

**Zoe et al. v NEC [2005] LRSC 51 (21 September 2005)**

**Rev Hananiah Zoe** and the Liberian Educational and Development Party, Represented by its Standard Bearer Hananiah Zoe and its National Chairman, **Benedict Matalda**, and **Cephus Miller**, **Peter Luogon**, **Cora Smucker** and other Partisans, all of the City of Monrovia, Liberia, APPELLANTS VERSUS The National Elections Commission, by and thru its Chairman, Cllr. Frances T. Johnson-Morris, also of the City of Monrovia, Liberia, APPELLEE

APPEAL

HEARD: SEPTMEBER 2, 2005

DECIDED: SEPTEMBER 21, 2005

MR. JUSTICE GREAVES DELIVERED THE OPINION OF THE COURT.

This is an appeal, brought to us for review by Rev. Hananiah Zoe and the Liberia Educational and Development Party (LEAD Party), Appellants, from a decision of the National Elections Commission (NEC), which was against them.

Co-Appellant Rev. Hananbah Zoe alleges that he was elected by the Partisans of the LEAD Party as the standard bearer to contest in the October 2005 general and presidential elections for the office of President of Liberia; but that upon submission of his papers, the National Elections Commission rejected his nomination as a presidential candidate, on the ground that he was not a registered voter. Co-Appellant Rev. Zoe argued that the decision of the Commission is contrary to the provisions of the 1986 Liberian Constitution, the 1986 Elections Law of Liberia and the Accra Comprehensive Peace Agreement (CPA).

Co-Appellant LEAD Party for its part alleges that it is one of several political parties duly certificated, registered, recognized and legally authorized by the NEC to exist, function and operate as a full fledge political entity; that on July 30, 2005, it elected Rev. Zoe as its Standard Bearer, Mr. Benedict Matalda was elected as its National Chairman, Mr. Yarkpah Brown was elected Secretary General, Ms. Mercy Sovey was elected National Treasurer, and Ms. Mettic Brook was elected Chaplain, among others; that on Thursday, August 4, 2005, the LEAD Party officials led by their Standard Bearer, Rev. Zoe submitted their papers nominating candidates to run on the Party's ticket for various offices, but they were informed by the Chairman of NEC that Rev. Zoe would be refused permission to enter the Presidential race as a contestant because he did not register as a voter. The Party, through its Chairman fled to the Supreme Court by filing a Writ of Mandamus to compel the NEC to receive the Party's papers. We note that the Writ of Mandamus was a matter of urgency and an act of desperation since LEAD Part) had only 24 hours to complete filing and meet NEC's deadline of 5:00 p.m. on Saturday, August 6, 2005. The Chambers Justice therefore wasted no time; he cited the parties to an informal conference on Saturday, August 6, 2005, at 11:00 a.m. The parties appeared and during the Chamber's conference, it was mutually agreed by consensus that the parties would

return to the Commission and that NEC/Would receive the nomination papers submitting the candidates of the LEAD Party so as to be within the deadline or time limitation of 5:00 p.m., Saturday, August 6, 2005. We note here that the Writ of Mandamus was in effect not issued by the Chambers Justice.

The records show that upon submission of its documents, however, LEAD Party was informed that the said documents would not be accepted because the LEAD Party was a member of an Alliance of a political party named and styled "United Democratic Alliance (UDA)" comprising the LEAD Party, the Liberian National Union (LINU), and the Reformation Alliance Party (RAP). LEAD Party was therefore refused to act as an individual party because the Alliance to which LEAD Party is said to be a part had already submitted its documents to the Commission and the position of the standard bearer of the Alliance had been filled by another person not from the LEAD Party.

Because of the rejection of their nominated candidate for President, LEAD Party has now appealed to the Supreme Court from that rejection or decision by the NEC.

The Appellants filed an eleven-count Bill of Exceptions which we quote in full below:

"1. Because Appellants say that you Honorable Commissioners committed serious and reversible errors when you included in the manual of forms a page captioned CRITERIA FOR CANDIDATES ELIGIBILITY which include the requirement that every candidate must be a registered voter to enable him to be voted for.

2. Further to count one above, Appellants say that the said CRITERIA FOR CANDIDATES ELIGIBILITY is contrary to the 1986 Constitution of Liberia, the 1986 Elections Law, the Accra Comprehensive Peace Agreement of 2003 and the Electoral Reform Law of 2004.

3. Because Appellants say they are law abiding citizens of Liberia and Co-Appellant Rev. Hananiah Zoe travelled to and has resided in the United States: for a period commuting between Liberia and the United States at intervals, while the other Co-Appellants LEAD Party partisans are all residing in Liberia and are registered voters, eligible to vote in the ensuing October 2005 elections.

4. Because Appellants say under the laws of Liberia, they, as citizens, have formed themselves into a political party for the purpose of engaging in political activities and contesting elections in Liberia, including the ensuing October 2005 elections. That in furtherance of their political activities and objectives, the partisans of the LEAD Party elected Co-Appellant Rev. Hananiah Zoe as their standard bearer along with other officers and requested him to contest in the October 2005 election as their candidate for President of Liberia, which request he accepted.

5. And also because Appellants say their Party (LEAD) was duly recognized and certificated as a registered political party, in consequence of which, Appellants submitted the names of candidates for various elective public offices as contained on the parties endorsement listing to the National Elections Commission. Appellants say that upon the listing of their candidates names being submitted, you Honorable Commissioners deliberately rejected their nominations on ground that Co-Appellant Hananiah Zoe was not a registered voter and Co-Appellant LEAD Party could not submit names of candidates as an individual party because it was part of an Alliance. Appellants contend that this constituted reversible error.

6. And also because Co-Appellant Hananiah Zoe says he, being a Liberian citizen residing in the United States, was requested by chiefs, elders and citizens, all registered voters within various electoral districts throughout all the fifteen (15) counties in Liberia, to place his name in nomination and contest in the ensuing October 11, 2005 elections as a presidential candidate. Appellants say, relying on the Constitution and other laws of Liberia, Co-Appellant Hananiah Zoe acceded to the requests of those constituents and returned to Liberia and his name was accordingly placed in nomination. The other Co-Appellants say, as registered voters, they exercised their constitutional right to nominate candidates of their choice for whom they desire to vote for in the October 2005 elections.

7. Appellants say immediately discovering and being informed that their Party was part of an Alliance, they immediately wrote protesting the legality of the Alliance on the ground that those persons who purportedly signed the Memorandum of Understanding in the name of the LEAD Party were not duly authorized to commit the Party, and in the case of one of the signatories, Mr. Yabah Browrie, he was not Secretary General nor any official of the LEAD Party at the time and as such his signature could not bind the Party.

8. Appellants contend that you Honorable Commissioners committed grave reversible error when you rejected the name of Co-Appellant Hananiah Zoe as a presidential candidate on the ground that he was not a registered voter. And that you further committed reversible error when you overruled and denied the protests and objections of the LEAD Party objecting to the legality of the existence of the Alliance and denied the request to order the Alliance to hold a Convention for the purpose of properly electing officials of the: Alliance.

9. Appellants contend that you Honorable Commissioners committed reversible error when you informed Appellants, both orally and by document, that Co-Appellant Hananiah Zoe will not be permitted to contest for office because he is not registered as a voter, which requirement is extraneous to the qualifications and requirements set forth and contained in the Constitution, the New Elections Law, the Accra Comprehensive Peace Agreement and the Electoral Reform Law of 2004. And you also committed, reversible error when you refused to honor the protests of the LEAD Party objecting to the legality of the Alliance and the validity of the method by which officers of said Alliance were selected.

10. Appellants say that following your rejection of their nomination of Rev. Zoe as a candidate and also your refusal to entertain their protests against the Alliance and its method of selection of its officers, that Appellants immediately notified your Honorable Commission of Appellants dissatisfaction with and objection to your ruling of August 19, 2005, by letter dated August 22, 2005, constituting Appellants' announcement of exceptions to said ruling and thereby availing themselves of their right of appeal to the Honorable Supreme Court, which then still leaves their nominations in contention and precludes them from being dropped or deleted pending their appeal.

11. Appellants therefore submit the above exception; for your Honorable Commissioners' approval to enable Appellants perfect their appeal to the Honorable Supreme Court for review."

To the above Bill of Exceptions, Appellee filed Returns which they later amended. We quote in full the Amended Returns, as follows:

"1. That as to Appellants' entire appeal, Appellee contends that same should be dismissed because Appellants have no standing/capacity to bring the case out of which their appeal grew and to take this appeal because:

(a) As to Co-Appellants Liberia Educational and Development Party (LEAD), it is a member of an alliance of three political parties, comprising of LEAD, Reformation Alliance Party (RAP) and Liberian National Union (LINU) and the Alliance is called United Democratic Alliance (UDA). This can be seen from copy of Certificate of Registration issued by Appellee National Elections Commission (NEC) on 19th day of July A.D. 2005 marked as Appellee/1 and attached hereto to form a cogent part of these Returns.

(b) That not only was the said certificate issued by the National Elections Commission in favor of UDA, but Co-Appellant, Liberia Educational and Development Party (LEAD) by and thru its National Chairman and Co-Founder and Co-Chairman, Messrs, Benedict Maltalda and Alphan Lumeh, acknowledged and admitted its membership for the United Democratic Alliance (UDA) in a letter addressed to the Chairman and Commissioners of the Appellee National Elections Commission (NEC). The first paragraph of said letter states: 'We present our complaint and hereby inform you that Liberia Educational and Development Party member of the UDA hereby objects to the list of candidates submitted by the United Democratic Alliance (UDA) and registers its protest.' Emphasis ours. This can be more fully seen from copy of said letter marked as Appellee/2 attached hereto to form part of these Returns. Under Liberian Law an admission by a party is admissible against the admitting party. For reliance see Liberian Code of Laws Revised, 25.8.

(c) That to further substantiate that Co-Appellant LEAD Party is a member of the United Democratic Alliance (UDA), and therefore it cannot as an individual political party present a candidate or act independently, Appellee National Elections Commission (NEC) requests this Honorable Court to take judicial notice of the following documents:

(i) copy of a memorandum of understanding among the three constituent Political Parties of the United Democratic Alliance (UDA), Liberian Educational and Development Party, Liberian National Union (LINU) and Reformation Alliance Party (RAP), duly signed by their respective National Chairmen and National Secretaries; marked as Appellee/3, and attached hereto to form a cogent part of these Returns;

(ii) copy of Amended Memorandum of Understanding between the Constituent political parties changing the name of the Alliance from "Liberia Alliance for National Unity (LANU)" to its present name "United Democratic Alliance (UDA)" also duly signed by their respective National Chairmen and National Secretaries; marked as Appellee/4, and attached hereto to form cogent part of these Returns.

(iii) copies of Resolutions and rolls of voting by members of the respective Executive Committees of the constituent political parties (LEAD), (LINU), and (RAP) of the United Democratic Alliance (UDA) marked as Appellee/5 and attached hereto to form cogent part of these Returns.

Appellee contends that a constituent party of an alliance, as in the instant case where Co-Appellant Liberia Educational and Development Party (LEAD) is a member of the United Democratic Alliance (UDA), Co-Appellant LEAD cannot nominate a candidate to contest the 2005 elections as an individual party independently UDA without first withdrawing from the Alliance (UDA) as required under Sections 11.3 and 12.1 of the Guidelines Relating to Coalitions and Alliances of January 17, 2005 which respectively provide:

"11.3 The nomination of a candidate for any elective public office by and on behalf of a constituent political party of a coalition or alliance shall not be accepted by the Commission unless that political party has notified the Commission of its withdrawal from the coalition and alliance and accordance with the procedure and within the deadline provided by Section II below

12.1 A political party wishing to withdrawal from a coalition or alliance shall pass a resolution signed by absolute majority (50% of the votes plus one vote) of its executive committee. The Executive Committee shall notify the Commission immediately upon the adoption of such a resolution, and attach a certified copy thereof."

The Co-Appellant, Liberia Educational and Development Party (LEAD) never met any of the requirements provided for under Section 11.3 and 12.1 of the Guidelines Relating to Coalitions and Alliances.

Furthermore, Co-Appellant Rev. Hananiah Zoe being the person nominated by Co-Appellant Liberia Educational and Development Party (LEAD) which as aforesaid cannot nominate a candidate as an individual party since it is part of the alliance (United Democratic Alliance), Co-Appellant Rev. Hananiah Zoe has no standing/capacity to bring the action out of which this appeal grew or take this appeal. Appellants' appeal should therefore be denied and dismissed.

"2. That further to Appellants' entire appeal, Appellee contend that the United Democratic Alliance (UDA) of which Co-Appellant Liberia Educational and Development Party is a member nominated by its presidential candidate in person of Mr. John Senbe Morlu whose nomination was accepted by the Appellee National Elections Commission (NEC) as can be seen on page 6 of the Inquirer newspaper of August 15, 2005.

Copy of said newspaper is marked as Appellee/7 and attached hereto form cogent part of these Returns.

"3. Appellee says that the ballots for all presidential and legislative candidates have been printed and it is therefore impossible to include Co-Appellant Rev. Hananiah Zoe's name on the ballot, mainly because of time and financial factors.

"4. That as to the contention of Appellants to the effect that Appellee committed reversible error when it rejected the nomination of Co-Appellant Rev. Hananniah Zoe because he did not register as a voter, Appellee contends that it committed no error but acted within the scope of its authority granted it under Article 79(a) of the 1986 Liberian Constitution, Chapter 2, Section 9, subsections (h) and (n) which empower Appellee to formulate and enforce guidelines controlling the conduct of all elections for public office in Liberia and screen all candidates for elective public office, accredit their candidacy and/or reject the candidacy of anyone who is not qualified under the New Elections Law and the guidelines laid down by the Commission. Emphasis ours.

"5. That recourse to all the protest instruments addressed to the Appellee by the Appellants reveal that they were belatedly filed with the Appellee 2 and 9 days respectively after the nomination period (July 21- August 6, 2005) expired. This means that the Appellants suffered lashes. Appellee requests Your Honors to take Judicial notice of copies of Co-Appellant LEAD's letter marked as Appellee/2 hereinabove mentioned, as well as the letter of August 11, 2@05 addressed to the Chairman of the Appellee by Cllr. M. Wilkins Wright.

"6. Appellee hereby denies all and singular allegations of both law and facts contained in Appellants' Bill of Exceptions which are not denied or specifically traversed in these Returns."

During argument before this Court, Appellants contended principally that Co-Appellant Rev.

Zoe has been denied access to and participation in the electoral process as a candidate for elective office simply because he did not register to vote. In line with this argument, the Appellant raised as principal issue the question of whether or not the right to vote is the same as or can be equated to, the right to be voted for or to vie for public office. In respect of this issue raised by the Appellants, they submitted that they are not questioning the power, authority and right of Appellee/NEC to make guidelines and promulgate rules and regulations, but they contend that the guideline promulgated by NEC which forbids Rev. Zoe from standing as a candidate because he did not register to vote is contrary to the Constitution and Elections Law, the Electoral Reform Law of 2004 and the Guidelines to govern political parties, Coalitions and independent candidates, and that the said Guideline is also in violation of Article 81 and Article 20(a) of the Constitution.

In the case of Co-Appellant LEAD Party, the contention is that it is being denied due process because it is being pressured and coerced against its will to remain in an alliance whose legality it challenges and whose selection process or candidates nominated for elective offices in the National Legislature and for President was not done pursuant to law. In this regard, the question that Appellants raised in respect of LEAD Party is whether or not Co-Appellant LEAD Party was denied due process when persons selected to represent the Alliance were not duly elected in keeping with established rules, policies and guidelines? Otherwise stated, whether or not the action of Mr. Benedict Matalda [who acted as Organizing Chairman of LEAD Party and who committed the said party to the United Democratic Alliance (UDA)] is binding on LEAD Party.

We find two relevant issues in this case, they are:

1. Whether or not the right to vote is the same as or can be equated to, the right to be voted for or to vie for public office?
2. Whether or not given the facts of this case, and in the contemplation of the law, LEAD Party is a bonafide member of an alliance of political parties and therefore cannot act in its own name, but must act only under the umbrella of that alliance.

We shall commence to discuss the issues in reverse order, starting with the issue as to whether or not given the facts of this case, and in the contemplation of the law, LEAD Party is a bonafide member of an alliance of political parties and therefore cannot act in its own name, but must act only under the umbrella of that alliance. The Appellants contended that a person is not bound by the act of another who is not authorized to act for the former. They further contended that a principal is not bound by the act of his or its agent where the latter acts outside the scope of his or its authority. They conceded that the only exception to the above stated settled rule is where the person in whose behalf the other person acts acquiesces in or accedes to or ratifies, such act or conduct either directly or overtly, or indirectly or implicitly. The Appellants argued that when the LEAD Party was organized, and up to the point where the party was certificated and recognized as

a registered political party, Mr. J. Benedict Matalda served as an Acting or Organizing Chairman for the mere purposes of planning an organization; that it was understood and it is generally accepted that those interim holders of office would only holdover pending proper and legal internal elections which can only take place at a proper Party convention. Appellants further argued that the Memorandum of Understanding creating the UDA was signed on July 18, 2005, while the convention of LEAD Party was held on July 30 2005. The Appellants further argued that therefore any action taken by any person in the name of LEAD Party prior to July 30, 2005, is and was illegal and not binding on the LEAD Party.

We do not agree with the foregoing contentions and reasoning of the Appellants. How can we take it that J. Benedict Matalda was authorized in the first place to Organize LEAD Party, that is, to file its Articles of Incorporation, formalize its existence with the authorities recruit eligible voters and membership to the Party, all acts which were duly recognized by the LEAD Party but yet, when it comes to committing the established LEAD Party to associate with other Political Parties then the action of Mr. Matalda becomes illegal, and null and void ab initio. The fact is that as Acting Chairman of LEAD Party up to the time of the Convention on July 30, 2005, J. Benedict Matalda was the highest legally constituted Officer of that Party; and in the face of the law, he had all rights and authority to commit the LEAD Party in all respects concerning the activities of the said Party. More besides, we note and as stated by the Appellants themselves, that the Convention of the LEAD Party was held on July 30, 2005; and that that Convention, the very self-same J. Benedict Matalda, who according to the Appellants acted illegally without any authority in committing the LEAD Party to an Alliance for which this case is now before us, was elected by partisans at the Convention as the National Chairman of the LEAD Party. By electing him as Chairman of the LEAD Party at the Convention on July 30, 2005, did LEAD Party not acquiesce, in, accede to, ratify, or directly or overtly or indirectly or implicitly give approbation to any previous action of Mr. Matalda? We think so. Moreover, sometime in August 2005, (the date on the letter is not clear) it was the very Mr. Matalda who wrote to the Chairman of NEC objecting to the list of candidates submitted by UDA to NEC. Because of its importance to the determination of this case, we quote the said letter, as follows:

"NATIONAL HEADQUARTERS

LIBERIA EDUCATIONAL & DEVELOPMENT PARTY LEAD PARTY

Corner of Broad & Gurley Streets

P.O. Box 4489

Email: (lead-party)@yaboo.com

Monrovia, Liberia

Cell: # 527510/522734

The Chairman and Commissioners

National Election Commission

Monrovia, Liberia



Dear Madam Chairman:

We present our complain and hereby inform you that Liberian Educational and Development Party, member of the [UDA] hereby object to the list of candidates submitted by the United Democratic Alliance (UDA) and register its protest.

Accordingly, and in view of its protest by the Liberian Educational And Development Party [LEAD/ respectfully requests the National Election Commission [NEC]to deny credence to the list of candidates and as such deny recognition to those persons whose names appear on the said listing and that an investigation be conducted, because the Liberia Educational And Development Party members in this Alliance were not consulted in the preparation and submission of the said listing. And that this investigation be concluded before any recognition of the candidates of the United Democratic Alliance.

We appreciate your urgent and kind intervention.

Kindest personal Regards.

Respectfully Submitted

The Liberia Education and Development Party/United Democratic Alliance

Benedict Matalda

National / Chairman LEAD/Member UDA

Mr. Alphan Lumeh

Co-founder and Co-chairman."

We conclude that the letter was written in August, 2005 because of the NEC date stamped in the upper right hand corner of same showing that the letter was received by the NEC on the 8th day of August, A. D. 2005, and this allegation in the pleadings from the NEC was not denied by the Appellants, we also note that in the letter from Appellants, LEADS states that it is a "member" of the UDA and was objecting to a list of candidates submitted to NEC by the U.D.A.

LEAD Party says that it did not get to know about the existence of the Alliance of UDA until on August 6, 2005. This is highly unlikely to be the truth because, first of all, the formation of alliances, particularly for the ensuing elections, has been a matter of public knowledge to one and all. Alliances when formed are widely publicized in the print and electronic media. Does LEAD Party want this Court to believe that not one of its members except those officials who committed LEAD Party to the Alliance was in knowledge of this important matter to the extent that it had not been discussed at the Convention on July 30, 2005? Does LEAD Party also want this Court to believe that its then Organizing Chairman and now National Chairman is so inept that he did not

discuss this important issue with other members of the Party prior to the formation of the Alliance? What about those persons who together with their Chairman signed the resolution of LEAD Party as Executive Members agreeing to join the UDA, were their signatures forged or are they not bonafide members of the LEAD Party? Could they not have brought this important issue of joining an alliance to the attention of the majority of the membership of LEAD Party? Whatever the case may be, we hold that LEAD Party met all requirements for participating in the alliance of political parties, and it was therefore duly certificated by the NEC as a full-fledged member of an alliance of Political Parties.

Now, when a political party becomes a member of an alliance of political parties, there are set rules governing the alliance including withdrawal from said alliance. Sections 11.3, 12.1, and 12.4 of the Guidelines Relating to Coalitions and Alliances provide that:

"11.3 The nomination of a candidate for any elective public office by and on behalf of a constituent political party of a coalition or alliance shall not be accepted by the Commission unless that political party has notified the Commission of its withdrawal from the coalition and alliance in accordance with the procedure and within the deadline provided by Section 11 below.

12.1 A political party wishing to withdraw from a coalition or alliance shall pass a resolution signed by an absolute majority (50% of the votes plus one vote) of its executive committee. The executive committee shall notify the Commission immediately upon the adoption of such a resolution, and attach a certified copy thereof."

12.4 No notification of withdrawal or dissolution shall be received by the Commission less than ten weeks before elections. The Commission may decide that a political party withdrawing from a coalition or alliance, or a political party notifying the Commission of such withdrawal, less than ten weeks before elections cannot participate in the elections and may decide to reject Candidates nominated by that party."

We have already discussed previously in this opinion that the Chairman of LEAD, Co-Appellant Matalda in this matter, whom this court recognizes as Chairman of LEAD at that time and even now, admitted in a letter to the National Elections Commission, Appellee, that LEAD is a part of UDA, the Alliance in question (See undated letter signed by Benedict Matalda quoted earlier in this opinion and received by NEC on August 8, 2005) and had objected only to the list of candidates submitted by the Alliance to contest the Presidential and Legislative elections on October 11, 2005. As can be seen, the said letter which was written after LEAD's Party Convention which took place on July 30, 2005 confirms that LEAD's Party is still part of U.D.A. Said letter is an admission under our laws, election 25.11(1), 1LCL Revised, Page 200: "All admissions made by a party himself or by his agent acting within the scope of his authority are admissible. Every agent for the conduct of a cause shall have authority to make admissions in that behalf. The admissions of every other agent in any matter under his control as agent shall be admissible". We therefore hold that LEAD is a member of the UDA Alliance by virtue of the admission of its Chairman.

Benedict Matalda, who is LEAD's agent coupled with documents and other evidence(s) in the possession of NEC which was exhibited to this Court in its Returns filed (Certificate, Resolution, Letters, ect).

Further, sections 11.3, 12.1 and 12.4 of the Guidelines Relating to Coalitions and Alliances of the National Elections Commission unequivocally requires that any Political Party that is part of a Coalition and Alliance must withdraw from said Alliance not less than ten (10) weeks before elections, failure to do so, its Candidates may be rejected by the Commission. Again, the Appellants did not act in accordance with this law, therefore they are estopped from exerting any rights relative to contesting the upcoming Elections in their own name, but only as a member of the Alliance (U.D.A).

Let us now go to the first issue of whether or not the right to vote is the same as or can be equated to, the right to be voted for or vie for Public office. This Court has held that: "this Court will not pass upon a constitutional question although properly presented by the records, if there is also present some other ground upon which the case may be disposed of. Thus, if a case can be decided on either or two grounds, one involving a constitutional questions, the other a question of Statutory Construction or general rule, the court will decide on the later" THE LIBERIAN BANK FOR DEVELOPMENT AND INVESTMENT (LBDI) VERSUS LANCELOT HOLDER, 29 LLR 310, Text at 114 (1981). This case having been already decided on the second issue which is not a constitutional one, we are of the opinion that there is no need to pass on this issue, which is a constitutional issue.

Wherefore, and in view of the foregoing, it is the opinion of this Court that ruling of the National Elections Commission (NEC) should be, and the same is, hereby confirmed and Affirmed and the Appeal denied and dismissed. The Clerk of this court is hereby ordered to inform the Parties accordingly. COSTS against Appellants. AND IT IS HEREBY SO ORDERED.

COUNSELLORS M. WILKINS WRIGHT AND WILLIAM B. SANDO, JR. OF WRIGHT AND ASSOCIATES APPEARED FOR APPELLANTS. COUNSELLORS JOSEPH N. BLIDI, YAMIE Q. GBEISAY, JR. AND NORWU COOPER APPEARED FOR APPELLEES.