoral Commission, was 2nd April to 11th May 2002. Following the nomination process, was the signing of a code of conduct by leaders of all registered political parties that contested the elections. The campaign by all political parties was relatively peaceful, except for an ugly incident in the centre of Freetown on the 11th May 2002; when supporters of the Sierra Leone People's Party (SLPP) and those of the Revolutionary United Front Party (RUFP) clashed and threw stones at each other. But for the timely intervention of the Sierra Leone Police and UNAMSIL peacekeeping force, such a clash could have disrupted the election day activities on the 14th May 2002. However, as stated above, the whole campaign exercise was generally peaceful. Given the difficult circumstances following the end of the war, the NEC was widely credited for successfully handling the 2002 electoral process.

4. Special Voting day for the forces

For the first time in the electoral history of Sierra Leone a special day, called "**Special Voting Day"**, was set aside on the 10th May 2002; during which members of the Sierra Leone Police and the Sierra Leone Army, who would be on duty during election day, were allowed to vote prior to

[44] Project STEPP: Supporting the Electoral and Peace Processes in Sierra Leone .Project report of the International Foundation for Election System (IFES) August 2001-July 2002 p5.

the elections. The "special voting day" was later criticised as it violated the secrecy of the votes of the forces.

5. Elections Day

Over 2 million voters voted on the 14th May 2002 to elect a president and 112 directly elected Members of Parliament. As stated earlier in this chapter, the District Block Representation System (DBRS) was used to conduct the parliamentary elections; using the country's 14 electoral districts (12 in the provinces and 2 in the Western Area), with each district returning 8 Members to parliament.

Twelve (12) Paramount Chiefs (six of whom went unopposed) were indirectly elected on the 10th of June 2002 to represent 12 provincial districts.

Nine parties contested the presidential election, while ten parties contested the parliamentary elections. The following political parties contested the presidential election:

- All Peoples Congress (APC);
- Citizens United for Peace and Progress (CUPP);
- Grand Alliance Party (GAP);
- Movement for Progress Party (MOP);
- Peace and Liberation Party (PLP);
- Revolutionary United Front Party (RUFP);
- Sierra Leone Peoples Party (SLPP);
- United National Peoples Party (UNPP);
- Young Peoples Party (YPP).

In addition to the above parties (besides the CUPP), the Peoples Democratic Party (PDP-Sorbeh) and the National Democratic Alliance (NDA) contested the parliamentary elections. The PDP and NDA did not contest the presidential race.

Results of the 2002 elections

The presidential elections were won by President Alhaji Ahmad Tejan Kabbah of the SLPP, whose party also won 83 seats out of the 112 directly elected seats in parliament. The APC won 27 seats, while the PLP won 2 seats in the Western Area. Parliament held its first sitting on 25th June 2002.

The elections were quite peaceful, and were observed by both International and Local election observers. They were said to be largely free and fair though with some irregularities e.g. under age voting and double voting. International and domestic observers complained of inadequate voter education. However, it was widely agreed that the elections were peaceful, transparent and fair. International and domestic observers and the UN Special Representative to Sierra Leone praised the organization of the elections and the behaviour of voters on polling day.

Table 1:

Results of 2002 Parliamentary Elections

Name of party	Votes	% votes	Seats
SLPP	1,293,401	67.6	83
APC	409,313	21.4	27
PLP	69,765	3.6	2
RUFP	41,997	2.1	-
GAP	25,436	1.3	-
UNPP	24,907	1.3	-
PDP	19,941	1.0	-
MOP	15,036	0.7	-
NDA	6,467	0.3	-
YPP	5,083	0.2	-
Total valid votes for Parliamentary Elections	**1,911,346**		112

Source: NEC Sierra Leone

Table 2:

Results of the 2002 Presidential Election

Name of Candidates	Party	Votes	% Votes
Ernest Bai Koroma	APC	426,405	22.35
Raymond Bamidele Thompson	CUPP	9,028	0.40
Raymond Kamara	GAP	11,181	0.59
Zainab Bangura	MOP	10,406	0.55
Johnny Paul Koroma	PLP	57,233	3.00
Alimamy Pallo Bangura	RUFP	33,074	1.73
Ahmad Tejan Kabbah	SLPP	1,336,423	70.06
John Karefa- Smart	UNPP	19,847	1.04
John Andrew Turay	YPP	3,859	0.20
Totals	(rounded)	**1,907,456**	

Elections for Paramount Chief Members of Parliament (PCMP's)

Elections for Paramount Chief Members of Parliament (PCMP's) were conducted on 10th June 2002 to elect 12 Paramount Chiefs, one per provincial district.

Nomination

Following the nominations, six (6) candidates went unopposed in 6 districts as follows:

Table 1:

Region	**District**	**Un-opposed PCMP Candidates**
North	Port Loko	Paramount Chief Bai Sama Lamina Sam III of Loko Masama Chiefdom
South	Bo	Paramount Chief Samba Bindi Hindowa of Badjia Chiefdom
South	Pujehun	Paramount Chief Brima Victor Sidi Kebbie III of Malen Chiefdom
South	Moyamba	Paramount Chief Charles Caulker of Bumpeh Chiefdom
East	Kono	Paramount Chief Abu Ndawa Kongoba II of Mafindor Chiefdom
East	Kailahun	Paramount Chief Sahr Francis Kabba-Sei II of Penguia Chiefdom

Source: NEC

Election / Polling day

Following the conduct of elections for Paramount Chief MP's on the 10th June 2002, six (6) more candidates were elected to parliament as shown below:

Table 2:

Region	District	Candidate	Votes	Comment
North	Kambia	P.C. Bai Sebora Somanoh "Kapen" III	1,141,	
North	Kambia	P.C. Bai Kelfa Sankoh II	1,262	Elected
North	Bombali	P.C. Kandeh Luseni III	2,338	Elected
North	Bombali	P.C. Masa Yeli Tham II	1,oo9	
North	Koinadugu	P.C. Sheku Magba III	924	
North	Koinadugu	P.C. Alimamy Lahai Mansaray	2,031	Elected
East	Kenema	P.C. Madam Mamie G. Gamanga	3,465	Elected
East	Kenema	P.C. Sally Satta Gendemeh	2,672	
East	Kenema	P.C. Alhaji Amara Jobo Goway-Sama V	1,168	
South	Bonthe	P.C. Samuel Murana Koroma	396	
South	Bonthe	P.C. Madam Margaret Thompson Seibureh	1,130	Elected
North	Tonkolili	P.C. Bai Sunthuba Osara III	2,379	Elected
North	Tonkolili	P.C. Bai kURR Kanagbaro Sanka III	966	

Source: NEC

2. Local Government Elections: 22nd May 2004

Introduction

Sierra Leone's experiment with elections is not only centred on Presidential and Parliamentary elections. The country also had experimented with Local Government elections. Historically, Local Council elections were conducted on a partisan basis (though Independent Candidates also contested) beginning with District Councils elections in 1966.

However, the elective aspect of local government in Sierra Leone was frequently suspended in the past and replaced with appointed Management Committees. Given that the members of such Management Committees were appointed, they were therefore apparently not accountable to the electorate (the voters), but to those politicians who appointed them. District Councils were abolished in January 1972, while the elective aspect of Municipal Council (i.e. The Freetown City Council) and the then Town Councils (in Bo, Kenema, Makeni, Sherbro Urban and Koidu-New Sembehun Town Councils) was replaced by the appointment of Management Committees.

Reintroduction of Local Government

But after the 1996 and 2002 Presidential and Parliamentary elections, the Government of Sierra Leone (GoSL), under the SLPP leadership committed itself to the policy of decentralization and to re-introduce elected local government bodies through out the country. The government set up a Task Force on Decentralization and Local Governance. The work of the first task force, which was set up in February 1997 was disrupted by the military coup of 15th May 1997. Another Task Force was set up in October 2002 to oversee the decentralization process and the re-introduction of a revamped local government system. Series of discussions held between the Task Force and other stakeholders showed popular request by Sierra Leoneans to bring back representative local government.

Among others, the Task Force was mandated to review the local government system and consolidate the then existing local government laws into a new Local Government Act. The consolidated Local Government bill went through Parliament and became known as The Local Government Act, 2004.

After a period of 32 years (1972 – 2004, since the abolition of the elective aspect of local government), NEC conducted elections for 19 local councils on the 22nd May 2004. This led to the election, for a 4-year term, of 475 Councillors (including 6 Mayors and 13 chairpersons) by universal adult suffrage, and 34 Paramount Chief Councillors who were either nominated or indirectly elected by other Paramount Chiefs. The results are shown over leaf.

3. Presidential, Parliamentary elections of 2007 and Local Government elections of 2008

Presidential, Parliamentary elections and Local Government elections were also conducted by the NEC in 2007 and 2008, respectively. But these elections are not the subject for detailed discussion in this book.

Conclusion

It is evident therefore that Sierra Leone has a long experience with electoral democracy and political pluralism, dating as far back as 1951. The experience is indeed both of a democratic and non-democratic nature.

ELECTIONS RESULTS: 2004, 2007 AND 2008

RESULTS OF THE 2004 LOCAL GOVERNMENT ELECTIONS

Council			Election Results									
Region	**District**	**Name of Local Council**	**No of Wards**	**SLPP certified winners**	**APC certified winners**	**PLP**	**PDP**	**GAP**	**Independent certified winners**	**Total certified winners**	**Certified women candidates**	**No. Paramount Chiefs**
East	Kailahun	Kailahun District Council	33	32	-				1	33	6	3
East	Kenema	Kenema District Council	48	46	-				2	48	6	3
East	Kenema	Kenema Town council	03	12	-				-	12	4	1
East	Kono	Kono District Council	29	27	-				2	29	3	3
East	Kono	Koidu New Sembehun Town Council	03	12	-				-	12	1	2
North	Bombali	Bombali District Council	26	06	16				4	26	2	2
North	Bombali	Makeni Town Council	03	-	12				-	12	2	1
North	Kambia	Kambia District Council	20	09	09				2	20	1	2
North	Koinadugu	Koinadugu District Counc	21	12	08				1	21	0	2
North	Port Loko	Port Loko District council	47	23*	22				2	47	5	2
North	Tonkolili	Tonkolili District council	22	13	09				-	22	2	2
South	Bo	Bo District Council	41	36	-				5	41	2	3
South	Bo	Bo Town Council	03	12	-				-	12	3	1
18	1	Bonthe District Council	18	14	-				4			2
South	Bonthe	Bonthe Municipal Council	03	12	-				-	12	3	-
South	Moyamba	Moyamba District Council	40	34	-				6	40	3	3
South	Pujehun	Pujehun District Council	22	21	-				1	22	3	2
West	Western Area Rural	Western Area Rural District Council	04	03	12				1	16	1	-
West	Western Area Urban	Freetown City Council	08	04	28				-	32	4	-
Total			**394**	**328**	**116**				**31**	**475**	**52**	**34**

* There was a dispute over the winner of a seat (ward 3 in Koya), between SLPP and APC. NEC declared the APC candidate winner, but the decision was overturned by the Attorney General. This led to the resignation of the NEC boss Eugene Davies as Chief Electoral Commissioner due to political interference, among others. See Chapter 2 for more details (Source: National Electoral Commission (2004)

Results of 2007 Parliamentary and Presidential Elections

Table 1:

Results of parliamentary elections in Sierra Leone, 11th August, 2007

Party	Votes (%)	Seats	Change since 2002 Elections
All Peoples Congress (APC)	40.8%	59	+32 seats
Sierra Leone Peoples Party (SLPP)	39.5%	43	-40 seats
Peoples Movement for Democratic Change (PMDC)	15.4%	10	-
National Democratic Alliance (NDA)	1.8%	0	-
Convention Peoples Party (CPP)	0.9%	0	-
United National Peoples Party (UNPP)	0.8%	0	-
Independent Candidates	0.6%	0	
Peace and Liberation Party (PLP)	0.4%	0	-2
Valid votes	1,790,589		
Total votes	1,972,198		
Turnout (of registered voters)	75.3%		

Source: NEC (2007)

Table 2

Results of presidential elections in Sierra Leone, 11th August and 8th September, 2007

Candidate	Vote share	
	First round	Second round
Ernest Bai Koroma (APC)	44.3%	54.6%
Solomon Berewa (SLPP)	38.3%	45.4%
Andrew Turay (CPP)	1.6%	
Alhaji Amadu Jalloh (NDA)	1.0%	
Kandeh Baba Conteh (PLP)	0.6%	
Charles F Margai (PMDC)	13.9%	
Abdul Kady Karim (UNPP)	0.4%	
Valid votes	1,839,208	1,740,058
Total votes	1,984,106	1,783,851
Turnout (of registered voters)	75. 8%	68.1%

Source: NEC (2007)

Results Summary of 2008 Local Government Elections

Table 1:

Chairperson/Mayor Election - Seats by Political Party / Independent Candidates						
Locality	**APC**	**IND**	**NDA**	**PMDC**	**SLPP**	**Total**
1.Kailahun District Council					1	1
2 Kenema District Council					1	1
3 Kenema City Council					1	1
4 Koidu/New Sembehun City Council	1					1
5 Kono District Council	1					1
6 Bombali District Council	1					1
7 Makeni City Council	1					1
8 Kambia District Council	1					1
9 Koinadugu District Council	1					1
10 Port Loko District Council	1					1
11 Tonkolili District Council	1					1
12 Bo District Council					1	1
13 Bo City Council					1	1
14 Bonthe District Council					1	1
15 Bonthe Muncipal Council				1		1
16 Moyamba District Council					1	1
17 Pujehun District Council					1	1
18 W A Rural District Council	1					1
19 Freetown City Council	1					1
National	**10**	**0**	**0**	**1**	**8**	**19**
Percentage of Male Mayor/Chair:	100.00%					
Percentage of Female Mayor/Chair:	0.00%					

Source: (NEC)

Results Summary of 2008 Local Government Elections

Table 2:

Councillor Elections - Seats by Political Party / Independent Candidates Distribution by Gender

Locality	APC	IND	NDA	PMDC	SLPP	Total	Male	Female
1 Kailahun District Council		2			27	29	26	3
2 Kenema District Council	1	1			32	34	30	4
3 Kenema City Council					12	12	9	3
4 Koidu/New Sembehun City Council	15					15	11	4
5 Kono District Council	22	0			02	24	23	1
6 Bombali District Council	24	3				27	21	6
7 Makeni City Council	15					15	8	7
8 Kambia District Council	21	2			2	25	22	3
9 Koinadugu District Council	19	5				24	18	6
10 Port Loko District Council	33	1				34	32	2
11 Tonkolili District Council	26	2				28	23	5
12 Bo District Council	1			2	23	26	24	2
13 Bo City Council					18	18	14	4
14 Bonthe District Council	3			6	9	12	4	8
15 Bonthe Muncipal Council				6	6	18	15	3
16 Moyamba District Council	6			1	17	24	22	2
17 Pujehun District Council				1	21	22	18	4
18 W A Rural District Council	18	1			1	20	16	4
19 Freetown City Council	49					49	34	15
National Totals	**253**	**17**	**0**	**16**	**170**	**456**	**370**	**86**

Percentage of Male Councillors **81.10%**

Percentage of Female Councillors **18.90%**

Source: NEC

Table 3

COMBINED RESULTS SUMMARY OF THE LOCAL GOVERNMENT ELECTIONS-2008 BY PARTY

Council			Elections										
Region	**District**	**Name of Local Council**	**No. of wards**	**APC certified winners**		**SLPP certified winners**		**PMDC certified winners**		**NDA**	**Independent certified winners**	**Total certified winners***	**Certified women candidates**	**No. of Paramount Chiefs**
				Councilors	Mayors	Councilors	Mayors	Councilors	Mayors					
East	Kailahun	Kailahun District Council	29	0	0	27	1	0	0	0	2	30	3	3
East	Kenema	Kenema District Council	29	1	0	32	1	0	0	0	1	35	4	3
East	Kenema	Kenema City Council	3	0	0	12	1	0	0	0	0	13	3	1
East	Kono	Kono District Council	24	22	1	2	0	0	0	0	0	25	4	3
East	Kono	Koidu New Sembehun Town Council	3	15	1	0	0	0	0	0	0	16	1	2
North	Bombali	Bombali District Council	27	24	1	0	0	0	0	0	3	28	6	2
North	Bombali	Makeni City Council	3	15	1	0	0	0	0	0	0	16	7	1
North	Kambia	Kambia District Council	25	21	1	2	0	0	0	0	2	26	3	2

North	Koinadugu	Koinadugu District council	24	19	1	0	0	0	0	0	5	25	6	2
North	Port Loko	Port Loko District Council	34	33	1	0	0	0	0	0	1	35	2	2
North	Tonkolili	Tonkolili District Council	28	26	1	0	0	0	0	0	2	29	5	2
South	Bo	Bo District Council	26	1	0	23	1	2	0	0	0	27	2	3
South	Bo	Bo City Council	3	0	0	18	1	0	0	0	0	19	4	1
South	Bonthe	Bonthe District Council	18	3	0	9	1	6	0	0	0	19	3	2
South	Bonthe	Bonthe Municipal Council	3	0	0	6	0	6	1	0	0	13	8	0
South	Moyamba	Moyamba District Council	24	6	0	17	1	1	0	0	0	25	2	3
South	Pujehun	Pujehun District Council	22	0	0	21	1	1	0	0	0	23	4	2
West	Western Area Rural	Western Area Rural District Council	20	18	1	1	0	0	0	0	1	21	4	
West	Western Area Urban	Freetown City Council	29	49	1	0	0	0	0	0	0	50	15	
Total			**394**	**253**	**10**	**170**	**8**	**16**	**1**	**0**	**17**	**475**	**86**	**34**

Source: NEC

***19 Chairpersons/Mayors + 456 Councillors = 475 Certified winners.**

CHAPTER 6

DECENTRALIZATION AND LOCAL GOVERNMENT IN SIERRA LEONE

SOME GENERAL CONSIDERATIONS

Meaning and types of Decentralization

Popular participation in government is a core element of democracy. The need to involve local people in decision-making is an essential aspect of decentralization. In this book decentralization refers to the "*process oftransferring power from the centre to sub-national levels, either to officials of the central government in the field or to elected local governments*".[45] Two types of transfer of power are indicated in this definition:

- **Administrative Decentralization**: This means the transfer or delegation of governmental authority or power by the central government, through one of its ministries or departments, to central government officials in the field (i.e. to officials in the branch office of the ministry or department concerned). The central authority has direct control over the department or branch ministry to which power has been delegated. This can also be referred to as the **"deconcentration of administrative authority"**.

- **Political Devolution:** This type of decentralization refers to the transfer of power (i.e. political authority) and resources by the central government to elected local councils, responsible for service delivery at local level; namely, City, Municipal, Town and District Councils, subject to minimum control within the law. Some form of national legislation usually does this type of transfer of power and resources to a local authority. In this type of decentralization, the elected local councils are primarily accountable to the people who elected them. The reasons for this type of decentralization (i.e. political devolution) therefore, include to:

i. improve the capacity of each elected local council to deliver services to the rural areas (such services, hitherto, were either a function, or under the control, of a central government ministry).

ii. Promote the continual expansion of democracy at the "grass roots" level. In such, it is an important aspect of a participatory democracy;

iii. give opportunity to "grass roots" people to manage their own affairs, through planning and the implementation of development projects in the rural areas.

[45]William Turnoff in a paper titled **'Decentralization, Local Government and Development",** presented at the UN Round table Forum on Democratic Transition in Malawi 21 –23 July 1993 Capitol Hotel Lilongwe, Malawi.

Meaning of Local Government

Local government became a core element of the politics and administration of Sierra Leone well before independence. It has been defined as: "***government for local people by local people***".[46] Local Government is thus a body of individuals set up by law to provide certain basic services for their local communities. In democratic countries, local government bodies consists of democratically elected councillors who are elected by, and accountable to, their respective local communities. In short, local government is representative government.

Reasons/Importance of Local Government

Generally, local government bodies are established for the following reasons:

- Traditionally, local government bodies are established to cater for and protect local interests, within the broader framework of the national government[47]. Because the needs of the various local communities differ across the country, local government authorities can take into account local circumstances and needs in the provision of services for their subjects. Local control of local affairs by councillors elected by the communities they serve can thus lead to a more effective handling of local affairs.

- To relieve the work burden of the central government. Because of the complexity and large volume of work performed by central governments, local authorities are established to administer certain services at local level.

- Local government bodies can serve as "political and administrative training ground for central government"[48]. People wishing to take part in national politics may first get their experiences as councillors of a City, Municipal, Town or District Council. John Major, ex Prime Minister of Great Britain had his first taste of political office as a councillor in Lambeth, South London. Also Siaka Stevens (late), ex-President of Sierra Leone served as Mayor of the Freetown City Council in 1964 before becoming Prime Minister in 1968.

- Local government bodies may be established to bridge any gap between the central government and far away communities. The establishment of representative local government will allow citizens in a particular local community, far away from the central government, to come into closer contact with the details of government; thus increasing their political consciousness.

[46]**Local government in Wales**.**A charter for the future** HMSO, March 1993 p4. Quoted from the booklet **Local Government in Britain**published by the Foreign and Commonwealth Office, London March 1994 p12.

[47]R. M. Punnet: British Government and Politics (fourth Edition p389)
[48]R. M. Punnet ibid

Elective local government is thus important in a democratic political system.

History and Structure of Local Government in Sierra Leone

Origin of Local Government

Local government in Sierra Leone comprises both the western (or modern) component of the aforementioned 19 councils (i.e. 5 City councils, 1 Municipal council and 13 District councils) and a traditional component of Chiefdom administration system[49](i.e. 149 chiefdoms).

The western component can be traced back to the British colonial period. During the period of colonial rule, the British established local government bodies through Ordinances and by various Acts of Parliament. As already stated, the modern component of local government bodies established by the British colonial administration were: the Freetown City Council (established in 1799 by Royal Charter and turned into a modern municipality in 1893), Town Councils established in Bo (Bo town became a township in 1954 under the Bo Town Council Ordinance), Makeni, Kenema and Koidu/New Sembehun, and the various District Councils which were set up in 1946. Rural District Councils were also established in the Western Area, while The Sherbro Urban District Council was established in Bonthe in the 1950's.

As in other Commonwealth countries, these local government bodies later became representative institutions, whose Councillors were elected by universal adult suffrage, and were accountable to their respective local communities. This practice of making local government to be representative government continued well into the country's post-independence period. However, elected local government bodies were frequently suspended (sometimes for a considerable length of time) by past central governments, replacing them with "Management Committees" in some cases. For example, following investigations of rampant corruption and mismanagement in 1962, most District Councils remained suspended by the then SLPP government up to 1965. They were restored in 1966 only to be suspended again in 1967 by the National Reformation Council (NRC) military government. The APC government in 1972 suspended District Councils, only to be revived by the SLPP government after the 22nd May 2004 Local Government elections.

Thus, beginning practically from 1972 (up to the period of the one party state and the re-introduction of multi-party system in 1991) onto 2004, there was a shift in emphasis, by successive central governments in Sierra Leone, from elective local government to barely non - functional local administration. By this we mean, central government exercised much control over the Management Committees set up in some cases to replace elected local government. In fact, there was no elected local government in the country from 1972 to the period after the 22nd May 2004 local government elections.(see the re-introduction of representative local governance further in this chapter).

[49]Andrew Nickson: of the International Development Department School of Public Policy, University of Birmingham, England, in a Paper titled **Report of visit to Sierra Leone:** 4-13 February 2003.

Local Government Structure (Colonial Era upto 2004)

Local government in Sierra Leone, as it then existed starting from the colonial era up to the 1970's, revolved around the two components mentioned earlier in this chapter i.e.

- The Western/modern component comprising the aforementioned 19 councils and;
- a traditional component comprising what was formally called Tribal Authority/Native Administration units; now called Chiefdom administrations or Chiefdom Council.

Prior to the dissolution of the elective aspect of local government in 1972,local government structure in the country consisted of:

- the Freetown City Council;
- 4 Town Councils, one each in Bo, Kenema, Makeni and Koidu/New Sembehun;
- 1 Urban District Council in Bonthe, called Sherbro Urban District Council;
- 4 Western Area Rural District Councils, comprising Waterloo, Koya, Mountain and York;
- 1 Rural Area Council which served as the umbrella organization for the Western Area Rural District Councils;
- 12 Provincial District Councils and;
- 149 Chiefdom Councils in the 12 provincial districts.

Each rural district was made up of village areas, and each village area has village units.

The dual administrative system, introduced by the British during the colonial era gave rise to two different units of local governance; one for the Western Area (formally called Colony) and one for the provinces (formally called Protectorate).

The above local government structure has changed slightly.

The Current Structure of Local Government (2004 - 2012)

The current local government structure, after the 2004 and 2008 elections, continues to revolve around the aforementioned two major systems:

- A western or modern component of **5 City Councils, 1 Municipal** and **13District Councils**; i.e. a system comprising 19 localities with their respective Councils, whose members are elected by universal adult suffrage;

- A traditional component of 149 chiefdom administrations in twelve provincial districts, called **Chiefdom Councils**, with a Paramount Chief as head in each. The paramount chief, in addition to forming the basis of traditional rule within the chiefdom, is also eligible to be elected, if nominated, as Paramount Chief Member of Parliament.

- There continues to be, in addition, a local administration system of '**Tribal head men" and town/village** heads in the Western Area. The latter, like the Councillors and Chairpersons/Mayors of the nineteen local councils, are elected by universal adult suffrage by residents of the respective villages or towns, who are electors.

- The Local Government Act 2004 (sections 95-96) empowers each local council to establish a **Ward Committee** in the locality. The purpose is not only to assist the council in performing its duties, but also to bring local government to the people as close as practicable. This is in order to facilitate their involvement and participation in local administration and development of their locality. A Ward Committee is therefore the lowest tier of the local government system.

The composition and functions of the ward committees are contained in the above sections of the Act. A majority of the members of each Ward Committee (10), who shall be resident in the ward, shall be elected in a public meeting by residents of the ward. Other members of the Ward Committee are: the Councillor(s) elected from the ward and the Paramount Chief, in the case of localities with a system of Paramount Chieftaincy.

There are thus various forms of local council administrations in Sierra Leone. As already noted, a total of 19 local councils currently exist in the country: [Five (5) **City Councils** (one in the Freetown Municipality called Freetown City Council, and one each in Bo, Makeni, Koidu-New Sembehun and Kenema cities[50]); one (1) **Municipal Council** (in the municipality of Bonthe); and 13 **District Councils**, one in each of the 12 provincial districts and western area rural district]. A total of 394 wards nationwide were used to conduct the 2004, 2008 and 2012 Local Government elections.

While the City Councils and the Bonthe Municipal Council have Mayors as heads, District Councils have Chairpersons.

General Composition of Local Councils

Each local council shall comprise of at least 12 members {section 4(3) of the Local Government Act 2004}.

A local council shall consist of the following members:

- A Chairperson/Mayor elected by universal adult suffrage by electors of the locality (i.e. cities or municipalities with city or municipal councils);

[50]Statutory Instruments Nos 6-9 of 2006 (published 15th June 2006) declared Koidu New-Sembehun, Bo, Kenema and Makeni into cities, respectively; Statutory Instrument No. 19 of 2006 declared Bonthe a Municipality and called its Council the Bonthe Municipal Council. All of the Statutory Instruments have now been repealed and replaced

- A designated number of elected representatives (Councillors) from each ward (electoral area) in each City, District and Municipal Councils, elected by universal adult suffrage by electors of the ward;

- A prescribed number of selected Paramount Chiefs (as specified under the Local Government Act 2004) to represent the interests of Paramount Chiefs in localities having a system of Paramount Chieftaincy. Paramount Chiefs are selected by the Paramount Chiefs in the localities that have a system of Paramount Chieftaincy.

OVERVIEW OF LOCAL GOVERNMENT IN THE WESTERN AREA

The basic local government units in the Western Area are:

1. **Freetown City Council (FCC)**

TheFreetown City Council exists in the municipality of Freetown (the capital city of Sierra Leone). It was originally established by Royal Charter in 1799 and turned into a modern municipality in 1893; thus making it the oldest local government body in West Africa. With time the municipality has grown to cover a wider area than originally intended. Thus with the coming into being of the Greater Freetown Area in July 1973, the Freetown City Council now cover the original area of the Municipality of Freetown, Kissy, Wellington and Tasso Areas (the previously named Kissy Rural District) in the East; Murray Town, Aberdeen, Wilberforce, Hill Station, Lumley (the area previously called Wilberforce Rural District), and Juba in the West (making a total area of 261.4 square miles[51]). The Greater Freetown Area is currently divided into 49 single-member electoral wards, with each ward returning one elected Councillor (i.e. after the 2008 ward boundaries delimitation process by the NEC).

Composition

As a representative local government body, the Freetown City Council shall consist of:

- A Mayor, who is directly elected by universal adult suffrage as head of the council;

- A prescribed number (49) of Councillors directly elected by universal adult suffrage (i.e. one councillor elected from each ward in the city).

Functions / Duties

The Freetown City Council provides basic services for the residents of the city of Freetown. Amongst others, the Council provides recreational facilities like town halls and fields for sports; provides educational services by building schools, provides markets, cemeteries, street naming and numbering of houses.

[51]The Handbook of Sierra Leone published in March 1980 by the Ministry of Information and Broadcasting

2. The Western Area Rural District Council

As a representative local government, the Western Area Rural District Council (WARD) is composed of a Chairman as head and prescribed number (2o)of directly elected councillors by universal adult suffrage, one from each ward in the district.(i.e. Waterloo, Koya, York and Mountain areas).

Like the Freetown City Council, the Western Area Rural District Council has responsibility to perform local government functions, under the law, at rural district level e.g. providing educational services, building markets and providing cemeteries.

There is in addition a local administration system of 'Tribal head men" and town/village heads in the Western Area Rural District. As already stated, the Town or Village heads, (like the Councillors and Chairpersons/Mayors of the nineteen local councils), are elected by universal adult suffrage by registered electors of the respective villages or towns.

OVERVIEW OF LOCAL GOVERNMENT IN THE PROVINCES

The provinces of Sierra Leone (formally called Protectorate) comprise three major areas. These are:

- **EasternProvince,** with headquarters at Kenema.
- **The Northern Province,** with Makeni as the headquarter.
- **Southern Province,** with headquarters at Bo city.

Each province has within it a number of districts (3, 5, 4, districts, respectively), which are further subdivided into chiefdoms (149 chiefdoms in all).

We already know that Local government structure in the provinces is a combination of the Western or modern component (comprising District, City and Town councils) and a traditional component of chiefdom administration.

1. City Councils

By statutory instruments (of Nos 6-9 and 19 of 2006) the former towns of Bo, Kenema, Makeni, Koidu-New Sembehun and Bonthe became cities; while their Town Councils became City councils and Bonthe became a Municipality.

2. District Councils: Historical Development

District Councils (DC's) were established in 1946 by the British colonial administration "*to advise the administration and assist in providing some necessary services"*[52]. They became local government bodies through the Legislative Ordinance number 17 of 1950. The composition of District Councils was originally narrow and included non-elected members (with Paramount Chiefs as ex-officio members and a representative of the masses in each district).

[52]C. Magbaily Fyle in The History of Sierra Leone (1981) p117

Changes in District Councils and their Composition

A number of changes, however, have taken place in the District Councils during their existence, as follows:

- The 1950 Ordinance amended the composition of the District Councils. It allowed the District Commissioner who was the Chairman, to appoint or nominate three more members in each council. These additional members had to be literate in English and "could be either native to or residence in the district"[53].
- District Councils became elective bodies after the passing of the 1956 Ordinance, i.e. their members were elected. However, Paramount Chiefs remained as ex-officio members.
- The position of the President (now Chairman) of each District Council (formally filled through nomination by the Governor) became elective in 1957.
- District Council elections were first conducted on political party basis in 1966, which were won by the Sierra Leone People's Party.
- Complaints of corruption, mismanagement of District Council funds were among the reasons cited for the dissolution of elected District Councils by successive central governments. As already stated, they were first dissolved by the SLPP from 1962–1965. They were restored in 1966, only to be suspended again by the NRC military regime in 1967. District Councils (and elective local government) were abolished in January 1972 by the APC government,Dissolved councils were replaced, in some cases with Management Committees. Elective aspect of District Councils and other local councils was resuscitated following the 2004 Local Government elections.

  Each District Council now comprises a District Chairman, elected Councillors corresponding to the number of seats in each delimited ward and a number of pre-determined Paramount Chiefs. The Chairman and Councillors are elected by universal adult suffrage, while the Paramount Chiefs are nominated.

Functions of District Councils

District Councils were set up to provide the primary needs/services of their respective districts e.g. to construct and maintain feeder roads, the provision of basic educational services, and community development projects, such as child welfare and primary health care services and sanitation. In short, each District Council was charged with the responsibility for the overall development of its district. In addition, each District Council (like all other Local Councils) should provide opportunities for the political participation of local people at local government level, thereby serving as channels for both decision-making and communication between the central government and the people at grass roots level.

[53]C. M. Fyle, ibid (p118)

3. Town Councils: Historical Development (Town Council snow transformed into City Councils)

The British colonial administration (and later central governments after independence) also established local government bodies called Town Councils in the then townships of Bo, Kenema, Makeni, the Sherbro Urban District (Bonthe) and Koidu/New Sembehun to take care of the activities of the respective townships. The establishment of Town Councils became necessary following the growth in the populations of Headquarter Provincial Towns and the diamondiferous town of Koidu in the Kono District. With time the populations of these towns grew so large to the extent that they went beyond the control of their respective Chiefdom Administrations. Thus Bo Town became a township in 1954 under the Bo Town Council Act Cap. 80 of the Laws of Sierra Leone, while Kenema, Makeni and Koidu/New Sembehun became townships under the Township Act Cap 295 of the Laws of Sierra Leone.

As already stated, Bo, Kenema, Makeni and Koindu / New-Sembehun towns became cities and their councils transformed into city councils in 2006 (See Statutory Instruments Nos. 6,7,8,9 and 19 of 2006).

Composition

The membership of each council comprises:

- A Mayor elected by universal adult suffrage of all registered electors in the locality.
- Elected Councillors representing the various wards (electoral areas) into which each township (now city) is divided.
- The Paramount Chief (s) of the chiefdom(s) where each council is located.

Like other local government bodies, the provincial City Councils perform various duties, which include the provision of Parks, markets and cemeteries in the cities, and the naming and numbering of streets.

4. Chiefdom Administration

Local government in the 149 chiefdoms in the provinces revolves around chiefdom administration. As already stated, each chiefdom became a “Native Administration Unit” (or NA, as it was commonly called), following the implementation of the “Native Administration” system by the colonial government in 1937. The basic local government unit in the chiefdom is the Chiefdom Council previously called “**Tribal Authority**” (defined, under the Tribal Authority Ordinance of 1938, as “the Paramount Chief, the Chiefs, Councillors and men of note elected by the people according to the native law and custom”). Each chiefdom (or Tribal Authority area) has a chiefdom treasury which controls the finances of the chiefdom. In addition, there is a Local Court system in each chiefdom for the settlement of minor disputes and the dispensation of justice within their jurisdiction. This system of “Native Administration”, began under the colonial administration, was continued by successive governments up to today.

The Chiefdom Council carries out the administration of each chiefdom. A smaller body called Chiefdom Committee assists each council.

Membership and Functions

The composition of each Chiefdom Council includes the Paramount Chief, Chiefdom Speaker, Councillors, other Chiefs, and important chiefdom personalities.

The Chiefdom Council has responsibility, among others, for the preparation of the chiefdom budget and the collection and checking of local taxes, and making of bye-laws.

Being subordinate bodies to the Chiefdom Councils, the Chiefdom Committees have the following responsibilities, among others: advise the council, assist in the tax collection, and suggest bye-laws for the effective administration of the chiefdom.

EVOLUTION OF THELEGAL FRAMEWORK FOR LOCAL GOVERNMENT

A series of local government legislation pre-dates the 1991 Constitution of Sierra Leone (which in itself has very little on local government), the Public Elections Act 2012 and the Local Government Act 2004. As already stated, local government bodies in Sierra Leone were legally established by colonial Ordinances, and by various Acts of parliament passed before and after independence in 1961.

The following are of importance:

- The Rural Areas Act, Cap. 75;
- The Sherbro Urban District Council Act, Cap. 76;
- The District Councils Act, Cap. 79;
- The Bo Town Council Act, Cap. 80;
- The Townships Act, Cap. 295;
- City Council of Freetown (validation and confirmation of Acts) Act, 1960, Act No. 8 of 1960.
- The Chiefdom Councils Act (Cap.61);
- Local Authorities (Audit), Act No. 29 of 1964;
- Local Authorities (Miscellaneous Provisions), Act No. 50 of 1965;
- Local Authorities (Warrants for rates), Act No. 4 of 1966;
- The FreetownMunicipality Act, No. 20 of 1973;
- The Tribal Administration (Western Area) Act (Cap. 78),

Thus, for a long period of time, the Legal framework for Local Government in Sierra Leone comprised several Ordinances, Acts and other legal instrumentswhich marked the evolution of the system of Local Government in the country.

As a result of Central Government's plans after the 1996 elections to decentralize some of its authority to revitalized elected local government bodies in the country, and effect reform in the Local Government

system, a Task Force was set up with the mandate, inter-alia, to provide a comprehensive legal framework for the operation of Local Government Administration in Sierra Leone. Thus a Local Government Act was enacted called the Local Government Act 2004. With the exception of the Chiefdom Councils Act (Cap. 61) and the Tribal Administration (Western Area) Act (Cap. 78), nearly all the aforementioned legal instrument on Local Government Administration were repealed following the passing of the new Local Government Act 2004.

The current legislation, which form the basis of Local Government elections, are the following:

- The 1991 Constitution of Sierra Leone, 1991 (Act No. 6 of 1991);

- The Public Elections Act 2012 (Act No.4 of 2012)[54]; which replaced the Electoral Laws Act 2002(on 7th May, 2012).

- The Local Government Act, 2004 (Act No. 1 of 2004);

- Rules and regulations made by NEC or the Minister in charge of the responsibility for Local Government, by Statutory Instrument. (These included, the repealed Statutory Instruments Numbers 15 – 33 of 2005. These were legal instruments made pursuant to the Local Government Act 2004. They specifically deal with details regarding the declaration or establishment of 19 localities and their respective councils, and other matters connected therewith e.g. composition, functions and a description of the wards in each council). They were revoked and replaced with the Constitutional Instruments and demarcated wards prior to the 5th July 2008 Local Government elections.

The Local Government Act 2004 addresses such issues, among others, as:

- the establishment of Local Councils, their corporate nature and perpetual successions
- their composition;
- the qualifications and disqualifications of candidates;

[54]The repealed Electoral Laws Act 2002 had little or no provision for the conduct of Local Government elections like it has for general elections of Members of Parliament, Presidential elections and Paramount Chief Members of Parliament elections e.g. nomination polling and counting procedures.
The Local Government Act 2004, however, makes reference to the election of councillors by universal adult suffrage in accordance with the repealed Electoral Laws Act (*"such number of elected councillors from the locality, elected by universal adult suffrage in accordance with the Electoral Laws Act, 2002" section 4(b)).*
In preparation therefore, for the 5th July 2008 Local Government elections, three regulations were passed into law:

(i) The Electoral Laws (Boundary Delimitation Localities and wards) Regulations 2007;
(ii) The Local Government Elections (Nomination of candidates Regulations, 2008) Constitutional Instrument No. 9 of 2008;
(iii) The Electoral Commission (Local Government Elections Regulations, 2008) Constitutional Instrument No. 6 of 2008;

- manner in which Councillors and Chairpersons of Local Councils are to be elected
- period of elections;
- tenure of Office of Councillors;
- the powers of Local Councils (Legislative and Executive).

Elected local councils are empowered, under the Local Government Act, to delegate responsibility to any other body or body of persons, and to make bye – laws for the effective administration of their respective localities. However, such delegated powers and legislation must neither be inconsistent with the parent Act nor with the national constitution.

RE-INTRODUCTION OF REPRESENTATIVE LOCAL GOVERNMENT BODIES 2004

Introduction

Like many Anglophone/Commonwealth countries, Sierra Leone, after independence, adopted the English model type of representative local government introduced during the colonial administration; making the changes which post-independence leaders thought were needed. Thus, as already stated, elected local governments were suspended, as the situation demanded, replacing them with Management Committees in some cases. The full operation of representative local government, as it then existed from the colonial period well into post-independence period, was suspended from 1972 until 2004. We have noted that District Councils were abolished in 1972, while Management Committees replaced Municipal and Town Councils. This brought to an end the meaningful participation of "grassroots" people in governance at local level. It also brought to an end the involvement of elected local government bodies in district and chiefdom level development. Representative local government was therefore replaced with local administration, with central government exercising tighter control over local government authorities. This is especially true of the one-party period (1978-1991).

It has been stated elsewhere that the introduction of one party rule, following the approval of a one party constitution in a referendum in June 1978, gave the central government in Freetown a strangle hold on power. This, among others, has been considered as having caused the already mentioned 11 year civil war (23rd March 1991 – 18th January 2002) between the Revolutionary United Front and successive governments. Consequently, the Lome Peace Agreement (which was concluded in Togo on 7th July 1999 and thus initiated a protracted process of disarmament, demobilization and re-integration of combatants) made specific recommendations for the devolution of political power to local communities through elected local government. As already stated in chapter two (2), this recommendation was given substance by the passing of the Local Government Act in 2004, which re-established 19 Local Councils (i.e. 13 District Councils, 5 Town Councils by then and a City Council in the municipality of Freetown).

Task Force on Decentralization and Local Governance

In an effort to re-introduce a revamped local government system that will be more responsive to the current realities of Sierra Leone (and whose councillors will again be elected by universal adult suffrage), the then Government of Sierra Leone (GoSL) under the Sierra Leone People's Party(SLPP) set up a Task Force on decentralization and local Government. The Task Force was "to guide, monitor and oversee the process leading to the re-introduction of a revamped local government system"[55]. This first Task Force was set up in February 1977, but its efforts were disrupted by the 25th May 1977 military coup. Following the disruption of the work of the first Task Force by the said coup, a second Task Force was established in October 2002 which over saw the decentralization process.

The Terms of Reference (TOR) of the Task Force (TF) included the following[56]:

- review and analyze in totality the then Local government system in Sierra Leone;
- to review the draft legislation on Local Government Reform and decentralization;
- identify any gaps in the Draft Local Government Bill and make recommendations for the preparation of a second draft;
- hold consultations and public sensitization on the second draft with various stakeholders and the public at regional and national levels;
- to consolidate the recommendations of the consultations into a final draft bill on Decentralization and Local Government;
- to assess capacity building requirements for effective decentralization and;
- to work out the time and implementation strategy for decentralization.

The second Task Force held series of weekly meetings between 22nd October 2002 to February 2003, when it was agreed that nationwide consultations on decentralized governance, through the revitalization of elected local councils that were abolished in 1972, were to be held. There was also a political commitment to conduct local council elections after the consultations and the end of the work of the Task Force. A comprehensive and consolidated Local Government Act was passed by Parliament in February 2004, while Local Government elections were conducted on 22 May 2004. A Decentralization Secretariat was set up to coordinate the devolution process and to provide logistical support and training to local councils.

Consultation Issues

The countrywide consultations were based on the following issues, among others:

- Whether local council elections were to be conducted on a partisan or non-partisan basis;

[55] Dr. M. M. Ndubiwa (Consultant) in a paper titled **"Decentralization and Local Government project Sierra Leone: Report on specific aspects on the above (April 2003).**

[56] UNDP Assistance for Decentralization and Local Governance activity status Report as of February 5, 2003 page 4 of 6

- The mode of election of the heads of the local councils (Chairpersons and Mayors of District Councils and City/Town Councils, respectively): i.e. whether the heads were to be indirectly elected by elected Councillors from among themselves; or directly elected, by universal adult suffrage, by all eligible voters in the respective electoral wards/districts or localities, as appropriate.

- Tenure of office of the elected councils;

- The representation of Paramount Chiefs (traditional rulers) in the councils;

- whether there should be quotas or special seats as a means of improving the participation/representation of women and other groups like the youths (i.e. young persons between the ages of 18 – 35 years) and persons with disabilities;
- Which services/functions to be decentralized or better still, devolved to local councils;
- Sources of revenue of local councils, particularly whether the rate of local tax (which was then five hundred Leones per year per tax payer) should be reviewed upwards (e.g. five thousand Leones);

- and any other related issues.

District based consultations (and focused group meetings in selected chiefdoms) were held in the month of March 2003, in all the 12 provincial districts and in the Western Area. Following the consultations, the Task Force on decentralization and local governance wrote its final report, which was later presented to the government. The results of the discussions showed an overwhelming support among the population for decentralized governance through revitalized elected local councils. The specific outcomes of the consultations include the following:

- Local Council elections to be conducted on a non-partisan basis;

- Heads of Councils to be directly elected by universal adult suffrage;

- the rate of local tax to be reviewed upwards (i.e. from le 500 to le 5,000);

- Paramount Chiefs to be represented in local councils as ex-officio members (the number of Paramount Chiefs to differ from one district to the other);

- Special seats to be reserved in local councils for women, youths and personswith disabilities, as this will enhance their representation in the local councils.

The results of the consultations however, were not binding on the Government, as parliament will be the ultimate decision-maker. The Government, however, apparently committed itself to accept the results of the aforementioned discussions.

However, it was observed that, despite the Government's commitment to return the country to decentralized local governance, "the policy does not seem to have been formally articulated and adopted by Government". There was thus the need for Government, through cabinet, to adopt formally the policy, state its objectives, implications and implementation strategy, after which it should be launched and publicized. This will be followed by extensive sensitization of the population and stakeholders on "decentralization Policy"[57]. The district based discussions mentioned earlier, were however launched in Bo by the then Vice President on the 3rd March 2003. Again, Government in September 2003 formally put its thought on the decentralization process on paper in a Policy Paper titled *"Decentralization and Local Government Policy Paper for the Government of the Republic of Sierra Leone"*. Elections for the revitalized local government bodies were conducted in May 2004.

LOCAL GOVERNMENT ELECTORAL PROCESS

1. **Historical Background**

In Sierra Leone, as already indicated Local Government is representative government (except for the period when Management Committees were set up to oversee the affairs of local councils), whose councillors are elected by universal adult suffrage and are accountable to their respective communities. Beginning from 1966 up to 1972, when the full operation of local government system was abolished, local government elections were conducted on political party basis, with political parties putting up candidates in the respective wards into which the country was divided. Independent candidates were, however, also free to contest.

2. **General Considerations on the mode of local Government Election Systems/Choices**

Three choices are usually available in the conduct of Local Council elections:

- **Pure Partisan Election:** only candidates sponsored by political parties are allowed to contest.
- **Pure Non-Partisan:** Political parties are prohibited from endorsing, sponsoring, offering a platform for campaigning for or against a candidate. A candidate must present him or herself to the electorate as an individual and must not use any symbol associated with a political party. This means an aspiring candidate for election to local council (City, Municipal or District Council) must present himself or herself to the voters of the respective ward or locality in which he or she intends to stand as an individual. He or she must not use any of the symbols associated with the registered political parties. Political parties are therefore not allowed to put up candidates in such elections or offer a political platform to campaign for or against any candidate. The pure non-party system has the following implications:

[57]Charles Katarikawe in his report titled "**Report on visit to Sierra Leone"** 6th – 20th February 2003.

Since political parties are prohibited from sponsoring candidates and organizing campaign platforms for aspiring candidates, practically the Election Management Body has to organize "political platforms" at regional, district and ward levels for all the candidates. This will provide the opportunity for the electorate to meet candidates and assess them. This is a traditional function of registered political parties. This process is both time consuming and expensive.

In addition to the cost associated with the actual conduct of the elections, the central government (through the Election Management Body) will practically finance the campaign platforms mentioned above.

- **Mixed System:** Independent candidates as well as candidates sponsored by political parties are allowed to contest. This is the system which operates in Sierra Leone.

3. Conduct of Local Council Elections in Sierra Leone

Local Council elections in Sierra Leone are conducted on a partisan basis, using the first-past-the post system. Councillors and Chairpersons/Mayors of councils shall be elected directly by universal adult suffrage, by simple majority vote. Independent candidates are, however, free to contest. This is to say that a candidate for a local council election may either present him/herself to the electorate as a political party member (in which case may use the symbol associated with the party, and endorsed and sponsored by the party) or present him/herself to the voters as an individual or Independent Candidate. An Independent candidate must not use any political party symbol but shall select a symbol from a range of symbols presented by NEC.

In brief, each elector will be given two ballot papers i.e. the first ballot paper is to elect the Mayor/Chairperson of the local council; while the second ballot paper is for the election of the ward councillor(s).It must be noted that, in the single-member District Council wards, an elector shall select only one candidate; while in multi-member wards, an elector shall select a number of candidates equal to the number of seats in that ward. All votes cast in each election (i.e. Mayor/Chairperson and Councillors elections) shall be aggregated (across all wards in the locality for the Mayor/Chairperson; and across each ward in the case of the Councillor). The candidate(s) with the highest votes casts in the locality or ward would be elected Mayor/Chairperson or Councillor(s), respectively.

We have noted that the current structure of local government revolves around a system comprising 19 localities, with their respective representative bodies called Local Councils. The term local council is used as a generic name comprising the 5 City Councils, a Municipal Council and 13 District councils. A local council is the highest political authority in each locality (i.e. Municipality, City or District) of the country; and it has deliberative, legislative and executive powers exercised in accordance with the Local Government Act 2004. Its functions generally include: the promotion of the general development of the locality and the welfare of its inhabitants.

4. Institutional Structures and Number of Elections

a. Western Area (2 Localities)

(i) **Freetown City Council** (2 elections: 1 to elect the Mayor, who is directly elected by universal adult suffrage; and the other election to elect 49 Councillors, directly elected by universal adult suffrage (i.e. 1 per ward).

(ii) **Western Area Rural District Council** (2 elections: 1 to elect the Chairperson by universal adult suffrage, and the other to elect 20 Councillors (1 per ward).

b. Eastern Province (5 Localities)

(i) **Kenema City Council** (2 elections: 1 to elect the Mayor, who is directly elected by universal adult suffrage; and the other election to directly elect 12 Councillors, by universal adult suffrage (4 from each ward into which the city is divided i.e. wards 30, 31, 32)- see table 2.

(ii) **Koidu-New Sembehun City Council** (2 elections: 1 to elect the Mayor who is directly elected by universal adult suffrage; and the other election to directly elect 15 Councillors by universal adult suffrage (ward 62 = 3 Councillors, ward 63 = 4 Councillors and ward 64 = 8 Councillors)- see table 2.

(iii) **Three (3) District Councils** (2 elections per District Council: 1 election to directly elect the Chairperson of the District Council by universal adult suffrage; and another to elect 1 councillor per ward by universal suffrage) in the Kailahun (29 wards), Kenema (24 wards) and Kono (24 wards) District councils.

(iv) Kenema District Council has a mixture of 24 single member wards (24 Councillors, 1 per ward) and 5 multi-member wards (2 councillors per ward from wards 34, 38, 48, 55 and 58). Thus a total of 34 Councillors shall be elected in the 29 wards in the Kenema District Council- (see tables 1 and 2).

c. Northern Province (6 Localities)

(i) **Makeni City Council** (2 elections: 1 to directly elect the Mayor by universal adult suffrage; and the other election to directly elect 15 Councillors by universal adult suffrage (ward 89 = 7 Councillors, ward 90 = 4 Councillors and ward 91 = 4 Councillors)- see table 2.

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(ii) **Five (5) District Councils** (2 elections per District Council: 1 election to directly elect the Chairperson of the District Council by universal adult suffrage; and another to elect 1 councillor per ward by universal suffrage); in the Bombali (27 wards), Kambia (25 wards),

Port Loko (34 wards), Koinadugu (24 wards) and Tonkolili (28 wards) District Councils (see table 1).

a. Southern Province (6 Localities)

(i) **Bo City Council** (2 elections: 1 to directly elect the Mayor by universal adult suffrage; and the other election to elect 18 Councillors by universal adult suffrage (Ward 230 = 8 Councillors, Ward 231 = 5 Councillors and Ward 232 = 5 Councillors) -see table 2.

(ii) **Bonthe Municipal Council** (2 elections: 1 to directly elect the Mayor by universal adult suffrage; and the other election to elect 12 Councillors by universal adult suffrage (ward 259 = 3 Councillors, ward 260 = 5 Councillors and ward 261 = 4 Councillors)- see table 2.

(iii) **Four (4) District Councils** (2 elections per District Council: 1 election to directly elect the Chairperson of the District Council by universal adult suffrage; and another to elect 1 councillor per ward by universal suffrage) in the Bo(26 wards), Bonthe(18 wards), Moyamba (24 wards) and Pujehun (22 wards) District Councils (see table 2)

The day-to-day administration of each council is carried out by its staff headed by the Chief Administrator.

Table: 1

Single Member Wards (District Councils)		
Single-Member Ward Councils	**Total number of single-member wards**	**Total number of councillors to be elected**
kailahun District council	29	29
Kenema District Council *	24	24
Kono District council	24	24
Bombali District Council	27	27
Kambia District Council	25	25
Koinadugu District council	24	24
Port Loko District council	34	34
Tonkolili District Council	28	28
Bo district Council	26	26
Bonthe District Council	18	18
Moyamba District Council	24	24
Pujehun District council	22	22
Western Area Rural District Council	20	20
Freetown City Council	49	49
Totals	**374**	**374**

Source:NEC

Table:2

Multi-Member Wards			
Multi-Member ward Councils	**Number of multi- member wards**	**Total number of councillors to be elected**	**Allocation of seats by wards**
Kenema City Council	3	12	Ward 30-4 seats Ward 31-4 seats ward 32-4 seats
Kenema District Council*	5	10	Ward 34.2 seats ward 38-2 seats ward 48-2 seat ward 55-2 seats ward 58-2 seats
Koidu/ New Sembehun City council	3	15	Ward 62-3 seats ward 63-4 seats Ward 64-8 seats
Makeni City Council	3	15	Ward 89-7 seats Ward 90-4 seats Ward 91-4 seats
Bo City Council	3	18	Ward 230-8 seats Ward 231-5 seats Ward 232-5 seats
Bonthe Municipality Council	3	12	Ward 259-3 seats Ward 260-5 seats Ward 261-4 seats
Totals	**20**	**82**	

Source: NEC

Qualifications for local council elections are:

(See also chapter 12)

- Citizenship: i.e. Sierra Leoneans of sound mind;
- Age: 18 years or over for voters (and 21 years for prospective candidates)
- A candidate for local council elections must not be subject to any legal incapacity, like imprisonment or conviction for corruption or election malpractice.
- Residence: potential candidates must be "ordinarily resident" in the ward in which the election is being held.
- Payment of all taxes and rates in the locality as required by law.

Disqualifications

In order that unsuitable people do not contest the election, a number of disqualifications are prescribed. These include:

- People whose names do not appear in the current national voters register;
- People convicted of election fraud;
- Convicted criminals serving current sentence;
- A person is disqualified from standing if he/she is a Member of:
  - Parliament;
  - Armed Forces;
  - The Sierra Leone Police;
  - The Judiciary;
  - The National Electoral Commission or the;
  - Civil Service and
  - Employee of the Local Council
- Paramount Chiefs, Chiefdom Speakers and Ministers are also not permitted to stand.

  Note: Only an authentic evidence of resignation is required should members of the above institutions wish to contest Local Council elections. It does not matter when they resign i.e. one year or less.

SELECTED ISSUES ON ELECTED LOCAL COUNCILS

This topic entails a brief discussion on selected aspects of elected local governance in general, and how they relate to Local Councils in Sierra Leone.

1. LOCAL GOVERNMENT FINANCE

Here only the sources of revenue available to local authorities in Sierra Leone are treated. It is important to quickly point out that the economic viability of local councils is critical to their successful operation.

Two major sources of revenue are open to local councils in Sierra Leone. These are:

Transferred Resources:

These refer to all revenue resources transferred from the central government to each local council, be it City, Municipal, Town or District Council. Nearly all systems of decentralized local government, the world over, involve transfer of revenue resources from the central government to local governments, especially where the latter are expected to carry out important functions. Transfers from the central government are mainly in the form of grants to local councils.

Central government grant to local authorities may take three forms:[58]

- **Block Grants**: These are paid in lump sum to local councils to cover part of their basic costs of operations. Block grants are not connected with the provision of specific services. The percentage of block grant would depend on the basic functions the local councils are expected to perform. Block grants are paid quarterly.

- **Specific Grants**: These are service related grants given by the central government to local councils for major decentralized services. In other words, specific grants are given for each major central government function decentralized to local councils e.g. Agricultural extension and related services, Primary health care services, maintenance of feeder roads. A local council receives a fixed percentage of the amount it will spend on the provision of a particular service (as one of those mentioned above).

- **Development Grants**: These are grants given to local councils for development purposes e.g. the improvement of community infrastructure.

The system of transfer of revenue sources from the centre, in the form of government grants, is necessary to prevent disparities in the levels of service delivered by each local council. This is more so because of the uneven sizes of local authorities and their resource endowments. In other words, because the areas covered by each local authority differ greatly not only in size but also in the available resources

[58]Nick Devas, consultant to DFID from the International Development Department, University of Birmingham in a paper titled "**Sierra Leone: Decentralization and Local Government Finances for Local Councils: An outline of the Possibilities, 19th May 2003".**

(affluence), central government grants are given to prevent variations in the levels of service provision from one local council to the next; otherwise poorer councils will suffer disproportionately.[59]

However, in order not to defeat the purpose of decentralized local governance, through elected local councils, local government bodies must not be set up with a view of making them wholly dependent on government grants.

Local Own Revenues

Besides central government grants, local councils in Sierra Leone also have their independent sources of revenue, under the law, to finance their services. The following are lists of local own revenues available to local councils and chiefdom administrations in Sierra Leone. The lists are not exhaustive.

Revenue Sources for Local Councils:

City Councils

- Urban property rates;
- Business Licenses (Restaurants, Guest Houses etc.);
- Market dues and Lorry Park dues;
- Revenue received from charges for services rendered or amenities provided, such as leisure facilities or parks;
- Miscellaneous sources.

Revenue Sources for District Councils

- Precepts (a percentage of local tax collected by the chiefdom councils and paid to District Councils);
- Licenses (stores, produce buyers licenses and licenses for producing locally distilled rum);
- Mining receipts and royalties;
- Fees and charges;
- Charges for direct service provision;
- Miscellaneous.

Revenue Sources Available to Chiefdom Administrations

- Local Tax;
- Court receipts;
- Mining receipts;
- Fees;

[59]page 10 of Local Government in Britain (Opcit)

- Market dues;
- Miscellaneous sources.

2. THE COMMITTEE SYSTEM IN LOCAL GOVERNMENT

The business and functions of local councils are wide and many to be adequately and effectively conducted through full council meetings. Instead, some of the functions of the council are delegated to council committees; each dealing with a particular aspect of the council's business, subject to the approval of the full council. A local council committee comprise a group of persons (Councillors) appointed to perform specific function(s). Committee members meet at specific times and report to full council. Committees may also delegate some of their powers and functions to sub-committees.

There may be different types of committees, as the following:

- **Statutory Committee:** This Committee is stated in the law. It is mandatory for the local authority to set up this committee. Examples of statutory committees are, the Finance Committee and General purpose Committee.

- **Permanent Committee:** Such a committee, as the name suggests, is permanent
- **Ad-Hoc Committee:** This is a temporary committee, and thus is appointed for a specific purpose. Such a committee will be disbanded following the completion of its task.

The committee system in local government is important for the following reasons:-

- It allows the use of technical expertise (i.e. specialists) in the performance of certain council functions that needs technical consideration e.g. health and engineering.
- Since it would be impossible to conduct all the business of a local council through a full council meeting, the committee system allows detailed consideration to be given to specific problems or issues and then make recommendations.
- The committee system allows for flexibility and for speedy decisions to be taken.

There is, however, the possibility for the misuse of the committee system, through corrupt practices and the patronage system.

3. STAFFING OF LOCAL COUNCILS

Staffing of local councils is another critical area for the delivery of essential services and the sustenance of the overall system of elected local governance. A whole range of skills and expertise are essential for sound administration and performance focused elected local councils.

Historically, the sources of staffing for local councils in Sierra Leone are:

- **Central Government** i.e. the secondment of personnel from the central government. It must be pointed, however, that transferred staff members from the public/civil service (i.e. Central Government) must enjoy the same conditions of service as their colleagues in the public/civil service.

- **Open recruitment** i.e. recruitment of experienced personnel (especially retired civil servants) and intake from secondary school and college graduates by the Local Government Service Commission.

However, staffing is a problem for local councils in Sierra Leone, especially when experienced and competent professional and technical staff could not be paid adequate remuneration. Local Councils in Sierra Leone have the responsibility to determine the size, recruitment and deployment of their staff. There is a Local Government Service Commission whose establishment, composition, functions and powers are determined under the Local Government Act 2004. The Commission is responsible for the development of "policy guidelines for the recruitment, training, promotion, remuneration and discipline of staff of Local Councils".

4. CONTROL OF LOCAL GOVERNMENT

Local government authorities in Sierra Leone, like in many Commonwealth Countries, are body corporate with perpetual succession. In other words, local councils have the power, under the law, to acquire and hold property, to dispose of such property and to enter into any contractual agreement or transaction with any other local council or body. Each local council can sue and be sued in its own corporate name.

However, for effective administration and proper functioning of the entire local government system, the central government must exercise at least minimum, control over local councils.

The following are generally the types of controls:

- **Legislative Control**

  This is the control exercised by parliament. Local councils are established through parliament. They are therefore required to exercise powers and functions within the framework laid down by statute i.e. the Local Government Act 2004. Local Councils have no powers other than those conferred on them by parliament in the Local Government Act 2004 or any other subsidiary legislation.

- **Financial Control**

It has been stated in this chapter that local councils in Sierra Leone receive financial assistance from the central government in the form of grants. Since the grant received is taxpayers, money, and as local councils are also empowered to collect revenue from the public in the form of rates, licenses etc, there is need for some financial control from the centre. For example, draft estimates prepared by local councils are sent to the appropriate authorities for either information or approval. Grants may be withheld if a local council is inefficient, or falls below standards of service provision. External auditors may also be sent by the central government to audit the accounts of local councils.

- **Administrative Control**

This may be referred to as administrative supervision by officials from the ministry in charge of local councils. This control or supervision is not meant to cripple the operations of local councils, but to ensure the effective operation of local government system and to ensure that local councils act within their powers and responsibilities.

- **Judicial Control**

This is the control exercised by the courts of law. We have stated that local councils are corporate bodies, which can sue and be sued, or start legal proceedings to enforce payment of rates. Local councils, are also subject to the ordinary laws of the country. They could only exercise those powers given to them under the law. When a local council acts outside the powers contained in the original statute, the courts can declare such acts “ultra vires”.

It must be stated, however, that for elected local councils to work efficiently, central government must not exercise tighter control over local councils. Decentralization (especially political devolution) will be meaningless if elected local councils are prevented from exercising the responsibilities devolved to them through tighter controls from the centre. Thus, a way of preventing excessive government interference in, and control of, local councils is to provide them with legal protection, either through constitutional provisions (as the case in Nigeria in 1979) or through legal framework (e.g. The Local Government Act 2004).

Conclusion

The Government of Sierra Leone (GoSL) after the 1996 elections committed itself to the reactivation of elected local councils as they existed prior to their abolition (effective 1st January 1972 by Public Notices Nos.: 2-22 published on 6th January 1972), and replacement with Management Committees in some cases.

It is clear from the foregoing discussion that representative local government was introduced during the colonial era and continued well into independence. However, local government in post-independence Sierra Leone was marked by, among others, lack of qualified personnel, frequent changes in their democratic nature, corruption, inefficiency, personality conflict between the elected Councillors, Paramount Chiefs and politicians. This resulted to representative local government being abolished and replaced in some cases by Management Committees. Of course this did not augur well for "grass root" democracy in the country for at least 30 years. Thus, a clear lesson to learn from the past is that if the reactivated local councils are to play an important role in our democracy, and in the development of their respective communities, they must be elective with minimum central government control, and empowered both in terms of personnel and financial resource

PART TWO

ELECTION ADMINISTRATION

CHAPTER 7

INTRODUCTION TO ELECTORAL ADMINISTRATION

Definition of Electoral Administration:

Many schools of thoughts have advanced various definitions of Electoral Administration depending on the tasks to be accomplished during the electoral process.

- Electoral Administration is concerned with establishing a team, making plans and procedures that will ensure the electoral process is successfully run within a specific budget and in compliance with the law;
- Electoral Administration process influences the way in which the rest of the world views a country's commitment to democracy and, more importantly, the extent to which a country's voters accord legitimacy to their government. The level of responsibility that rests with the electoral administrators and their staff is, therefore, quite great personal commitment;
- Electoral Administration enhances a decision-making process by which a population chooses an individual to hold formal office using a mechanism called election.

Why have Elections?

The following are among the reasons for having free and fair elections**:**

- Free and fair elections are an alternative to civil war and oppression;
- Free and fair elections offer a voice to the people; and
- Free and Fair elections give legitimacy to governments both nationally and internationally.

Types of Elections in Sierra Leone:

In this unit, we will be talking about the different types of elections that we have in Sierra Leone. We will be dealing only with elections conducted by the National Electoral Commission, as mandated by the Constitution.

There are many types of election that you may be aware of. You may have taken part in some of them as either a voter or as an official or both. Let us examine these types of election:

Types of Elections in Sierra Leone:

In Sierra Leone Public elections are the following:

1. **Presidential Election:**

It is held every 5 years to choose the chief executive or leader of the country. In other words, a presidential election is conducted to choose the President and his/her Vice President. Only candidates who are members of a registered political party, nominated by that party and are qualified to be members of parliament can contest.

2. Parliamentary Elections (Ordinary Members of Parliament):

These are elections conducted to choose representatives to parliament after every 5 years. Parliament (or the Legislature) is unicameral in nature and currently has 124 members: of these, 112 are directly elected by universal adult suffrage; while 12 seats are reserved for Paramount Chiefs (one to represent each of the 12 provincial districts). There is a National Council of Paramount Chiefs, but not part of Parliament.

Elections for Ordinary Members of Parliament (MPs) are based on simple majority; meaning that the candidate who obtains the highest number of votes cast in the constituency is elected. Candidates for Ordinary MPs can be nominated by registered political parties or contest as Independent Candidates. A person can only be nominated in one constituency, and each party can only nominate one person per constituency.

3. Parliamentary Elections: Paramount Chief Members of Parliament Elections (PCMP):

These are elections to choose paramount chief district representatives to parliament. Paramount Chief Members of Parliament are elected indirectly through a limited franchise exercised by Chiefdom Councillors. In other words, voters in these elections belong to an **electoral college**, called **Chiefdom Councillors** (which is a group of selected taxpayers who are given the mandate to elect PC representatives on behalf of the people). Councillors are selected on the ratio of 1 Councillor to 20 tax payers (including the Councilor himself) in each chiefdom. Put another way, one Chiefdom Councilor is selected out of every 20 Local tax payers. Thus, the total number of Councillors in every chiefdom shall correspond with the estimated number of taxpayers. For instance, in a chiefdom with 1,000 Councillors, the corresponding number of taxpayers in such chiefdom shall be 20,000. Only substantive paramount chiefs shall contest this election.

4. Paramount Chieftaincy Election:

This is an election to choose a Paramount Chief to lead a chiefdom. A Paramount Chief is a traditional leader who heads the chiefdom authority. Only chiefdom councillors are allowed to vote; while only members from recognised ruling houses are allowed to contest. Once elected a Paramount Chief rules for life[60]

5. Local Council Elections:

These are elections to choose heads and councillors of a local council authority. They are held every 4 years. As stated in elsewhere in this book, Local Government in Sierra Leone comprises both the modern/western component (comprising city, municipal and District Councils), and a traditional component of chiefdom administration system[61].

[60]For the details on the process of electing a paramount chief, see chapter 8 of this book or M.N. Conteh: "The institution of paramount chieftaincy in Sierra Leone – An introduction to its history and electoral process (unpublished).

[61]Andrew Nickson: of the International Development Department School of Public Policy University of Birmingham, England, in a paper titled: **Report of Visit to Sierra Leone.** 4 – 13 February 2003

6. Bye–Election:

A bye-election is an election conducted to replace an elected representative who has either died, resigned (or lost his or her seat in a petition through court ruling), and whose seat either in Parliament or in a local council becomes vacant as a result. For a local council, a bye-election shall be held within 90 days from the occurrence of the vacancy; and within 6 months for a parliamentary vacancy.

7. Referendum:

It is an election in which voters express their opinion on an issue. Two referenda had been held in Sierra Leone since 1978. The 1978 referendum was to decide on the issue of the adoption of a one party constitution or not; while the 1991 referendum was to decide on the issue of adopting the 1991 multi party constitution or not.

8. Other elections

Other elections include town/village heads elections in the Western Area and sub chiefs' elections at chiefdom level (i.e. elections for town and section chiefs). Like the presidential, parliamentary, local government and bye-elections, Town and Village heads elections in the provinces and the Western Area Rural District, respectively, are conducted by universal suffrage.

Note: An electoral college is a group of people who are given the mandate to elect or select representatives on behalf of the people. This applies to the Paramount Chieftaincy elections.

The Electoral Cycle or Stages in the Electoral Process

Meaning of the electoral cycle

- The electoral cycle is a visual planning and training tool designed to assist election administrators, development partners etc, to understand the cyclical nature of the various stages in the electoral process.

- The electoral cycle appreciates elections as a continuous process rather than isolated events. Elections are composed of a number of integrated building blocks, with different stakeholders interacting and influencing each other.

- Electoral components and stakeholders do not stand alone. They are inter-dependent, and therefore the breakdown of one aspect (e.g. the collapse of a particular system of voter registration) can negatively impact on another, including the credibility of the election itself, and thus on the legitimacy of the elected government and the democratization process of a particular country and its overall development objectives.

- The electoral cycle has no fixed starting or ending points. Some segments, such as civic education and support to political parties cut across the whole cycle and are therefore to be considered ongoing activities throughout all three periods.

- An electoral cycle is thus a period in which a range of activities are undertaken within one election period and another.

- The electoral cycle is divided into three main periods; the pre-electoral period, the electoral period and the post-electoral period.

- **Pre-Election Period**- This is a period way before the election date. It is the period for planning, training, civic education, and registration.
- **Election Period**- This is the actual period when the electoral climate is obvious. It is a period for Nomination, Campaign, Voting and Announcement of results.
- **Post Election Period**- This is the period after the announcement of Election result. It is a period for strategic reforms and review of activities.

Activities within the Electoral Cycle:

(a) - Pre-Election Period:

- Budgeting and funding;
- Electoral calendar and operational work-plans;
- Logistics and security;
- Staff recruitment;
- Procurement;
- Development of procedures;
- Operational training for electoral officials;
- Voter and civic education;
- Stakeholders meeting;
- Observer accreditation;
- Party registration;
- Voter registration;
- Electoral boundary delimitation.

(b) Election Period:

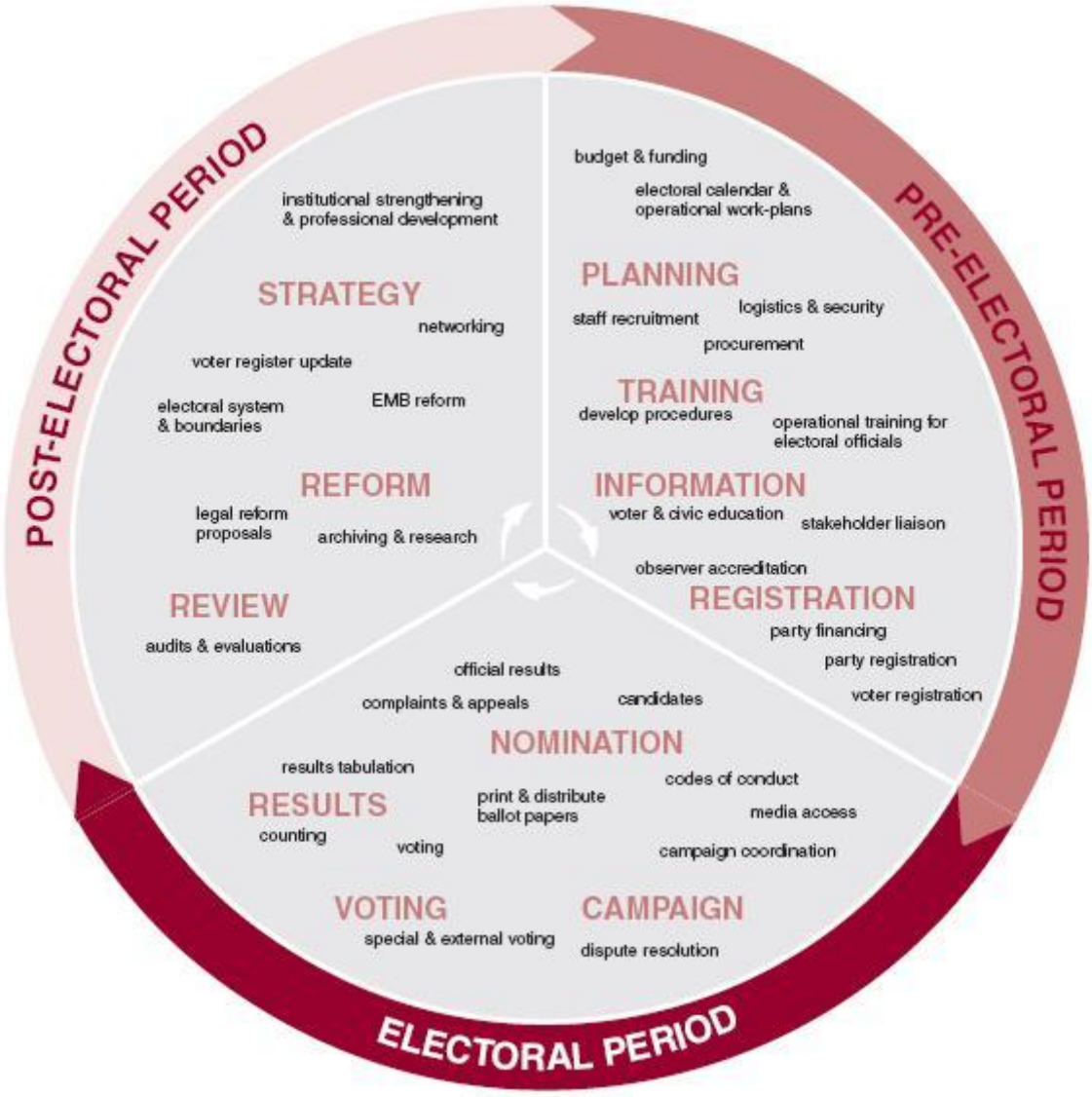
- Candidate nomination;
- Establishment of codes of conduct;
- Media access;
- Campaign coordination;
- Printing and distribution of ballot papers and voting materials;
- Voting counting and result tabulation;
- Official announcement of results;
- Complaints and appeals.

(**c) Post Election Period:**

- Institutional strengthening [arid] professional development
- Networking with other partners
- Voter register up-date
- Electoral management body reform
- Electoral system and boundaries
- Legal reform proposals
- Archiving and research
- Audits and evaluation.

Phases of the Electoral Process

- Delimitation of electoral boundaries and their review between 5 and 7 years by the NEC (and not by a separate Boundaries delimitation Commission);
- Voter registration process;
- Candidate nominations;
- Political campaign;
- Recruitment and training of Polling Staff;
- Polling.



Source: International IDEA

Concept of Transparent and Credible Elections in Democracy:

The concept of transparent and credible election in democracy is a foundation for the sustenance of emerging democracies like Sierra Leone. To achieve a transparent and credible election the following should be present in the process:

- That all stakeholders are fully educated on all the stages of the electoral process;
- That the procedures are easily understood by the electorate; and
- That the electoral process is in accordance with the legal framework and electoral laws.

It is important to note that the credibility of an election can also be endorsed by both national and international observers who are accredited to observe the electoral process at every phase. The credibility of an election is closely linked to the concept of free and fair election.

The importance of Free and Fair Election:

For an election to be described as being free and fair, the people should be free to do the following:

- Free to form political parties: i.e. Join or not to join apolitical party;
- Campaign anywhere in the country
- To register as a voter;
- To be a candidate;
- To decide whom to vote for;
- To cast a secret ballot; and
- To participate in political activities like rallies, meetings, campaigns etc.

The environment in a democratic election also needs to be free from:- --

- Violence
- Cheating
- Coercion
- Intimidation
- Bribery
- Rigging
- Corruption
- Abuse of incumbency.

Note that the fairness of election is mostly concerned with:

- Laws- (i.e. the laws should be non-discriminatory and apply equally to all participants in the electoral process);
  Regulations - (i.e. the regulations concerning the electoral process should not include requirements that are difficult for the people to fulfill; and
- Procedures – (i.e. the electoral procedures need to be simple enough for the electorate to understand, accept and participate.

When all these parameters of free and fair elections are evident, then the elections can be considered as transparent and credible. Free and fair elections are important for the following reasons:

- A free and fair election gives credence to the idea that the people are sovereign and have a right to keep or vote out their government, which underpins democracy;
- It reveals the true will of the people and is, therefore, the only legitimate entrance to democratic leadership;
- By exercising their votes freely, the people choose and give legitimacy to their leaders.
- Free and fair elections mirror the extent of freedom in a society, in the sense that most, if not all, the freedoms are on test during the entire election period;
- International recognition and support for developing countries are often linked to the conduct of free and fair elections.

Standards and Principles of Good Electoral Administration:

An Election Management Body (EMB) may have a personal code of conduct and expected standard for electoral administration. For the purpose of this course, the International Institute for Democracy and Electoral Assistance (IDEA) has published a code of conduct that can relate to standards and principles of good electoral administration. According to these standards the electoral administration must:

- Demonstrate respect for the law;
- Be non-partisan and neutral;
- Be accurate; and
- Be designed to serve voters.
- Election administration must demonstrate respect for the law- The success of an election depends on the extent to which the results are accepted as legitimate and binding on the participants in the political process. If the election administration does not follow the law, apply it equitably and clearly explain the legal rationale for its decision, the common understanding of the participant may be affected.

- Electoral Administration must be non-partisan and neutral- For an election to be successful, participants in the process should have the trust that the electoral administrators will carry out their function in a politically neutral way. Electoral Administrators should therefore act in a strictly neutral and unbiased manner in all matters concerning the election. Do nothing that could indicate, or be seen as indicating partisan support.

- Electoral Administration must be transparent- For an election to be successful, participants in the process have to accept the decisions of the election administration. Participants are most likely to accept those decisions if they can easily satisfy themselves that the decisions were made appropriately. This could be achieved by arranging effective and reasonable access to relevant documents and information within the framework of the law.

- Electoral Administration must be accurate- Electoral Administrators must ensure that all information on electoral process are collected, compiled and published in a way that is systematic, clear and unambiguous. All the information that is complied, used or published must have a sound factual basis.

- Electoral Administration must be designed to serve the voters- Electoral Administrators and administration should work to provide every voter the highest quality service required to enable voter to exercise their rights with the least possible inconvenience, given the circumstances and the country's legal framework.

Structures/Institutions set up to Conduct Elections:

Any structure/institution set up to conduct election is called an Electoral Management Body (EMB).

- An EMB is an organization or body which is responsible for managing either some or the entire elements that are essential for the conduct of elections and of direct democracy instrument.

Types of Electoral Management Bodies:

- Temporary election management body
- Permanent election management body
- Independent body, either temporary or permanent
- Partisan temporary or permanent body.
- Specialized judicial body

- Government ministry
- Decentralized body

Key tasks in the conduct of General Elections

For the purpose of conducting an election, certain key tasks or activities must be carried out, even though all of them may not be done at anytime there is an election.

Key tasks in the conduct of general elections:

- Demarcation of boundaries- Delimitation of national boundaries into electoral units called constituencies and wards.
- Registration of Voters- Compiling names of eligible voters in a public election;
- Registration of Political Parties- A formal step for political parties/groups to declare their interest in participating as contesting parties in a public election
- Nomination of Candidates- A procedure within the mandate of the law that process and formally declare candidates to contest in an election.
- Campaigns- A time frame set aside for political parties and candidates to go publicity and canvass the support of the electorate
- Recruitment and training of election officials- Employment (either on permanent or temporal basis) to serve as staff in the electoral process. This is normally followed by training of staff
- Conduct of Polls- This is involving the deployment of electoral material and the actual vote casting in polling centers.
- Counting of Votes and their Collation- This is the sensitive job of tallying the votes scored by various contestant across the specified area.

- Declaration/Announcement of result- This refers to the announcement of result and the formal declaration of the winning candidate/party in the election.

- Resolution of Electoral Conflicts- This can be done through mediation between political parties or between the EMB and a disagreeing party.

Managing Elections as a Project: Definition of a Project:

- A project is an operation/activity with a beginning and an end which produces a unique result (e.g. Voter registration, elections as a project)

How different is a project from a programme?

- A programme is a continuous or ongoing operation (or activity) with a beginning but no definite end date (except if terminated abruptly for unforeseen circumstances) e.g. a national civic education/sensitization.

Challenges of Managing Elections as a Project:

Managing elections as a project is not the same as managing ongoing programmes. It is therefore important to note the challenges in managing a project in order to acquire the techniques to meet these challenges effectively. Some of these include:

- Deadline-Projects often have immutable deadlines, and tasks or activities are dependent on each other for the job to be done. It is therefore a critical challenge to ensure the competition of one activity to proceed to another within the established frame-time (e.g. - Nomination period must end before the printing of ballots and the declaration of campaign period; campaign period must end before polling day).
- Staff- Because of the temporary nature of a project, a team has to be assembled to work on the project to the end. The staff should therefore be well trained to meet the stated objectives. Training of electoral staff is therefore a necessity.
- Estimation- Because an election project is unique and require result within a specific time frame, estimates may contain more assumptions than fact and this can pose a difficulty in performing accurately. Estimating therefore requires forecasting the future. .
- Budgeting-Allocating money for election projects before the formal planning process has begun is often problematic. Major projects, like elections in Sierra Leone that have different funding sources are often difficult to manage. The political environment can also alter the election projects priority and funding.
- Authority-Organizations usually have organograms that define authority. Election project often cross over organization boundaries and it is difficult to maintain a grip of authority for decisions in the field. This can head to political maneuvering that can block progress. (A registrar in a voter registration center can take authority and make a decision that may contravene the electoral laws or delay the registration process).
- Controls- Normal accounting practice match operational budgets to operational costs on a quarterly or annual basis. These time frames are not adequate or applicable to keep an election project on track. Keeping a quarterly or annual report on election project budget may be too late to remedy a problem. .
- Communication- When election project span organizational boundaries, communicating even the simplest message can be time consuming but very important. Ensuring that the message is not lost or distorted altogether even when it goes through a number of intermediaries may be challenging.

Phases of Project Management:

An election project is conducted over a period of time and can go through a number of phases. Although around 90% *of* project time is usually spent on implementation, good definition and planning will impact heavily on the success of the project. Ensure that all of the tasks in each phase is completed for overall success.

Phase One- Defining:

- Establish the project objectives and the authority to manage the project.
- Determine the project objective (e.g. To conduct a credible and acceptable general election)
- Determine the statement of responsibilities
- Establish a communication plan
- Establish filing and administrative guidelines

Phase Two- Planning:

- Write the breakdown of work requirements
- Sequence the work requirements
- Develop a schedule with key milestones
- Develop a budget estimate
- Identify risks or weaknesses that may *affect* the project.

Phase Three- Implementing:

- Provide status report for different audiences
- Receive status report (Field Coordination and Reporting Unit Established)
- Monitor costs and work schedule
- Set meeting agendas including task lists/reports
- Identify issues or challenges required to take corrective action
- Deliver the project outputs.

Phase Four- Completing:

- Develop a post-project review agenda
- Assess general satisfaction and feedback
- Finalize project filing ad guidelines
- Write a post-project review report
- Make recommendations

(SOURCE: INEACE-SL ELECTORAL ADMINISTRATION. HANDBOOK)

With additions from the author

CHAPTER 8

INTRODUCTION TO ELECTORAL MANAGEMENT BODIES

Introduction

This chapter is a brief introduction to the "body or bodies" responsible for managing "some or all" of the essential elements for the conduct of elections or referendum (i.e. election management). The term "Electoral Management Bodies" or "EMBs" has been coined as generic name for them. Such bodies may be called different names in different countries, such as: Electoral (or Election) Commission and National Electoral Commission as they are called in Liberia and Sierra Leone, respectively; "Department of Elections", "Electoral Council', "Election Unit" or Electoral Body."[62]

The following is a summary of the key tasks or activities which are essential for the conduct of an election:[63]

- Determining whether a candidate or elector is eligible to vote or contest (as per the existing legislation);
- The demarcation of electoral constituencies or wards
- The registration of voters and the compilation of a voters register;
- The registration of Political Parties;
- The nomination of candidates;
- Electoral education;
- Recruitment and training of election personnel;
- Accreditation of national and international election observers;
- Conduct of poll;
- Counting and tabulation of votes;
- Declaration of the results and winners;
- Electoral dispute resolution;
- Any other post election activities e.g. retrieval of election materials, post election assessment, election report writing.

62 International Institute for Democracy and Electoral Assistance (International IDEA): Electoral Management Design handbook, 2006 (chapter1 p5).

63 Association of African Election Authorities (AAEA): Basic Course on Election Administration (A guide for the facilitator) p35; (also International. IDEA handbook p5)

It is necessary to point out the following:

- All the above mentioned activities may not have to be done every time an election has to be conducted.

- Depending on the country and the existing legislation, a single EMB maybe empowered to carry out all those activities connected with the execution of an election; while in other countries, a separate body may carry out each (or a combination) of the key election activities. For instance, in Sierra Leone the Political Parties Registration Commission, inter-alia, is responsible to register and supervise the conduct of Political Parties; while the National Electoral Commission (NEC) performs all the other key activities (excluding the registration of Political Parties), connected with the conduct of elections (including the demarcation of electoral constituency and ward boundaries).

In Botswana there is a Boundaries Commission that is responsible to demarcate constituencies, while its Electoral Commission performs all the other activities.

Models of Election Management

Elections Management Bodies can be constituted on the basis of several different models. Depending on the existing legislation, they maybe made up of civil servants, judges or representatives of Political Parties. Using the professional or independent model,the EMB may comprise experts or professional election administrators with proven reputation for neutrality and integrity.

International IDEA has categorised election management into three broad models as follows:

- **Independent Model**: This model exists in a country where the organisation and conduct of an election is placed legally in an EMB that is "institutionally independent and autonomous from the executive branch of government". Such a body may not be accountable to a government ministry or department (like the Ministry of Internal Affairs) for its own budget; instead it may manage its own budget using a financial mechanism called "Self-Accounting Status". The NEC of Sierra Leone falls under this model of election management.

- **Government Model:** Using this model of election management, the EMB is part and parcel of the executive arm of government, and thus accountable to it. In other words, elections are organised and conducted "by the executive branch through a Ministry (such as the Ministry of the Interior) and/or through local authorities". In such cases, the EMB may be "led by a Minister or civil servant" and thus answerable to the executive. Consequently, its budget falls within the respective Ministry (or local authority) responsible for it. EMB's in Denmark, New Zealand, Singapore, Tunisia and Francophone countries in Africa fall under the government model of election management.

- **Mixed Model:** Two types of EMB's exist in this model of election management: (a) an independent EMB (i.e. independent of the executive arm of government) with only "policy",

"monitoring" or "supervising" powers; and (b) a "governmental EMB" with responsibility for the implementation of the election process. In short, using the mixed model "elections are organised by the component governmental EMB"; while the component independent EMB provides policy and oversight to the electoral process.

It is important to note that each of the above models has its advantages and disadvantages, which cannot be discussed in this book

Guiding Principles of Elections Management

The following is a summary of the guiding principles on which the management of transparent and credible democratic elections is founded[64] .These principles should be provided for in the legislation.

- **Impartiality/Neutrality:** An EMB must be always non-partisan and fair in all its programmes and activities. It should treat all its key stakeholders equally and fairly without giving due advantages to any one or group of individuals. This principle relates to the attitude and behaviour of the EMB and its staff to its stakeholders.

- **Integrity:** The principle of electoral integrity refers to the EMB's attempts to execute its activities in an honest and truthful manner, also without giving due advantages to any person, group, political party or cause. This principle also implies that the EMB will take reasonable measures to prevent wilful wrongdoing by its officials or agents. It also refers to the integrity of the process connected with the conduct of an election.

- **Transparency:** The EMB should be easily accessible and open at all times in dealing with all its stakeholders in the electoral process. It also means:

  - openness in the electoral process;
  - easy accessibility and openness of the EMB to all stakeholders in the electoral process;
  - openness in operational and financial management;
  - elections observers (national and international) must be allowed to observe all stages in the electoral process;
  - The EMB must be open to public scrutiny by stakeholders.

- **Efficiency:** An EMB of what ever model, should be efficient not only in the delivery of election services to the stakeholders and the general public, but must also use public funds wisely.

[64] International IDEA Handbook on Electoral Management Design (chapter1) Optcit, (and AAEA'S Basic Course in Election Administration p4)

- **Professionalism:** professionalism as a principle of election management refers to the EMB's capability to deliver quality electoral services to all stakeholders by a well-trained and highly dedicated election staff. In order to achieve that, an EMB must therefore ensure that its entire staff (both permanent and ad-hoc or temporary) are well trained, dedicated and capable in delivering quality election services using the required skills and professional standards. Continuous training and capacity development programmes are, therefore, the substrata of professional electoral management.

- **Independence:** the principle of electoral independence involves two aspects:

a. Institutional or "structural" independence, as the one described earlier under the independent model of election management; and

b. Independence of decision and action (also called "fearless independence"). This implies that an EMB should be free from political or other interference and must not take directives from or being controlled by any person or authority. In other words, an EMB must not "bend to governmental, political or other partisan influences on (its) decisions".

- **Service-mindedness:** As a public institution, an EMB must provide efficiently the basic electoral and other related services for which it is established under the law. In order to achieve this, the electoral legal framework must provide for basic service delivery standard like the inclusion of time bound standard mechanisms: such as time frames for thedelimitation of electoral constituency boundaries, the registration of voters, candidate nominations and deadlines for results announcement.

- **Credibility:** Given that the stakeholder perception of the EMB's efficiency and quality election service delivery is critical to the results, it should endeavour to win the confidence and trust of its stakeholders and the international community.

- **Accountability:** An EMB should be ready to take full responsibility for all its actions and be accountable to its people and the donor partners, where necessary.

- **Respect for the law:** Given that election activities are founded in law, and the EMB being a corporate entity, which can sue and be sued, it is imperative on members and staff of an EMB to strictly follow "the laws relating to elections as well as other laws of the country."

- **Welfare:** Because the delivery of quality election services to its stakeholders depends on, inter-alia, the quality of its staff, it is advisable that an EMB should "actively pursue the welfare and improve the working conditions of its staff" (AAEA: Basic Course in Election Administration p14).

To conclude, the extent to which an EMB adheres to the above guiding principles, inter-alia, goes a long way in improving its stakeholder perception and capability to deliver quality electoral services to the people, and to electoral justice in general.

Election Management Bodies (EMBs) in Sierra Leone

It has been stated that, Sierra Leone has two organizations that are responsible for managing the essential elements for the conduct of elections and referenda; they are:

1. **The Political Parties Registration Commission (PPRC**);
2. **The Electoral Commission (EC).**

- The Political Parties Registration Commission (PPRC) was established in December, 2005 by the Political Parties Act of 2002, in accordance with Sections 34 and 35 of the 1991Constitution of Sierra Leone. The PPRC has the general responsibility to register and supervise the conduct of Political Parties, and monitor their "accountability to their membership and to the electorate of Sierra Leone''. It also has the responsibility, among others, to receive the statements of the sources of income, the audited accounts, assets and liabilities of each registered political Party, for action, in accordance with the Constitution of Sierra Leone and the Political Parties Act, 2002. The PPRC has restructured itself and recruited its own staff, who are not part of the county's unified civil service.

- The Electoral Commission (EC), also called National Electoral Commission (NEC) under the repealed National Electoral Commission Act, 2002, is the sole authority with the constitutional mandate (under section 33 of the 1991 Constitution, Act No. 6 of 1991) to prepare and conduct all public elections and referenda i.e. presidential, Parliamentary and Local Government elections.

EMB OR ELECTORAL NETWORKING

Introduction

Because of the "complexity and specialist skills" required in the management of transparent and credible democratic elections, compounded by the "rapid development in technology, communications and other electoral initiatives", election administrators and EMB's need no longer operate in isolation from each other and without any external support, but to cooperate with a view to improve their capacity (International IDEA, 2006 and Ron Gould, 2004). Thus, the need for regional and "global electoral network" cannot be over emphasized. Globalization, the dynamic changes (i.e. structural and procedural, as well as the use of new technologies) in the way democratic elections are conducted around the world, and the "internationalization of electoral frameworks and administration" since the 1980's, have continued to put emerging democracies and their EMB's under pressure to introduce both electoral reform and networking measures.

Also, the signing of regional and international (elections and human rights related) instruments, questions raised in international election observation reports relating to international "best practice" (i.e. yardsticks by which a democratic country's electoral process and management are assessed), continues to add to the aforementioned pressure.

In Sierra Leone, as already stated elsewhere, the most prominent regional and international instruments on human and political rights (signed by the government(s) include:

- the International Covenant on Civil and Political Rights (ICCPR) 1966,
- the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) 1979,
- the ECOWAS Protocol on Democracy and Good Governance 2001,
- and the African Union Charter on the Principles Governing Democratic Elections in Africa.

What is electoral networking and why is it important?

Networking (generally) has been defined as:

"a process of bringing together scattered interests and common goals for the purpose of creating a platform under which a framework can be facilitated for better performance. Networking is a dynamic process that has grown into the harmonization of similar functions to prevent duplications among various bodies that exist in a particular field"[65].

As applied to elections and EMB's, electoral networks (or EMB networks) means the process of bringing together electoral managers (or EMB's) into a common platform (or forum) either at national level (e.g. in countries with decentralized EMBs as in the UK, the USA), regional, sub- regional or at global level, with a view to enhance cooperation in the way democratic elections are conducted using the internationally acknowledged (or regional) standards for election administration.

[65] Quotation from ECOWAS Report titled "Towards West African Electoral Management Bodies Networking with Electoral Stakeholders" Mina, Nigeria 1-2nd September 2005.

Factors that encourage electoral (or EMB) networking

- The need for a "common interest" in the management of democratic elections;
- To foster "capacity development" among EMB's (or election administrators) and serve as useful forum to address common issues of concern e.g. funding, use of technology in elections;
- Share electoral ideas, electoral materials and exchange personnel between EMB's and to share experience between election administrators;
- The identification of other priorities for collaboration.

Examples of Electoral Network Organizations include:[66]

- The Association of Election Administrators (AEA) in the UK;
- The National Association of State Election Directors and the National Association of Secretaries of State in the USA;
- The Association of African Election Authorities (AAEA), established in 1997;
- The ECOWAS Network of Electoral Commissions (ECO-NEC) established in 2008;
- The Commonwealth Electoral Network (CEN) established in 2010[67];
- The Association of Central and Eastern European Elections Officials (ACEEEO).

CHAPTER 9

INTRODUCTION TO ELECTORAL SYSTEMS

Introduction:

[66] International IDEA handbook chapter 11, opcit.

[67] The Commonwealth Electoral Network (CEN) was created to facilitate experience sharing, create peer support mechanisms and promote good practice in the field of election management. Its aim is to be a practical, accessible, engaging reference point for election management professionals across the Commonwealth.

An Introduction to Election Administration for Election Managers and tertiary institutions in Sierra Leone: by M.N. Conteh.

An Electoral System (ES) is an important aspect of a country's electoral process. It can play an important role in determining the outcome of an election and the long-term political development in an electoral democracy. Because electoral systems can produce different outcomes, it is necessary that the method of electing representatives is perceived by stakeholders as credible for the success of an election.

Meaning and importance of an Electoral System:

In this handbook the definition (or meaning) of an electoral system is restricted to the more narrow sense of voting formulas (i.e. how votes cast are translated into seats won) and not the broad sense which deals with the entire set of electoral arrangements in a democracy. Thus the term electoral system and election formula are used interchangeably.

The following are definitions of the term electoral system. All of them refer to "seats-vote" relationship.

An electoral system simply means:

- "the rules and procedures through which votes cast in an election are translated into seats won in the legislature or some other office (e. a Presidency")[68]
- The "formula or method used to translate votes into legislative or presidential seats…"[69]
- " A set of rules according to which the votes cast in a public election (whether parliamentary or Local Council) by qualified citizens are translated or converted into seats won by political parties or candidates"[70]
- "…the rules according to which voters express their political preference and according to which it is possible to convert these votes into parliamentary seats"[71]
- "the way in which votes cast for political parties are reflected in seats won in parliament, the so-called seats-votes relationship"[72]

In simple terms therefore, an electoral system or election formula "refers to the rules under which a winner or several winners are chosen".

Importance of an Electoral System:

According to International IDEA, an electoral system has three main tasks[73]:

- It translates the votes cast into seats won in a legislative chamber;

[68] International IDEA: International Electoral Standards- Guidelines for reviewing the legal framework of elections (P22)

[69] AAEA: Basic Course in Election Administration- A Guide for the facilitator (P11)

[70] M.N. Conteh: Sierra Leone's Electoral Process-A concise Introduction (Unpublished).

[71] Quoted in INEC's Report of the First National Consultative Conference on the electoral process, Bintumani Conference Center Freetown 15-17th August 1995 page 166).

[72] BRIDGE Project Module 1.3.5

[73] Opcit (see footnote one)

- It acts as the conduit through which the people can hold their elected representatives accountable; and
- It gives incentives to those competing for power to frame their appeals to the electorate in different ways.

The Choice of an Electoral System:

It has to be noted that there is no electoral system that can be described as "best" and therefore "suitable to all"; and no "universally recognized standard". The following factors may therefore affect the choice of electoral system in different countries[74]:

- **Historical factors**, such as the impact of colonial rule; for e.g. at independence nearly all Anglophone African countries chose the First-Past- The-Post (FTPT) single member constituency system.
- **Political factors**, e.g. Politicians may select a particular system (or electoral formula) that works to their advantage.
- **Social factors** e.g. resulting from a conflict.
- **Cultural and religious factors**, such as to allow the representation of women, people with disabilities or minority groups.
- Finally the inherent advantages to be gained from a selected Electoral Systems for the country.

Types of Electoral Systems:

There are many (12) types of electoral systems, the majority of which have been categorized into three broad categories (The New International IDEA Handbook- Electoral System Design).

Category 1: Plurality/ Majority

Systems (majoritarian systems): they use mostly single member constituencies.

- First –Past-the Post system (FPTP);
- Two-Round Systems (TRS);
- Alternative Vote (AV);
- Block Vote (BV);
- Party Block Vote (PBV).

Category 2: Proportional Representation Systems (PR Systems):

Using this system, seats are allocated to parties in proportion to their share of votes received. Thus reducing the disparity between a party's share of national votes and its share of Parliamentary seats.

[74] M. N. Conteh Opcit

- **List PR**
- **Single transferable Vote (STV)**

Category 3: Mixed Systems:

- These use a mixture of PR and majoritarian (or other) elements; but run independently of each other.
- Parallel systems.
- Mixed Members Proportional (MMP) system.

Others which do not fit under any one of the above:

- Single Non-Transferable Vote (SNTV);
- Limited Vote (LV);
- Block Vote (BV).

Despite the many types of electoral systems used in the world, only three will be discussed here; namely:

- The Simple Plurality or First-Past – The-Post system (FPTP);
- The Two – Round system (TRS) or majority system;
- Two versions of the Proportional Representation (PR) system: the List System and the District Block Representation System

The Simple Plurality or First-Past-The Post (FPTP) system.

This type of electoral system has been categorized under the broad category called plurality majority system. Under the Simple Plurality System, also called the First-Past-The-Post (FPTP) single-member constituency system, the candidate with more valid votes cast in each constituency wins the election; even if he/she got only one vote more (or a minority of the total votes cast in the constituency).

Example:

- A got 32 votes
- B got 35 votes
- C got 33 votes

How many valid votes were cast in the election? (100)
Who won the election? (B): and with what percentage? (35)"
(Courtesy AAEA Facilitators Guide p 11)

Advantages of the Simple Plurality or FPTP System

- Simplicity: the FPTP system is easy to use and understand. Counting of the votes is also simple;
- It produces representatives who belong to well defined constituencies or geographical areas;

- It establishes a direct link, connection or contact between each representative and his/her constituents;
- It allows the possible election of popular "independent" candidates.

Disadvantages of the Simple Plurality or FPTP System

- It may lead to the election of a government or candidate that does not have a popular majority;
- It might exclude minority representation;
- It might also exclude the representation of women, especially under "male-dominated party structures";
- It may lead to wastage of votes, which do not go towards the election of any candidate.
- Political opinions of supporters in a constituency whose candidates are not elected remain technically unrepresented.
- It may lead to bye elections.

The Two-Round (Majority) System (TRS)

Under the Two-Round System (TRS), a winning candidate must obtain a majority of the votes cast i.e. a candidate must obtain "at least 50% + 1 of the total number of valid votes cast at the election" before declared winner. If no candidate gets the required percentage of votes cast (i.e. 50% + 1), then there will be a second election, called run-off, between the two candidates with the highest and second highest number of valid votes cast. The system is widely used in Presidential elections.

This is an example of three candidates contesting an election under the majority formula, and receiving votes as follows:

Example:

A. got 140 votes B. got 70 votes C. got 90 votes

How many valid votes were cast in the election? (300). Who won the election? (Nobody).

What was the minimum number of votes that a candidate required to win the election? (151). Therefore what at least 50% + 1 really mean is that the winning candidate must get more votes than the votes of all the other candidates put together, [Courtesy, AAEA, A Guide for the Facilitators p14].

Examples of two countries that use this system in Africa are Ghana and Sierra Leone. In Ghana's Presidential election, a winning candidate must have at least 50% + 1 of the national total number of valid votes cast in a presidential election. The percentage is different in Sierra Leone, where a winning Presidential candidate must obtain at least 55% of the total number of valid votes cast in a Presidential election. But if there is a run-off election, the candidate who gets more votes between the two candidates contesting the Presidential run –off election wins.

Like the FPTP system the TRS (majority) system also has advantages and disadvantages.

Advantages of the TRS (majority).

- TRS ensures that a candidate receives a strong mandate from the electorate (majority votes) before being declared the winner.
- It "allows voters to have a second chance to vote for their chosen candidate, or even to change their minds between the first and the second rounds" (International IDEA).
- TRS allows different groups that did not get high votes in the first round to come together and support one candidate in the lead up to the run-off election.

Disadvantages

- The holding of a second round of election under TRS is expensive and cumbersome.
- Under TRS the Election Management Body (EMB) is put under tremendous pressure by "requiring it to run a second election in a short time after the first."

The Proportional Representation (PR) System: two versions

This sub-topic is devoted to a discussion of two versions of the **Proportional Representation (PR) System** used in Sierra Leone between 1996 and 2002.

These are:

- The Proportional Representation National List (PRNL) and;
- The District Block Representation System (DBRS).

Proportional Representation National List (PRNL) system

The basic principle of Proportional Representation (PR) is to create a fair relationship between votes cast in a general election and seats won by political parties in parliament or local councils. In other words, in PR systems parliamentary/local council seats are allocated to political parties in proportion to their overall share of the national votes. Unlike plurality–majority systems, PR systems do not use single–member electoral districts. For example, in the PR National List, as was used in Sierra Leone for the 1996 elections, the entire country was used as a national constituency.

The Proportional Representation National List (PRNL) found its application in Sierra Leone in the 1996 parliamentary elections. It had its legal basis in the repealed Act No. 16 of 1995 and Act No 2 of 1996. The distinguishing feature of this system was that political parties submitted ranked lists of parliamentary candidates to the electors/voters, who voted for a party list and not for individual candidates contained in each list. Each party received seats in proportion to its overall share of the national votes. For a political party to gain a seat (in the then Parliament), it should obtain a minimum number of votes equivalent to 5% (i.e. the electoral threshold), below which no party will be eligible to share the allocation of parliamentary seats.

District Block Representation System

Section 38 of The 1991 Constitution, which mandates the use of the constituency system, was, however, amended in 2002 to add the option for a **District Block Representation System** (DBRS). This system can be used only when constituencies have not been demarcated, then the president (after consulting with the National Electoral Commission) shall direct the use of the DBR system. It was based on the country's 14 districts (12 in the provinces and 2 in the Western Area); with each district considered to be a constituency. Each party submits a list of candidates in order of preference, with voters voting for a party list and not individuals. Political parties contested for a block of 8 seats in each district. Seats were allocated based on each party's proportional share of the total district votes. The threshold for gaining seat(s) in parliament was 12.5% of total valid votes cast, below which, political parties will not be eligible to win seat(s) in parliament.

Like the Proportional Representation National List System (PRNL),the next available (unsuccessful) candidate on the party's list fills each vacancy under the DBR system. (i.e., there are no bye-elections). The DBR system was used for the 2002 elections, while as already stated, a Proportional Representation National Listsystem was used for the 1996 elections. Inaccessibility to most areas of the country by the National Electoral Commission due to the then rebel war, and lack of reliable population figures for the demarcation of constituencies in post war Sierra Leone were among the reasons for using both the PRNL and DBR systems for the 1996 and 2002 elections, respectively. Under the PRNL and DBR Systems, independent candidates are not allowed to contest.

Advantages and disadvantages of the PR system:

Advantages of the PR system:

- Creates a fair relationship between votes cast and seats won by parties.
- Facilitates the representation of minority parties, and other minorities.
- Cost effective as there are no bye-elections.
- Improves women representation in Parliament
  "Commonwealth countries that use constituency based electoral system have an average 11.1% woman; (while) "those that use PR Systems have nearly twice the number of women legislators at 21.3%" (Julie Ballington ESA).
- Inclusiveness as it protects minority interests.

Disadvantages of the PR system:

- The voter does not have the opportunity to influence the nomination, ranking and election of an individual candidate.
- There is weakness in the link between a Member of Parliament (MP) and his/her constituents.
- Might lead to coalition governments.

Suggested Readings:

- Electoral Systems Design: The New International IDEA Handbook

- ACE (Administration and Cost of Elections), project by International IDEA and IFES
- International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections by International IDEA (Chapter 3).

CHAPTER 10

ELECTORAL BOUNDARIES DELIMITATION

Introduction (Some General Considerations)

Boundary delimitation (or demarcation) of constituencies, wards or voting areas is an important aspect of the election process. The periodic change of the boundaries of electoral districts (constituencies, wards, etc.) is necessary to accommodate changes in population. This chapter deals with the concept of electoral boundary delimitation generally, and specifically with constituency and ward boundaries delimitation process in Sierra Leone.

Definitions

The term **delimitation of electoral boundaries** is usually used to refer to the process of drawing boundaries of electoral areas (constituencies or wards, as the case may be), usually of roughly equal population, for the purpose of electing representatives to Parliament (or a local council).

By constituency and **ward,** we mean the basic electoral division, under the law, within an electoral district and a local council area (locality), which serves as the unit or area of representation for a Member of Parliament (MP) and a Councillor, respectively. There may be either a **single member constituency or ward** (in which case only one member is returned to parliament/local council), or a **multi-member constituency or ward** (in which case two or more members are returned to Parliament/local council).

It is necessary to note that the delimitation of electoral boundaries is a complicated and controversial exercise than is usually expected. In other words, the delimitation process of constituencies and wards is a "complex, time consuming and expensive process." In order, therefore, to enhance the credibility of the body responsible for the delimitation exercise and create a level playing field for all the stakeholders in the electoral process, the task of drawing electoral boundaries should be done in a transparent, fair and professional manner. For example, constituency or ward boundaries must not be deliberately drawn to give political advantage to a particular party or candidate, a practice referred to as **"gerrymandering".**

Criteria to be considered in the delimitation of electoral boundaries: constituencies, wards, etc.

As already stated, the process of delimiting electoral boundaries (constituencies or wards) is an arduous, highly technical, time-consuming and financially expensive venture. This is true especially for an emerging democratic country like Sierra Leone; which emerged from civil conflict in 2002. Constituency and ward boundaries were delimited in 2006 and 2008 (for the Parliamentary and Local Councils elections in 2007 and 2008, respectively). The purpose of delimiting electoral boundaries is to ensure a fair distribution of constituencies or wards, as the case may be, based on, among other factors, a country's population. In order, therefore, to have an equitable distribution of electoral districts, the following criteria are worthy of note. The list is not exhaustive.

- **Equity of population:** Constituencies or wards must have as nearly equal population as is reasonably practicable. However, variations in population (inequality of population) may be

allowed in some countries (like Sierra Leone) in order to take care of certain factors; such as topography, means of communication, administrative boundaries, population density, etc.

- **Contiguity of electoral districts:** The body responsible for the delimitation exercise must ensure that constituencies or wards have well defined and uncontroversial boundaries. Such boundaries must be contiguous. (i.e. all portions of a constituency/ward must touch another portion of an electoral district). Each constituency or ward must have a continuous territory.

- **Administrative convenience:** Effort must be made to ensure that boundaries of electoral districts conform to local administrative or political boundaries. In Sierra Leone, for instance, whilst it is possible for constituencies to cut across chiefdom boundaries, effort must be made to ensure that they do not cut across district boundaries.

- **Geographical size:** Where possible, electoral districts must have equal geographical sizes. This may, however, not be possible in all cases. Constituencies in densely populated urban areas may be smaller compared to rural area constituencies that are sparsely populated.

- **Other factors:** The geographical features of an area (e.g. mountainous and riverine areas), remoteness of a district or chiefdom, the historical, social and cultural concerns, the means of communication and transportation are other factors, which may be taken into consideration in the boundary delimitation exercise.

Guiding principles for good electoral boundary delimitation

Because the process of delimiting electoral boundaries is a politically tricky exercise, the boundary delimitation authority may be guided by the following universal principles, as suggested by Dr. Lisa Handley: "Representative ness, equality of voting strength and reciprocity.[75]

- **Representativeness:** The electorate of an electoral district must have an opportunity to elect candidates of their choice.
- **Equality of voting strength:** Electoral districts (constituencies or wards) must be drawn so that they have a relatively equal population as far as possible.
- **Reciprocity:** The rules and procedures (or methodology) regulating the boundary delimitation process (e.g. whether the delimitation process must be non-partisan or partisan) must be clearly spelled out in the boundary delimitation legal framework. Such rules must be clearly understood and accepted by all stakeholders in the delimitation process. They must be applied impartially.

[75] *Administration and Cost of Elections (ACE) Project and International IDEA: International Electoral Standards – Guidelines for reviewing the legal framework of elections*

Other guiding principles of equal importance are briefly explained below:

- **Accuracy:** As far as possible**,** the delimitation process must be done accurately using the agreed rules, regulations and methodology.

- **Timeliness:** The boundary delimitation exercise must be done in a timely manner (i.e. well ahead of the elections for which the delimitation exercise is carried out).

- **Participation of stakeholders:** There is the need to involve major stakeholders in the delimitation process through consultations and feedback.

- **Transparency:** The delimitation process must be done in a transparent manner.

- **Publicity:** The exercise must also be adequately publicized.
- **Legality:** The boundary delimitation process must be done within the stipulated legal framework.

Overview of the delimitation process

Boundary Delimitation Authority

The structure, composition and degree of independence of the authority or body with the task of dividing the country into electoral districts may vary from country to country. In some countries like Sierra Leone and Ghana the Elections Management Body (e.g. the National Electoral Commission and Electoral Commission, respectively) performs the task of dividing the country into electoral constituencies and wards. In other countries (like Botswana) there is a separate authority called Boundary Commission.

The task of boundary delimitation may be either "**political**" or "**non-political**"; **centralized** (i.e. the task of dividing the country into electoral districts/wards is done by a single boundary delimitation authority), or **decentralized** (i.e. States, Provinces, or Regions draw their own electoral district boundaries). Furthermore, the task of deciding which electoral district boundaries should be implemented may rest within either (a) the boundary delimitation authority or (b) the Legislature. In Sierra Leone, for example, all constituency and ward boundaries demarcated by the Electoral Commission (EC) must be approved by Parliament prior to their coming into effect.

Legal framework for the delimitation of constituencies

An Introduction to Election Administration for Election Managers and tertiary institutions in Sierra Leone: by M.N. Conteh.

A legal framework is necessary for the delimitation of electoral boundaries. The legal framework for the delimitation and review of constituencies is contained in section 38 sub-sections 1-7 of the 1991 Constitution of Sierra Leone (Act No. 6 of 991). The Electoral Commission (EC) has responsibility not only to conduct all public elections and referenda, but also the division and review of constituencies and wards. It has been stated that the periodic delimitation and review of electoral boundaries is necessary, otherwise population differences may develop across boundaries. Thus, the periodic delimitation or review of electoral boundaries will ensure that electoral areas are roughly of the same size and population.

The relevant constitutional provisions on the demarcation of constituencies in Sierra Leone are paraphrased below:

- That Sierra Leone shall be divided into single member constituencies (section 38 (2));

- Constituencies must have as nearly equal population to the population quota as is reasonably practicable (section 38(3));

- Variations in the population quota are permissible to take account of the following factors: means of communication; geographical features, density of population, the distribution of different communities, the areas and boundaries of chiefdoms; and other administrative or traditional areas (section 38(3)).

- NEC shall review the division of the country into constituencies at intervals of not less than five years and not more than seven years (section 38(4));

- The population quota for dividing the country into constituencies is to be obtained by dividing the country's total population by the prescribed number of Members of Parliament (section 38(6)).

- The country's total population is ascertained either by (a) reference to the latest census or (b) any available information that, in the opinion of the Commission, gives a more reliable indication than figures of the last census (section 38(7)).

Justification for dividing the country into constituencies for the 2007 parliamentary elections

Electoral boundary delimitation (of constituencies and ward boundaries) for the 2007 Parliamentary and 2008 Local Government elections was the 'sixth step' in the National Electoral Commission's (NEC) "seven steps" electoral reform package, approved on17th May 2005. Between August and 30th November 2006, NEC successfully completed the delimitation process of 112 constituencies used to conduct the 11th August 2007 Parliamentary elections. Also, between January and 8th April 2008 the Commission completed the process of delimiting 394 ward boundaries used to conduct the 5th July 2008 Local Government elections for 19 Local Councils.

The last review of constituencies before the 2007 national elections took place in 1985, when the total number of constituencies was increased from 85 to 105. From 2005-2007 the then existing constituencies were neither reviewed to take care of population differences, nor used to conduct single member competitive elections based on the first-past the post (FPTP) system. The 1996 and 2002 Parliamentary elections were conducted using the Proportional Representation (PR) List system and District Block Representation System (DBR), respectively. There was thus the need to redraw constituency and ward boundaries prior to the conduct of the 2007 Parliamentary and 2008 Local government elections.

Legal Framework for Delimiting Ward Boundaries

The Public Elections Act 2012 (which replaces the Electoral Laws Act, 2002) assigns the task of drawing ward boundaries to the NEC[76]. The Local Government Act 2004 (Act No. 1 of 2004) also assigns the task of drawing local council ward boundaries to the NEC[77]. However, quite unlike the 1991 Constitution {section 38(1-7)} which gives details as to how NEC shall delimit constituencies (e.g. the use of population quota and the timeframe for the review of such boundaries), both the Public Election Act, 2012 and the Local Government Act 2004 are lacking in this aspect. In other words, there are no such details in the 1991 Constitution, the Public ElectionsAct,2012 or the Local Government Act, 2004 for the demarcation of ward boundaries. In preparation, therefore for the 5th July 2008 Local Government elections, the NEC had to pass regulation by Statutory Instrument for the demarcation of ward boundaries. The Ward Boundary Delimitation Regulation (Constitutional Instrument No 2 of 2008) was passed and published on the 17th January 2008.

Justification for drawing new wards prior to the 2008 Local

[76]**Section 1** of the Public Elections Act, 2012 defines "ward" as "*one of the areas into which Sierra Leone is divided for the purpose of registration and includes such chiefdoms designated as wards by the Electoral Commission."* **Section 14** of the same Act, 2012 states "*For the purpose of registering electors for the voters of the President of Sierra Leone, Members of Parliament and members of a local council, the Electoral Commission may, by statutory instrument, divide Sierra Leone into wards*" Sub S**ection 14 (2)**of the same Act states "*The Electoral Commission may, from time to time divide any ward into such registration areas (hereinafter referred to as sub-wards) as it thinks necessary for the proper execution of its duties".*

[77]A "Ward" means an area within a locality which is delineated and designated by the National Electoral Commission for the purpose of electing a Councillor to a local council (part 1 preliminary of the Local Government Act 2004)

Government elections

NEC's justification to redraw ward boundaries afresh prior to the 5th July 2008 Local Government elections was based on the following reasons:

- Local council ward boundaries were last drawn in 1956,with some amendments made here and there by Public Order Notices;

- A complete review of the then existing ward boundaries (including the said amendments) had not been done to take care of population differences since 1972, when District Councils were abolished. Because of limited timeframe and the non-availability of accurate population data, through a population census, the 2004 Local Government elections were conducted using the old wards.

- Because of the disparity of population then in each ward, the old wards were not applicable to conduct the 2008 Local Government elections. Thus, the need to draw new wards with roughly equal population.

Stages in the electoral boundary delimitation process

Given that, electoral boundary delimitation is a process that is arduous, technical, time consuming and expensive, it is thus necessary to carry on the demarcation exercise in stages.

The following stages used in the 2006 and 2008 delimitation process by Dr. Lisa Handley (UNDP hired delimitation expert for NEC),in collaboration with NEC and Statistics Sierra Leone,are worthy of note[78]:

Stage 1: Action by Parliament

In order to determine the population quota to be used in dividing the country into either constituencies or wards (i.e. the number of persons that must be in any particular constituency or ward), there is need to determine the total population of the country and the total number of Members of Parliament or Councillors. The 1991 Constitution requires that there shall be no fewer than 60 Members of Parliament[79]. However, neither the Public Elections Act, 2012 nor the Local Government Act, 2004 has any provision establishing a definitive number of wards or assigning the responsibility to anyone or body for determining the number of wards. Thus the first task of the boundary delimitation authority (i.e. the NEC) is to request Parliament to establish a definitive number of either Members of Parliament (MPs) or Councillors as the case may be.

[78] Electoral boundary delimitation in Sierra Leone : Report of first mission, September 2005 by Dr. Lisa R. Handley (pages 4 - 11)
[79] Section 74 (2) states: The number of Members of Parliament to be elected pursuant to paragraphs (a) and (b) of subsection (1) shall not be less than sixty.

Stage 2: Establish a methodology and collect necessary information for delimiting electoral boundaries

The establishment of a methodology for delimiting electoral boundaries to avoid inconsistency and manipulation or "gerrymandering" before the start of the process itself cannot be overemphasized. Prior to the demarcation of electoral boundaries the NEC must establish a methodology for the delimitation process. The methodology must include the designation of criteria to be taken into account when drawing the boundaries and a formula for allocating Parliamentary and Councillor seats to each district or local council area, respectively.

In short, the methodology must include:

- predetermined delimitation criteria to be used in drawing electoral boundaries;
- the adoption of a seat allocation formula for allocating Parliamentary or local council seats to each district and each of the 19 local councils, using population equality as the paramount consideration;
- the collection of data necessary for the delimitation process.

The above are explained further below:

(i) Predetermined delimitation criteria to be used in drawing electoral boundaries

The paramount consideration in the demarcation of electoral boundaries is population equality, as far as reasonably possible. However, the 1991 Constitution (section 38 (3)) further establishes the following criteria for consideration by NEC.

- Means of communication;
- Geographical features;
- Population density;
- The distribution of different communities;
- The areas and boundaries of the chiefdoms and;
- Other administrative or traditional areas.

(ii) Allocation of Seats to districts or Local Councils (Seat Allocation Formula)

In addition to the above, a formula for allocating parliamentary or local council seats to districts and local councils, respectively must be agreed upon and publicized prior to the delimitation process.

In her report (see footnote 78) Dr. Lisa Handley, describes three common methods used for apportioning seats on the basis of population. They are only mentioned here briefly:

- The rounding method;

- Adjusted population quota method, and;
- The highest remainder method)

According to Dr. Lisa Handley "the most logical choice for apportioning … seats" is the highest remainder method (i.e. ranking of fractional remainders).It is therefore recommended for NEC for consistency sake, as this was the method used during the 2006 and 2008 constituency and ward boundaries delimitation process ,respectively.

In order to use the highest remainder method:

- first calculate the population quota (by dividing the total population of Sierra Leone by the approved total number of approved seats to be delimited, nationwide); then;
- divide the population of each district or locality[80] by the population quota in order to obtain what is called **the representation quotient** (in the form of a whole number and a fraction, as there is no rounding up);
- next, each district or locality (i.e. local council) is awarded with a number of seats equal to the whole number in its representation quotient;
- then rank the fractional remainders of the representational quotient, from largest to lowest;
- the remaining seats (if there are any) are finally assigned in rank order until all seats are allocated to each district or locality.

(iii) Collection of Data necessary for the delimitation process

As indicated above, the determination of the current population of Sierra Leone is necessary for the calculation of the population quota and the apportioning of seats to districts or local councils. In other words, for NEC to be able to fairly divide Sierra Leone into electoral districts it must know the country's total population (at least the estimated population if there are no latest census figures), as well as the number of inhabitants in every locality, City, Town, Section and village, where possible. Also of importance for the delimitation process are digitized (i.e. Computer readable) maps.

[80]The Local Government Act, 2004 defines a locality as "*the administrative area of a local council and includes a district, town, city or metropolis" (Part 1 – preliminary)*

Stage 3: The actual delimitation of electoral boundaries

The actual drawing of the electoral boundaries (for either constituencies or wards) is the next stage in the electoral boundary delimitation process. Once seats have been assigned to the respective districts or local councils (localities) using the population quota, NEC will then proceed with the practical division of the country into constituencies or wards as the case may be. The delimited electoral areas must correspond with the approved number of seats, nationwide. Based on its population and the other factors already mentioned, each demarcated area must have clearly defined territorial units comprising Chiefdom, section(s), or census enumeration areas (E.A's).

Given that there are no Chiefdoms in the Western Area (i.e. Freetown and its environs); it is recommended that NEC should use, as building blocks for the electoral districts, Chiefdom sections in the provinces, and "census sections" in the case of the Western Area and other urban areas. For the purpose of the 2004 Housing and Population census, the sections were divided by Statistics Sierra Leone (SSL) into Enumeration Areas (E.A's) and may comprise part of a village, a whole village or many villages in the rural areas or "census sections" in the case of urban areas. The E.A's were delineated to lie wholly within sections. That is, they do not cut across sections. The advantage of using sections is that nearly all of them have clearly defined boundaries that are known by their inhabitants.

Because of the variations in population sizes in the various Chiefdom sections (and invariably in each of the 149 provincial chiefdoms), and "census sections" in the urban areas and the Western Area, there might be need to split up some chiefdoms, or sections with large populations and join them up with those of smaller populations up to the agreed population quota and deviation range. The splitting or joining up of sections to form an electoral district is a result of the fact that the population of some sections will not be up to the agreed population quota. The need to have electoral districts with equitable population equal to the population quota, as far as is reasonably practicable cannot be overemphasized. All demarcated constituencies or wards in each administrative district or locality respectively, must have the same number of inhabitants as nearly equal to the population quota as is reasonably practicable.

Establishment of a percentage deviation range

NEC may only depart from the strict application of the population quota in order to take into account, among others, the already mentioned factors under stage 2. In order to achieve this, NEC must prior to the delimitation process, agree on a percentage deviation range, plus or minus, the population quota. The percentage deviation range must indeed be part of the established methodology. Again, for the sake of consistency (and in accordance with internationally acceptable standards), a 25% deviation range is recommended. It is worthy to note, however, that the splitting or joining up of sections to form the electoral districts must be done against the background that each demarcated area must have a "continuous territory". Therefore, only sections that are next to each other (i.e. contiguity of sections) can be joined together to form an electoral district (of course taking into consideration the agreed factors).

Stage 4: Public consultations with stakeholders on the delimited electoral boundaries

For the electoral boundary delimitation process to be meaningful, in terms of its credibility and the acceptance of its outcome by nearly all the stakeholders for whom it was intended, the election management body must make the issues of transparency and public consultations of the affected stakeholders an essential component of its electoral policy. Given that the electoral boundaries already delimited in stage 3 are provisional; it is advisable that NEC submits the provisionally drawn constituencies or wards to stakeholders (Political Parties, Local Councils, Civil Society groups, the Media) for their comments, prior to submitting them to Parliament for approval. However, NEC must ensure that the comments from the various stakeholders must be restricted to the agreed and publicized delimitation criteria.

Though NEC is not legally bound to accept the recommendations emerging from the public consultations, it is further recommended that such comments are considered and amendments made where necessary, under the law. This is necessary, if the public consultations are to be meaningful and the outcome of the delimitation process accepted. The public consultation process should include the opportunity for stakeholders, including the public, to submit oral or written comments and objections about the boundaries, both in public meetings and directly to the NEC. In addition, persons or bodies aggrieved by the delimitation process must also be given the opportunity to present their grievances to the Commission and amends made where necessary, under the law.

Stage 5: Parliamentary approval of electoral boundaries

The delimited electoral districts, including any amendments made after the public consultations, will still be provisional until approved by Parliament. NEC must now send the draft new electoral districts to Parliament for approval. Here again, it is recommended that NEC first hold prior discussions with the appropriate Parliamentary Committee before finally submitting the delimited electoral districts to the entire membership of the House.

Stage 6: Publication of approved electoral districts

Once the new electoral districts have been approved by Parliament, the respective boundaries of each electoral district, including the component parts (i.e. meets and bounds), will be gazetted and finally publicized well ahead of the voters registration and nominations processes. This is to allow new electors to register in the constituencies or local council areas where they intend to vote or contest, or allow registered electors to transfer their registration to areas where they are ordinarily resident; and to finally give political parties and prospective candidates sufficient time to familiarize themselves with their new electoral areas.

Conclusion

It has been stated that electoral boundary delimitation is a complex and a politically sensitive process. Because of this the boundary delimitation authority should be independent and the process done in a transparent, fair and impartial manner. The boundary delimitation process should be done within the stipulated legal framework, rules and procedures and allowing maximum stakeholder and public input and participation. Finally, there should be provision for appeals against decisions concerning the boundary delimitation process.

BOUNDARIES DELIMITATION FORMULAE

CONSTITUENCY BOUNDARIES DELIMITATION FORMULA, 2006

Parliamentary Seats Allocation To Districts, Using Highest Remainder Method

Table: 1

Region	District	Total Population (2004 census)	Representational Quotient	First Distribution (Whole Number only)	Highest Remainder Distribution (allocation based on fraction)	Total Seat Allocation (Constituencies)
East	Kailahun	358190	8.0607	8		8
East	Kenema	497948	11.2059	11		11
East	Kono	335401	7.5479	7	1	8
North	Bombali	408390	9.1904	9		9
North	Kambia	270462	6.0865	6		6
North	Koinadugu	265758	5.9806	5	1	6
North	Port Loko	453746	10.2111	10		10
North	Tonkolili	347197	7.8134	7	1	8
South	Bo	463668	10.4344	10	1	11
South	Bonthe	139687	3.1435	3		3
South	Moyamba	260910	5.8715	5	1	6
South	Pujehun	228392	5.1398	5		5

Western Area	Rural	174249	3.9213	3	1	4
Western Area	Urban	772873	17.3928	17		17
Total		**4,976,871**		**106**	**6**	**112**

Source: NEC

Table: 2

Single Member Wards (District Councils)		
Single-Member Ward Councils	**Total number of single-member wards**	**Total number of councillors to be elected**
kailahun District council	29	29
Kenema District Council *	24	24
Kono District council	24	24
Bombali District Council	27	27
Kambia District Council	25	25
Koinadugu District council	24	24
Port Loko District council	34	34
Tonkolili District Council	28	28
Bo district Council	26	26
Bonthe District Council	18	18
Moyamba District Council	24	24
Pujehun District council	22	22
Western Area Rural District Council	20	20
Freetown City Council	49	49
Totals	**374**	**374**

Source: NEC

Table:3

Multi-Member Wards			
Multi-Mmember ward Councils	**Number of muilti-member wards**	**Total number of councillors to be elected**	**Allocation of seats by wards**
Kenema City Council	3	12	Ward 30-4 seats Ward 31-4 seats ward 32-4 seats
Kenema District Council*	5	10	Ward 34.2 seats ward 38-2 seats ward 48-2 seat ward 55-2 seats ward 58-2 seats
Koidu/ New Sembehun City council	3	15	Ward 62-3 seats ward 63-4 seats Ward 64-8 seats
Makeni City Council	3	15	Ward 89-7 seats Ward 90-4 seats Ward 91-4 seats
Bo City Council	3	18	Ward 230-8 seats Ward 231-5 seats Ward 232-5 seats
Bonthe Municipality Council	3	12	Ward 259-3 seats Ward 260-5 seats Ward 261-4 seats
Totals	**20**	**82**	

*Kenema District Council has a mixture of Single-member wards (24) and multi-member wards (5); bringing the total of elected councillors in the District to 34, elected from a total of 29 wards.

Source: NEC

CHAPTER 11

FRANCHISE AND VOTER REGISTRATION PROCESS

This chapter examines the right to vote and be voted for, the development of the franchise in Sierra Leone and the steps in the compilation of a voters register.

Meaning and types of franchise

The word **franchise** (or suffrage), refers to the constitutional right given to qualified adult citizens of a particular country to vote (and be voted for) at all national and local government elections (including referenda). The body of qualified voters in a country is called the **electorate**.

There are generally two main types of franchise, namely: **limited (or restricted) franchise**, and the **unlimited franchise**, better called the universal adult suffrage. Limited franchise exist in countries where the right to vote is given only to certain people who possess certain qualifications in respect of race, sex, education or property. This type of franchise existed in apartheid South Africa. Unlimited franchise, on the other hand, literally means that the right to vote is given to every citizen in a country. In practice, however, this is not so. In most countries, the right to vote is given to all registered adult citizens, aged 18 years and above, of sound mind, who have not been found guilty of any offences against the electoral law, and who are not serving any jail sentence.

The practice in most democratic countries (including Sierra Leone) is to adopt the principle of universal suffrage. By this we mean, the right to vote is given to all qualified adults, both male and female, on equal terms and without qualifications (except criminals, lunatics and so forth). The principle of universal suffrage was extended to the whole of Sierra Leone by the 1961 Constitution. The adult or voting age differs from one country to another. In many Commonwealth countries the voting age is 18 years. Under the 1991 Constitution of Sierra Leone voting age was lowered from 21 years to 18 years.

As indicated in the above definition of franchise, eligible voters also have the right to stand as candidates in all national and local government elections. However, in some countries the candidature age may be higher than the voting age. For example, while section 31 of the 1991 Constitution of Sierra Leone makes the voting age 18 years and above, Section 41 provides that “no person shall be qualified for election as president unless he … has attained the age of 40 years…’’

Historical Background to the Development of the Franchise in Sierra Leone

As already noted, the establishment of advisory bodies and later, representative institutions by the British in pre- independent Sierra Leone, gave rise first to quasi-political organizations which later changed to political parties, that agitated for political representation. However, participation or representation into the then Colony government was initially restricted to either European Officials or other nominees of the colonial government. In other words, franchise in the early days of colonial rule was restricted. For instance, the

Legislative Council that had been established by the 1863 Constitution, made laws for the Protectorate, even though its people had no direct representation in it. There was no concession to the principle of representation, especially for the protectorate people during this time. This situation continued until 1924 when Governor Slatter introduced a new Constitution. The principle of election was provided for under this constitution (for instance 3 members were elected from the Colony to the Legislative Council, while 3 Paramount Chiefs were nominated to sit in the said council). However, under the 1924 Constitution franchise was restricted to people of the Colony of Freetown and the Rural Electoral Districts of the Colony. Literacy in English and Arabic, and the possession of a certain amount of income and property were the main qualifications. One author, W.E.F Ward, noted this, thus: "to be qualified to sit as an elected member, you had to be at least twenty-five years old to be a registered elector… possess £250 (pounds sterling) worth of property in Freetown, or £100 (pounds sterling) worth in the rural district. Public servants were not allowed to sit"[81]. There was no voting right in the Protectorate of Sierra Leone during this time.

Electoral Changes: The Keith-Lucas Commission

In an attempt to move towards universal suffrage, the British appointed in July 1954 a special Commission, known as the **Keith-Lucas Commission**, with the following mandate:

"to examine the electoral systems all over the country, and to report on the question whether to extend the franchise in the Colony and to extend the Colony's electoral system to the protectorate"[82]

The Commission, which had representatives from both the Sierra Leone Peoples Party (SLPP) and the National Council of the Colony of Sierra Leone (NCSL), recommended an extended and a more direct franchise than what had existed before. The franchise used to elect members of the legislature was widened, and a new electoral system introduced in the Protectorate. Because of the recommendations of the Keith-Lucas Commission, minimum property or financial qualifications were now required for the possession of the franchise in the Colony. Moreover, in the Protectorate franchise was given to all male taxpayers who were 21 years old, and to all women taxpayers who were literate and owned property. By 1956 the Legislative Council was renamed **House of Representatives** comprising 58 members (out of this membership14 and 25 were to be directly elected from the Colony and Protectorate, respectively). The introduction of the principle of direct elections in the 1956 Constitution (following the recommendations of the Keith-Lucas Commission on electoral reform) thus allowed "westernized leaders" to henceforth directly appeal to the voters during elections, without going through the traditional Protectorate chiefs. The fundamental basis, therefore, of the recommendations of the Keith-Lucas Commission was a wider franchise for election to the House of Representatives and the introduction of a new electoral system in the Protectorate. Thus, it prepared the stage for universal adult suffrage in Sierra Leone.

The 1957 elections were conducted based on the new electoral system. Voting by secret ballot was introduced throughout the country. The principle of universal adult suffrage, which had been introduced in

[81] W.E.F Ward; Government in West Africa (1968 edition) p 206
[82] Ibid (p206)

1960 in the Freetown municipal elections, was included in the Independence Constitution of 1961. Voting age, as had already been mentioned, was reduced from 21 years to 18 years by the 1991 Constitution.

Overview of Voters Registration:

The registration of voters constitutes a major feature of the electoral process of democratic countries. It is the main instrument of enfranchisement in many Commonwealth countries. This means, persons whose names are not in the voters register will not be allowed to vote in an election for which a register is needed. However, this is not to say that elections may not be conducted in the absence of a voters register. The elections that led to the Zimbabwean independence (formerly Southern Rhodesia) in 1980 and the 1994 democratic elections in South Africa (which resulted in the demolition of the Apartheid system) are two examples of elections conducted without official voters registers. However, as already stated, in many Commonwealth nations the pattern followed is the compilation of an up-to-date and comprehensive register of voters for public elections i.e. Presidential, Parliamentary and Local Government elections.

The activities and tasks involved in compiling a credible voters register are examined in some detail in this chapter.

Legal framework for voter registration

(The need for a Legal Framework for the registration of voters)

Since the registration of voters is a core element in the electoral process, it is normal for some democratic countries to make important electoral provisions in their constitutions relating to the preparation of a credible voters register (especially the qualifications for voter registration). Some provisions may be entrenched in order to prevent easy amendment by using the ordinary parliamentary procedure. While the provisions contained in the constitution may only deal with the basic framework for voters registration, major procedural details and time limits will be covered in a separate Electoral or Registration Act passed in Parliament. Also, specific rules and regulations for the exercise may be made pursuant to the electoral laws by either the Election Management Body (with responsibility for conducting voters registration) or in some countries by authorities in the ministry responsible for election matters i.e., the Ministry of Internal Affairs. These rules and regulations may be made in order to fill any existing gaps in the law.

A proper legal framework is necessary for the successful implementation of the voters registration exercise. For example, the house-to-house method used in the collection of data for the compilation of a register implies that a registrar may have to enter the premises of potential voters and get information from them, such as age and nationality. This may be difficult without a proper legal framework.

As indicated above, the special legislation for the voter registration exercise may specify or give details on, but not limited to, the following:

A. Qualifications for registration, which may include:

- the attainment of a specific age(e.g. 18 years and above in Sierra Leone);
- nationality, and;
- residential status in a given electoral area (i.e. the principle of ordinary residence) and;

B. Disqualifications, which may include:

- non- citizenship,
- serving sentence as a result of electoral malpractice, or
- insane persons.

Other areas which may be dealt within the law may include the:

- registration period,
- the method of registration (i.e. whether house-to-house approach, or fixed registration centre approach);
- the type of registration(i.e. whether registration is periodic or continuous, or whether registration is voluntary or mandatory);
- procedures to be used in the registration process;
- the right to claim for inclusion in the register;
- objection to the inclusion of certain names in the register, and
- documentary and non-documentary proofs for registration.

The legal foundations for the franchise and voter registration exercise in Sierra Leone are contained in the 1991 Constitution, and The Public Election Act, 2012.

Meaning of, and guiding principles for, Voters Registration

Voters registration is the exercise of recording the names and certain selected particulars (like age, sex, etc) of all qualified citizens in a given country (or electoral area, like constituency or ward), so as to enable them vote at an election for which a voters register is needed, under the law. The compilation of the register is usually done before the conduct of the election. The final list or register of voters or electors prepared after the voters registration exercise is called the Final Voters Register (FVR) or Final Register of Electors (FRE).

After the registration exercise, registered voters would be assigned to designated polling centres or polling stations to cast their ballots on polling day. In Sierra Leone, the same registration centres where qualified Sierra Leoneans register are also used as polling centres or polling stations i.e. you vote where you registered.

Registration of voters is compulsory or mandatory in some countries, as in Australia and Denmark. In such countries, it is the responsibility of the state, or the body responsible for the registration of voters to inform them not only the qualifications and disqualifications to register, but also to set up the necessary administrative machinery for the process. On the other hand, registration is voluntary in some countries. In other words, it is not binding on eligible persons to register as electors, such as in the United States of America and Sierra Leone. It is still, however, the responsibility of such states (or the bodies responsible for registering eligible citizens) to ensure that a fairly reasonable and non-discriminatory opportunity is given to all eligible persons to register to prevent "the administrative exclusion of otherwise eligible voters''[83]

Purposes of voter registration/ Importance of the voters register

Any useful discussion about voters registration should include the purposes of the exercise itself; or better still, the importance of the final product of the voters registration exercise i.e. the voters register. Three major purposes of voters registration have been suggested by William Kimberling.[84] They are as follows:

i. To prevent electoral fraud.
ii. To identify all qualified voters.
iii. To support other functions of the electoral system.

A brief explanation of the above topics follows below:

- **Prevent electoral/voter fraud**

Most modern democracies require that any eligible voter is given one vote in any particular election. This means that each voter is registered in only one electoral area or polling station, where he or she is supposed to vote. In Sierra Leone, multiple registration and impersonation are prevented by the use of voter registration cards with the voter's photograph and by the use of the electoral stain on one of the fingers of the voters,or by the use of the modern biometric technology or with the voters photograph on the final voters register.All of those are meant to prevent electoral fraud or personation.

[83] Administration and Cost of Elections (ACE) project **Historical Review of Voter Registration** in ACE Project

[84] William C.Kimberling(Deputy Director National Clearinghouse on Election Administration U.S Federal Election Commission) in a paper titled**A Rational approach to evaluating alternative voter registration systems and Procedures** (May 1991) in **Democratization and Africa.**

- **To identify all qualified voters and enable them to vote at an election**

A fundamental purpose of the voters registration exercise is to first identify, prior to the date of an election, all those who are qualified to vote, and then to enable them vote in an election for which a voters register is authorized by law.

As the main instrument of enfranchisement, a voters registration exercise enables issues regarding the eligibility criteria to vote to be decided in an appropriate and systematic way prior to the actual polling This will prevent disputes in the voting stations, and thereby allow the polling process to proceed smoothly.

- **To support other functions of the electoral system**

Voters registration is essential for supporting other aspects directly connected with the electoral process, as the following:

- The existence of an up-to-date voters register will ensure that qualified voters cast their votes in the correct constituency, or ward, and in the correct polling station; thereby allowing the polling process to go on smoothly.

- It will determine the logistical input necessary for many aspects of the electoral process. In other words, the collected data may be very useful in the planning of all logistical operations for the electoral process. Such planning will ensure that there are, for example, enough polling stations and ballot papers in the constituencies, wards, or in areas where there is a concentration of voters.

- Finally, the register of electors may also be used for purposes not in direct relationship with the electoral process of a country. Besides a few groups of adults who are disenfranchised (like criminals and lunatics, etc.) the voters register contains the eligible adult population of a country. Thus in some countries, the voters register may be used for the selection of people who are needed to serve as jurors in criminal trials in superior courts. Besides, as in Australia for example, party agents and Members of Parliament may use copies of the voters register to make contacts with their supporters and constituents.

It is necessary to point out that a voter registration exercise is not without its difficulties. For example, voters registration may be both time-consuming and costly, especially if the exercise is done from scratch. The merits, however, of having an up-to-date voters register far out-weigh the demerits.

VOTER REGISTRATION SYSTEMS AND METHODS

Voter Registration Systems

The process of preparing voters register differs from country to country depending on the existing law relating to the voters registration exercise. This is true especially for the type of system and the actual method of registration used.

Voters' registers are prepared using any one of the following systems:

a) Periodic registration system

Under this system the voters register is prepared at a certain period with an identifiable start date and end date. It is usually prepared immediately before an election. Using this system, new voters registers are prepared for each election and therefore they do not need to be updated. This system was used in Sierra Leone before 2007.

The following are some of the advantages of the periodic registration system.

- Because the register is developed in the period immediately before the election, it can be comprehensive and up-to-date.
- The registration exercise is usually a highly focused event and might lead to stimulating the interest of the voters in the election for which the register is prepared. This is possible only when the event is preceded by a properly planned voter education and publicity campaign.

The system is not without disadvantages. Amongst such disadvantages are:

- A comparatively shorter period may be provided for the registration exercise. For example, the period for collecting data under the Public Elections Act 2012 in Sierra Leone is 15 days. Such short time frame usually places much pressure on the support areas like the field personnel and the data entry department. However, the National Electoral Commission of Sierra Leone (the body responsible for, among others, the registration process) is empowered under the law to enlarge the time for each electoral event.
- The periodic registration system may be both time consuming and costly, especially when the exercise has to be done from scratch.
- In some countries only citizens who are within the country during the period of registration can register. This is especially true for Sierra Leone where there are no mechanisms put in place for citizens outside the country to register.

b) Continuous registration system

Under this system, registration of voters is continuous; in some cases using a regular timetable, say once a year. The register produced under the continuous registration system is continuously updated and maintained, as there is no need to produce a register for every election. Information on the prepared register is frequently updated to include those persons who have reached the

stipulated voting age, or have become naturalized citizens, or to reflect change of name because of marriage or the change of residential address. Updating the register may also lead to the removal of the names of those persons who have died or are no longer eligible for registration. The system is used in the United Kingdom. In Sierra Leone, the 2007 voters register used to conduct the 2007 Presidential and Parliamentary elections, was updated in 2008 prior to the 5th July Local Government Elections. Between January and March 2012, the Electoral Commission used the bio-metric technology to register eligible Sierra Leoneans for the 2012 multiple elections (i.e Presidential, Parliamentary and Local Council Elections), with a view to the continuous update of the final voters register for subsequent elections.

Continuous registration has the following merits

- There is no need to prepare a fresh register for every election, as the finalized register will be updated and used for all elections until such a time when it shall be cancelled. Thus, the problems of time constraints and pressure encountered under the periodic registration system are not faced under this system.
- Under this system, persons who have reached the stipulated registration age, have the opportunity to be included in the register. Updating the register can be undertaken through the revision process of the previous register. Continuous registration is, therefore, flexible.
- The system allows the public inspection of the register at all times, instead of at a specific period called exhibition period in Sierra Leone.

Continuous registration system is not without defects, like the ones below:

- Because the register is continuously updated, the system may be much more difficult to administer than the periodic registration system. This is because continuous registration system demands the setting up of permanent administrative machinery e.g. a data entry system with computers and personnel with required technical skills. This may be costly for election management bodies in some emerging democracies.
- There is no direct and immediate focus link between registration and an election. This may cause voter apathy.

c. Civil registry system

Another approach used in the preparation of a voters register is by using the civil register. It has been defined as 'the centralised, continuous and coordinated maintenance of a population's relevant data by legitimate agents of government'. In some European countries, like Denmark, the information or data collected on all their citizens and maintained in a permanent register of their population (civil register) is used to prepare voters register. But such a civil register must have the required information on people who are eligible to vote before used as a voters register e.g. age, nationality, gender. Such a civil register is usually

prepared by another agency or department of government (e.g. a national secretariat), and often using a system of national identity cards

The civil registry (or register of population) system has the following advantages:

- The preparation of the voters register may be cost effective , especially when the cost is not borne by the election management body (or body responsible for preparing the register), but by another department.
- The register can be updated regularly as and when necessary.

Disadvantages of a civil register

- A major **disadvantage** of the civil registry system is that it may undermine the independence of the election management body (with responsibility for preparing voters register).This is because this body may be heavily dependent on another agency of government for data that is valuable for the credibility of the elections. This dependence may affect the integrity of the registration.
- Updating the civil registry (or population register) on a regular basis may also be difficult and costly. This system may be complicated to administer.
- Where civil register is used, e.g. Nicaragua, the fear of enlistment in the army caused some families, particularly from the middle class, to pay for elimination or alteration of civil books.
- Confidentiality of centralised data can be compromised, if not fully protected.

Methods of voters registration

This refers to the various methods used in the gathering of information or data for inclusion in the voters register. Like the registration system, the methods by which voters can be registered may differ from country to country. The following are a number of methods, which may be used to register qualified voters:

a) Door-to-Door Canvassing (or house-to-house approach)

Using this approach, field registrars or registration personnel will be required to visit every dwelling house, institution, household or the "floating population" and register every eligible person found. This method was used in Sierra Leone since independence in 1961 up to the conduct of the 1996 Presidential and Parliamentary elections. It is the method used in Jamaica. It is also called the canvass system. Even though the door-to-door approach may require the careful selection and proper training of a large number of registration personnel, it can be an effective way of reaching potential voters.

Depending on the integrity of the field personnel, this method may also lead to the inclusion in the register of names of people who do not exist.

b) Fixed Registration Centre Approach

Using this approach sufficient number of fixed registration centres or points can be established for a specified period, and qualified persons are invited to register. These registration centres are staffed by registration officers and field registrars. Using this approach every eligible person will have to present himself or herself for registration at the designated registration centre closest to his/her area of residence. This was the method used in Nigeria for the registration of voters for the 1999 elections (i.e. during the transition from military rule to a democratically elected civilian government). This method has been used in Botswana and Ghana, and in Sierra Leone since 2002.

The fixed registration centre method has the following **advantages,** among others.

- This method allows for transparency; as every potential voter may have to physically present him/her self to the registration personnel in the presence of other potential voters in the queue, and observers.
- The centres could easily be used as polling stations on polling day and so the voters will know where they are to vote on election day (i.e. using the principle you vote where you register).
- Every elector will register at the centre closest to his or her place of residence or work place.
- Every registered voter will easily vote at the centre where he or she registered.
- This method will minimize, if not eliminate, the stuffing of registers with names of people that are non-existent.
- It enhances women participation in the registration system and the electoral process.

The fixed centre registration method, if not well publicized, has the **disadvantage** of leaving out, otherwise, eligible voters e.g. citizens with disability, house bound elderly or sick person admitted at hospitals.

Also, the distance to the centres if not carefully determined, may discourage potential registrants; as some may not be able to walk long distances to go to centres that are too far away .

c) Application For Registration By Mail

Another method used in some countries to gather information for the purpose of compiling a register of electors is to allow qualified persons to apply for registration by mail. Under this method, registration forms maybe sent to voters by mail, which should be completed and returned to a specified address. This is the method used in some parts of Malaysia. Eligible persons may also be given the opportunity to deposit registration application documents at registration centres without having to be physically present for a face-to-face interview.

d) Updating an Old Register of Electors

Voters registration may also be done through updating an existing voters roll. This may be done during a revision exercise whereby the register of electors is updated through the deletion of obsolete information of some voters, and the inclusion of new relevant information. It also involves registering young people as soon as they are qualified to vote, and deleting the names of voters who have died, or of persons who have moved to another electoral district. This may be done using the computer or using the traditional manual method.

e) Other Methods

- Various other methods or approaches may be used to gather information from the public for inclusion in a voters roll. For instance, using their personal knowledge, political parties and local community leaders may be asked to accompany registration personnel for the purpose of compiling a list of eligible persons in their local community.
- Registration forms may also be made available to local council offices, libraries, post offices where they could be collected by persons who may have been missed during the door-to-door visit and by other methods. Nevertheless, these approaches have to be carefully monitored if political bias and cheating are to be avoided.
- Registration takes place on election day in some states of the USA.

None of the systems and procedures examined above can be identified as the best one to ensure credible elections in a country. However, whatever system and approach is used for registration, it is necessary for the exercise to be adequately publicized. Furthermore, adequate safeguards must be provided to ensure that qualified persons who present themselves are registered, and that those who are not qualified under the law are left out.[85] The real question is which method results in a more accurate voters' register.

Stages in the voters registration exercise

1. Preparatory activities

Adequate preparation is vital for the success of a voter registration exercise. The vital aspects of a Voter Registration exercise are treated under the following topics:

- **Preparation of election budget and source of funding**

It is necessary for a comprehensive budget to be prepared for the exercise. In some cases the voters registration budget is part of a comprehensive elections budget (especially when a new register has to be prepared from scratch before an election), which has the other components. In some countries like Sierra Leone, the National Electoral Commission prepares the budget, while

[85] Carl W Dundas **'Dimensions of free and fair elections'**(1994) p70

in others it is prepared by the department or ministry responsible for the registration exercise, e.g. the Ministry of interior.

The provision of adequate funds and the timely procurement of all voter registration equipment, materials and other supplies (especially if a new register is to be prepared) are central to the successful implementation of the voters registration programme. The government is usually the provider of nearly all the funds for the exercise. In emerging democracies, funding may also be sought from the international community, especially when the election for which the register is to be compiled attracts significant international attention. The 1996 and 2002 voters registration exercises in Sierra Leone (leading to the election which resulted in the replacement of the military regime by a democratically elected government, and the election following the immediate end of the rebel war, respectively).

- **Procurement of registration materials**

The procurement process largely concerns the buying, both from within and outside the country, of all voters' registration materials and equipment, at comparatively reasonable costs, without which the exercise will not be implemented. Some of the voters registration materials and equipment include: up-to–date election technologies, bio–metric equipment, bar-codes equipment, digital cameras, serialized voters registration forms, scanning and computer equipment, indelible ink, pens and pencils, hard boards, registration area maps, satchels.

- **Voter education on registration**

In developing countries where a high percentage of the voting population is either illiterate or disillusioned with their political systems; or better still, where there is a high degree of unfamiliarity among voters with the voting procedures, it is necessary to include timely voter awareness programmes as part of the overall planning scheme for an election. By voter education in relation to the registration process, we simply mean the process of teaching potential voters about all major aspects of the registration process such as: the requirements and procedures of the registration of voters, and the procedures involved in the exhibition of provisional registers and revision exercises. The main objective of a well defined and planned voter- education programme is, among others, to provide general information on the electoral process to the citizens, and thus encourage those who have reached the prescribed voting age(i.e. 18 years and above) to go out and register; and vote in large numbers on polling day. In order for voter-education programmes to be meaningful to the election process, they should be made to be completely neutral, non-partisan and limited to providing general information to all concerned about the country's electoral process.

2. Recruitment, Training and deployment of Voters registration Personnel

Recruitment

A voters registration exercise requires the careful selection, recruitment and training of a large number of personnel, especially field staff. In practice the selection, recruitment and appointment of registration personnel usually rests with the District Elections Officers (DEOs) in the respective districts. They may be supervised by other senior officials and the Electoral Commissioners. The personnel required for the voter registration exercise, include the following: - Registration Officers, Revising Officers, field registrars, editors, data entry operators, and supervisors. These registration personnel are recruited on a temporary basis from all walks of life in the country, including: university lecturers, members of the teaching profession, administrators from government departments, members of civil society groups, National and International consultants may also be recruited to carry out some technical aspects of the voter registration exercise. The appointment (or termination) of some of the above named officers like registration and revising officers has to be publicized in the Gazette specifying their areas of operations.

Personnel of the voters' registration exercise

The following are some of the major functions performed by some of the personnel involved in the voters registration exercise:

Registration officer

A registration officer is a person appointed, under the law, to prepare or compile a register of electors. He/she is responsible, among other things, for the publication of notices for the registration exercise, the actual conduct of the voters registration exercise and overseeing the hearing of claims and objections for his/her voter registration area. In accordance with the Public Election Act, 2012 his/her appointment or termination has to be Gazetted, specifying the voter registration area in respect of which such appointment or termination shall apply.

Registrar or Enumerator

The field officer, who actually goes into the field and record the names and any other relevant particulars of all persons who are qualified to vote in an election.

Revising Officer

A revising officer is a person who is also appointed to revise the register of electors. Among the functions of the revising officer are:

- To delete from the provisional voters list the name of any elector who is proved to be dead;
- To make any necessary correction on the provisional list of electors;

- To insert on the provisional list of electors the names of eligible persons who have claimed to be registered in the manner prescribed by the law;
- To transfer an elector's name and all the required information about him or her, from one voting area to another, on the written application of the elector.

Exhibition Clerk

This is the clerk that is physically present at the exhibition centre. He/She is responsible for the display of the provisional list of electors at the centre, and for receiving completed forms from persons in respect of claims for registration and objections to registration.

Training

Training of registration personnel is also central to the successful implementation of a voters registration exercise. It is thus against the background that the National Electoral Commission (NEC) ensures that all categories of registration staff receive proper formal training before the commencement of the registration of voters.

It is advisable that the training of registration personnel is cascaded i.e. done in batches. The first batch to be trained should consist of a small number of personnel called key trainers. This training is called the **training of trainers**. The trainers will then in turn train other registration personnel, like field registrars, revising officers, etc. These trainings, which may last for few days, may be decentralized. The contents of the training courses must be embodied in training manuals to be distributed, with other training materials, to all training participants

In a bid to make the registration process transparent and credible, it is advisable to allow political party agents and civil society groups to take part in the training exercise; or brief them later in the registration process. It is also necessary for such agents and groups to observe the registration process, with a view of reporting any irregularities.

Deployment of field personnel

The deployment of field registrars may take place soon after the training sessions to ensure the retention of skills and knowledge acquired for field exercises. Deployment must be preceded by the distribution of registration materials. It is recommended that in the case of the house- to- house approach, field staff must be assigned to areas with which they are familiar. The system should ensure that each house – hold is visited, particularly in informal settlements.

3. Data collection and compilation activities

Data Collection Activity

The data collection activity (i.e. the enumeration activity) and compilation of the collected data of the registrants' are probably the two main components of the voters registration exercise. They are crucial to the voters registration exercise. It must, therefore, be stated that if there are major faults in any one of the two activities, the voters register prepared out of the faulty data will be defective. Such a faulty register will, therefore, not be acceptable to the stakeholders in the electoral process. However, in some cases it is easy to manage the defects in the compilation of data, especially when they are detected early enough, than those defects emanating from the data collection. This is because problems emanating from the latter activities (i.e. data collection) may demand "fresh investment in time and resources to rectify."[86]

Planning Process

Whatever method of registration is chosen, the collection of data is the beginning of the actual process of the registration of voters. It is necessary for the National Electoral Commission to determine, during the planning process, the type of data or information to be collected and included in the voters register. The designing of the registration forms will be influenced by, among others, the data or information to be collected from potential voters. Amongst the data/information needed are:

- Last name (Surname or family name);
- First and middle names;
- Sex (Male or Female);
- Date of birth (Day, Month Year);
- Address ;
- Occupation ;
- Information on parents of registrants;

Other important decisions to be taken during the planning process include: the type of technology to be used in data capturing e.g. biometric technology; the estimation of how many people may be registered and the type of forms to be printed. Of course, the expected number of potential voters will determine the number of forms to be printed and materials to be bought. The following are amongst the types of forms to be printed: registration forms, daily accounting forms (to allow a system of accounting for all forms, and the number of potential voters registered each day or week), tracking forms (used to track, for example, missing forms).

[86] Mr. Hubert Akumiah, IFES S/L Information and Technology Consultant attached to the National Electoral Commission of Sierra Leone, during the 2002 Voters registration exercise.(also Director of I T Department, Electoral Commission of Ghana).

Fieldwork

The data collection activity follows next. Again whatever method of approach used, every potential registrant has to identify himself/herself properly by presenting necessary information and documentary proofs, and then complete the (required) forms, where necessary. It must be emphasized that the registration period and procedures must be adequately publicized, and all the operational methodologies should be in consonance with the rules and regulations under the law. People who are refused registration must be informed about the reasons why they are refused, and they must be informed about an appeal procedure in case they want to make use of it.

The conclusion of the fieldwork is to be followed by the return of all completed registration forms to the appropriate authorities, at the regional or central office that is responsible for data processing.

4. Processing of Voters Data

Before the conclusion of the field work, all modalities(equipment, staff and procedures) for the processing of voters registration data must have been put in place by the department or unit in charge (i.e. Data Centre). Once the enumeration period is over and all registration forms are completed, the registration officers(or any other appropriate authority) must put in place and implement a system of collection of forms and audit trail(i.e. accounting for the completed forms). For instance, completed registration forms should be collected from the field regularly. In addition, an inventory of completed forms collected from the field and turned over to the collectors, should be taken to ensure that no form is missing.

This will be followed by the data processing stage. Since the data processing stage is also very crucial to the registration process, proper supervisory procedures must be put in place if the crude manipulation of data by unscrupulous staff is to be avoided. For instance, the removal of the records or data of some eligible individuals will mean that such individuals' names will not be included on the voters list. This further means the disenfranchisement of eligible citizens in an election for which the voters register is been prepared. There is, therefore, the need for the thorough crosschecking of information entered in the computer at the end of each stage of the process, with the information contained on each form.

In some instances, some of the technical staff needed for the data processing exercise may not be available at the central office of the election management body. Thus, there is the need for the employment of ad-hoc staff with the technical skills. The following are among the data processing personnel that may be involved in the data processing exercise: sorting personnel, editors, supervisors, data control officers and computer programmers. It is important to note that, like the staff involved in the fieldwork (enumerators), the data processing staff must be efficient and show a high degree of integrity at every stage of the process. The printing of the preliminary list of voters will follow the completion of the data entry and processing exercises or Provisional Voters Register (PVR).

5. Compilation of provisional voters register(PVR)

Printing the preliminary voters register

Whatever method of approach used in the registration process, there is the possibility of registering some individuals who are not qualified, while the names of qualified prospective voters may also be omitted. There is also the further possibility of field officers making mistakes on the registration forms e.g. the names of voters may be spelt incorrectly. Moreover, some individuals may be aggrieved because the registration officer in charge has refused them registration. Therefore, some procedures are needed to ensure the production of an accurate final voters register that is all-inclusive and generally acceptable.

One such procedure is to print a preliminary list or register that will be made available for checking. The Public Elections Act, 2012 of Sierra Leone (and Legislation of other Commonwealth countries) has provisions for the printing and publication of a draft voters register which can be made available for public scrutiny to prospective voters, political parties and other stakeholders. The printed draft register is commonly called the Provisional Voters Register (PVR), or preliminary voters list.

There are also provisions in the electoral legislation for aggrieved persons who have been refused registration to make appeals; and for registered electors whose names have been omitted to make requests to registration officers for the inclusion of their names in the register. In addition, an opportunity exists in the Electoral Laws for persons who doubt the eligibility of individuals whose names appear on the PVR, to object to the registration of such persons. But such objection must be supported by concrete evidence in an open way (preferably in a revision court) by appropriate officials. Sufficient time should be allowed for solving matters relating to objections, omissions etc, before printing the final voters register. In addition, the system should be such that multiple registrations are detected and expunged.

6. Exhibition of the Provisional Voters' Register (PVR)

If the printing of the Provisional Voters Register (PVR) is to be meaningful, provisions should be made for its publicity (i.e. as a way of checking the accuracy of the voters register). The publication of the PVR must be as wide as is practicable. In other words, the printed list (or draft register) must be displayed in as many public places or centres as is practicable.

The method of publication of the PVR should take the form of, among others, announcements indicating all the public places or centres within each ward or electoral district where a copy of the list of all registered potential voters will be exhibited for public inspection. The reasons for the publication of the PVR must also be stated publicly.

The following are among the reasons for the printing and public display of the PVR:

- It gives political parties, registered electors and interested persons an opportunity to inspect such lists and check for their names or the names of their relatives or friends.

- It allows for the insertion on the list, using the appropriate procedure, of those names of qualified potential voters which have been omitted.
- The printing and public display of the PVR has the advantage of making registered electors and political parties feel a sense of participation in pre-election activities;
- The feed back from the exhibition of the PVR(especially the comments and useful suggestions regarding the correctness of the voters register) gives opportunity to the National Electoral Commission to correct possible errors on the PVR, or keep them to an acceptable minimum.

Rejections, Objections and Revision procedures

Procedures are usually put in place to deal with matters relating to rejections, omissions, objections and revision exercises.

- **Rejections**

During the registration exercise, certain persons may be aggrieved due to the refusal of a field registrar or enumerator to register them on the grounds of not being eligible or otherwise. Also depending on the legal provision in force in certain countries, agents of political parties observing the field registration process may object to the registration of certain persons who they believe are not qualified. Whatever be the basis of refusal for registration, provisions must be made for aggrieved persons to appeal. Every effort must, however, be made to ensure that all qualified persons who wish to be registered are registered within the law.

- **Omissions, Claims and corrections.**

Following the inspection of the PVR, people who claim to have registered during the period scheduled for registration, but whose names were omitted on the list(omissions), should be given the opportunity to apply for inclusion on the draft register. Under the Public Elections Act, 2012 of Sierra Leone, provisions are made for any person who has actually registered, but whose name has been omitted from the PVR, to make a claim to the National Electoral Commission (or its appointed agents) to have his/her name included in the list.

Persons whose names were misspelt, or certain information about them (e.g. age, address) were incorrect on the PVR, may also apply for corrections. The procedure for dealing with claims and omissions differs from country to country depending on the legislation that is in force. A certain period is usually stipulated for the making of the claims.

- **Objections**

The inclusion of provisions in the electoral legislation for the objection of certain persons whose qualification for registration are in doubt, but whose names appear on the PVR, is a useful step in the attempt to produce an accurate voters register. As in the case of persons who have been refused registration, the grounds for objections must be made known to persons objected to by the objector. The grounds for objections are usually based on the legal qualifications for registration or residential qualifications. Provision is made in some laws establishing who should carry the burden of proof i.e. either the objector or the person being objected to. Besides, the appropriate authorities, usually in a revising court, must resolve matters relating to objections

and rejections openly. It must be clearly stated in the laws whether the person making the objection or the one being objected to may appear in person before the revising court or with a lawyer.

- **Revision inquiries**

The procedures for dealing with matters relating to claims (omissions) rejections and objections may differ from country to country depending on the jurisdiction in force. The Public Elections Act, 2012 make provisions for the settlement of claims and objections in a revising court. Thus, the expiry of the exhibition exercise is immediately followed by the publication of a list of all those claiming to have their names included in the PVR. All objections will also be publicized by the National Electoral Commission. The publication of the said lists of omissions, claims and objections will be followed (after a stipulated time) by a public inquiry called revising court to be held in each ward or electoral district by a revising officer. The revising court settles matters relating to omissions, claims to register and objections. The public inquiry / revising court, aims at receiving and disposing of claims and objections. It is helpful in the attempt to produce a voters register that is acceptable to all stakeholders in the electoral process.

During the public inquiry (revision court), all claims and objections will be publicly heard and determined by the Revising Officer. As indicated earlier, some laws make provisions for an objector to appear before the revising court either in person or be represented by a counsel. In theory, the Revising Officer will go through the PVR and will insert on any page the name of any person who is proved to have registered, but whose name is not on the list. The name of any person who, it is confirmed, is either dead or is not qualified to be registered will also be struck out. The Revising Officer will then sign against any name inserted or struck out in the PVR (In practice the inclusion and striking of names is done at the National Electoral Commission Data Centre).

7. FINAL VOTERS REGISTER(FVR)

At the end of the revising activities, the production of the Final Voters Register (FVR) will then begin immediately. No amendment will, however, be made on the FVR during this period. The final voters register will be kept until polling day.

Structure of the Final Voters Register (FVR) and its maintenance

The structure of the Final Voters Register (FVR) may take different forms, depending on the laws in the country relating to the compilation of a voters register. The National Electoral Commission should take certain decisions before the register is finally prepared e.g. whether each register will be prepared based on the electoral divisions(e.g. wards or constituencies), or administrative divisions(e.g. districts, provinces or local government units); or whether to write down the names of the electors alphabetically or other wise.

If the decision is to prepare a separate register for each electoral division, then the voters will have to be registered under their respective electoral divisions. The voters register will therefore be compiled in accordance with the various wards, constituencies or even polling stations in the country - this may be referred to as the **"building block for larger units"**[87] method.

The voters register may also be arranged using the **"street file"** system, under which each voter is linked to a particular street in each town or village or chiefdom.

Information on the register may be maintained centrally by computers or CD ROM; or its maintenance may be decentralized at regional or district level, with each regional or district office maintaining a separate register for that region or district.

[87] Tim Pickering, Australia Electoral Commission, in a paper titled **Execution of Registration**; delivered at the Commonwealth Election Management Programme, WindhoekNamibia.

CHAPTER 12

CANDIDATE NOMINATIONS PROCESS

Introduction

The nomination of candidates to contest public elections is an important aspect of democratic elections. If the process and procedures relating to the nomination of candidates for a particular type of election are not properly and impartially followed, such act will negatively affect the integrity of the election for which the said nomination was conducted. The candidate nomination process for a public election should, therefore, be free, fair, transparent and in accordance with the relevant electoral laws of the country.

Therefore, abuses of the nomination procedures like the deliberate and forceful prevention of prospective candidates from attending nomination centres, so as to present their nomination documents, with the intention of allowing a particular candidate to go "unopposed" and thus to be declared duly elected, should not be tolerated. Penalties for such malpractices must, therefore, be made severe.

The nomination procedures may differ from one country to another and from one type of election to the other, depending on the legislation and type of electoral system used.

Date and Time for Nomination of Candidates

Following the declaration of date for a public election (i.e. Presidential, Parliamentary, or Local Government election) by proclamation, the Electoral Commission shall declare and publish, by government notice, the day(s) when the nomination of candidates shall take place. The day(s) appointed for nomination of candidates for parliamentary elections "shall not be more than sixty and less than thirty days before the day appointed for voting in the elections". The Commission will specify in the public notice the particular place and time where the nominations will take place.

Overview of the Nomination Process for Parliamentary and Local Council Elections

Every prospective candidate for a public election (including Paramount Chief Members of Parliament elections) must be nominated in writing in forms printed by the Electoral Commission (EC). The nomination form, containing the name of the nominated prospective candidate (who must be a Paramount Chief for Paramount Chief Members of Parliament elections) must be signed by the candidate him/her self and three other persons nominating him/her in the presence of two adult witnesses..

The nominators must be registered electors in the electoral area in which the candidate intends to contest. Nominators for Paramount Chief Members of Parliament (PCMP) must be Chiefdom Councillors elections from one of the chiefdoms in the district which the candidate intends to represent in parliament.

Publication of List of Provisionally nominated Candidates

After the delivery of completed nomination forms to the Returning Officer, he/she shall publish the names of all nominated candidates and their nominees (as list of provisionally nominated candidates). The notice published by the Commission, will also request any elector from the relevant electoral area (constituency or ward) to lodge (within a specific period) with the Commission any objection against any of the provisionally nominated candidates. The grounds for objections are indicated else where in this chapter.

Objections to Nomination of Candidates

In accordance with the Public Elections Act 2012, any elector in the electoral area from which a candidate is contesting has the right to object to the nomination of any candidate concerning his or her qualification or otherwise. The objector must indicate the ground(s) for objections. The Returning Officer (RO), after receiving an objection, shall make enquiries into the reasons for objection. The RO may also inquire into any other matter he/she may consider necessary concerning any candidate against whom an objection has been lodged. He shall decide on the validity of the objection made against any nominated candidate. Where the Returning Officer (RO), is convinced that the candidate objected to is not qualified to contest an election, either as a Member of Parliament or a Councillor (i.e. an objection is upheld), such candidate will be disqualified from contesting and informed accordingly (or inform the concerned political party).

However, where an objection is rejected (i.e. dismissed) in accordance with the law, the objected candidate shall contest the election. Any candidate who is aggrieved by the decision of the Returning Officer (RO) may appeal to the High Court. The decision of the Returning Officer (RO) shall be final. It may only be questioned in a petition in the High Court.

After the disposal of objections, the Electoral Commission shall then publish, by government notice, the final list of nominated candidates contesting the elections.

NOMINATION PROCEDURES FOR CANDIDATES FOR MEMBERS OF PARLIAMENT[88]

The following are the nomination procedures and relevant legal framework for candidates for Parliamentary and Local Council elections.

ELIGIBILITY CRITERIA FOR PARLIAMENTARY ELECTIONS

(Reference: The 1991 Constitution of Sierra Leone Sections 75 and 76)

A candidate for Parliament can either contest as a political party candidate, or contest as an independent candidate. Parliamentary candidates must meet the following eligibility criteria:

a) must be a citizen of Sierra Leone (not a naturalised citizen);
b) must be at least twenty one years old;
c) must be a registered voter;
d) must be able to speak and read the English language "with a degree of proficiency sufficient to enable him to take an active part in the proceedings of Parliament"

Disqualifications for Membership of Parliament are found in Section 76 of the 1991 Constitution of Sierra Leone.

PROCESS OF NOMINATION

(Reference: The Public Elections Act 2012: Section 60).

Documents required for the nomination process

a) Completed and signed Parliamentary candidate nomination form and Code of Campaign Ethics;
b) Photograph of the candidate;
c) The prescribed and approved nomination fee.
d) Voter registration card to show proof of registration.
e) Proof of payment of the prescribed nomination fee.

Nomination Steps

a) The nomination of a Parliamentary candidate must be in writing in the form prescribed by the Public Elections Act, 2012, as amended

b) Completed and signed nomination forms must be submitted to the Returning Officer in the district in question before 5.00pm of the last day for the delivery of the nominations papers.

Source: NEC-

[88] The process of developing candidate nomination procedures for 2007 Parliamentary and Presidential elections in Sierra Leone (and the procedures for nomination of Local Government Candidates elections 2008), written by a team of NEC staff and International Advisors. Lead Writer: Magnus Ohman, Programme Manager and Elections and Political processes Advisor, IFES (The NEC staff were led by M.N. Conteh author of this book, who was then the Chief of Procedures and Training Unit).

c) Three electors from the electoral area (constituency) for which a potential candidate intends to contest shall nominate every candidate. No candidate shall be nominated in more than one election area. The three nominators must all sign the nomination form for Ordinary Member of Parliament in the place indicated.

The nominated candidate should indicate whether he/she is contesting either as a political party candidate or as an independent candidate. In accordance with the law, a candidate will only be nominated as standing for a particular political party if he/she is included on the Political Party List of endorsed Parliamentary Candidates submitted by that political party to the NEC. The list, which must be signed by the National Chairperson and the National/General Secretary shall contain the following details of each candidate:

- Name of the candidate (surname, first name and initials for middle name(s))
- Date of birth
- Voter ID number, and
- Constituency

d) The candidate is required to deposit with the Returning Officer a prescribed non refundable fee or deposit a paying slip issued by or the Bank officials of a designated bank for the candidate in respect of that sum. The Returning Bank Officer will issue an official receipt.

e) The nominated Parliamentary candidate is required to accept and sign the Code of Election Campaign Ethics prepared by the NEC as a condition for acceptance of nominations papers.

f) The voter registration identity cards of the Parliamentary candidate and the three persons who nominated him/her must be presented to verify that they are electors.

g) Candidates are expected to present their nominations in person, so that their photographs could be taken by NEC to be printed on the ballot papers for the election. Should a candidate not be able to appear in person, he/she must ensure that four of his/her recent colour photographs of passport size with a white background must be included with the nomination documents.

Independent parliamentary candidates

Any person whose name is not on any of the aforementioned list submitted by any political party will be nominated as an independent candidate. No candidate shall be nominated in more than one constituency. Each nominated independent candidate will choose a symbol to be placed on the ballot paper next to his/her name. Only the symbols included on a list provided by the NEC are available to the independent candidates. Each candidate can only use one symbol in a constituency. The candidates will chose symbols in the order in which they presented their nomination papers. Once the candidate has chosen a symbol, the number of that symbol will be noted on the nomination paper.

POSTING OF PROVISIONALLY NOMINATED CANDIDATES

(Reference: The Public Elections Act, 2012, section 60)

After submission of nominations, the Returning Officer shall post the names of candidates (and in relevant cases his/her party) and names of the electors nominating him/her by pasting the information in a conspicuous place in the district in question.

OBJECTIONS AND APPEALS

(Reference: Public Elections Act 2012, Section 63)

Any elector in the electoral area (constituency) in question may file an objection to the nomination of a Parliamentary candidate any time after the posting of the list of nominated candidates. Objections must be filed in person with the Returning Officer of the District using the prescribed form, which will be available with the Returning Officer.

Common Grounds for Objections

(Reference: The 1991 Constitution of Sierra Leone: Section 76 and The Public Elections Act, 2012: Section 63)

- Nominations Papers are not filled out correctly (i.e. not filled in accordance with the Public Elections Act 2012);
- Candidate is not a citizen of Sierra Leonean (or is a naturalised citizen);
- Candidate is not a registered elector;
- Candidate is not twenty one years of age or older;
- One or more of the nominators are not qualified to be nominators;
- Deposit not paid;
- Candidate is not qualified to be a Councillor under section 6 of the Local Government Act, 2004.

Decision of an Objection

The Returning Officer shall decide on an objection within the time specified in the NEC Public Notice

Appeals

(Reference: The 1991 Constitution of Sierra Leone: Section 78, The Public Elections Act 2012: Section 63)

Any candidate aggrieved with the decision of the Returning Officer has the right to appeal to the NEC Headquarters in Freetown, within a specified time, using the prescribed NEC form. The NEC will give a decision on any appeals received also within a specified time. The decision of the Returning Officer (and in the case of an appeal) the NEC's decision regarding appeals can only be appealed against by way of an electoral petition through the High Court, usually after the polls.

PUBLICATION OF THE FINAL LIST OF CANDIDATES

(Reference: The Public Election Act, 2012: Section 67)

As soon as decisions on any appeals regarding candidate nominations for parliamentary elections are made, the NEC will publish the full names, addresses and occupations of the candidates and of their nominators (and where appropriate their parties). This will be done by Government Notice and by other appropriate manner in the electoral area not later than ten (10) days before polling day.

It should be noted that, *if only one candidate is nominated after the close of nominations, then no election will be held and that candidate will be declared duly elected by the Returning Officer.*

DEATH OF A NOMINATED CANDIDATE

(Reference: The Public Elections Act, 2012: Section 66)

In the event of the death of a Parliamentary candidate prior to Election Day, the Returning Officer shall withdraw the notice of the poll (i.e. cancel the election) and report the matter to NEC. The National Electoral Commission shall then declare a new election day in the constituency in question and the appropriate nomination procedures shall start afresh.

WITHDRAWAL OF NOMINATED CANDIDATE

(Reference: The Public Elections Act, 2012: Sections 64 & 65)

Any Parliamentary candidate may withdraw his/her nomination by signed notice in writing (and endorsed by the political party to which he/she belongs) and delivered by him/her to the Retuning Officer. However, such a withdrawal shall not be accepted if it will result in there being no candidate to contest the election in the constituency.

NOMINATION PROCEDURES FOR CANDIDATES FOR LOCAL COUNCIL ELECTIONS

ELIGIBILITY CRITERIA

(REF LOCAL GOVERNMENT ACT, 2004 SECTION 6)

A candidate for either the election of Chairperson/Mayor or Councillor must meet the following eligibility criteria:

a) must be a citizen of Sierra Leone (not a naturalised citizen);
b) must be at least twenty one years of age;
c) must be a registered elector (and resident in the ward/locality in which he/she seeks election);
d) must have paid all taxes and rates in that locality;
e) must not be an employee of a Local Council, a Member of Parliament, the Judiciary, Republic of Sierra Leone Armed Forces (RSLAF), National Electoral Commission (NEC), Sierra Leone Police (SLP) or the Civil Service, unless they show evidence of resignation from their posts before the date of the election.
f) Must not be a Paramount Chief, a Chiefdom Speaker or a Minister.

A candidate for Chairperson or Councillor may contest either on behalf of a political party, or as an independent candidate.

PROCESS OF NOMINATION

It must be noted that no person can be nominated in more than one ward/locality, nor by more than one political party. Also in accordance with NEC regulations, no person can contest in both elections (i.e. Councillor and Chairperson elections at the same time).

Documents Required

a) Completed and signed Local Government candidate nomination form and Code of Campaign Ethics;
b) Photograph of the candidate ;
c) The prescribed and approved nomination fee;
d) Voter registration card showing proof of registration;
e) A rates, local tax receipt or tax clearance certificate indicating payment of taxes and rates in the locality.

Nomination Steps

a) The nomination of a Local Council candidate must be in writing in the form prescribed by the Public Elections Act, 2012;

b) Completed and signed nominations forms must be submitted to the Returning Officer in the district in question within a specified period;

c) The nominated candidate should indicate whether he/she is contesting either as a political party candidate or as an independent candidate. In accordance with the Public Elections Act, 2012, a candidate (whether for Chairperson/Mayor or Councillor election) will only be nominated as standing for a particular political party if he/she is included on the Political Party List of endorsed Candidates submitted by that political party to the NEC. The list, which must be signed by the National Chairperson and the National/General Secretary shall contain the following details of each candidate:

- Name of the candidate (surname, first name and initials for middle name(s));
- Date of birth;
- Voter ID number; and
- Ward.

d) Any candidate whose name is not on any list submitted by any political party will be nominated as an independent candidate. No person can be nominated in more than one ward.

Each nominated independent candidate will choose a symbol to be placed on the ballot paper next to his/her name. Only the symbols approved by NEC shall be available for selection by independent candidates; and one candidate in each ward can only use each symbol. The candidates will chose a symbol in the order that they presented their nomination papers. Once the candidate has chosen a symbol, the number of that symbol will be noted on the nomination paper.

e) Every candidate shall be nominated by three electors from the electoral area (locality for Chairperson Candidates, or ward for Councillor Candidates) in which he/she seeks to contest the election. No candidate is allowed to be nominated for more than one ward or locality or for both elections (i.e. Chairperson/Mayor election or Councillor election), The three nominators must all sign the nomination form of Local Government Candidatein the place indicated.

f) In accordance with the public Elections Act, 2012, a candidate is required to deposit with the Returning Officer a prescribed non- refundable fee or deposit a written receipt issued by or on behalf of the Bank Manager of a designated Bank, received for the candidate in respect of that sum). The Returning Officer will issue an official receipt.

g) The candidate is required to accept the Code of Election Campaign Ethics prepared by the NEC as a condition for acceptance of completed nominations forms.

h) The voter registration identity cards of the candidate and the three persons who nominated him/her must be presented to the Returning Officer to verify that they are electors.

i) Candidates must present their nominations in person.

POSTING OF PROVISIONALLY NOMINATED CANDIDATES

(Reference: The Public Elections Act2012, (PEA) section 60 subsection 7)

After submission of nominations, the Returning Officer shall post the names of candidates (and in relevant cases his/her party) and names of the electors nominating him/her by pasting the information in a conspicuous place in the ward or locality in question.

OBJECTIONS AND APPEALS

(Reference: The Public Elections Act 2012, Section 63)

Any elector in the electoral area (ward or Locality) in question may file an objection to the nomination of a local council candidate any time after the posting of the list of nominated candidates. Objections must be filed in person with the Returning Officer of the District using the prescribed form, which will be available with the Returning Officer.

Common Grounds for Objections

(Reference: The 1991 Constitution of Sierra Leone: Section 76 and the Public Elections Act 2012: Section 63

- Nomination Papers are not filled out correctly (i.e. not filled in accordance with the Public Elections Act, 2012);
- Candidate is not a citizen of Sierra Leone (or is a naturalised citizen);
- Candidate is not a registered elector (or is an elector but not in the ward in which he/she seeks to contest);
- Candidate is not twenty one years of age or older;
- One or more of the nominators are not qualified to be nominators;
- Deposit not paid;
- Candidate is not qualified to be a councillor under section 6 of the Local Government Act, 2004.

Decision on an Objection and Appeals

(Ref: The PEA, 2012 Section 63)

The Returning Officer shall decide on an objection within a specified period. Only an aggrieved candidate not satisfied with the decision of the Returning Officer to uphold an objection against him/her has the right to appeal. The appeal should be sent to the NEC Headquarters in Freetown within a specified period, using the

prescribed NEC form. Objectors who have had their appeals against the candidacy of nominated candidates rejected cannot appeal to the NEC and should therefore direct their challenge to the High Court. The NEC will give a decision on any appeals received within a specified period. As already stated, objectors have the right to petition the result to the High Court, as do aggrieved candidates whose appeals to the NEC have been dismissed.

PUBLICATION OF THE FINAL LIST OF CANDIDATES

(Ref: The Public Elections Act, 2012, Section 67)

As soon as decisions on any appeals regarding Local Council nominations are made, and in any case not later than ten (10) days before the election date, the NEC will publish the full details of names, position, affiliation and ward/locality of the candidates. This has to be done by Government Notice, and by any other appropriate manner in the ward or locality, as the case may be.

DEATH OF A NOMINATED CANDIDATE

(Ref: The PEA, 2012, Section 66)

In accordance with NEC procedures, in the event of the death of a Chairperson or Councillor candidate not less than 10 days prior to Election Day, the political party will be given the opportunity to nominate a new candidate. The elections will still take place in that ward/locality on the date declared for polling. However, for practical reasons, it will not be possible to replace the name of the party's candidate on the ballot paper. In the case of the death of an independent candidate, no substitution will be allowed and the election will proceed.

However, where a candidate for a Local council election dies within less than 10 days prior to election day, the Returning Officer shall withdraw the notice of the poll and report the matter to the Electoral Commission. The Commission shall then appoint a new election day in the electoral area in question and the appropriate procedures shall start afresh.

WITHDRAWAL OF NOMINATED CANDIDATE

(REF: THE PEA, 2012 SECTIONS 64, 65)

Any candidate for a Local council election may withdraw his/her nomination in writing signed (and endorsed by the political party to which he/she belongs) and delivered by him/her to the Retuning Officer. However, such withdrawal shall not take effect if it would result in there being no candidate to contest the election in the ward or locality. .

As in the other nominations process already described, if only one candidate is nominated after the close of nominations then no election will be held and that candidate will be declared duly elected by the NEC.

OVERVIEW OF THE NOMINATION PROCESS FOR PRESIDENTIAL CANDIDATES

A political party must nominate only one candidate for presidential election. Independent presidential candidates (i.e. candidates not belonging to any political party) shall not be allowed to contest. The Chief Electoral Commissioner/Chairperson of the National Electoral Commission (NEC) shall be the National Returning Officer (NRO) in a Presidential election. A candidate for presidential election must be nominated in writing in a form specified by the Public Elections Act 2012. The nomination form must be signed by the following:

- The Presidential candidate;
- The designated running mate (or Vice President to be);
- Three executive members of the political party nominating the presidential candidate.

The time and place of delivery of the nomination forms are usually specified in a Public Notice released by the NEC. The signed nomination forms of the Presidential candidate will be handed over to the National Returning Officer. Two statutory declaration forms signed separately by the Presidential candidate and his/her designated running mate (or Vice President to be), must also be delivered to the NRO. No presidential candidate will be allowed to contest the presidential election unless he/she has paid to the NRO a non-refundable fee,or show proof of payment to a designated bank in respect of the candidate.

PUBLICATION OF PROVISIONALLY NOMINATED PRESIDENTIAL CANDIDATES, OBJECTIONS AND APPEALS

Following the delivery of nomination forms to the National Returning Officer (NRO) by the Presidential candidate, he/she shall publish a public notice in the Gazette, which will contain the following information:

- the full name, address and occupation of each nominated presidential candidate;
- the name of the political party to which each candidate belong; and,
- the names, addresses and occupations of the three Executive members of each political party that nominated the respective nominated presidential candidates.

Also, to be included in the Gazette notice, mentioned above, is an invitation requiring any citizen of Sierra Leone to lodge an objection (if any) against the nomination of any Presidential candidate. Any objection shall be lodged with the Supreme Court (within seven days of the publication of the list of provisionally nominated candidates). The Supreme Court shall decide on the validity of an objection within 30 days following the lodging of the objection. The decision of the Supreme Court is final. Where the Supreme Court invalidates the nomination of a presidential candidate due to an objection, the Presidential candidate concerned will be disqualified from contesting the Presidential election for which the nomination was made.

Where a nominated presidential candidate dies before polling day, the party that nominated the deceased candidate will (within a specified period following such death) nominate another person to be its new presidential candidate.

The National Returning Officer shall declare a presidential candidate duly elected to the office of the President if after the close of nominations he/she is the only nominated candidate for the presidential election. Such a candidate is referred to as unopposed candidate.

NOMINATION PROCEDURES FOR PRESIDENTIAL ELECTIONS[89]

Eligibility Criteria

(Reference: The Constitution of Sierra Leone 1991, Sections 41, 42 & 75 and the Public Elections Act 2012, Section 44)

Presidential candidate(s) must meet the following eligibility criteria:

a) must be a member of a registered political party;
b) must be nominated by a registered political party;
c) must be a citizen of Sierra Leone;
d) must not be less than forty years of age:
e) must be a registered elector;
f) must be otherwise qualified to be elected as a Member of Parliament;

Process of Nomination

(Reference: The 1991 Constitution of Sierra Leone, Section 42 and the Public Elections Act 2012, Sections 45 & 44)

Documents required

a) Completed and signed Presidential candidate nomination form and Code of Election Campaign Ethics;
b) Completed and signed Statutory Declaration forms must be submitted by both the Presidential and the Vice-Presidential candidates;
c) The prescribed nomination fee;
d) Voter registration cards showing proof of registration.

Nomination steps

a) Nominations forms must be submitted to the National Returning Officer (i.e. the Chief Electoral Commissioner/Chairperson of the National Electoral Commission) at a place and time specified in the public notice for nomination.

b) Nomination forms of a Presidential candidate must be submitted by the candidate him/herself to the Returning Officer; and his/her picture will then be taken by NEC

[89] Ibid (source NEC)

c) The Nomination of a Presidential candidate must be in writing in the form prescribed by the Public Elections Act, 2002;

d) The submitted nomination form for Presidential Candidate must include the name of the candidate designated for the office of Vice-President;

e) The submitted nomination form must be signed by three executive members of the political party nominating the Presidential candidate;

f) The Presidential candidate, his/her nominators and the designated Vice-President must all sign the nomination form in the presence of two adult witnesses, who must sign in the place indicated on the prescribed nomination form. Both the Presidential and the Vice-Presidential candidates must individually submit a Statutory Declaration, which must also be signed by either a Commissioner of Oaths, Justice of the Peace or a Magistrate.

g) Each Presidential candidate must bring a Nomination Declaration Form signed by the National Chairperson and the National/General Secretary of the political party nominating him/her. This is an indication that both the Presidential candidate and designated Vice-Presidential candidate are members of the party in question, and that the political party has nominated them for these positions.

h) Each Presidential candidate is required to deposit with the Returning Officer a non refundable prescribed fee,or present a paying slip signed by bank officials of a designated bank. The Returning Officer will issue an official receipt;

i) The Presidential candidate is required to accept and sign a Code of Election Campaign Ethics prepared by the NEC as a condition for acceptance of nomination forms.

j) The voter registration identity cards of the Presidential and Vice-Presidential candidates and of the three executive members of the political party, which nominated the Presidential candidate, must be presented to verify that they are electors.

Publication of Provisional List of Candidates

(Reference: The Public Elections Act 2012 Section 47,)

After the end of the prescribed nomination period for the Presidential Election, the National Returning Officer will immediately publish the provisional list of nominated Presidential candidates by Government Notice and any other appropriate means for NEC. The provisional list will detail their full names, addresses, and occupations. This notice will in addition contain the following information;

- Name of the political party to which each Presidential candidate belong;

- Names, addresses and occupations of the three executive members of the political party, which nominated each Presidential candidate.

Objections

(Reference: The Public Elections Act 2012: Section 32, subsection 2)

Any Sierra Leonean citizen has the right to object to the Supreme court the nomination of a Presidential candidate, within seven days of the publication of the provisional list of nominated Presidential candidates.

Common Grounds for Objections

(Reference: The 1991 Constitution of Sierra Leone, Section 76 and The Public Elections Act 2012, Sections 44, 45 & 46).

- Nomination form not filled out correctly;
- Statutory Declarations forms are not filled out correctly;
- One or more of the nominators are not qualified to be nominators;
- Incorrect particulars of a candidate or his/her nominators as required by law;
- Candidate is not a Sierra Leonean citizen or is a naturalised citizen;
- Nominated Presidential candidate and designated Vice have not been nominated by a political party;
- Presidential candidate not forty years of age or older
- Candidate is not qualified to be a Member of Parliament in accordance with section 76 of the 1991 Constitution;
- Deposit not paid.

Decision on an objection

(Reference: The Public Elections Act 2012: Section 47)

The Supreme Court shall give a decision within thirty days of the objection being lodged.

PUBLICATION OF FINAL LIST OF CANDIDATES

Where there are no objections to the provisionally nominated Presidential candidates, the NEC will publish the final list of candidates immediately after the end of the seven-day objection period. But where there is any objection, the final list will be published immediately after the Supreme Court has made its ruling(s). However, the printing of the Presidential ballot papers would begin immediately after the close of nomination without prejudice to any pending objections lodged with the Supreme Court.

DEATH OF A CANDIDATE

(Reference: The 1991 Constitution of Sierra Leone, Section 42 and The Public Elections Act 2002: Section 48)

In the event of the death of either a Presidential or a Vice-Presidential candidate prior to polling day, the NEC will re-open nominations for the deceased candidate's political party, within seven days from the date of the death of the candidate. This is to allow the party to nominate a new Presidential or Vice-Presidential candidate as appropriate. *A new date for the Presidential Election will be set.*

ELECTION OF A SOLE CANDIDATE

(Reference: The 1991 Constitution of Sierra Leone, Section 42 and The Public Elections Act 2012: Section 49)

Where only one candidate is nominated after close of nomination or should a candidate withdraw, leaving only one candidate for the vacancy, no election will be held and the sole remaining candidate will be declared President.

CHAPTER 13

POLLING PROCESS

INTRODUCTION

This chapter examines pre-polling and polling day activities under three broad headings; namely:

- Preparations for polling day activities;
- Polling day activities;
- Counting and tabulation of votes.

Each of these headings is in turn subdivided into major election tasks.

1. PREPARATIONS FOR POLLING DAY ACTIVITIES

Preparation of Election Budget, the Procurement of Election Materials and Supplies

Adequate preparation is significant to the successful execution of polling day activities. The preparation of an election budget and the adequate funding of the entire electoral process are key factors, among others, in the successful implementation of an election programme. The budget for the electoral process (including polling day activities and other segments of the electoral process e.g. voters registration) is prepared by the Electoral Commission. After its preparation, the budget is submitted to the Government of Sierra Leone, which is the provider of nearly all the funds necessary to execute an election programme. However, funding assistance may be sought from donor agencies; especially if the election for which funds are being solicited attracts significant international concern e.g. a post-conflict election. The prepared budget for the election may include, inter-alia, budget for the procurement of election materials, equipment and other supplies, printing of ballot papers and the payment of honoraria or salaries for the temporary election staff recruited to carry out the polling exercise.

The timely procurement of election materials and supplies is significant to the successful implementation of an election programme. Procurement process involves the buying of a whole range of items like different types of election forms, envelopes, printing of ballot papers and notices, ballot boxes, indelible ink, stamp pads, lamps, rulers, pens, pencils, seals for ballot boxes. Procurement of election materials, which are usually grouped into sensitive and non- sensitive, is not an easy task. It involves the making of considerable groundwork on the following: the determination of the appropriate volume or quantity of each election item required, to avoid excesses or shortages; the local availability of each required election item in sufficient number; and the quality of the items and their costs. The answers got from the groundwork will determine the quantity of the items to be bought within or outside the country. It has been stated that one significance of the voters registration exercise is the fact that it determines the quantum of logistical input necessary for many aspects of the electoral process. In other words, the total number of registered voters will significantly

help the election management body (the Electoral Commission) to determine the quantity of each election material needed for polling.

Recruitment of Elections Personnel

The delivery of good quality election services to the electorate on polling day depends on, inter-alia, an efficient election personnel, all of whom must realize the need to be impartial throughout the election process. By virtue of the provisions contained in the Public Elections Act 2012, the Electoral Commission has the overall responsibility to appoint election staffs who, in its opinion, are fit to carry out the conduct of elections in all the electoral regions, districts, constituencies or wards in Sierra Leone, as the case may be. Such election personnel should, however, not be candidates or political party activists. The personnel required for the conduct of election include: the National Returning Officer, who by law should be Chairman of the Electoral Commission; Regional Returning Officers; District Returning Officers; and as many Assistant Returning Officers as are required. Moreover, the Commission shall appoint as many people as required to act as Presiding Officers and Polling officials. It should be noted that, the total number of election personnel required to conduct a public election would depend on, among others, the total number of registered voters, and the total number of polling stations. It should further be noted that the recruitment of election staff for the conduct of election may not always be an easy task. This is because it may sometimes prove difficult to get persons who are actually neutral or impartial. The Electoral Commission must therefore use the "search approach" in its drive to recruit elections personnel. In other words, the Commission (through its District Electoral Officers), must carefully search for persons who are not political activists, and are ready to execute their electoral functions independently and impartially. Election personnel are usually recruited from among lecturers from the university and teacher training colleges; Principals or Head teachers of schools; other members of the teaching profession who are present all over the country; civil servants from Government departments, and the general public.

Besides the election personnel mentioned above, each political party contesting the election may appoint two Polling Agents as its representative sat each polling station or counting centre. Each political party making the above appointments is, by law, required to send in writing a notice of the respective appointments made to the relevant District Returning Officer at lest three days before the day of the election. The District Returning Officer will then inform the relevant Presiding Officers. The names, addresses of the polling and counting agents, including the polling stations to which they have been assigned should be included in the notice sent to the District Returning officer. The appointment of representatives of political parties is important for the holding of transparent, free and fair elections. The functions of the various categories of election staff will be dealt with later in this chapter. It should be noted that all the election personnel mentioned above are appointed only for the conduct of specific elections (i.e. either, general elections, or bye-elections, or local authority elections). Their services would, therefore, be terminated once the election for which they were recruited is ended.

Training of Elections Personnel

In order to ensure that the recruited election personnel deliver efficient election services to the voters on voting day, the Commission must ensure that all categories of election staff receive formal training, soon after their appointment, or before the commencement of voting. Like the training programme of voters registration personnel discussed earlier, the training programme of the elections personnel named above may be cascaded into at least three broad categories, namely: the training of trainers, the training of Presiding Officers and the training of other Polling officials below the Presiding Officers. The preparation of training manuals and other materials (like aide memoirs) for all categories of staff precedes these training sessions. The purpose of the training manuals is to make sure that election staff knows before hand operational details and election rules to be applied on polling day. The manuals may also contain election offences that may be committed by election staff.

The training of trainers is designed to train key trainers who will in turn train middle level election officials like Presiding Officers, who will in turn train other polling staff on polling day operations. The training of Presiding Officers and Polling Assistants is usually an enormous task. It means training thousands of officials who will be physically present at every polling station on election day. During the training programmes, Presiding Officers and other Polling officials will be trained on the functions they are expected to perform in their respective polling stations, immediately before, during and after voting. They are also taught what to do during the counting of votes. Each of the above training programmes may last for a few days. A proficiency test may be conducted for the trainees at the end of each training programme. The trainees who perform poorly in the proficiency test may have their appointments revoked.

It is advisable to organize special training programmes for political party agents and elections observers on pre- polling and polling day operations.

Functions of the Various Polling Day Staff

Election staff (or personnel) means all the personnel engaged lawfully in the delivery of elections services to the electorate either before polling or on polling day and thereafter. The duties of the personnel responsible for the conduct of elections in Sierra Leone are similar to those performed by other election staff in many Commonwealth countries.

Returning Officer

A Returning Officer (R.O) is a person appointed by law to oversee the actual conduct of a specific election, either in the whole country or in some part of the country, like a region, district or constituency, as the case may be. Besides being responsible for the actual conduct of an election, a Returning Officer may perform the following duties:

- Administrative duties: - the publishing of nomination notices and election notices in the electoral areas assigned to him or her.
- Nomination exercise: to take nominations of candidates wishing to contest the election for which the RO is in charge.

- Recruitment, training and deployment of polling day personnel: - In some countries, the RO supervises the recruitment, training and deployment of Polling day personnel in his/her area of operation.
- The Returning Officer may collect election logistics from the District Elections Officer for distribution to the Presiding Officers and Polling Assistants of the respective polling stations in his or her election area.
- Supervision of Counting process and return winning candidates duly elected.
  The assignment of a Returning Officer ends once the election, for which he or she was appointed, ends.

Assistant Returning Officer (A.R.O)

An Assistant Returning Officer (A.R.O.) is a person appointed by law, to assist the R.O. in the performance of the latter's responsibilities. The A.R.O. is thus under the supervision of the Returning Officer (R.O).

Presiding Officer (P.O)

The Presiding Officer (P.O) is a person appointed by the Electoral Commission to be in charge of a particular polling station on polling day. He or she is responsible for the actual conduct of the election in the polling station assigned to him or her. A Presiding Officer is also responsible to supervise all the polling staff and organize the voters assigned to his or her polling station. He or she will keep order in the Polling station.

Polling Assistant (P.A.)

A Polling Assistant (P.A.) is a person also appointed by the National Electoral Commission to assist the P.O. of a particular polling station in the discharge of his/her polling duties in that polling station. The P.A. is therefore under the direction of the P.O.

Counting Officer (C.O)

A Counting Officer is a person who is charged with the responsibility of counting the votes at a polling station, constituency or electoral region, following the close of poll. The National Electoral Commission also appoints him or her. In practice, the presiding officer serves as counting officer.

Polling Agent (P.A.)

A polling Agent is a person appointed, according to law, by a political party or candidate at each polling station, counting and results collation centre. In practice, the polling agent serves as the counting agent. The main functions of a Polling/counting agent are -

- to detect impersonation in the polling station where he/she is assigned;
- to draw the attention of the P.O. to any illegal practice that may occur at the polling station while voting is in progress or at the counting or results collation centre;
- to observe the counting process at the counting centre and;

- to notify the counting officer (or his political party) of any irregular practice that may occur during the counting of votes.

Selection of Polling Stations

The selection of adequate polling stations that are located in areas that are free from all kinds of threats or intimidation to voters is also an important element in the organization and the delivery of efficient elections services to the electors on polling day. For the conduct of elections, the Public Elections Act, 2012 (Section 70, subsection 2a) states that - The Electoral Commission shall:

> "*Provide the number of polling stations that may be required in each electoral area and allot the voters within each electoral area to the polling stations in such manner as it thinks most convenient:"*

A polling station is an area designated for the exercise of casting votes on polling day. It is thus, collectively all the electors whose names are registered in that designated area, security, election staff and agents of political parties/candidates contesting the elections; all of whom are lawfully assigned to that designated voting area. In Sierra Leone, the previous practice, after the voter registration exercise, was to assign voters to specific polling stations where they are expected to cast their votes on polling day. However, when using the fixed centre approach, the practice is to turn the registration centres, where voters registered during the voters registration exercise, into polling stations. The common principle is **"where you register is where you vote on polling day**". The law further requires the National Electoral Commission, to inform voters about the location of each polling station and the persons entitled to vote there. In order to proceed smoothly, it is recommended that each polling station must have a smaller number of voters to avoid any possibility of delay and confusion on the day of voting. The number of voters that may be assigned to each polling station is between 400 – 500, though some stations may have more or less than 500 voters.

The preparation of elections logistics and the selection of polling stations are some of the professional responsibilities of the District Elections Officers. It is usually the practice to use public buildings, including school premises as polling stations. In areas where public buildings and school premises are inadequate or not available, the alternative is to hire or rent private lots (open air) as polling stations. The selection of private premises and lots may sometimes be time consuming and difficult. For instance, house owners may fear the eruption of election violence which may lead to the burning of houses etc. Besides, care must be taken to ensure that the owners of private premises or open air spaces earmarked to be used as polling stations are not political party activists or officials of any of the political parties contesting the election. Another factor, which is usually considered in the selection of polling stations, is the geography of the electoral area (e.g. hilly or riverine areas). In addition, in rural areas efforts should be made to ensure that voters do not walk unreasonable long distances to vote. It must be noted that the total number of registered voters, among other factors, will determine the total number of polling stations to be selected. Under the law, each polling station shall be staffed by the National Electoral Commission with adequate polling staff and equipped with election materials necessary for the conduct of an election on polling day (e.g. ballot boxes, copies of the register of electors, ballot papers, etc.).

Voter Education

In developing countries where a high percentage of the voting population is either illiterate, or apathetic and disillusioned with their political systems; or where there is a high degree of unfamiliarity with the voting procedures, it is necessary to include voter education (or awareness) programmes as part of the overall planning scheme for an election. In such situations, the need to sensitize and teach potential voters about major aspects of the electoral process (e.g. the requirement and procedures for the registration of voters, polling day procedures, including the procedures involved in the counting of ballots) cannot be over emphasized. In addition, a well-defined and planned voter-education programme should provide general information on the electoral process to the citizens. Indeed, a well-planned and implemented voter education programme will encourage those who have reached the prescribed voting age (or above it) to go out to register and when so registered as electors, to go out and vote in large numbers on polling day. This will consequently reduce invalid ballots (i.e. incorrectly marked and rejected ballots).

Voter Education programmes may be organised for the entire voting population in a country; target specific audiences as the apathetic or cynical voters, the disadvantaged voter (e.g. the illiterate or persons with disabilities), and the first-time voters who are apprehensive of the crowd, or the process, etc. Voter-education programmes should therefore be designated to generate the voters confidence in the electoral process. In order for voter-education programmes to be meaningful to the election process, they should be made to be completely neutral, non-partisan, and limited to providing general information to all concerned about the country's electoral process.

Preparation and Distribution of Polling Day Logistics

The preparation and timely distribution of polling day materials (i.e. election logistics) are also central to the organization and delivery of efficient election services to the Voters. It is part of the functions of the District Elections Officers and their support staff to pack and distribute elections logistics to the Presiding Officers and Polling Assistants deployed at their respective polling stations. Polling day materials include ballot boxes, ballot papers, indelible ink, seals for ballot boxes, endorsing ink, inkpads, register of electors. For the conduct of elections, it is the responsibility of the National Electoral Commission to transport all elections materials and election staff to the respective polling stations.

Election Campaign

Political campaigning (i.e. the canvassing for votes) is a major function of political parties in any true democratic country. Indeed, it is during election campaign periods that political parties sell out their political programmes to the electorate. In Sierra Leone, election campaign by political parties will officially begin following a proclamation by the National Electoral Commission to that effect. After the close of nominations, NEC shall determine and declare, by Government Notice, a campaign period during which campaigning by political parties and independent candidates may begin and end. The acceptance of a code on election campaign ethics, prepared by the Commission, by all political parties and independent candidates is a pre-requisite for the acceptance of their nomination forms. In practice, political parties begin their campaigns immediately after the declaration of a date for a public election (i.e. Presidential, Parliamentary or Local

Government). In other words, unofficial political campaigns by political parties begin well before the declaration by NEC of the campaign period, in accordance with Section 148 of the Public Elections Act, 2012. Because political campaigning prior to the declaration of the campaign period is a violation of the Public Elections Act, political parties usually refer to such political activity as "political sensitization" or "meet and thank the people tours".Naturally, election campaign by Political Parties usually will acquire speed as the election date draws nearer. For elections to be free and fair, all Political parties and independent candidates contesting an election (i.e. the ruling party and those in opposition) must be assured of a level playing field. In other words, all Political parties and Independent candidates contesting an election must be given the opportunity to campaign nation-wide, and must have an unhindered access to the state-owned media. Political parties must therefore be allowed to go about their election campaign without any threat or hindrance either by the law enforcement agents, the government or by the various local authorities. Political parties, however, have the duty to observe election rules and cooperate with the Electoral Commission. Election campaigns may take the form of house-to-house campaign visits, political rallies, radio and television discussions. However, the parties need to inform the law enforcement agents and local authorities before holding political meetings. Election campaign practically ends the day prior to voting.

2. POLLING DAY ACTIVITIES

On polling day, the Presiding officer of each polling station and his/her staff are required to perform a number of duties for the success of the days (or days) voting operations. The following people are expected to be at each of the polling station on voting day(s):

- the Presiding officer (who, as we already know, is in charge of all the operations at the Polling station);
- Polling Assistants (2 or 4); i.e. Voter Identification Officer, Ballot Paper Issuer; Polling station queue controllers.
- Electors who are assigned to a particular polling station;
- Police Officer(s) assigned to a Polling station;
- political party/candidate agents assigned to the polling station;
- authorized election observers and monitors (if any);
- any other persons authorized by law to be there.

Presiding Officers, their staff and all those present at the polling station are expected to work and behave according to established regulations in the polling stations.

Opening of the Polling Station

It is important that election materials to be used on polling day should be transported to the polling station in good time before the opening of the poll. It is advised that every Presiding Officer (PO) and staff should visit their polling stations one day before the day declared for voting, to familiarize themselves with their stations. Polling stations are to be opened simultaneously throughout the country on the day of voting at seven 'O' clock in the morning. It is of major importance for all Presiding officers and their Polling Assistants to open their respective polling stations on time, to allow the registered electors to begin voting at the

appointed time. It is also of importance for agents of political parties or candidates to be at their designated polling stations on time, to witness the opening procedures before the start of polling. It should be noted that it is not incumbent on the Presiding officers to wait for polling agents when it is time to open the polling station.

Immediately before the start of voting, the Presiding officer assigned to each of the polling stations must open and show each ballot box empty to all those who are lawfully present at the polling station; after which he/she shall, close and apply ballot box seals on each ballot box. By this time, it is expected that the polling station has been organized and equipped with all materials needed to conduct the poll (i.e. ballot boxes, ballot papers, register of electors, etc.) The Voting screen (or booth) in which the electors are expected to mark their ballot papers should be well placed or organised to ensure the secrecy of the ballot. The ballot boxes, however, should be openly placed in full view of Presiding officers and all those who may be lawfully present at the polling station. One ballot box is used for all the parties or candidates. During this time, canvassing at the polling station or the display of anything (besides elections notices) which indicates support for any political party or candidate contesting the election is disallowed. When the Presiding officer is satisfied that the preliminary procedures described above are over, then the polling station shall be declared open. All polling day staff are now expected to be ready to receive voters to cast their votes. Voters are expected to be in organised queues, which are controlled by polling centre/ station quene controllers.

Voting Process

Manner of Voting

Voting is by secret ballot and begins at 7:00am, and ends at 5:00pm. Where Presidential and Parliamentary elections are conducted simultaneously on the same day, 1 Presiding officer (PO) and a number of Polling Assistants (PA's) are expected to technically treat the voters .Voting procedure at each polling station involves broadly two major steps:

a) Procedures involved with screening (or identification of voter) to check eligibility and prevent multiple voting;
b) Procedures involved with issuing ballot papers to voters, marking of ballots by voters and depositing marked ballots into the respective ballot boxes.

The following are the steps (not necessarily in any logical order):

- Each voter shall present his/her voter's registration or identification card (voter ID card) to the Presiding Officer at the polling station where he/she was registered;

- Inspection of the left thumb of the voter (by the Voter Identification officer) to ascertain that the voter has not already voted;

- Checking the register (by the Voter Identification Officer) to make sure that the name of the elector is in it and that such elector has not already voted.

- Ticking against the elector's name on the register, by the Voter Identification Officer.

- Having satisfied that the elector has not already voted, the Ballot Paper Issuer will tear off a ballot paper from the book of the ballot papers, stamp the back with the validation stamp provided;

- The Ballot Paper Issuer must impartially explain to the voter the method of voting, before handing the ballot paper to him/her;

- Having received the ballot paper, the voter will go alone to the voting screen and mark the ballot for the candidate of his/her choice. The mark may be a tick or thumb print. Since voting is by secret ballot, a voter is not allowed to put a mark on the ballot paper that may identify him/her e.g. his/her signature.

- The voter will then leave the voting screen with the ballot papers folded in such a way that no one may know the party or candidate for whom the mark was made. The folded paper will be placed in the appropriate ballot box in full view of every one present at the polling station.

- The left index finger of the elector will be marked with the electoral stain called indelible ink.

An elector who is incapacitated by blindness or any other physical disability and thus unable to cast his/her vote all by him/herself, such a voter must be allowed to be accompanied by another voter of his/her own choice who must then help the physically challenged person to vote.

Moreover, an elector who is likely to be unable to be physically present on polling day at the polling station where he/she is entitled to vote, due to valid official reasons, may apply (in an approved form) to the Returning officer, at least 15 days before election day, for a certificate of authorization to vote at another polling station, other than that in which he/she was registered. Such electors may include election officials, transferred Civil Servants and other public servants, members of the Sierra Leone Police and the Army.

In addition, if a voter spoils the ballot by placing a mark for a party (or a candidate) which is not of his/her choice, then the voter shall return the spoilt ballot paper to the Presiding officer. The Presiding officer will after satisfying him/herself that the voter's case is genuine, provide him/her with another ballot paper. The word "CANCELLED" must be written across the face of the ballot paper, which shall be kept in a separate envelope provided for that purpose.

CLOSING OF THE POLL

The official time for closing of Polling station is five 'O' clock in the afternoon. However, the Presiding officer shall only declare the poll closed after all the registered voters present inside the polling station, or waiting in the queue outside the polling station, have cast their votes. At the expiration of the voting hours, (i.e. after the last registered voter waiting in the queue has voted) the Presiding officer will immediately close the polling station, and thus stop receiving any more voters. Following the closing of the polling station, the Presiding officer, in full view of all those persons who are lawfully present in the polling station, shall perform the following duties:

a) Seal the ballot boxes with seals given to him by the National Electoral Commission, so as to prevent the introduction of any additional ballot paper into them;

b) Put into separate packets or envelopes the following: any authorisation certificate he has received, the unused and spoilt ballot papers put together; the marked copies (or part of them) of the Register of electors; and all the counterfoils of used ballot papers, or any other document authorised by law.

After placing all the above documents into separate packets, the Presiding Officer must, prepare or fill all forms (Ballot Papers Account forms etc. which were given to him/her by the Commission) indicating, under separate headings the total number of ballot papers given to him, the total number of spoilt ballot papers; and the total number of electors issued with ballot papers as marked in the register of electors. The presiding officer will then count the ballots at the polling station in the presence of all persons who are lawfully to be present at the counting of the votes.

3. COUNTING AND TABULATION OF VOTES AND ANNOUNCEMENT OF RESULTS

Counting of votes may be regarded as the climax of the entire election process. It may occur at a time of considerable excitement or heightened tension between those contesting the elections. The process of counting votes may either be simple and straightforward, or be a bit complex, depending on the electoral system that is followed in the country and the legal provisions made to that effect. For example, while the process of counting may be simple under the first-past-the-post system with a single member constituency, it may tend to be a some how complex and tedious exercise under the proportional representation with a transferable (or distribution) vote system. However, whatever the system used, the exercise of counting must be transparent and in accordance with the laid down rules.

Procedure for Counting Of Votes

Under the electoral laws of Sierra Leone, counting of the ballots in all public elections (Presidential, Parliamentary, Local Government elections and referendum) must take place at each polling station, in full view of persons who are required by law to be present at the counting centre. The persons who may be present at the vote counting exercise at each polling station are the Counting Officer (who was also the Presiding officer of the Polling station), Counting Assistants, Polling staff, Counting Agents (who are

representatives of candidates and political parties) and Election Observers (if any). The procedures for counting votes are summarised as follows: immediately after the close of the poll, the Presiding officer of each polling station (in his/her capacity as a counting officer) must separately deal with the votes for each election (presidential and Parliamentary), if a number of Public elections were simultaneously held on the same day. The Counting officer must do the following in the presence of all those persons mentioned earlier:

- Open each ballot box for each election (if more than one was held) and empty it;
- Do the necessary reconciliations (i.e. how many ballots received as against how many in the ballot box, how many spoiled or rejected).
- Count the number of votes cast for each political party or candidate separately.

Rejection of Void Ballot Papers

The basic elements of counting of votes also include, the rejection by the Counting officer of void ballot papers (i.e. ballot papers which are rejected during the counting process); and all ballot papers, if any, not supplied by the National Electoral Commission to the electors. However, it must be emphasised that the rules dealing with the rejection of ballot papers during the counting exercise must be applied impartially. A ballot must be declared valid once the intention of the elector is ascertained. Under the Electoral laws of Sierra Leone a ballot paper will be declared void by the Counting officer as a result of one or more of the following reasons:-

- All ballot papers(if any) not supplied by the Presiding officer for use at his/her polling station must be rejected and declared void;

- If(according to NEC rules or the Law) a ballot paper does not have the official mark (i.e. not stamped by the ballot issuer) which has been prescribed by the National Electoral Commission, it shall be rejected;

- A ballot paper that has written on it either the name of the voter, or any other mark like a signature by which the voter could be identified (other than a tick or finger print) will be rejected. This is to uphold the principle of secrecy of the ballot;

- A ballot paper which has no mark for any political party or candidate; or if it is so improperly marked that it becomes impossible to accurately determine for which political party or candidate that ballot was cast, it will be declared void or rejected;

- The Counting officer, as the case may be, will also reject a ballot paper with a mark for more than one political party or candidate.

The Counting officer shall write the word **"Rejected**" on any ballot paper, which has not been counted. A Counting agent may, however, object to the decision of the Counting officer to reject a ballot. The words "**rejection objected**" shall be added on any rejected ballot paper, if any rejection has been raised to the decision of the counting officer. Any counting agent may also request the counting officer to have a recount of the votes.

Duties of the Counting Officer after the Counting of Votes

Following the conclusion of the counting of votes, the counting officer must seal up, in separately prepared envelopes, the valid ballot papers cast for each political party or candidate, and those ballot papers rejected. The counting officer will then prepare a statement of the result of the poll for each election (if more than one was held) in a prescribed form detailing, inter-alia, the number of valid votes cast for each political party or candidate. The Presiding/Counting officer and Counting Agents must sign the statement. Sufficient number of copies of the statement of the result of the poll shall be prepared and signed for distribution to the following: -

- The National Returning Officer
- The Regional Returning officer
- The District Returning officer
- Each Counting Agent present at the poll;
- The Presiding/Counting officer him/herself;

The reason for the generous distribution of the above copies is to prevent fraud. In the event, for instance, where the ballot box is lost or tampered with after leaving the polling station, certified copies of the results would still be in the possession of some responsible persons. In addition, one statement of result shall be posted at the polling station.

The Counting officer shall then place into the ballot box the sealed envelopes containing the counted ballots, the rejected ballots and such other election documents as may be required by the National Electoral Commission. The Counting officer shall then close the ballot box and fix seals on it. All sealed ballot boxes and election equipment shall finally be delivered to the District Returning Officer/or District Elections Officer.

Certification and Publication of Election Results

After receiving all the statements of results of the poll from the Presiding/Counting officers, each District Returning Officer must compile a summary of all the statements of the results from the polling stations in his/her electoral district. The summary will show the number of votes cast for each political party or candidate for each election (again, where more than one was conducted on the same day). Sufficient copies, as may be required, of the summary of all the statements of result will be certified (or signed) by each District Returning Officer and sent to the respective Regional Returning officers. Each Regional Returning officer will further compile and certify (i.e. sign) his own summary of all the results received from the various District Returning Officers for onward transmission to the National Returning officer. Certified or signed

copies of the compiled summaries of all the results may be supplied to any election observer or Counting Agents present at the offices of the District Returning Officers and Regional Returning officers.

Upon his/her receipt of the above-mentioned summaries, the National Returning Officer (who, as already indicated elsewhere, is the Chairperson of the National Electoral Commission) shall cause the said summaries of all the results received from the various Regional Returning Officers to be tallied and compiled. The National Returning Officer must declare the results of the election or elections, as the case may be. Following the declaration of the results, the National Electoral Commission must immediately formally publish the results so declared in the manner prescribed by law. Once the results of the elections (or election) have been declared and published, the Commission shall keep in a secure place all the statements of the polls and all other documents relating to the elections. The declaration and official publication of the election result signifies the end of the election period, except otherwise if there are election petitions.

However, during the 2007 and 2008 Sierra Leone National and Local Government elections, all statements of results were sent to the National Electoral Commission Headquarters Data Centre for processing and compilation in the presence of Political Parties representations. After completion the Chief Electoral Commissioner and Chairperson of NEC, who is the National Returning Officer, certified and announced the results.

Glossary of Selected Terms

The definitions of the electoral (and related) terms contained in this book reflect only the meanings, which have relevance to the electoral process.

1. **ACT**: A law made in parliament.

2. **BALLOTS**: Specially designed papers (on which the names, photos or symbols of candidates or political parties are printed) given to voters by Presiding Officers to vote for a candidate(s) or a political party on polling day.

3. **BALLOT BOX**: A voting box designed purposely to receive and hold ballots (papersor tokens or envelopes) cast by voters at each polling station.

4. **BYE- ELECTION**: An election conducted in an electoral area to fill a vacancy in Parliament or a Local Council.

5. **CANDIDATE**: Any person nominated to contest an election in a particular electoral area. In the case of PR list system, any person whose name is included in a list of persons prepared by a political party and presented to the voters, through the Electoral Commission, to contest an election).

6. **CHIEFDOM COUNCILLORS LIST**: A Gazetted list of selected taxpayers and other office holders in a chiefdom with responsibility to elect Paramount Chief Members of Parliament and Paramount Chiefs at chiefdom level.

7. **CLAIM**: An application or request made by an eligible voter seeking to have his or her name included in the provisional list of voters.

8. **CONSTITUENCY**: A demarcated electoral area for the purpose of sending representatives to parliament.

9. **CONSTITUTION**: An agreed body of fundamental laws, principles, customs or conventions according to which a country is governed.

10. **DECENTRALIZATION**:The process by which the "central government transfers some of its powers and resources to local government bodies for them to perform executive, administrative and regulatory functions in their areas of authority"[90]

11. **DELIMITATION OF CONSTITUENCY**: The drawing up of electoral constituencies, according to law, for the purpose of sending representatives to parliament.

12. **DELIMITATION OF WARDS**: The drawing up of local council wards for the purpose of electing councillors to a local council e.g. District or Town Councils

13. **DEMOCRACY**: A type of political system by which the decision(s) of the majority of citizens through free and fair elections is paramount.

14. **DEMOCRATIC** PROCESS: the practice of putting democratic principles and values into operations e.g. the operation of genuine multi-party system, free and fair elections, free press, the rule of law, etc.

15. **DISENFRANCHISE**: To take away the right to vote (and be voted for) from an individual.

16. **ELECTIONS**: An exercise during which voters express their political preference for a political party candidate(s) or independent candidate(s).

[90]Dr. Kwadwo Afari-Gyan. The Ghanaian Constitution: An Introduction (p89)

17. **ELECTOR**: Any person whose name is on the voters register.

18. **ELECTORATE**: All the qualified voters in a country.

19. **ELECTORAL** COMMISSION: The body responsible for the organization, conduct and supervision of all public elections.

20. **ELECTORAL CODE OF CONDUCT**: Regulations made to regulate the conduct of political parties, their agents and supporters before, during and even after the elections.

21. **ELECTORAL COLLEGE**: A body of persons elected to further elect (or choose) the peoples representatives.
22. **ELECTION EXPENSES**: Expenses incurred either before, during and after the conduct of a public election.

23. **ELECTORAL LAWS**: Laws made by parliament (or any other authorised body) to deal with all election issues. They include rules and regulations made by Statutory Instruments or delegated legislation

24. **ELECTION MATERIALS**: All materials needed for the organization and conduct of an election (e.g. ballot boxes, ballot papers etc). They include both sensitive and non-sensitive materials.

25. **ELECTION OBSERVERS**: A group of people (or organizations), whether national or international, who observe all or certain aspects of the electoral process taking place in a given country.

26. **ELECTION OFFENCE**: An action or practice that is declared illegal by the electoral laws of a given country e.g. multiple registrations and voting, impersonation, etc. are election offences in Sierra Leone.

27. **ELECTORAL PROCESS**: The entire process relating to the preparations, for, and conduct of public elections e.g. covering, among others, the registration of voters, campaigning by political parties, polling and counting procedures.

28. **ELECTORAL QUOTA**: The number obtained by dividing the total number of voters in a given country by the number of constituencies into which that country is divided.

29. **ELECTORAL ROLL**: A register containing the names (and any other relevant information, like addresses, sex) of electors

30. **ELECTORAL THRESHOLD**: The minimum number of votes to be attained by a political party before it can participate in the sharing of seats in parliament.

31. **ELIGIBLE CANDIDATE**: Any person who is qualified, under the law (or traditional and customary practices in a given chiefdom), to contest a public election or Paramount Chieftaincy election.

32. **ELIGIBLE VOTER**: A person qualified, by law, to be registered as an elector; and thus to vote at an election.

33. **EXHIBITION CENTRE**: A specified area in a town, ward or chiefdom for the public display of the provisional list of electors.

34. **EXHIBITION OF PROVISIONAL LIST OF ELECTORS**: The public display at specified centres of the preliminary list of electors for correction, objections, etc.

35. **FIRST – PAST – THE - POST SYSTEM**: An electoral system by which the candidate who polls the highest number of valid votes cast (even if only a minority of the total votes cast are received) in an electoral area during an election wins;

36. **FRANCHISE**: The right given to qualified citizen to vote (and be elected) at elections.

37. **FREE AND FAIR ELECTION**: Election for which every qualified citizen is given an opportunity to be registered as an elector and, when so registered, is allowed to cast his or her vote freely without any intimidation and in complete secrecy; while political parties and candidates are also allowed to contest without hindrance.

38. **GENERAL ELECTIONS**: National elections in which voters elect their national leader(s) and or their representatives in parliament.

39. **GERRYMANDERING**: The deliberate drawing of constituencies to give political advantage to a particular party or candidate. This was first practiced in 1821 in the state of Massachusetts (U.S.A.) by Governor Elbridge Gerry.

40. **INDEPENDENCE OF THE ELECTORAL COMMISSION**: This means the impartiality of the election management body in the conduct of public elections and referenda.

41. **LEVEL PLAYING FIELD**: The guaranteeing of equal opportunity to all political parties and candidates contesting an election.

42. **LIST SYSTEM**: A type of proportional representation system by which all political parties taking part in an election prepare lists of their candidates, for submission to the electorate. The

candidates are ranked on each list in the order in which the seats will be distributed. Voters vote for party lists and not for individual candidates.

43. **LOCAL GOVERNMENT**: A local authority set up by law to provide certain basic services for people living in a specified locality e.g. City, Town and District Councils in Sierra Leone.

44. **LOCAL GOVERNMENT ACT**:A law made in Parliament that deals with local governance through elected local councils.

45. **LOGISTICS FOR THE ELECTORAL PROCESS**: All necessary provisions and equipment (e.g. finance, stationery, transportation, election materials) needed to organize and conduct an election.

46. **MANIPULATION OF THE ELECTORAL PROCESS**: A deliberate attempt (either by the government/or any other political party with the connivance of election officials or the Election Management Body) to improperly influence the entire election process, to the disadvantage of other competing forces.

47. **MEMBER OF PARLIAMENT (M.P.):** Any person elected to parliament to represent voters of a particular constituency.

48. **MULTI- MEMBER CONSTITUENCY**: An electoral area (or constituency) where two or more representatives are elected.

49. **MULTI-MEMBER WARD**: A local council ward where two or more candidates are elected to represent their members in the council.

50. **MULTI- PARTY SYSTEM**: A political system where in there are two or more political parties competing for power.

51. **NOMINATION**: This is the process by which qualified persons who intend to contest elections (local council, Presidential, Parliamentary elections, etc) are selected, and their names and symbols printed on the official ballots.

52. **NOMINATION DAY**: Any day appointed for the nomination of candidates intending to contest an election.

53. **NOMINATION PAPER**: A printed form used for the purpose of nomination of a candidate for an election.

54. **OBJECTION**: A written protest made by an elector against another elector whose name appears on the provisional list of electors, with a view to having the latter's name (i.e. the name of the person objected to) struck out of the said list for one valid reason or the other.

55. **OFFICIAL MARK**: A special mark (provided to the Presiding Officer for each polling station) used to stamp (or mark) each ballot paper before being issued to a voter.

56. **OFFICIAL SEAL**: An equipment provided to a Presiding Officer for the purpose of sealing ballot boxes (and envelopes containing other election materials) immediately after the close of polls.

57. **OMISSION**: The omission (or non-inclusion) of the name of a qualified elector from the provisional list of electors.

58. **ORDINARY RESIDENCE**: The home or place of residence where a qualified elector normally resides, and to which he or she returns regularly after a temporary absence.

59. **PARAMOUNT CHIEF:** Any eligible person who hails from a recognized Ruling House and appropriate lineage, and has been duly elected by the gazetted chiefdom councillors in a given chiefdom and recognized by the appropriate authority.

60. **PARAMOUNT CHIEF MEMBER OF PARLIAMENT (PCMP):** A member of parliament elected by Chiefdom Councillors from amongst Paramount Chiefs in Sierra Leone.

61. **PERSONATION**: An election offence committed by a person who attempts to vote (or votes) unlawfully in another elector's name.

62. **POLLING BOOTH**: An enclosed designated area in a polling station designed for the marking of ballot papers by voters, before depositing them in a ballot box.

63. **POLLING DAY**: Any day appointed for the casting of ballots.

64. **POLLING STATION**: An area designed for the exercise of casting ballots on polling day.

65. **POPULATION QUOTA**: The minimum number of persons who must be in any constituency (or ward). It is obtained by dividing the total population of a country by the total number of constituencies (or MPs) into which that country is divided.

66. **PROVISIONAL/PRELIMINARY LIST OF ELECTORS** The list of qualified electors complied immediately following the expiry of the date fixed for the voter's registration exercise. It is this list that will later become the final voters register following the making of claims, objections and corrections to it.

67. **PROXY VOTING**: An opportunity given by law to an identified elector to vote on behalf of an absentee elector. An elector who is given the opportunity to vote by proxy on behalf of an absentee elector should do so at the same polling station where both of them (i.e. the absentee elector and the elector voting by proxy) are required to vote, and at the same time when he/she is casting his/her own ballot.

68. **RECOUNT**: The counting for the second or more times of all votes cast for each candidate (or political party) in one or more polling stations.

69. **REFERENDUM:** A public election in which voters express their preference for certain political issues put before them by a democratic government e.g. one party system or multi-party system.

70. **REGISTER OF ELECTORS**: A comprehensive list of all eligible voters in an electoral area.

71. **REGISTRATION AREA**: An area within a town or ward divided by law for the purpose of registering the names of qualified voters.

72. **REGISTRATION FORMS**: The printed forms used for the voter registration exercise

73. **REGISTRATION OF VOTERS**: An exercise of compiling a list of all persons who are qualified by law to vote at an election.

74. **REJECTED BALLOT PAPER**: A ballot paper though genuinely issued to a voter by a presiding officer and deposited in the ballot box, yet it cannot be counted; because either it is unmarked, or if marked at all the counting officer cannot tell for which candidate it was cast.

75. **REVISING COURT**: A public inquiry (or electoral court) held by a Revising Officer (with quasi-judicial functions) for the purpose of hearing electors' claims, rejections, objections etc.

76. **REVISION OF REGISTER OF ELECTORS**: A public exercise whereby the voters register is updated as a result of the deletion of the names of electors who have died, (or transferred to another area) and the inclusion of the names of other qualified electors.

77. **SECRET BALLOT**: An exercise whereby a voter expresses his or her Political preference in secret to avoid intimidation and victimization.. This is expressed in Sierra Leone by putting a mark (ie a tick or thumb print) against the name or symbol of the voter's candidate or political party in complete secrecy; and then depositing the marked ballot paper in the ballot box in full view of every one.

78. **SINGLE-MEMBER CONSTITUENCY**: A constituency where only one representative is elected.

79. **SINGLE-MEMBER WARD**: A local council ward where only one candidate is elected to represent his/her people in the council.

80. **SINGLE TRANSFERABLE VOTE**: An electoral system by which the excess votes of voters first choice candidates (i.e. all votes above the required quota) are transferred to their second or third choice candidates who have not attained the necessary quota.

81. **SPOILT BALLOT PAPER**: A ballot paper (though handed over to a voter) that was not cast because it was either spoilt by the voter inadvertently or mistakenly marked.
82. **STATEMENT OF THE RESULT OF POLLS**: A record of the polls for each candidate (or political party) as sent in by each Presiding/Counting officer. The results are recorded by each Presiding/Counting officer on specially printed forms.

83. **SUFFRAGE**: The right to vote at elections.

84. **SUPPLEMENTARY LIST OF VOTERS**: A list of voters whose names are not included in the register of electors. It is prepared following the public display of the preliminary list of voters.

85. **SYMBOL**: A sign or figure chosen by each candidate or political party for the purpose of contesting an election.

86. **TALLY SHEETS**: Printed forms distributed to counting agents by the counting officer for the purpose of recording the votes of their respective candidates, while they are being called.

87. **TENDERED BALLOT**: An unusual ballot cast by an aggrieved elector in whose name some one had voted. It is thus not counted as a normal vote.
88. **TREATING**: The practice of providing food, drinks and other entertainment to voters for the purpose of influencing their votes.

89. **TRIBAL AUTHORITY LIST (T.A. LIST)**: A gazetted list of selected tax payers and other office holders in chiefdom, who are responsible for electing Paramount Chief Members of Parliament and Paramount Chiefs at chiefdom level.

90. **UNIVERSAL ADULT SUFFRAGE**: The right to vote (and be voted for) in public elections given to all qualified adult citizens (both male and female) of a country.

91. **UNUSED BALLOT PAPERS**: Ballot papers not issued to any voter during an election.

92. **VALID BALLOT PAPERS**: Ballot papers rightly marked by voters and deposited into the ballot box, according to law.

93. **VOID BALLOT PAPERS**: Ballot papers rejected (i.e. not counted) according to the electoral laws of a country.

94. **VOTER**: Any person who casts ballots at an election

95. **VOTER EDUCATION PROGRAMME**: A special teaching or sensitization programme meant to educate potential voters on all aspects of the elections.

96. **WARD**: An electoral area divided, according to law, for the purpose of the election of Councillors to a local authority. It can be an area in a town or a whole chiefdom.

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