

**REPUBLIC OF LIBERIA
THE NEW ELECTIONS LAW**

**AN ACT REPEALING DECREE NO. 85 OF THE
PEOPLE'S REDEMPTION COUNCIL, ADOPTING
A NEW TITLE 11 IN LIEU THEREOF TO BE
KNOWN AS THE NEW ELECTIONS LAW**

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T I T L E 11

ELECTIONS LAW

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AN ACT REPEALING DECREE NO. 85 OF THE PEOPLE'S REDEMPTION COUNCIL AND ADOPTING A NEW TITLE 11 IN LIEU THEREOF TO BE KNOWN AS THE NEW ELECTIONS LAW.

WHEREAS, It is necessary, in view of the multi-party system entrenched in the New Constitution of Liberia to enact Elections Law consistent with, and in pursuance of the provisions of the Constitution for the governance of an Elections Commission thereunder.

It is enacted in the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

Section 1: That PRC Decree No. 75 approved July 21, 1983, repealing Title 12, Chapter 2 of the Liberian Code of Laws of 1956, known as the Elections Law, and PRC Decree No. 85 Relating to the Draft Elections Law, approved May 1, 1984, including Title 12 of the Elections Law, as contained in the 1956 Code of Laws, are hereby repealed in their entirety, and there is enacted in lieu thereof, a new Elections Law to be Title 11 of the Liberian Code of Laws Revised, as herein below recited word for word:

Chapter 1. DEFINITIONS AND GENERAL PROVISIONS

§ 1.1. Title of Law.

The provisions herein shall be entitled and cited as the Elections Law of the Republic of Liberia.

§ 1.2. Definitions.

Except when the context or a specific of provision of law otherwise

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requires, the following terms, when used in this title, shall have the following meanings ascribed to them in this Section:

- (a) “Commission” shall refer to the National Elections Commission of the Republic of Liberia.
- (b) “NEC” shall be the abbreviation used to refer to the National Elections Commission.
- (c) “Political Party” shall refer to an association with a membership of not less than five hundred (500) qualified voters in each of at least twelve (12) counties of Liberia in the case of new political parties, or such membership in each of at least six (6) counties in the case of existing political parties. The activities of a political party which has met the minimum registered requirements laid down by the Elections Commission by filing with the said Elections Commission, its articles of incorporation and by-laws in the Archives of the Republic of Liberia shall include canvassing for votes on any public issue, or in support for a candidate for elective office.¹
- (d) All military, para-military personnel, trade unions, union of teachers, union of doctors and nurses are hereby prohibited from forming political parties, but may participate in political activities by voting for the candidate of his/her choice during election time.
- (e) “Aspirant”, when used in this title, means anyone canvassing for an elective public office under the provisions of this title.
- (f) “General Elections” means any election for the offices of the

1. Sub-section (a), (b) and (c) are amendments made to Elections Law of 1986 by Section 5 of the Elections by the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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President, Vice President, Senators and Representatives held every six (6) years.

- (g) “Special Elections” means election pursuant to Articles 64 and 91 of the Constitution called for the purpose of filling vacancies in the offices of the President and Vice President and for the purpose of adopting an amendment to the Constitution, and to include election to fill the vacancies created for the election of fifty percent of the members of the Senate.
- (h) “By-Election” means any election other than a general or special election as provided for under the provision of Article 37 of the Constitution and to otherwise include election called for the purpose of filling vacancies created as a result of the unexpired term in an elective position other than the Presidency and the Vice Presidency.
- (I) “Run-off Election” means an election following the result of the first ballot where no candidate obtains an absolute majority.
- (j) “Given Name’ or “First Name” means the name preceding the surname of any person qualified to vote.
- (k) “Absolute Majority of Votes” means a number of votes greater than one half the number of all voters who vote at an election, exclusive of voters whose ballot papers are rejected.
- (l) “Constituency” means the whole of the country when referring to the presidential election, each of the fifteen counties in the country when referring to the elections for the Senate, and each of the electoral districts designated by the National Elections Commission when referring to the elections for the House of

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Representatives.²

- (m) “Domicile”, when used in this title, shall refer to the residence in the constituency of an aspirant or candidate who seeks elective public office in which he lives and pays taxes.
- (n) “Residence” means a place where a voter lives.
- (o) “Polling place” means any approved building or structure in which voters cast their votes during an election.
- (p) “Voting Precinct” means a designated area containing no more than 2,000 registered voters.³
- (q) “Voter” means any qualified person who has been regularly registered and in possession of a Registration Card and whose name appears on a registration roll.
- (r) “Registration Card” means a card issued by the Elections Commission to an elector as an identification showing his/her name, constituency, and center roll numbers which entitles him/her to vote during an election.
- (s) “Election Writ” means a writ issued by the Elections Commission directing the holding of an election.
- (t) “Magistrate of Elections” means an elections officer representing

2. As amended by Section 5 of the 2004 Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

3. Re-wording of the definition as amended by Section 5 of the 2004 Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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the Elections Commission in the area of appointment to perform such duties and functions prescribed in this title under the direction and supervision of the Elections Commission.

- (u) “Chairman”, when used in this title, shall refer to the Chairman of the Elections Commission.
- (v) “Co-Chairman” is one of the Commissioners who has been designated as such to assist the Chairman in the administrative affairs of the Commission.
- (w) “Commissioner” means a member of the Commission.
- (x) “Alliances and coalitions” shall refer to two or more political parties working together for a particular political purpose pursuant to section 8.5 of this Law.”
- (y) “Electoral district” means the amalgamation of voting precincts by the National Elections Commission, the registered voters of which shall elect a member of the House of Representatives.⁴

§1.3. Effect of Declaration.

Any declaration required to be made under the provision of this title and made before any person authorized by this title to receive such declaration shall have the same force and effect and in case of a false declaration, to the same penalty, as if such declaration had been made to any official authorized under the laws of the Republic to administer an oath.

4. Sub-section “w” is a re-wording of the previous sub-section “w” of the Elections Law of 1986, while sub-sections “x” and “y” are additions made by Section 5 of the Elections Act of 2004 passed by the Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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§ 1.4. Service of Notice.

Service of any notice required by the provisions of this title may be made by delivering it personally or if it can be shown that the post office maintains a regular delivery service to such place, by mailing it to the last known residence or usual place of abode within the Republic and if with due diligence no such delivery can be made, by affixing the notice to the door of such person's place of business, residence or usual place of abode in the Republic. However, where the notice to be served concerns a person alleged to have been judicially declared an incompetent or of unsound mind, his guardian shall be served in accordance with the provisions of this Section.

§ 1.5. Service by Radio or Newspaper Communication.

When it is impracticable to communicate any election matter by post without occasioning undue delay, any radio or newspaper communication in the ordinary course shall suffice for the purpose of this title.

§ 1.6. Signature of Person Unable to Write.

Any person required by this title to sign his name may, upon satisfying an attesting witness that he is unable to write, make a mark of the right thumb, which shall be witnessed by the attesting witness.

§ 1.7. Chieftancy Elections.

Election of chiefs shall be held every six (6) years by registered voters of the chieftom, clan, and town under the provisions of the Constitution and the guidelines promulgated by the Elections Commission for the conduct of such election.

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§ 1.8. Qualification.

Persons aspiring to the position of chief shall possess the following qualifications:

1. Paramount Chief
 - (a) Be a Liberian citizen of the chiefdom;
 - (b) Be owner of a house or hut, and must be a tax payer; and
 - (c) Attained the age of 30 years or more.

2. Clan Chief
 - (a) Be a Liberian citizen of the clan;
 - (b) Be owner of a house or hut, and must be a tax payer; and
 - (c) Attained the age of 25 years, or more.

3. Town Chief
 - (a) Be a Liberian citizen of the town;
 - (b) Be owner of a house or hut and must be a tax payer; and
 - (c) Attained the age of 25 years or more.

Chapter 2. ELECTIONS COMMISSION; ORGANIZATION; ADMINISTRATION.

§ 2.1. Office of the Elections Commission.

The Elections Commission of the Republic of Liberia, as an autonomous public commission established by the Constitution of Liberia, shall be composed of five (5) members, one of whom shall be appointed as Chairman, and Co-Chairman, respectively; each of the other three (3) members shall be called Commissioner.

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§ 2.2. Appointment and Tenure.

The President shall nominate and, with the consent of the Senate, appoint and commission the Chairman, Co-Chairman and other members of the Elections Commission, and who shall hold their office during good behavior for a period of seven (7) years, effective as of the date of their commission; they may however be removed upon proof of misconduct.

§ 2.3. Qualification for Appointment.

The Commissioners shall be Liberian citizens and shall not be less than thirty-five (35) years of age. They shall be of good moral character, and no two (2) Commissioners shall be from the same county.

§ 2.4. Quorum and Vote.

Any three (3) members at the Commission shall constitute a quorum for the transaction of business of the Commission, and a majority of the members of the Commission shall decide any question before it, and that decision shall be binding on the Commission.

§ 2.5. Party Affiliation; Oath.

No Commissioner, election officer, or any employee of the Elections Commission shall be a member or an affiliate of any political party, or of an association or organization; nor shall any Commissioner, election officer, or any employee of the Elections Commission canvass for any elective public office, directly or indirectly.

Before assuming office, each Commissioner, election officer, and every employee of the Elections Commission shall solemnly subscribe to an oath renouncing allegiance to and severing all connections, affiliation and relationship with his/her own or any other

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political party during his/her service or tenure with the Commission.

§ 2.6. Remuneration.

Members of the Commission, elections officers, and all other employees of the Elections Commission shall each receive legitimate honorarium and actual and all necessary travelling and other expenses incurred by them in the performance of their duties in accordance with budgetary appropriations during their tenure with the Commission.

§ 2.7. Seat of the Commission.

The seat of the Commission shall be located in the nation's capital, and sub-branches throughout the country according to the number of counties.

§ 2.8. Police Protection for Members of the Commission.

Members of the Commission shall be accorded police protection during their tenure.

§ 2.9. Powers and Duties.

The Elections Commission, is an autonomous agency of Government, independent of any branch of the Government, shall have the following powers and duties.

- (a) to administer and enforce all laws relative to the conduct of elections throughout the Republic of Liberia.
- (b) To organize the office of the Elections Commission in manner as may be necessary and practicable for the effective operation of the Commission.

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- (c) To propose to the National Legislature for enactment, amendment to, and repeal of, any provision of the Elections Law.
- (d) To give accreditation to, and register all political parties and independent candidates who meet the minimum registration requirements laid down by the Commission, by which authority they may exercise political franchise under relevant provisions of the Constitution.
- (e) Upon objections made by any person or group of persons, the Elections Commission may reject, and if already registered, revoke the certificate of accreditation of said party or independent candidate, subject to an appeal to the Supreme Court of Liberia. The revocation of the application of any proposed political party for accreditation as a full-fledged political party shall be predicated upon the following factors:
 - 1) Where a proposed political party or an independent candidate retains organizes, trains, or equips any person or group of persons for the use or display of physical force or coercion in promoting any objectives or interest, or arouse reasonable apprehension that they are so organized, trained, or equipped, or by reason of their aim, or conduct, or the behavior of their adherents, seek to impair or abolish the free democratic society of Liberia, or to endanger the existence of the Republic, or whose tendency and behaviour are inconsistent with the free democratic process of the Republic.
- (f) To revoke the registration and accreditation of an already legal party only upon the judicial determination of a court of competent jurisdiction in accordance with due process.
- (g) Conduct all elections for elective public office, including the

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chieftancy election and all referenda, and declare the results thereof.

- (h) Formulate and enforce guidelines controlling the conduct of all elections for elective public offices which guidelines shall not be inconsistent with the provisions of the constitution and the Elections Law.
- (i) In consultation with the President of Liberia and such other appropriate officials of government, appoint all such officials and employees as may be necessary for the effective performance of the duties and functions of the Commission.
- (j) In consultation with the appropriate local officials, appoint elections officers in the political sub-divisions of fits country who shall perform their duties under the direction and supervision of the Commission and in accordance with the provisions of this title.
- (k) Maintain a register of all qualified voters, which shall be subject to inspection under the provision of this title.
- (l) Establish constituencies in every political sub-divisions and reapportion the same when deemed necessary and expedient in accordance with population figure
- (m) Maintain a register of the Constitution, Articles of Incorporation and Rules of all political parties and independent candidates and their organizations and any amendments thereto.
- (n) Screen all candidates for elective public office and accredit their candidacy and/or reject the candidacy of anyone who is not qualified under this title and the guidelines laid down by the Commission.

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- (o) Prescribe the kinds of records to be kept by all political parties and independent candidates and their organizations and the manner in which they shall be kept.
- (p) Examine into and audit, or cause to be audited, the financial transactions of all political parties and independent candidates and their organizations by a chartered public accountant who shall not be a member of any political party or the organization of any independent candidate.
- (q) Be the sole judge of all contests relating to the election results, and the accreditation of all successful members who have been duly elected as President, Vice President, Members of the National Legislature, Paramount, Clan and Town Chiefs, and City Mayors with their Common Councilmen. Appeal from the decision of the Commission in any election contest shall lie before the Supreme Court taken in accordance with the provisions of this title relating to election contests.
- (r) Submit annual report to the National Legislature and the President of Liberia on the general operation of the Commission.
- (s) Perform such other duties and functions as may be provided by law.
- (t) Conduct all elections for public offices, including the chieftancy election, and all referenda and declare the results thereof.
- (u) Formulate and enforce guidelines controlling the conduct of all elections for public office, which guidelines shall not be inconsistent with the provisions of the Constitution and the Elections Law.
- (v) Upon the nomination of the President, and with the consent of

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the Senate, the Commission shall commission, upon directives of the President, all such officials and employees as may be necessary for the effective performance of the duties and functions of the Commission.

- (w) To issue citation for the appearance before it of any political party or its leaders, or other natural persons in connection with any complaint cognizable before it; to issue subpoenas for the purpose of obtaining witnesses in any hearing, including subpoenas ad testificandum and subpoenas duces tecum to punish for contempt for any obstruction or disobedience of its orders in an amount not less than the Liberian dollar equivalent of two thousand five hundred US dollars (US\$2,500), nor more than the Liberian dollar equivalent of fifty thousand US dollars (US\$ 50,000) in the case of a political party, alliance or coalition, or in an amount of no more than the Liberian equivalent of five hundred US dollars (US\$500) in the case of a natural person.

- (x) To revoke the Certificate of Accreditation of any political party, alliance or coalition, or to impose a fine of not less than the Liberian dollar equivalent of two thousand Five Hundred United States dollars (US\$2,500), nor more than the Liberian dollar equivalent of fifty thousand United States dollars (US\$ 50,000), or both, with respect to election offences committed by a political party, alliance or coalition, or to impose a fine of no more than twenty-five thousand Liberian dollars (LD\$ 25,000.00) with respect to election offences committed by a natural person, according to the gravity of the offences committed.⁵

5. The wordings of the current Sub-sections (w) and (x) reflect amendments made to the previous sub-sections contained the Elections Law of 1986 which were deleted and replaced by the current wording of Section 22 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December

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Sub-Chapter A. DUTIES OF CHAIRMAN AND CO-CHAIRMAN

§ 2.10. Chairman.

The Chairman of the Elections Commission shall have the following special duties and functions:

- (a) Be the official head and spokesman of the Commission;
- (b) Presides over all meetings and hearings of elections contests;
- (c) For the purpose of expediting the hearings and determination of all election offenses; and other business of the Commission shall apportion the Republic into five (5) administrative areas and assign a commissioner to an area who shall, in consultation with the Commission *en banc*, direct and supervise all election activities in his area of assignment, including the hearing and determination of election offenses arising therefrom, which determination having been previously approved by the Commission, shall be final.
- (d) Controls, supervises, and directs the administrative operation of the office of the Elections Commission, and in consultation with the Commissioners, takes such corrective administrative measures for the smooth and affective operation of the Elections Commission.

§ 2.11. Co-Chairman.

The Co-Chairman shall be the principal assistant to the Chairman in the overall operation of the office of the Elections Commission. He

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shall perform all such other duties as may be assigned him by the Chairmen and act in his absence.

Sub-Chapter B. LEGAL SECTION ESTABLISHED.

§ 2.12. Legal Section.

There shall be established in the office of the Elections Commission a Legal Section, which shall be the legal arm of the Commission.

§ 2.13. Composition.

The Legal Section shall be composed of two (2) lawyers who shall serve as legal counsels to the Commission, one of whom shall be appointed as Senior Legal Counsel who shall be head of the Section; there shall be also two (2) legal research officers and such other employees as the Commission shall deem necessary for the effective operation of the Commission.

§ 2.14. Qualification.

Except a research officer who may be an attorney-at-law, any one appointed as legal counsel must be a qualified lawyer and a counsellor-at-law, and must have practiced not less than five (5) years prior to his/her appointment.

§ 2.15. Appointment and Tenure.

Upon consultation with the Chief Justice of the Supreme Court of Liberia and the Minister of Justice, the Commission shall nominate, and with the consent of the President of Liberia, appoint legal counsels and research officers who shall serve at the pleasure of the Commission. Other employees of the Legal Section shall be

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appointed by the Commission on the basis of their civil service qualifications and shall serve at the pleasure of the Commission.

§ 2.16. Duties and Functions.

The Legal Section of the Commission shall have the following functions and duties:

- (a) represent the Commission before the Supreme Court of Liberia in any elections litigations, or otherwise;
- (b) advise the Commission on all legal matter when so required
- (c) submit to the Commission a written legal opinion on any question of legal implication when so required; and
- (d) perform such other legal duties relating to the administration of the Elections Law as may be required by the Commission.

§ 2.17. Division.

There is hereby established in the office of the Elections Commission a Division of Administration to include those sections already provided for in this Title, which shall be sub-divided into administrative sections as may be necessary for the effective performance of the duties and functions of the Commission.

§ 2.18. Divisional Head.

The Administrative Division of the Commission shall be headed by an Executive Director who shall be the principal administrative assistant to the Chairman in the over-all administrative activities and operation of the office of the Elections Commission. He shall be responsible for the general administration of the office of the Elect-

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ions Commission and assisted by a core of staff members who shall be the head of each section of the administrative division as may be established in the division. The sectional heads shall be amenable to the Executive Director for the effective and smooth operation and functions of the Elections Commission.

§ 2.19. Appointment and Tenure.

The President shall nominate, and with the consent of the Senate, appoint an Executive Director; He shall serve at the pleasure of the President.

§ 2.20. Qualification.

A person appointed to the post of Executive Director shall be a Liberian citizen and a holder of a degree in Administration or its equivalent with not less than five (5) years of experience in administration.

§ 2.21. Duties and Functions.

The Executive Director shall have the following duties and functions:

- (a) Have charge of the general administrative supervision of the office of the Elections Commission under the direction of the Commission;
- (b) Serve as Secretary to the Commission; attend its deliberations and keep minutes of its transactions;
- (c) Keep and preserve the records of the Commission;
- (d) Direct and supervise the works of the administrative sections and the local offices of the Commission in the counties and be

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responsible and accountable to the Commission for the effective and smooth operation of the division; and,

- (e) Perform such other duties and functions as may be required of him by the Commission.

Sub-Chapter D. ELECTIONS OFFICERS

§ 2.22. Appointment of Elections Officers.

Elections officers shall include Election Magistrates, Clerks of Writs, Registrars, Sheriffs Poll Clerks, Judges and such other poll workers appointed by the Commission in accordance with the provision of section 2.9 (1), who shall carry out the duties assigned them by the Commission and by the provisions of this Title in connection with the registration of voters or the holding of election.

§ 2.23. Clerks of Writs.

A Clerk of Writs and an Assistant Clerk of Writs shall be appointed by the Commission in accordance with provisions of this title. Writs for all elections shall be issued by the Clerk and returned to him. The Assistant Clerk shall assist the Clerk of Writs in the performance of his duties and act in his absence. The Clerk of Writs shall perform such other duties as may be assigned to him by the Commission.

§ 2.24. Magistrates of Elections.

In accordance with the provisions of section 2.9(1) of this title, the Commission shall appoint within each county/district as many Magistrates of Elections as shall be necessary, who shall serve as liaison between the Commission and the county/district they represent in respect of all election activities within their county of assignment.

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Each such Magistrate shall comply with all general as well as special instructions issued to him by the Commission.

A Magistrate of Elections shall have power and functions within his area of jurisdiction to hear and determine objections of voters registration claims and to the continuation of disqualified voters on the registration rolls, and upon a proper showing, to order the reinstatement upon the registration rolls of names of qualified voters struck off by mistakes.

Magistrates of Elections shall have power and jurisdiction in the first instance to hear and determine all election offense in which the penalty provided is not more than five hundred (\$500.00) dollars. In all other offenses, the Commission shall have original administrative jurisdiction subject only to judicial review by the Supreme Court of Liberia.

§ 2.25. Oath of Offices of Elections.

Each Magistrate, before assuming such office, shall make and subscribe to an oath before the Chairman of the Commission or his Commissioner desires for the faithful discharge of his duties. Such persons appointed as a Registrar of Voters, a Sheriff, a Clerk, and other poll workers, before assuming such office, shall make and subscribe to an oath before the Magistrate of Elections to perform faithfully the duties of such office in accordance with the provisions of this title. Such oath shall be filed in the office of the Commission.

§ 2.26. Ineligibility to hold Office as Elections Officers.

No candidate and/or person holding any official position in connection with any political organization or Elections Committee shall be appointed as Elections Officer by the Commission; any Election Officer who knowing becomes a candidate, or who is elected, ap-

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pointed, or otherwise becomes an official of any political organization or Elections Commission shall be considered to have automatically vacated his election and dealt with under the provisions of this title.

§ 2.27. Compensation.

Each Elections Officer shall be paid honorarium of such amounts as may be proscribed by budgetary appropriation from time to time for duties actually performed.

§ 2.28. Payment of Elections Officers.

The honorarium of Elections Officers appointed by the Commission and all other public expenses arising from elections shall be approved by the Chairman of the Commission and shall then repaid in accordance with standard procedure for disbursement.

§ 2.29. Oaths.

Any Commissioner, Elections Officer, or employee of the Elections Commission, before assuming the duties and functions of his/her office shall subscribe to the following oath which shall be filed in the Office of the President of Liberia in case of a Commissioner, and in the office of the Elections Commission in case of Elections Officers or employees.

_____ DO SOLEMNLY SWEAR (AFFIRM) THAT I WILL TRULY AND FAITHFULLY EXECUTE AND PERFORM THE DUTIES OF _____ AND WILL UPHOLD, PROTECT AND SUPPORT THE CONSTITUTION OF THE REPUBLIC OF LIBERIA AND ALL LAWS TO THE BEST OF MY ABILITY, AND THAT I, AS OF TODAY'S DATE, AND DURING MY TENURE, RELINQUISH MY ALLEGIANCE TO THE POLITICAL PARTY OF WHICH I WAS A MEMBER OR SUPPORTER, AND WILL IN NO MANNER OR FORM, UNDERTAKE TO DO ANYTHING ILLEGAL IN THE INTEREST OF SAID PARTY OR ANY OTHER PARTY WHICH MIGHT TEND TO SUPPORT SAID PARTY AND UNDERMINE THE

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FAITHFUL DISCHARGE OF THE DUTIES AND RESPONSIBILITIES OF MY OFFICE, AND OF THE ELECTIONS COMMISSION. SO HELP ME GOD.

Chapter 3. REGISTRATION OF VOTERS

Sub-Chapter A. GENERAL PROVISIONS

§ 3.1. Who May Register.

Every citizen of Liberia who has attained the age of eighteen (18) years or older, may register as a voter, except one who has been judicially declared to be incompetent or of unsound mind or who has been disenfranchised as a result of conviction of an infamous crime and has not been restored to citizenship.

“Principal means of verifying whether an applicant is a citizen of Liberia may include:

- (a) production of a valid Liberian passport;
- (b) production of a birth certificate and, where applicable, evidence of renunciation of a second nationality, proving that the applicant is a Liberian citizen;
- (c) production of a certificate of naturalization to be accompanied by all relevant legal documents from the court;
- (d) sworn statements by two other registered voters, who shall appear in person before the appropriate elections officer, confirming that the applicant is a Liberian citizen;
- (e) Confirmation by a Liberian traditional leader, who shall appear in person before the appropriate elections officer, that the applicant is a Liberian citizen.

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The NEC may issue regulations to establish the procedures in which these means, and any other means the NEC deems necessary and appropriate, will be applied.”⁶

Every voter shall be allowed to vote only in the constituency where he/she is registered.

§ 3.2. Place or Center of Registration.

(a) Not later than two (2) weeks before the first day of registration, the Commission shall publicly advertise by printed notices in newspapers where feasible, by posters, placards, and by radio, and television broadcast, and by any means, the lists of the location or places for registration centers in the local communities involved.

(b) Registration officers shall give preference to persons with disabilities at registration centers.

(c) The location and arrangement of the registration centers shall, to the extent which is reasonably and practicably possible, be accessible to persons with disabilities.”⁷

§ 3.3. Time of Registration.

The offices of the Elections Magistrate in each county or places so designated shall be opened for registration of voters as may be prescribed by the Commission.

6. The provisions of this section reflect amendments made to the original section 3.1 of the Elections Law of 1986 by section 6 of the Elections Act passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

7. Sub-Sections (b) and (c) were additions made to section 3.2 and the re-numbering of the first paragraph of the said section as (a) of the Elections Law of 1986 by passage of An Elections Act by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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§ 3.3(A). Internally Displaced Persons/Returning Refugees.

The NEC is hereby authorized to adopt administrative and operational measures which are necessary and expedient consistent with this Act. These measures may be necessary to facilitate the registration and voting of those Liberians who are qualified to register to vote under sub-section 3.1 of the New Elections Law 1986, and who have been displaced from their home community, or are returnees who had previously been exiled, as a result of war, civil disorder or human rights abuses.

In particular, and as an exception to the provisions in sections 3.1, 5.1 and 5.2 of the New Elections Law 1986 as amended pursuant to the provisions of this law, the NEC shall adopt appropriate measures to allow eligible internally displaced persons and returnees to register in the county in which they reside for their county of origin. The NEC shall also adopt measures to facilitate the registration of internally displaced persons and returnees after the registration deadline where justifiable reasons for failure to register before the deadline are shown. Further, the NEC shall define the categories of persons who may benefit from such measures and the conditions under which they may do so.

An extension of the time period to register, if deemed appropriate by the NEC in accordance with this section, shall be limited to those returnees whose return to Liberia is directly facilitated by the UN High Commissioner for Refugees (UNHCR), and to other Liberians who can satisfy the registrar that they are returnees and eligible to register.”⁸

8. Sub-Section 3.3(A) was added to the Elections Law of 1986 by amendment made thereto by Section 7 of the Elections Act passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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Sub-Chapter B. REGISTRATION ROLL

§ 3.4. Registration Roll.

Registration Rolls shall be kept in a form prescribed by the Commission and, among other things, shall contain the family name and given name, residence, and sex of each voter. The names shall be numbered in regular progressive arithmetical order, commencing with number one (1).

§ 3.5. Registration Card.

(1) Each voter, after his/her name has been entered on the registration roll, shall be given a registration card by the registrar. The card shall contain particulars of the voter's name and the county, district, constituency, registration center and roll number.

(2) In the event of loss or destruction of the registration card, and after proof has been established, the registrar shall issue a new card for a minimum fee of five (\$5.00) dollars to be paid in the internal revenues.

§ 3.6. Roll to be Kept for Public Inspection.

The general registration roll for each registration center shall be opened for public inspection at the office of the Magistrate of Elections without a fee on any day in a week during the hours the office is opened. A copy of each roll may be kept at such other places as the Commission may designate for public inspection.

§ 3.7. Non-Compliance With Prescribed Forms Which Will Not Affect Validity of Rolls and Other Election Documents.

No registration roll or other election document shall be invalidated on

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the ground that it is not printed or because of any error made in the copying or printing thereof.

§ 3.8. Public Officer To Furnish Information.

All public officers in the service of the government, all officers in the service of any local governing body, are hereby authorized and required to furnish the Commission or any Elections Officer all such information as may be required to enable the Commission or any such Elections Officer to prepare or revise the registration rolls.

§ 3.9. Other Persons For Whom Information May Be Required.

For the purpose of preparing any registration roll or ensuring the registration of any voter on a registration roll, the Commission or a registrar or any person authorized for this purpose by the Commission, may require any person to answer any question or furnish any returns or fill in and sign any claim with regard to such registration. Every person to whom any question shall be put under this section, shall truthfully and to the best of his knowledge and belief, comply with any requirement made of him under this section.

§ 3.10. Registration For Preparation of Roll.

The Commission may by regulation either general or applicable to any particular roll, specify the method of preparation and prescribe the rules and regulations to be observed in regard thereto.

Sub-Chapter C. VERIFICATION ADDITIONS AND OBJECTIONS TO THE REGISTRATION ROLL.

§ 3.11. Claims For Registration.

- 1) A claim is a written application for registration as a voter, new

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names may be added to the appropriate roll by a registrar of elections pursuant to claims, which shall be made in the prescribed form signed by the claimant in the presence of and witnessed by a registered voter and filed with the registrar of elections who keeps the roll on which the claimant seeks to be registered. A claim must contain in full the surname and the given name, if any, of the claimant, his residence, constituency, age, and his usual signature or right thumb print if he is unable to write.

- (2) The Commission shall determine a period of not less than at least two days before election day during which:
 - (a) The registration roll shall be available for inspection at each registration center and compared with the Commission's Master Registration Roll to make sure the roll is in order and that the names of deceased registered voters are removed from the roll in accordance with the provisions of this chapter; and,
 - (b) Claims for registration and objections to registration may be made. The dates determined by the Commission shall be published in the same manner as is required by section 3.2 for notification of registration centers.

§ 3.12. Duty of Witness to Claim.

The person witnessing any claim or any application change and declaration as to qualification of any voter, if he is not personally acquainted with the facts, shall satisfy himself by inquiring from the claimant or applicant that the statements contained in the claim or application are true.

§ 3.13. Filing of Claim by Registrar.

Upon the receipt of a claim, the Registrar of Elections shall note

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thereon the date of its receipt and file the claim provisionally. Claims thus filed by the Registrar of Elections shall be opened for public inspection without fee at the office of such registrar on any working day during the hours the office is opened.

§ 3.14. Registration of Claimant.

If a claim is in order and not objected to, the Registrar of Elections, at the expiration of ten (10) days from its receipt, shall endorse the claim as approved and register the claimant by entering his name and other prescribed particulars on the Registration Roll, filed in his office under the provisions of section 3.11 of this title. When the registration is concluded, the said registrar shall send the endorsed claim to the Magistrate of Elections identifying it by the voting precinct, constituency and polling place at which it was registered and by its number on the appropriate registration roll.

Sub-Chapter D. OBJECTION TO CLAIM AND REGISTRATION

§ 3.15. Objection to Claim.

Any voter may object to the continuance of a name on the Registration Roll by reason of ineligibility or death of the voter. Such objection shall be submitted on the prescribed form to the Registrar of Elections who shall transmit it to the Magistrate of Elections for review. The Magistrate of Elections shall within thirty (30) days determine the validity of the objection and shall give public notice within the locality of his findings. A copy of all findings shall be immediately forwarded to the Commission who shall, after its review, cause the roll to be amended accordingly.

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§ 3.16. Objection to Registration.

An objection to the registration of a person whose name has been added to a registration roll as a registered voter may be made by a Registrar of Elections or by any other person or voter and disposed of in the same form and manner as provided in section 3.15 supra.

***Sub-Chapter E.* ALTERATION OF REGISTRATION ROLL**

§ 3.17. Removal of Names Repeated on the Rolls.

When the caste of the same voter appears on more than one (1) Registration Roll, or more than once in the same Registration Roll, the Commission shall order the removal of every such name except the correct name on the proper Registration Roll.

§ 3.18. Alteration of Rolls by Registrar of Elections.

In addition to the powers of alteration conferred under this title, the Registration Rolls may be altered by a Registrar of Elections:

- (1) By correcting any obvious mistake or omission, but not to the extent of wholly removing a name from the Registration Roll; and
- (2) By re-instating a name previously struck off by orders of the Commission.

§ 3.19. When Registration Roll May Not Be Altered.

No Registration Roll may be altered within the thirty (30) days period immediately prior to an election, including Election Day, except upon order of the Honourable Supreme Court of Liberia on the determination of a manifest error.

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§ 3.20. Alteration of Registration Rolls: How to be Made.

Alterations of Registration Rolls shall be made in such manner that original writing or printing shall not be obliterated or altered. The reason for the alteration, the date thereof, and such reference to authority, as may be deemed necessary, shall be set against the alteration together with the initials of the person authorized to make the alteration.

§ 3.21. Names of Deceased Persons Over 18 Years to be Furnished by the Ministry of Health and Social Welfare.

Every County Health Center shall, by its Registrar of Births, Deaths, and Burials, send to the appropriate Magistrate of Elections in December of each year, a list in a prescribed form containing the names and addresses and ages of all persons who are eighteen (18) years of age or over whose death has been registered in the preceding year, together with the deceased Voter's Registration Card.

§ 3.22. Clerks of Monthly and Probate Courts to Furnish Names of Persons Judicially Declared Incompetent or of Unsound Mind.

The Clerk of the Monthly and Probate Court in any county or district shall furnish or send to the appropriate Magistrate of Elections, upon adjudication, the names and addresses of all persons who have been judicially declared incompetent or of unsound mind, together with the incompetent voter's card previously obtained before such declaration or decree by the court.

§ 3.23. Names of the Disenfranchised to be Furnished by the Minister of Justice.

The Minister of Justice shall send to the Commission annually, in the

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month of December, a list containing the names and the addresses of all persons judicially convicted and sentenced for a disfranchisable offense and whose disfranchisement continues. He shall also furnish along with the list the registration cards of all such persons.

§ 3.24. Restoration of Names on Registration Rolls Removed for Disqualification.

Any person whose name is removed from a Registration Roll because he/she was judicially declared incompetent or of unsound mind or because he/she was convicted and sentenced for an offense disfranchising him as a voter, when no longer disqualified and restored to citizenship, may have his name added to a Registration Roll by re-registration or by making a claim in accordance with the provisions of section 3.11 of this title.

Chapter 4. CONDUCT OF ELCTIONS

§ 4.1. Voting Precincts.

- (1) The Commission shall describe and, as far as practicable, delineate on a map the voting precincts in each constituency.
- (2) The number of registered voters in every precinct shall be approximately equal, and unless the Commission in any particular case so determines, the number of registered voters in any precinct shall not exceed two thousand (2,000).⁹

9. The section reflects amendment made to the earlier Sub-Section of the Elections Law of 1986 which placed the number of registered voters in any precinct at a number not to exceed 1,000. The amendment was effected by section 9 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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§ 4.2. Polling Places.

- (1) (a) The Commission shall designate polling places in each constituency so serve the voting precincts. A change of polling place after due designation, may be made by the Commission or giving at least forty-eight (48) hours notice to the voters effected thereby.
 - (b) Polling officers shall give preference to persons with disabilities at the polling places.
 - (c) The location and arrangement of the Polling Places shall, to the extent which is reasonably and practicably possible, be accessible to persons with disabilities.¹⁰
- (2) Polling places shall have separate compartments constructed so as to protect each voter from observation whilst making his ballot papers.
- (3) Each polling place shall be provided with a transparent ballot box or boxes, which can be sealed.¹¹
- (4) The Commission shall make arrangements for the list of polling places to be published not less than ten (10) days before the election and shall take all necessary steps to ensure that voters are made aware of the location of the various polling places before the election.
- (5) Each polling place shall be identified to the public by a suitable notice or other means.

10. Sub-Sections (b) and (c) were added to the original Sub-Section (1) and the first paragraph thereof changed to (a) of the Elections Law of 1986 by Section 8.1 of the Elections Act by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

11. The Section reflects new wordings replacing the original wordings of the Elections Law of 1986 by Section 11 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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(6) There shall be a sheriff of the poll appointed to preside at the voting and counting at each polling place who shall be assisted by other clerks where necessary.

§ 4.3. Election Writs.

(1) Writs shall be in the prescribed form and shall specify:

- (a) The date of the election;
- (b) The last date for nomination of candidates by political parties and nomination of independent candidates; and
- (c) The date for return of the election writ, with the results of the several elections within the county/district endorsed thereon. Such date to be not later than fifteen (15) days after election.¹²

(2) Upon directives of the Commission, the Clerk of Writs shall issue writs for each election not later than ninety (90) days prior to the time prescribed for the election. Such writs shall direct the Magistrate of Elections for each county/district in accordance with the provisions of this title and the regulations and instructions of the Commission.

§ 4.4. Duty of magistrates of Elections.

(1) Subject to any direction given by the Commission, the Magistrate of Elections shall on receipt of the writ, endorse thereon the date of its receipt, and shall make all necessary arrangements for holding of the election.

12. The wording of the last sentence of the section of the original Elections Law of 1986 was replaced with the present wording by Section 12 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004, and published December 23, 2004.

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- (2) The Magistrates of Elections may, with the approval of the Commission, appoint a deputy or deputies to act specially or generally, or for a particular constituency, who shall have the authority to perform all the duties of the Magistrate of Elections or such duties as are specifically described and subject to such limitations as are mentioned in the appointment.
- (3) The Magistrate of Elections shall take such steps as may be directed by the Commission to inform the political parties, independent candidates and the voters of:
 - (a) The dates by which acts have to be done, nominations made, or otherwise as required by this title;
 - (b) The time-table for the electoral process;
 - (c) The general arrangements for taking the poll, counting the ballots and declaring the result of the polls; and,
 - (d) Generally, as to the conduct of the election and the duties of parties and candidates.
- (4) The Magistrate of Elections shall in accordance with any directive from the Commission:
 - (a) furnish the approved polling places and provide each one with a ballot box or boxes;
 - (b) provide each polling place with the necessary ballot papers prepared in the prescribed forms and furnished by the commission.
 - (c) administer the oath to all persons serving in the polls; and,

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- (d) arrange for the poll and the count and the declaration of the results within his county/district.

§ 4.5. Nomination of Candidates.

- (1) Any political party which has been registered by the Commission shall send to the Commission a list of the candidates who will stand for election to the several elective offices in the several constituencies.
- (2) The list shall be accompanied by a statement by each candidate of his intention to stand as a candidate and his willingness to accept office if elected.
- (3) The list shall be received by the Commission not later than eight (8) weeks before the election.
- (4) Should any candidate on the list die after the list has been filed and after the ballot papers have been printed, the political party concerned may nominate another candidate and any votes given for the deceased candidate shall be transferred to and regarded as if for the nominated candidate. Any such nominated candidate shall file a statement with the Commission as required by paragraph two (2) herein when his name is submitted.
- (5) Any independent candidate who has been registered by the Commission shall send to the Commission a notification of his candidacy by means of a petition on the prescribed form, together with a statement of his willingness to accept office if elected.

§ 4.6. Emblems.

Any separate and distinct emblem shall be selected by each organized political party and by each independent candidate to represent such

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party or candidate. The selected emblem shall be notified to the Commission at the time of registration of the party or the candidate. The Commission may reject any emblem which is so confused thereby.

§ 4.7. Ballot Papers.

- (1) Ballot papers shall be in a form to be prescribed by the Commission, who shall arrange to print and issue them for the polls.
- (2) The ballot papers shall include the names of candidates in alphabetical order of surname, the name of the party, and the selected emblem. Different coloured ballots may be provided for elections to different elective offices.

§ 4.8. The Polls.

- (1) The Sheriff for each voting precinct shall be present at the polling place with the registration roll for the precinct.
- (2) The poll shall be opened 'from eight o'clock in the morning until six o'clock in the evening.
- (3) Before any vote is cast the Sheriff shall exhibit the ballot box empty, and shall then lock it.
- (4) The Commission shall prescribe regulations consistent with the following which in its opinion will portray fairness of the election:
 - (a) marking of the hands of the voters;
 - (b) the production and marking of the registration cards;
 - (c) the marking of the register; and,

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- (d) such other matters as are necessary for the security of the poll, for the prevention of election offenses and for maintaining of secrecy.

§ 4.9. Representative at Polling Places.

To ensure a fair and impartial democratic election:

- (1) Any registered political party or any independent candidate shall appoint a representative to attend any polling place with sufficient identification in any constituency in a voting precinct in which the party has nominated candidates or in which the independent candidate is a candidate. Any such appointment shall be made in a form to be prescribed by the Commission and a copy thereof shall be sent to the Magistrate of Elections not later than two (2) weeks before the election.
- (2) Any party representative or representative of an independent candidate attending any polling place shall not speak to any voters; shall not attempt to see how a voter cast his vote; and shall obey all lawful instructions from the Sheriff of the polling place.

§ 4.10. Persons Present at Polling Places.

No one other than the elections officers, the party representatives appointed under paragraph 2, section 4.9, or election observers, police officers or other persons accredited or authorized by the NEC, and voters voting or about to vote shall be permitted to enter or remain in a polling place during the polling.¹³

13. The current wording of the Section is the result of amendment made to the original Section 4.10 of the Elections Law of 1986 by Section 13 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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§ 4.11. At the Opening of the Polls.

At the opening of the polls, the ballot box shall be opened and presented to the public including representatives of political parties and/or independent candidates for inspection. After it has been confirmed that the box is completely empty, it will be locked and disposed in opened view of the public. The serial number of any ballots issued shall be recorded by the clerk on the tally sheet.

§ 4.12. At the Close of the Polls.

Following the close of the poll, the Sheriff shall in the presence of representatives of parties or candidates appointed under section 4.9 and 4.10:

- (a) Cause the clerk to tabulate the total votes cast;
- (b) Cause the tabulated register to be made in triplicate signed by the Sheriff, his clerk, the representatives of political parties and/or independent candidate(s).

The original copy shall be inserted into the ballot box, locked and sent to the Commission through the Magistrate. A duplicate shall be sent to the Magistrate of Elections and the third copy shall be kept by the Sheriff of the poll.

- (c) Cause the ballots cast to be tabulated with the recorded serial numbers.
- (d) All ballot papers cast at the election shall, other than questioned ballot, be placed in the ballot box; and,
- (e) Close and seal the ballot box and forward it to the Commission.

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§ 4.13. Question Ballots.

(1) Ballot papers shall be disallowed and included in the number of question ballots in the following circumstances:

- (a) If there is no mark in favour of any candidate on the front of the ballot paper;
 - (b) If the voter has voted for more than one (1) candidate for the same post;
 - (c) If there is any writing, signature or words on the ballot paper other than a mark for a candidate; and,
 - (d) If the position of the mark for the candidate on the ballot paper is such that it is not clear as for which candidate the voter intended to vote.
- (2) The sheriff shall call it to the attention of the party representatives present at the count before disallowing any vote under these provisions.
- (3) The questioned ballots shall be separately parcelled and the number of votes in each category which have been rejected be notified to the Magistrate of Elections.

§ 4.14. Endorsement of Elections Tally.

When the Magistrate of Elections has received or been notified of the tally of the votes cast at each polling place in accordance with the register prepared, he/she shall total all the votes cast for each candidate in the constituency after the tally at the polling places and endorse each tally. He/she shall forward the writ forthwith to the Commission and, not later than the date for return, endorsed thereon under section 4.3 of this Chapter and directly notify the Commission

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by the fastest means possible, in writing.

The Commission shall collect all the tabulated results from every constituency received from the Magistrates, and announce the returns of the elections not later than fifteen (15) days after the day of election.¹⁴

§ 4.15. Elections results; How Determined.

- (a) Elections to the office of President and Vice President of the Republic of Liberia shall be conducted on a two-round electoral system. The first round shall be determined by an absolute majority of the valid votes cast. If no candidate obtains an absolute majority (fifty percent plus one vote) in the first ballot, a second ballot shall be conducted on the second Tuesday following the announcement of the results of the first ballot. The two candidates who obtain the highest number of valid votes at the first ballot shall be designated to participate in the run-off election and the candidate who obtains the majority of the valid votes cast at the second ballot is elected.”
- (b) Elections for the office of Senator of the Republic of Liberia shall be based on a simple majoritarian system. The two candidates who obtain the highest and second highest numbers of valid votes cast in the county shall be elected.”
- (c) Elections to the office of Representative of the Republic of Liberia shall be based on a simple majoritarian system. The candidate with the highest valid votes cast shall be declared the

14. The wording of the current Section is the result of amendment made to the previous Section of the Elections Law of 1986 by Section 14 of the Elections Act passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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winner.¹⁵

§ 4.16. Preservation of Ballots.

The Commission shall preserve all writs issued for election, and all ballots cast and register of votes made in an election until the validity of such election and its results can no longer be disputed. The ballot papers may then be destroyed.

Chapter 5. VOTING

§ 5.1. Who May Vote.

Except one who has been judicially declared to be incompetent or of unsound mind, or who has been barred from voting as a result of his/her conviction and imprisonment for an infamous crime which disfranchised him/her as a voter and has not been restored to full citizenship, a Liberian citizen who has attained the age of 18 years or above with a valid registration card may vote at any election in the voting precinct of the electoral district for which he/she is registered.¹⁶

§ 5.2. Where to Vote.

A Liberian citizen who has attained the age of 18 years with a valid Registration Card shall vote only in the voting precinct of the

15. The section is a new one added to the Elections Law of 1986 and the deletion of the previous section by Section 15 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published on December 23, 2004.

16. The wording of the current provision reflect and amendment made to the previous provision of the Elections law of 1986 by Section 16 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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electoral district for which he/she is registered.¹⁷

§ 5.3. Leave of Absence to Vote.

An employer shall allow an employee leave of absence for such reasonable period as is necessary to enable the employee to vote on any election day without any penalty or deduction of pay, if the following conditions are met.

- (a) The employee notifies the employer before the day of the election that he desires such leave of absence; and
- (b) Such leave of absence is necessary to enable the employee to vote and that he returns to work on the day specified for his return to work.

§ 5.4. Voting in Person; Identification of Voter.

Every person offering to vote at a polling place in any voting precinct during any election shall state his full name and produce his registration card. If so requested by the Sheriff the voter shall state all particulars necessary for identifying his name as appeared on the registration roll under which the vote is claimed. The Sheriff or one of his assistants shall verify on the register that the voter is registered and has not already voted at the particular election involved.

§ 5.5. Absentee Voting. [Deleted]

[A registered voter who is absent from the country during an election and wishes to vote shall request the Commission registered mail for

17. The wording of the current Section replaced the previous wording of the said Section, contained in the Elections Law of 1986, but now replaced by the new wording contained in section 17 of the Elections Act passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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an absentee ballot forty-five (45) days before an election. Absentia votes shall be directed directly to the Commission by registered mail for inclusion into the result of the elections.¹⁸

§ 5.6. Challenges.

If a registered voter is challenged by an officer of the poll or by a representative of a political party or independent candidate appointed to the poll, the said voter shall be permitted to vote only after investigation and upon administration by the Sheriff of the following oath:

I DO SOLEMNLY SWEAR OF AFFIRM THAT I HAVE NOT VOTED THIS DAY AT THE ELECTION AND THAT I AM TO THE BEST OF MY KNOWLEDGE CONSTITUTIONALLY AND UNDER THE ELECTIONS LAW QUALIFIED TO VOTE. SO HELP ME GOD.

Such oath subscribed to by such person shall be filed with the election returns and shall be competent evidence against the subscriber upon a prosecution for perjury. Any ballot cast after the oath shall be placed in an envelope marked "CHALLENGED VOTE" before it is placed in a ballot box.

§ 5.7. Casting of Ballot.

Upon receipt of the official ballot paper, the voter, unless he/she comes within the cases provided for in section 5.8 of this Chapter following, shall without any delay, retire to an unoccupied voting compartment alone and therein privately mark his/her ballot paper in accordance with the instructions issued by the Commission and according to his choice. The voter shall then fold the ballot paper

18. Section 5.5 was deleted by section 18 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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forthwith and place the same in the official ballot box. He/she shall then leave the polling place.

§ 5.8. Casting of Ballot: Assistance to Unlettered and Physically Incapacitated.

A voter who is unlettered or incapacitated may request the assistance of a person of his/her choice to mark his/her ballot in secret, provided that the person giving assistance shall be a registered voter. The Clerk shall enter on the register opposite the name of the assisted voter, the reason of such assistance. The one assisting the voter shall retire with him/her in an unoccupied compartment and, at the direction of the voter, help in preparation and marking of his/her ballot paper and return the ballot paper properly folded for deposit in the ballot box.¹⁹

Chapter 6. CONTESTED ELECTION.

§ 6.1. Filing of Complaint With the Commission.

Any political party or candidate who has Justifiable reasons to believe that the elections were not impartially conducted and not in keeping with the Elections Law, which resulted in his defeat or the defeat of a candidate shall have the right to file a complaint with the Commission; such complaint must be filed not later than seven (7) days after the announcement of the results of the elections.

§ 6.2. Investigation and Decision.

(1) *Time schedule.* The Commission upon receipt of the complaint

19. Section 5.8 reflects amendment made to the previous section 5.8 of the Elections Law of 1986 by the section 8.3 of the Elections Act of 2004, passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23,

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of the contestant, shall within thirty (30) days cite the parties; conduct an impartial investigation, and render a determination as provided for in paragraph 2 of this section. The determination shall be accompanied by a summary of the Investigation and the reason for it.

- (2) Effect of determination. The decision of the Commission shall have the following effects:
 - (a) If any person returned is declared not to be duly elected, but had already assumed such office, shall cease to hold such office;
 - (b) if any person not returned is declared duly elected to an office, he/she shall assume such office; and,
 - (c) if any election is declared void, a new election shall be held.
- (3) *Harmless errors not to vitiate election.* No election shall be declared void on account of any delay of nominations; the polling or return of the writ, or on account of the absence or error of any officer which shall not be proved to have affected the result of the election.
- (4) *Bribery; undue influence: - effective on election.* If at the trial of a contest, it is found that a candidate has committed or has attempted to commit bribery or undue influence, his election shall be declared void.
- (5) No decision that any person returned was not elected, and no decision that an election is void, shall be made:
 - (a) On the ground of any election offense committed by a person other than the candidate and without his knowledge or

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consent; or,

- (b) On the ground of an election offense other than bribery or corruption; and,
- (c) Finding not to bar prosecution for election offense: No finding at the trial of a contested election shall bar or prejudice any prosecution for any election offense.

§ 6.3. Right of Appeal to Supreme Court of Liberia by Contestant.

Any contestant affected by the decision of the Commission shall have the right to appeal to the Supreme Court of Liberia not later than seven (7) days after the decision is rendered.

§ 6.4. Filing of Bill of Exceptions.

The contestant shall file with the Clerk of the Supreme Court the bill of exceptions within seven (7) days after rendition of decision of the Commission and shall pay the cost of filing the bill of exception and of procuring a certified copy thereof the same as those paid by a plaintiff and/or appellant in a civil action.

§ 6.5. Bill of Exceptions; Content.

- (1) Content. The Bill of Exceptions shall:
 - (a) state clearly and distinctly the grounds of exceptions of the facts relied upon to reverse the decision of the Commission;
 - (b) contain a prayer for the relief sought; and,
 - (c) be signed by the appealing contestant.

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§ 6.6. Bill of Exceptions.

During the process of an election any irregularity observed shall be noted and filed with the Elections Commission as a complaint not later than five (5) days from the date of the Elections.

§ 6.7. Filing and Service of Bill of Exceptions.

Within seven (7) days after the Commission's determination of a contest, any contestant appealing from the determination shall file his bill of exceptions to the office of the Clerk of the Supreme Court certified and with the seal of the Supreme Court thereon affixed. Copy shall be furnished the person apparently elected or in whose favour the Commission has decided. Also, service shall be made on the Commission through its chairman. The Commission shall within seven (7) days of receipt of the bill of exceptions file with the Clerk of the Supreme Court its return and serve a copy thereof on the contestant.

§ 6.8. Recognizance.

The contestant shall enter into a recognizance for payment of costs incurred on the appeal in the following amounts:

- (a) With respect to the election of a President or Vice-President, the Liberian dollar equivalent of five thousand United States dollars (US\$ 5,000.00);
- (b) With respect to the election of a Senator, the Liberian dollar equivalent of three thousand United States dollars (US\$ 3,000.00);
- (c) With respect to the election of a member of the House of Representatives, the Liberian dollar equivalent of two thousand United States dollars (US\$ 2,000.00);

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(d) With respect to any other elective public office, the amount shall be determined by the Commission and shall not exceed the Liberian dollar equivalent of two hundred United States dollars (US\$ 200.00).

§ 6.9. Hearing and Determination by the Supreme Court.

Upon filing of briefs by both contestants and the Commission within the time allowed by this title, the Clerk, upon orders of Court, shall docket the proceedings on a separate docket calendar, thus notifying the parties of the assignment for hearing arguments produced by the Supreme Court *en banc*. Based upon the arguments produced by both parties, the Clerk, upon orders of Court, will notify the parties of the date and time of rendition of final judgment. If the Supreme Court sustains the decision of the Commission, the Commission shall act to effectuate the mandate of the Court. If the Supreme Court reverses the decision of the Commission for whatever reason, the Commission shall within sixty (60) days after judgement of the Court, execute the mandate of the Court accordingly.

Chapter 7. ELECTION EXPENSES

§ 7.1. Whom May Contribute.

As herein after provided, any citizen(s), political party, association or organization, being of Liberian Nationality or origin, shall have the right to contribute to the funds and election expenses of any political party or candidate; such contribution shall be accompanied by filing with the Elections Commission such information as the source, the date of the remittance, the amount of such contribution, and such other information necessary or required by the Commission.

No corporate or business organization or labour union may contribute to the funds or the election expenses of any political party or any

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independent candidate, and any contribution made in violation of this provision shall, by the Commission, be declared forfeited.

§ 7.2. Remittance of Funds From Outside Liberia to Political Parties or Independent Candidates; Restrictions.

There shall be no remittance of funds or other assets to any political party or organization, or any independent candidate from outside Liberia unless remitted or sent by Liberian citizens residing abroad. Any funds or other assets received directly or indirectly in contravention of this restriction shall be turned over or transferred to the Commission within twenty-one (21) days of receipt to be kept in escrow in a designated bank. After thorough investigation has been made, such funds shall be turned over to the political party or organization or independent candidate to whom the money was sent if not in contravention of this restriction.

§ 7.3. Limitation of Election Expenses; Expenses per Candidate.

1. Elections expenses shall not be incurred or authorized by a candidate and/or a party beyond the Liberian dollar equivalent following amounts:
 - (a) For President in excess of Two Million United States Dollars (US\$2,000,000.00).
 - (b) For Vice President in excess of One Million United States Dollars (US\$1,000,000.00).
 - (c) For a Senator in excess of Six Hundred Thousand United States Dollars (US\$600,000.00).
 - (d) For a Representative in excess of Four Hundred Thousand United States Dollars (US\$400,000.00).

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(e) For any other elective public office, in excess of Seventy-Five Thousand United States Dollars (US\$75,000.00).

This Section shall not be construed to mean that political parties and/or candidates shall be required to have a defined amount deposited in support of a given candidate for the positions in 7.3.1.

2. *Application and Registration Fee.* Application and Registration fees of aspirants and candidates shall amount to the Liberian Dollar equivalent of the following:

(a) For the office of President, two thousand five hundred United States dollars (US\$ 2,500.00);

(b) For the office of Vice-President, one thousand five hundred United States dollars (US\$ 1,500.00);

(c) For the office of Senator, seven hundred fifty United States dollars (US\$750.00);

(d) For the office of member of the House of Representatives, five hundred United States dollars (US\$ 500.00);

(f) For any other elective public office, the amount shall be determined by the Commission and shall not exceed the Liberian dollar equivalent of fifty United States dollars (US\$ 50.00).”

All application and registration fees shall be paid to the National Elections Commission, and shall form an integral part of its budget.

§ 7.4. Account of Political Parties and Requirements For Instruction and Examination.

One month following the effective date of this title, all registered

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political parties in the country shall furnish the Elections Commission with the name of the banking institutions with which they maintain accounts respectively, indicating the dates of the establishment of the banking account, the account number and the names of the party officials upon whose signatures funds are withdrawn from the bank.

Any registered political party failing to furnish the information and the instruction required by this section, shall be guilty of an elections offense and punishable by a fine of Five Thousand (\$5,000.00) Dollars.

Any banking institution failing to provide such information upon being duly advised by the political party and upon demand of the Commission shall be guilty of an election offense and punishable by a fine of not less than Ten Thousand (\$10,000.00) Dollars and not more than Twenty-Five Thousand (\$25,000.00) Dollars.

Chapter 8. MERGER AND CONSOLIDATION

§ 8.1. Merger and Consolidation.

Registered political parties may be allowed to merge or consolidate as provided by this section.

- (1) *Procedure.* Registered political parties wishing to merge or consolidate shall each pass a resolution consenting to the merger or consolidation signed by 2/3 of the members of the executive committee.
- (2) *Plan of Merger or Consolidation.* The Executive Committee of each registered political party proposing to participate in the merger or consolidation shall approve a plan of merger or consolidation setting forth:

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- (a) The name of each constituent registered political party;
- (b) Terms and conditions of the proposed merger or consolidation;
- (c) In case of a merger, a statement of any amendment in articles of incorporation of the surviving registered political party to be effected by such merger, and in case of consolidation, all statements required to be included in articles of incorporation for a political party.

(3) *Approval of Plan.* The Executive Committee of each constituent political party, upon approving the plan of merger or consolidation, shall submit such plan to the vote of the local parties in the counties.

§ 8.2. Articles of Merger or Consolidation.

After approval of the plan of merger or consolidation by partisans of each constituent political party, the article of merger or consolidation shall be executed by the Executive Committee of each political party and verified by its Chairman which shall set forth:

- (i) The plan of the merger or consolidation, any statement required to be included in article of incorporation;
- (ii) The date when the articles of incorporation of each constituent political party was filed with the Elections Commission, probated and registered; and
- (iii) The manner in which the merger or consolidation was authorized with respect to each constituent political party.

§ 8.3. Filing of Articles of Merger or Articles of Consolidation.

The articles of merger or consolidation shall be filed with the

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Elections Commission in accordance with guidelines laid down by the Commission, the said articles shall be accompanied by certified copies of the resolution of each constituent party consenting to the merger or consolidation, the approved plan to merge or consolidate and the votes taken by each constituent party authorizing the merger or consolidation.

§ 8.4. When Merger or Consolidation Effective.

Upon the filing of the articles of merger or consolidation with the Elections Commission, the Commission shall make sure and be satisfied that each constituent political party participating in the merger or consolidation has complied with the provisions of Chapters 7 and 8 hereof. The participating political parties being cleared of all their obligations and requirements, the Commission shall issue a certificate of accreditation to the merged political party under its name and exercise franchise granted to a political party as if it were originally certificated as such.

§ 8.5. Alliances and Coalitions.

Registered political parties may be allowed to form alliances and coalitions as provided by this Section.

(1) *Procedure.* Registered political parties wishing to form an alliance or coalition shall each pass a resolution consenting to the alliance or coalition signed by an absolute majority (50% of the votes plus one vote) of the members of the executive committee.

(2) *Plan of alliance or coalition.* The Executive Committee of each registered political party proposed to participate in the alliance or coalition shall approve a plan of alliance or coalition setting forth:

- (a) The name of each constituent registered political party

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(b) Terms and conditions of the proposed alliance or coalition, including the intended duration of the alliance or coalition.

(3) *Filing of plan of alliance or coalition.* The plan of alliance or coalition shall be filed with the National Elections Commission (NEC) in accordance with regulations and guidelines laid down by the NEC. The plan shall be accompanied by certified copies of the resolution, pursuant to clause I above, of each constituent party consenting to the alliance or coalition, and the votes taken by each constituent party authorizing the alliance or coalition.

(4) *When alliance or coalition effective.* Upon the filing of the plan of alliance or coalition with the National Elections Commission, the NEC shall approve the plan if it is satisfied that each constituent party consenting to the alliance or coalition has fully complied with the provisions of this section and with chapter 7 of the New Elections Law of 1986. The NEC shall issue a certificate of accreditation in the name of the alliance or coalition.

(5) *When alliances or coalitions may be formed.* Alliances or coalitions may be formed not later than eight (8) weeks prior to the first ballot.”

Chapter 9. DISSOLUTION OF POLITICAL PARTY

(1) A political party which has a perpetual existence according to its articles of incorporation shall have the right to be dissolved after it has failed at least two successive general elections to obtain an absolute majority to win the presidency; provided, however, that it shall meet the following conditions:

(a) If, at a meeting of its Executive Committee, two thirds (2/3) of its members vote on the proposal to dissolve by consenting that

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the dissolution shall take place. A certified copy of such resolution shall be filed with the Elections Commission along with the Articles of Dissolution.

- (b) Filing with the Commission the verified Articles of Dissolution signed by members of the Executive Committee of such party with the address and the position of each in the party, stating the reason for the dissolution and the manner in which the dissolution was authorized. The Articles of Dissolution shall also be filed with the Registrar of Deeds for Montserrado County, in whose office the Articles of Incorporation or the party were recorded

§ 9.2. Time When Effective.

The dissolution of a political party shall become effective only if the Commission is satisfied that such political party has complied with the requirements of sections 7.2 through 7.4 of this chapter and is clear of its audits to be conducted as provided in this chapter.

§ 9.3. Winding up Affairs of Political Party After Dissolution.

- (a) *Continuation of party for winding up.* A political party, whether voluntarily dissolved or otherwise, shall nevertheless be continued for the term of three (3) years from the date of such dissolution as provided by the Associations Law of Liberia for the purpose of prosecuting and defending suits by or against it, and to enable it to gradually settle and close its business, to dispose of and convey its property, and to discharge its liabilities, but not to continue the exercise of its political franchise granted under its certificate of accreditation as a registered political party.
- (b) *Trustees.* Upon the voluntary dissolution or otherwise of political party, the Executive Committee of the party shall be trustees

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thereof, with full power to settle the affairs, collect the outstanding debts, if any, sell and convey any of its properties, prosecute and defend all such suits and/or the payment of its liabilities and obligations.

Chapter 10. ELECTION OFFENCES.

§ 10.1. Acts Constituting Malfeasance.

The following acts all constitute malfeasance, punishable under this chapter:

- (a) Influencing or attempt to influence the results of any election;
- (b) Emitting or refusal to sign the register or any other document which is required to be signed in connection with any election without just cause;
- (c) Committing or attempt to commit any act designed to defeat the intention of a voter; and,
- (d) Unlawful disclosure of any knowledge officially acquired touching the vote of any voter, or acquired through assisting a person with disabilities pursuant to Chapter 5, section 5.8 of the New Elections Law.²⁰

Any election officer or any person required to sign a register as provided in sub-section (b) or who does any of the acts above is guilty of an election offense and is punishable by a fine of not more than

20. The wording of the Sub-Section is the result of amendments made to the original Sub-Section 10.1(d) by section 8.4 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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One Thousand (\$1,000.00) Dollars or imprisonment for not more than six months or both.

§ 10.2. Offences in Relation to Registration Cards.

1. Offenses in Relation to Fraudulent Registration. Any person who does any of the following acts shall be guilty of an election offence:

- (a) Making a false statement to an Elections Officer at any point during the voter registration process;
- (b) Impersonating another person when applying to register to vote;
- (c) Registering or attempting to register to vote more than once in relation to an election;
- (d) Any other fraudulent act relating to voter registration”.²¹

2. Any person who does any of the following acts shall be guilty of an election offense and punishable by a fine not exceeding Two Hundred (\$200.00) Dollars or Sixty (60) days imprisonment or both.

- (a) Printing or distributing any registration cards;
- (b) Altering any registration card;
- (c) Using or attempting to use at any election, a registration card issued to another voter.

21. This sub-section was added to the Elections Law of 1986 by Section 24 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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§ 10.3. Unlawful Disclosure of Knowledge Relating to the Vote of any Voter.

Any party representative or representative of an independent candidate or any individual assisting the voter discloses any knowledge acquired in his capacity as such relating to the vote of any voter, is guilty of an election offense and punishable by a fine of not more than Five Hundred (500.00) Dollars or by imprisonment for not more than six (6) months or both.

§ 10.4. Bribery.

For the purpose of this title, bribery as an election offense is where any of the following acts is committed:

- (a) Offering or cause to be offered money or anything of value or benefit or promise to give anything of value with intent to induce or influence any person, election officer, poll worker in connection with an election which in so doing will tend to affect the true election results;
- (b) Receiving money or any valuable consideration, promise for the purpose of influencing any vote or cancelling or destroying any ballot paper, ballot box, election writs, a signed register with the intent to defeat the election; and,
- (c) After close of campaign and on the day of an election, anyone who offers money or receives money or valuable consideration for the purpose of influencing the voters to vote or not to vote for particular candidate.

Any election officer, political party, or party candidate or the agent of any candidate or any person who does any of these acts is guilty of an election offense and is punishable by a fine not more than Five

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Thousand (\$5,000.00) Dollars or imprisonment for not more than Five (5) years or both.

In addition to the forgoing penalty, anyone guilty of bribery as an election offence shall be disqualified from holding any elective public office in the Republic of Liberia, or from voting in any elections held under this law for a period of seven years.²²

§ 10.5. Undue Influence.

Any person who, in connection with any election commits or attempts to commit any of the following acts is guilty of an election offense and punishable by a fine of not more than One Thousand (\$1,000.00) Dollars or by imprisonment for not more than one (1) year or both.

- (a) Threatens any person or persons, officers, procures, suggests, and uses or caused to be used any violence, or inflicts, or caused to be inflicted any injury, corporal punishment, damages, losses or disadvantage on any person or persons in support of a political party or a candidate; or,
- (b) Publishes by spoken, written, or printed words, or by signing whatever form or any matter intended or tending to prevent any person or persons from the free exercise of their franchise or such acts which threaten, or suggest any damage, loss or disadvantage either in the present or in the future, or on account of a political party or his political opinion; or,
- (c) Publishes or exposes or caused to be published or exposed to public view, at any time between the issuance of an election

22. This paragraph of the current section was added to the Elections Law of 1986 by section 25 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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writ and the close of the poll thereon, any document written or printed, matter containing any untrue statement defamatory of any candidate and calculated to influence the vote of any voter.

In addition to the forgoing penalty, anyone guilty of aforementioned acts shall be disqualified from holding any elective public office in the Republic of Liberia, or from voting in any elections held under this law for a period of seven years.²³

§ 10.6. Destruction, Removal or Mutilation of Ballot papers or Boxes.

Any person who carries away, destroys, conceals, or mutilates, or attempts to carry away, destroy, conceal or mutilate any ballot paper, register, ballot box, election writ, certificate or returns of any official document made in connection with an election for the purpose of invalidating the result of such election is guilty of an election offense and punishable by a fine of Five Thousand (\$5,000.00) Dollars or by imprisonment for a period of five (5) years or both.

§ 10.7. Incurring Unauthorized Election Expenses.

Any political party or candidate who incurs any election expenses in excess of the limitation set forth in section 7.4 of the Elections Law, is guilty of an election offense and is punishable by a fine of Five Hundred (\$500.00) Dollars or twenty five percent (25%) of the excess amount spent or whichever is greater.

23. This paragraph of the current Section was added to the Elections Law of 1986 by Section 26 of the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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§ 10.8. Ballot Paper Fraud I.

Any person who falsely impersonates another for the purpose of voting or for the purpose of securing a ballot paper, or who fraudulently defaces a nomination, ballot paper, or who forges any nomination, ballot, or alters, or who prints or supplies ballot papers without authority is guilty of an election offense and punishable by a fine of Five Thousand (\$5,000.00) Dollars or by imprisonment for five (5) years or both.

§ 10.9. Ballot Paper Fraud II.

Any person who fraudulently places any official ballot paper or other paper into the official ballot box, or who fraudulently takes any official ballot paper out of any polling place, is guilty of an election offence and punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment not exceeding six (6) months or both.

§ 10.10. Plural Voting at same Election.

Any person who votes or attempts to vote more than once at the same election is guilty of an election offense and is punishable by a fine not exceeding Five Hundred (\$500.00) Dollars or by imprisonment for not more than six (6) months or both.

§ 10.11. False Statements With Regard to Registration of Claims Application and Objections.

Any person who willfully makes a false statement in any objection to registration of a claim or to any name on a registration roll, or who wilfully makes a false statement in any registration claim, application, return or declaration, or who signs as the claimant on a claim to register as a voter in the name of any other person, is guilty of an

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election offense and punishable by a fine not to exceed the sum of Five Hundred (\$500,00) Dollars or by imprisonment for not more than six (8) months or both.

§ 10.12. Witnessing a registration Claim Without Knowledge of Claim of the Facts.

Any person who witnesses the claim of a claimant for registration or of an application of an applicant to substitute a statement or qualification without being personally acquainted with the truth of the statement contained in the claim or application or without satisfying himself by inquiring from the claimant or applicant or otherwise that the statements contained in the claim or application are true, is guilty of an election offense and punishable by a fine not exceeding Fifty (\$50.00) Dollars.

§ 10.13. Failure to Transmit Claim of Another.

Any person who induces a claimant for registration to give him custody of a signed claim for registration for transmission to the appropriate registrar of elections or who accepts such custody upon request and fails to transmit such claim to the appropriate registrar of elections without just cause, is guilty of an election offense and punishable by a fine of not more than One Hundred (\$100.00) Dollars.

§ 10.14. Anonymous Publications.

- (1) *Publication.* Any person who publishes a handbill, pamphlet, notice or other advertisement relating to an election, which does not include prominently displayed name at the end thereof and address of the person authorizing or publishing it, is guilty of an election offense and is punishable by a fine of not more than Five Hundred (\$500.00) Dollars or imprisonment for not more than six

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(6) months or both.

- (2) **Distribution.** Any person who knowingly distributes any handbill, pamphlet, notice or other advertisement relating to an election published in violation of paragraph (1) is guilty of an election offense and punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment for not more than six (6) months or both.

§ 10.15. Impersonation; Misconduct; Canvassing.

(1) *Representatives.* Any party representative or the representative of an independent candidate accredited to the polling place or any person impersonating a representative who violates the provisions of section 4.9 (2), is guilty of an election offense and is punishable by a fine of Three Hundred (\$330.00) Dollars or by imprisonment for three (3) months.

(2) *Single Offense.* Any person who fails to obey the lawful direction of the sheriff or any poll worker in a polling place on election day, or misconducts himself by committing a breach of peace or threat, is guilty of an election offense and is punishable by a fine of not more than Two Hundred (\$200.00) Dollars or by imprisonment for not more than thirty (30) days, or by both and shall be removed from the polling place by the sheriff or by any person authorized by him.

(3) *Re-entry of Polling Place After Being Removed.* Any person ordered to be removed from a polling place by the sheriff or any person authorized by him on election day for failure to obey the lawful directions of the sheriff or for misconduct by threat, is guilty of an election offense and punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment for not more than six (6) months or both.

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(4) Any person who on election day or on any day to which the election is adjourned, in a polling place or within one hundred yards thereof, canvasses for votes, or solicits the vote of any voter, or induces any voter to vote or not to vote for any particular candidate at the election, is guilty of an election offense and is punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment for not more than six (6) months or both. For the purpose of this section, canvassing for votes shall include the display of any T-shirt, caps, etc., or placard, slogans, signs, pictures, emblems, etc. in connection with the candidature of any party or person.

§ 10.16. Period of Permissible Withdrawal.

Any candidate may withdraw from contesting an election and notify the Elections Commission before ballot papers are printed and before the election writs are issued and served.

§ 10.17. Refusal to Serve When Elected.

Failure to serve when elected is a serious elections offense by anyone and is punishable by a fine of not more than Five Thousand (\$5,000.00) Dollars or imprisonment for a period not exceeding five (5) years or both.

§ 10.18. Stirring up Unrest and Rebellion in Lieu of Protest After Declaration of Election Results.

Failure by a candidate or a political party to file and prosecute an election protest within the time allowed by this title is a waiver and ends the rights of such candidate or political party to do so. Any candidate or a political party failing to take advantage of the provisions of this title relating to election contest and after the expiration of the time allowed to do so, resorts to the dissemination of propaganda which contains statements intended to create political

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unrest, disloyalty or subvert the Constituted authority of government or to bring the government into disrepute at home or abroad; to oppose and refuse to recognize the government on account of disagreement with the elections results, or by commenting on the election in any manner or form intending to discredit its results to when no contest or protest had been filed, constitutes an election offense for the purpose of this title.

Any candidate or any political party found violating any of the provisions of this section shall be guilty of an election offense and is punishable by a fine of Ten Thousand (\$10,000.00) Dollars and imprisonment of the candidate or the leaders of the political party or parties involved for not more than ten (10) years. Notwithstanding, the pendency of any criminal proceeding against such candidate or political party in the courts of justice or the payment of such fine for the commission of such election offense, the Elections Commission, upon petition of the Minister of Justice, or on its own motive, may revoke the certificate of such political party or parties involved upon proof of the violation.

In addition to the foregoing penalty, any person who is guilty of stirring up unrest rebellion in lieu of protest after declaration of election results shall be disqualified from holding any elective public office in the Republic of Liberia, or voting in any elections held under this law for seven years.²⁴

§ 10.19. Commenting on Election During the Pendency of An Election Contest.

The filing of a protest of an election contest takes from the province

24. This paragraph of the current Section was added to Section 10.18 of the Elections Law of 1986 by Section 27 of the Elections Act passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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of the contestant or the political party protesting the matter involved and places it under the jurisdiction of the Elections Commission or the Supreme Court in case an appeal is taken. It is therefore contemptuous and an election offense for the contestant or any political party or any person or group of persons to comment in any manner or form on the merits of the proceedings tending to arouse public opinions, sympathy and confusion in the Liberian society, and which in so doing may have the tendency to prejudice the fair and impartial determination of the other person commenting on the conduct of an election in any manner or form for which a contempt proceeding for a fine of Five Thousand (\$5,000.00) Dollars or imprisonment of such contestant or the leaders of such political party violating the provisions of this section for not more than five (5) years or both may be instituted.

§ 10.20. Notwithstanding the Penalty Provided to be Punishable.

Notwithstanding the penalty provided in this section, any such violator may be attached in contempt and punished accordingly.

§ 10.21. Freedom of Travel Throughout the Country and the Use of Public facilities by Political Parties.

Political parties, without any molestation whatsoever by official action, are privileged to travel throughout the length and breadth of the country to canvass for membership or for elective public office and to hold and conduct orderly meetings and political rallies to raise funds or for any lawful purposes in the free exercise of their political franchise being responsible for the abuse of such privileges. They shall be entitled to appropriate security protection when timely public notice is given.

Political parties are also privileged to use, and shall not be denied the right to use any public building or such public facilities necessary and

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appropriate for their purpose, a timely request shall first be made to the appropriate authorities.

Any person or persons using their official power to molest the free travel to any part of the country of a political party or persons accredited by such party to travel to any part of the country, or after a public notice of the holding of an orderly political meeting or rally shall have been given, and after being granted due permit by the Ministry of Justice, any person or persons by any means, molesting the holding of any such meeting or rally or denying or refusing to allow the use of any public facility to any political party involved shall be subject to a fine upon proved complaint of the political party affected or involved. In any election year and upon declaration of the opening of campaign by the Elections Commission and during such period, any person or persons violating any of the provisions of this section shall be guilty of an election offense and punishable by a fine of Five Hundred (\$500.00) Dollars to be paid forthwith. Notwithstanding any such administrative action, should any damage result by the misconduct of any person or persons, the party or person so affected shall have a civil remedy under the appropriate provision of the Civil Procedure Law Revised.

§ 10.22. Abusive and Profane Language and Slogans as an Election Offence.

It shall be an election offence punishable by a fine of One Thousand (\$1,000.00) Dollars for political party, when having their political rallies or demonstrations to abuse another political party, or its leaders by the use of profane language or slogan tending to reflect on such party or its leaders or a particular ethnic group or groups.

§ 10.23. Unfair Political Practices.

Under the multiparty system provided under the constitution, every

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citizen of legal age of this Republic is entitled to join any political party of his choice and may resign therefrom for any reason without any molestation.

Administrative officials, military and para-military personnel or any personnel or any person or persons shall be guilty of an election offense if they arrest, detain, maltreat, or interfere with any citizen because of the exercise of his political rights to join a party or his choice or because he refused to join a party in power or because he is seeking membership in another party or being a member of a party in power resigned therefrom in the exercise of his political franchise or being such a member befriend a leader of any opposition party any administrative official, military or paramilitary personnel or any other person or persons in support of a particular party or candidate who shall violate any of the provisions of this section shall be guilty of an election offense and punishable by a fine of Five Hundred (\$500.00) Dollars. In case of a person other than an employee or an official of government and in the case of an official of government, military or paramilitary personnel, he or they shall be summarily dismissed from office upon the recommendation at the Commission. Should there be any injury sustained from such misconduct or damage or loss suffered, the affected person or persons shall be entitled to civil remedy at law.

§ 10.24. Unlawful Election; Propaganda.

(1) Prohibited Acts. It shall be an offence against the Elections Law for any organized political party to do any of the following:

- (a) Disseminate propaganda which contains false statements intended to:
 - (i) create unrest, disloyalty, rebellion or terrorism among the Liberian people;

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- (ii) overthrow or subvert the authority into disrepute at home or abroad; or
 - (b) Publish:
 - (i) anonymous writings affecting or commenting on the conduct of an election, or
 - (ii) allegations derogatory to the Government without affixing thereto the name of the name of the publisher or writer; or,
 - (c) Engage or consent to the engagement of aliens as members or officials of an organized political party or independent candidate.
- (2) Liability of Members. Any member of a registered political party or independent candidate who directs, or with knowledge of the purpose thereof, participate in the unlawful acts defined in paragraph (1) above, shall be subject to a fine of not more than Five Thousand (\$5,000.00) Dollars or imprisonment for not more than five (5) years or both.

§ 10.25. Civil Sanction.

Notwithstanding that criminal proceeding may be pending in court in respect of any violation of Section 10.18 by a political party, upon receipt of clear evidence of the violation, the Elections Commission, upon petition of the Minister of Justice or on its own motion, may outlaw such political party or parties and revoke their certificate. An appeal may lie from the determination of the Commission to the Supreme Court en banc, if notice of appeal is served and filed with the Commission within (7) days after its determination is made. If such an appeal is taken, the chairman of the Commission shall immediately notify the Chief Justice of the Supreme Court, who shall

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summons the Associate Justices in an extraordinary session if not sitting in term to hear and determine such appeal as expeditiously as possible.

§ 10.26. Penalty for any Offense not Provided.

A violation of any provision of this Title for which no other punishment is provided is punishable by a fine not exceeding Five Thousand (\$5,000.00) Dollars.

Section 10.27. Election Offenses Punishable by Fines.²⁵

Wherever this Law refers to election offences punishable by fines:

(a) With respect to election offences committed by a political party, including alliances and coalitions, the fine shall not be less than the Liberian dollar equivalent of US\$2,500 (two thousand five hundred US dollars) and not exceed the Liberian dollar equivalent of US\$50,000 (fifty thousand US dollars).

(b) With respect to election offences committed by a natural person, the fine shall not exceed the Liberian dollar equivalent of US\$500 (five hundred US dollars).²⁶

25. The Section, passed as part of the Elections Act of 2004, repeals all other provisions of the Elections Law of 1986 inconsistent with the section as stated by Section 23 of the 2004 Act. The said Act was passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

26. Section 10.27 was added to the Elections Law by Act passed by the National Transitional Legislative Assembly constituted under the Comprehensive Peace agreement of August 18, 2003. The Act was approved December 17, 2004 and published December 23, 2004. See "An Act Suspending certain Provisions of the Constitution of Liberia and Amending Specific sections of the New Elections Law of 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission."

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Section 2. This Act shall take effect immediately upon publication in handbills.

Chapter 3. BUDGETARY APPROPRIATIONS FOR THE NEC.²⁷

Section 28. Election Expenditure to be Charged on the National Revenue.

The election expenditure and the recurrent expenditure of the National Elections Commission (including salaries and allowances of the employees) shall be a charge upon the National Revenue of the Republic of Liberia.

Section 29. Submission of Annual Budget ND establishment of Account by NEC.

(a) The NEC shall submit an annual budget to the NTLA for consideration and approval. (b) Upon approval of the budget and for the purposes of the 2005 elections, the Chairman of the NTGL shall cause the funds to be paid quarterly, in a timely manner, according to the planned expenditure, into an account established by NEC.

Section 30. Publication of Annual Plan and Audited Accounts

(a) The NEC shall publish annually an updated strategy, together with an annual plan to which shall be attached the funding provision for that year, as agreed with the Budget Bureau; and,

(b) At the end of each year, the NEC shall publish an annual

27. This Chapter is a new Chapter added to the Elections Law of 1986 by the Elections Act of 2004 passed by the National Transitional Legislative Assembly, approved December 17, 2004 and published December 23, 2004.

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report and an externally audited set of accounts, which shall relate to its achievements and activities against the annual plan.

(c) The report shall reflect, in addition to Liberian Government, sources and usage of external funds and other resources.

§ 31. Establishment of Finance and Audit Committee.

The NEC shall establish a Finance and Audit Committee to oversee spending and provide assurance of regularity and propriety.

This Law shall take effect immediately upon publication in handbills.

Any law to the contrary notwithstanding.

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AN ACT SUSPENDING CERTAIN PROVISIONS OF THE CONSTITUTION OF LIBERIA AND AMENDING SPECIFIC SECTIONS OF THE NEW ELECTIONS LAW OF 1986 AND APPROVING NEW PROVISIONS RELATING TO THE BUDGET APPROPRIATIONS OF THE NATIONAL ELECTIONS COMMISSION.

WHEREAS, in an effort to resolve the prolonged civil crisis in Liberia, the Economic Community of West African States (herein after referred to as ECOWAS), supported by the international community, convened a conference on Liberia from 4 June to 21 August 2003 in Akosombo and Accra, Ghana;

WHEREAS, the said conference was attended by the then Government of Liberia (GOL), the Liberians United for Reconciliation and Democracy (LURD), the Movement for Democracy in Liberia (MODEL), political parties and civil society organizations, with observers and facilitators from ECOWAS, the United Nations (UN), the African Union, herein after referred to AU, the European Union, herein after referred to EU, and other members of the international community, including Ghana and the United States of America;

WHEREAS, as a result of the said conference a Peace Agreement referred to as the Comprehensive Peace Agreement, herein after referred to as the CPA, was signed by the parties on 18th August 2003 in Accra, Ghana;

WHEREAS, Article XVIII (1) of the CPA contains the agreement of all parties to the CPA that the present electoral system in Liberia shall be reformed;

WHEREAS, Article XVIII (2) (a) of the CPA mandates the National Elections Commission (NEC) to operate in conformity with UN standards, in order to ensure that the rights and interests of Liberians

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are guaranteed and that the elections are organized in a manner that is acceptable to all;

WHEREAS, as provided in Article XXXV of the CPA, the parties to the CPA agreed on the need for an extra-constitutional arrangement that would facilitate the formation of a transitional government and take into account the establishment and proper functioning of the entire transitional arrangement;

WHEREAS, Article XXXV of the CPA also provides that provisions of the Constitution of the Republic of Liberia, the Statutes and all other Liberian laws which relate to the establishment, composition and powers of the Executive, the Legislative and Judicial branches of the Government, and provisions which are inconsistent with the provisions of the CPA, are suspended;

WHEREAS, pursuant to Articles XXIII (i) and XXIV of the CPA, the National Transitional Legislative Assembly, herein after referred to as the NTLA, was established as the most representative body in the NTGL, reflecting the broad spectrum of Liberian society, and is therefore the correct and proper body whose approval of the reform measures proposed by the NEC meets the requirement provided in Article XVIII (2) (a) of the CPA;

WHEREAS, due to the immediate post-war realities in the country manifested by the massive displacement of population, the destruction of infrastructure, and serious constraints, it is not possible to conduct a national population census prior to the 2005 elections.

NOW THEREFORE:

It is enacted by the National Transitional Legislative Assembly (NTLA) of the Republic of Liberia in legislature assembled:

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Chapter 1. Suspension of certain provisions of the Constitution

Section 1. Electoral System.

1.1 Article 83(b) of the Constitution is suspended.

1.2 Elections to the office of President and Vice President of the Republic of Liberia shall be conducted on a two-round electoral system. The first round shall be determined by an absolute majority (50% plus one) of the valid votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Tuesday following the announcement of the results of the first ballot. The two candidates who obtain the highest number of valid votes at the first ballot shall be designated to participate in the run-off election. The candidate who obtains the majority of the valid votes cast at the second ballot is elected. Each voter shall have one vote.

1.3 Elections for the office of Senator of the Republic of Liberia shall be based on a simple majoritarian system. The two candidates who obtain the highest and second highest numbers of valid votes cast in the county shall be elected. The senator with the higher number of valid votes cast shall be senator of the first category, and the senator with the lower number of valid votes cast shall be a senator of the second category. Each voter shall have one vote.

1.4 Elections for Members of the House of Representatives of the Republic of Liberia shall be based on a simple majoritarian system, using single member electoral districts. The NEC shall establish the electoral districts by the amalgamation of voting precincts, provided that each electoral district shall be within a county boundary. The candidate who obtains the highest number of valid votes cast in each electoral district shall be declared elected. Each voter shall have one vote.

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Section 2. Eligibility for offices of President and Vice-President.

- 2.1. Article 52(c) of the 1986 Liberian Constitution is suspended.
- 2.2. The President and the Vice-President shall not come from the same county.

Section 3. Eligibility for Membership in the Legislature.

- 3.1. Article 30(b) of the 1986 Liberian Constitution is hereby suspended.
- 3.2. For the purpose of the 2005 elections, citizens of Liberia who meet the qualifications set out in Article 30(a) of the Constitution and who are taxpayers in Liberia are eligible to become members of the Legislature.

Section 4: Allocation of Seats in the House of Representatives.

- 4.1. Article 80 (d) of the Constitution is suspended.
- 4.2. For the 2005 elections, the number of members of the I-louse of Representatives shall be fixed at sixty-four (64).
- 4.3. For the 2005 elections, and in the absence of results of a recent population census, the sixty-four seats shall be distributed among the 15 counties on the basis of the total number of voters registered, provided that no county receives less than 2 seats.
- 4.4. Based on the number of voters registered, the National Elections Commission shall define and publish the number of electoral districts for each county.

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4.5. Electoral districts which fall into territory of newly created counties shall be allocated to such new counties.²⁸

Chapter 2. Amendments to the New Elections Law 1986

Section 5. Amendments to Definition.

Section 1.2 of the New Elections Law 1986 is hereby amended by deleting the existing sub-sections 1.2(a), (b), (c), (1), (p) and (w), and inserting in their stead the following:

(a) “Commission” shall refer to the National Elections Commission of the Republic of Liberia.

(b) “NEC” shall be the abbreviation used to refer to the National Elections Commission.

(c) “Political Party” shall refer to an association with a membership of not less than five hundred (500) qualified voters in each of at least twelve (12) counties of Liberia in the case of new political parties, or such membership in each of at least six (6) counties in the case of existing political parties. The activities of a political party which has met the minimum registered requirements laid down by the Elections Commission by filing with the said Elections Commission, its articles of incorporation and by-laws in the Archives of the Republic of Liberia shall include canvassing for votes on any public issue, or in support for a candidate for elective office.

(l) “Constituency” means the whole of the country when referring

2. Note: The provisions of the Act suspending certain provisions of the Liberian Constitution lost their validity upon the inauguration of the President on January 16, 2006, at which time all suspended provisions of the Constitution became effective and operational again, with full force and effect as the organic law of the nation.

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to the presidential election, each of the fifteen counties in the country when referring to the elections for the Senate, and each of the electoral districts designated by the National Elections Commission when referring to the elections for the House of Representatives.

(p) "Voting Precinct" means a designated area containing no more than 2,000 registered voters.

(w) "Commissioner" means a member of the Commission.

(x) "Alliances and coalitions" shall refer to two or more political parties working together for a particular political purpose pursuant to section 8.5 of this Law."

(y) "Electoral district" means the amalgamation of voting precincts by the National Elections Commission, the registered voters of which shall elect a member of the House of Representatives.

Section 6. Verification of Eligibility to Register.

6.1 Section 3.1 of the New Elections Law 1986 is hereby amended by inserting the following immediately after the first sentence of section 3.1:

"Principal means of verifying whether an applicant is a citizen of Liberia may include:

(a) production of a valid Liberian passport;

(b) production of a birth certificate and, where applicable, evidence of renunciation of a second nationality, proving that the applicant is a Liberian citizen;

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(c) production of a certificate of naturalization to be accompanied by all relevant legal documents from the court;

(d) sworn statements by two other registered voters, who shall appear in person before the appropriate elections officer, confirming that the applicant is a Liberian citizen;

(e) Confirmation by a Liberian traditional leader, who shall appear in person before the appropriate elections officer, that the applicant is a Liberian citizen.

The NEC may issue regulations to establish the procedures in which these means, and any other means the NEC deems necessary and appropriate, will be applied.”

6.2. The second sentence of Section 3.1 of the New Elections Law 1986 is hereby amended to read as follows:

“Every voter shall be allowed to vote only in the voting precinct of the electoral district for which he/she is registered”.

Section 7. Registration and voting of displaced persons and returnees within Liberia for the 2005 elections.

Chapter 3 Sub-Chapter A of the New Elections Law 1986 is hereby amended, by adding sub-section 3.3(A) as set out below, to be inserted immediately after sub-section 3.3:

“Section 3.3(A): Internally displaced persons/returning refugees:
The NEC is hereby authorized to adopt administrative and operational measures which are necessary and expedient consistent with this Act. These measures may be necessary to facilitate the registration and voting of those Liberians who are qualified to register to vote under sub-section 3.1 of the New Elections Law 1986, and who have been

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displaced from their home community, or are returnees who had previously been exiled, as a result of war, civil disorder or human rights abuses.

In particular, and as an exception to the provisions in sections 3.1, 5.1 and 5.2 of the New Elections Law 1986 as amended pursuant to the provisions of this law, the NEC shall adopt appropriate measures to allow eligible internally displaced persons and returnees to register in the county in which they reside for their county of origin. The NEC shall also adopt measures to facilitate the registration of internally displaced persons and returnees after the registration deadline where justifiable reasons for failure to register before the deadline are shown. Further, the NEC shall define the categories of persons who may benefit from such measures and the conditions under which they may do so.

An extension of the time period to register, if deemed appropriate by the NEC in accordance with this section, shall be limited to those returnees whose return to Liberia is directly facilitated by the UN High Commissioner for Refugees (UNHCR), and to other Liberians who can satisfy the registrar that they are returnees and eligible to register.”

Section 8. Access to voters with Disabilities.

8.1. Section 3.2 of the New Elections Law 1986 is hereby amended by adding two subsections 3.2(b) and (c) and re-numbering the existing section 3.2 as 3.2(a), thus:

“3.2 (b) Registration officers shall give preference to persons with disabilities at registration centers.

3.2 (c) The location and arrangement of the registration centers shall, to the extent which is reasonably and practicably possible, be

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accessible to persons with disabilities.”

8.2. Section 4.2(1) of the New Elections Law 1986 is hereby amended by renumbering the existing subsection as 4.2(1)(a) and adding two subsections 4.2(1)(b) and 4.2(1)(c) as follows:

“4.2(1)(b) Polling officers shall give preference to persons with disabilities at the polling places.

4.2(1)(c) The location and arrangement of the Polling Places shall, to the extent which is reasonably and practicably possible, be accessible to persons with disabilities.”

8.3. Section 5.8 of the New Elections Law 1986 is hereby amended by deleting the existing section and inserting in its stead the following:

“5.8 Casting of Ballot: Assistance to Unlettered and Physically Incapacitated: A voter who is unlettered or incapacitated may request the assistance of a person of his/her choice to mark his/her ballot in secret, provided that the person giving assistance shall be a registered voter. The Clerk shall enter on the register opposite the name of the assisted voter, the reason of such assistance. The one assisting the voter shall retire with him/her in an unoccupied compartment and, at the direction of the voter, help in preparation and marking of his/her ballot paper and return the ballot paper properly folded for deposit in the ballot box.”

8.4. Section 10.1(d) of the New Elections Law is hereby amended by deleting the existing sub-section and inserting in its stead the following;

“10.1(d) Unlawful disclosure of any knowledge officially acquired touching the vote of any voter, or acquired through assisting a person

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with disabilities pursuant to Chapter 5 Section 5.8 of the New Elections Law.”

Section 9. Number of Registered Voters in Voting Precincts.

Section 4.1(2) of the New Elections Law 1986 is hereby amended to read as follows:

“Section 4.1(2): The number of registered voters in every precinct shall be approximately equal, and unless the Commission in any particular case so determines, the number of registered voters in any precinct shall not exceed two thousand (2000).”

Section 10. NEC Presiding Officer.

The New Elections Law 1986 is hereby amended as follows: wherever the word “Sheriff” appears in the New Elections Law 1986, the same shall be deleted and replaced with the words “NEC Presiding Officer”.

Section 11. Ballot Boxes.

Section 4.2(3) of the New Elections Law 1986 is hereby amended to read as follows:

“Each polling place shall be provided with a transparent ballot box or boxes, which can be sealed.”

Section 12. Election Writs.

The last sentence of Section 4.3 (1) (c) of the New Elections Law 1986 shall be amended to read as follows:

“Such date to be not later than fifteen (15) days after election.”

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Section 13. Observers.

Section 4.10 of the New Elections Law 1986 is hereby amended by deleting the existing section and inserting in its stead the following:

“Section 4.10: Persons present at polling places: No one other than the elections officers, the party representatives appointed under paragraph 2, section 4.9, or elections observers, police officers or other persons accredited or authorised by the NEC, and voters voting or about to vote shall be permitted to enter or remain in a polling place during the polling.

Section 14. Endorsement of Elections Tally.

Section 4.14 of the New Elections Law 1986 is hereby amended to read as follows:

“Section 4.14: Endorsement of Elections Tally:
When the Magistrate of Elections has received or been notified of the tally of the votes cast at each polling place in accordance with the register prepared, he/she shall total all the votes cast for each candidate in the constituency after the tally at the polling places and endorse each tally. He/she shall forward the writ forthwith to the Commission and, not later than the date for return, endorse thereon under section 4.3 of this Chapter and directly notify the Commission by the fastest means possible, in writing.

The Commission shall collect all the tabulated results from every constituency received from the Magistrates; and announce the returns of the elections not later than fifteen (15) days after the day of elections.”

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Section 15. Determination of Election Results.

Section 4.15 of the New Elections Law 1986 is hereby deleted and replaced with sections 4.15(a), (b), and (c) as set out below;

“Section 4.15(a): Elections to the office of President and Vice President of the Republic of Liberia shall be conducted on a two-round electoral system. The first round shall be determined by an absolute majority of the valid votes cast. If no candidate obtains an absolute majority (fifty percent plus one vote) in the first ballot, a second ballot shall be conducted on the second Tuesday following the announcement of the results of the first ballot. The two candidates who obtain the highest number of valid votes at the first ballot shall be designated to participate in the run-off election and the candidate who obtains the majority of the valid votes cast at the second ballot is elected.”

“Section 4.15(b): Elections for the office of Senator of the Republic of Liberia shall be based on a simple majoritarian system. The two candidates who obtain the highest and second highest numbers of valid votes cast in the county shall be elected.”

“Section 4.15(c): Elections to the office of Representative of the Republic of Liberia shall be based on a simple majoritarian system. The candidate with the highest valid votes cast shall be declared the winner.

Section 16. Who May Vote.

Section 5.1 of the New Elections Law is hereby amended by deleting the existing section, and inserting in its stead the following:

“Section 5.1: Who May Vote: Except one who has been judicially declared to be incompetent or of unsound mind, or who has been

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barred from voting as a result of his/her conviction and imprisonment for an infamous crime which disenfranchised him as a voter and has not been restored to full citizenship, a Liberian citizen who has attained the age of 18 years or above with a valid registration card may vote at any election in the voting precinct of the electoral district for which he/she is registered.”

Section 17. Where to Vote.

Section 5.2 of the New Elections Law is hereby amended by deleting the existing section, and inserting in its stead the following:

“Section 5.2: Where To Vote: A Liberian citizen who has attained the age of 18 years or above with a valid Registration card shall vote only in the voting precinct of the electoral district for which he/she is registered.”

Section 18. Absentee Voting.

Section 5.5 of the New Elections Law 1986 is hereby deleted.

Section 19. Recognizance

Section 6.8 of the New Elections Law 1996 is hereby amended to read as follows:

“Section 6.8: Recognizance

The contestant shall enter into a recognizance for payment of costs incurred on the appeal in the following amounts:

- (a) With respect to the election of a President of Vice-President, the Liberian dollar equivalent of five thousand United States dollars (US\$ 5,000.00);

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(b) With respect to the election of a Senator, the Liberian dollar equivalent of three thousand United States dollars (US\$ 3,000.00);

(c) With respect to the election of a member of the House of Representatives, the Liberian dollar equivalent of two thousand United States dollars (US\$ 2,000.00);

(d) With respect to any other elective public office, the amount shall be determined by the Commission and shall not exceed the Liberian dollar equivalent of two hundred United States dollars (US\$ 200.00).

Section 20. Limitation of Election Expenses.

Section 7.3 of the New Elections Law 1986 is hereby amended to read as follows:

“Section 7.3: Limitation of Election Expenses: Expenses per candidate:

1. Elections expenses shall not be incurred or authorized by a candidate and or party beyond the Liberian dollar equivalent of the following amounts:

(a) For President in excess of Two Million United States Dollars (US\$2,000,000.00).

(b) For Vice President in excess of One Million United States Dollars (US\$1,000,000.00).

(c) For a Senator in excess of Six Hundred Thousand United States Dollars (US\$600,000.00).

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(d) For a Representative in excess of Four Hundred Thousand United States Dollars (US\$400,000.00).

(e) For any other elective public office, in excess of Seventy Five Thousand United States Dollars (US\$75,000.00).

This section shall not be construed to mean that political parties and/or candidates shall be required to have a defined amount deposited in support of a given candidate for the positions in 7.3.1.

2. Application and Registration Fees: Application and Registration fees of aspirants and candidates shall amount to the Liberian dollar equivalent of the following:

(a) For the office of President, two thousand five hundred United States dollars (US\$ 2,500.00);

(b) For the office of Vice-President, one thousand five hundred United States dollars (US\$ 1,500.00);

(c) For the office of Senator, seven hundred fifty United States dollars (US\$750.00);

(d) For the office of member of the House of Representatives, five hundred United States dollars (US\$ 500.00);

(f) For any other elective public office, the amount shall be determined by the Commission and shall not exceed the Liberian dollar equivalent of fifty United States dollars (US\$ 50.00).”

All application and registration fees shall be paid to the National Elections Commission, and shall form an integral part of its budget.

Section 21. Alliance and Coalition.

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Chapter 8 of the New Elections Law 1986 is hereby amended by inserting the following as section 8.5, immediately after section 8.4:

“Section 8.5: Alliances and coalitions: Registered political parties may be allowed to form alliances and coalitions as provided by this Section.

(1) *Procedure.* Registered political parties wishing to form an alliance or coalition shall each pass a resolution consenting to the alliance or coalition signed by an absolute majority (50%) of the votes plus one vote) of the members of the executive committee.

(2) *Plan of alliance or coalition.* The Executive Committee of each registered political party proposed to participate in the alliance or coalition shall approve a plan of alliance or coalition setting forth:

(a) The name of each constituent registered political party

(b) Terms and conditions of the proposed alliance or coalition, including the intended duration of the alliance or coalition.

(3) *Filing of plan of alliance or coalition.* The plan of alliance or coalition shall be filed with the National Elections Commission (NEC) in accordance with regulations and guidelines laid down by the NEC. The plan shall be accompanied by certified copies of the resolution, pursuant to clause I above, of each constituent party consenting to the alliance or coalition, and the votes taken by each constituent party authorizing the alliance or coalition.

(4) *When alliance or coalition effective.* Upon the filing of the plan of alliance or coalition with the National Elections Commission, the NEC shall approve the plan if it is satisfied that each constituent party consenting to the alliance or coalition has fully complied with the provisions of this section and with chapter 7 of the New Elections

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Law of 1986. The NEC shall issue a certificate of accreditation in the name of the alliance or coalition.

(5) *When alliances or coalitions may be formed.* Alliances or coalitions may be formed not later than eight (8) weeks prior to the first ballot.”

Section 22. Penalties.

Section 2.9 of the New Elections Law 1986 is hereby amended by deleting the existing sub-sections 2.9 (w) and (x) and inserting in their stead the following:

2.9 (w) To issue citation for the appearance before it of any political party or its leaders, or other natural persons in connection with any complaint cognizably before it; to issue subpoenas for the purpose of obtaining witnesses in any hearing, including subpoenas ad testificandum and subpoenas duces tecum to punish for contempt for any obstruction or disobedience of its orders in an amount not less than the Liberian dollar equivalent of two thousand five hundred US dollars (US\$2,500), nor more than the Liberian dollar equivalent of fifty thousand US dollars (US\$ 50,000) in the case of a political party, alliance or coalition, or in an amount of no more than the Liberian equivalent of five hundred US dollars (US\$500) in the case of a natural person.

2.9 (x) To revoke the Certificate of Accreditation of any political party, alliance or coalition, or to impose a fine of not less than the Liberian dollar equivalent of two thousand Five Hundred United States dollars (US\$2,500), nor more than the Liberian dollar equivalent of fifty thousand United States dollars (US\$ 50,000), or both, with respect to election offences committed by a political party, alliance or coalition, or to impose a fine of no more than twenty-five thousand Liberian dollars (LD\$ 25,000.00) with

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respect to election offences committed by a natural person, according to the gravity of the offences committed.”

Section 23. Election Offences and Fines.

21.1 Chapter 10 of the New Elections Law 1986 is hereby amended by the deletion of all provisions and references which are inconsistent with new section 10.27 of the New Elections Law 1986 as set out in section 22.2 below.

21.2. The National Elections Law 1986 is hereby amended to add the following as section 10.27:

“Section 10.27: Wherever this Law refers to election offences punishable by fines:

(a) With respect to election offences committed by a political party, including alliances and coalitions, the fine shall not be less than the Liberian dollar equivalent of US\$2,500 (two thousand five hundred US dollars) and not exceed the Liberian dollar equivalent of US\$50,000 (fifty thousand US dollars).

(b) With respect to election offences committed by a natural person, the fine shall not exceed the Liberian dollar equivalent of US\$500 (five hundred US dollars).”

Section 24. Fraudulent Registration.

Chapter 10 of the New Elections Law 1986 is hereby amended by re-numbering the existing Section 10.2 (Offences in Relation to Registration Cards) as Section 10.2(2), and by inserting the following as Section 10.2(1) immediately after Section 10.1:

“Section 10.2(1): Offences in Relation to Fraudulent Registration:

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Any person who does any of the following acts shall be guilty of an election offence:

- (a) Making a false statement to an Elections Officer at any point during the voter registration process;
- (b) Impersonating another person when applying to register to vote;
- (c) Registering or attempting to register to vote more than once in relation to an election;
- (d) Any other fraudulent act relating to voter registration”.

Section 25. Bribery.

Section 10.4: (Bribery) of the New Elections Law 1986 is hereby amended by the addition of the following:

“In addition to the forgoing penalty, anyone guilty of bribery as an election offence shall be disqualified from holding any elective public office in the Republic of Liberia, or from voting in any elections held under this law for a period of seven years.”

Section 26. Undue Influence.

Section 10.5: (Undue Influence) of the New Elections Law 1986 is hereby amended by the addition of the following:

“In addition to the forgoing penalty, anyone guilty of aforementioned acts shall be disqualified from holding any elective public office in the Republic of Liberia, or from voting in any elections held under this law for a period of seven years.”

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Section 27. Stirring up Unrest and Rebellion in Lieu of Protest After Declaration of Elections Results.

Section 10.18 (Stirring up Unrest and Rebellion in Lieu of Protest after Declaration of Elections Results) of the New Elections Law 1986 is hereby amended by the addition of the following:

“In addition to the foregoing penalty, any person who is guilty of stirring up unrest rebellion in lieu of protest after declaration of election results shall be disqualified from holding any elective public office in the Republic of Liberia, or voting in any elections held under this law for seven years.”

Chapter 3. BUDGETARY APPROPRIATIONS FOR THE NEC.

Section 28. Election Expenditure to be Charged on the National Revenue.

The election expenditure and the recurrent expenditure of the National Elections Commission (including salaries and allowances of the employees) shall be a charge upon the National Revenue of the Republic of Liberia.

Section 29. Submission of Annual Budget and Establishment of Account by NEC.

(a) The NEC shall submit an annual budget to the NTLA for consideration and approval. (b) Upon approval of the budget and for the purposes of the 2005 elections, the Chairman of the NTGL shall cause the funds to be paid quarterly, in a timely manner, according to the planned expenditure, into an account established by NEC.

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Section 30. Publication of Annual Plan and Audited Accounts

- (a) The NEC shall publish annually an updated strategy, together with an annual plan to which shall be attached the funding provision for that year, as agreed with the Budget Bureau; and,
- (b) At the end of each year, the NEC shall publish an annual report and an externally audited set of accounts, which shall relate to its achievements and activities against the annual plan.
- (c) The report shall reflect, in addition to Liberian Government, sources and usage of external funds and other resources.

§ 31. Establishment of Finance and Audit Committee.

The NEC shall establish a Finance and Audit Committee to oversee spending and provide assurance of regularity and propriety.

This Law shall take effect immediately upon publication in handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING.