

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC
OF LIBERIA, SITTING IN ITS OCTOBER TERM, A.D. 2023

BEFORE HER HONOR: SIE-A-NYENE G. YUOH CHIEF JUSTICE
 BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE ASSOCIATE JUSTICE
 BEFORE HIS HONOR : JOSEPH N. NAGBE ASSOCIATE JUSTICE
 BEFORE HIS HONOR : YUSSIF D. KABA ASSOCIATE JUSTICE
 BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR..... ASSOCIATE JUSTICE

Case #1

Madam Siah Tandapolie and Doris Dalieh of the City)
 of Monrovia, Montserrado County, Republic of Liberia)
Appellants)
) ACTION:
 Versus) APPEAL
)
 National Elections Commission by and thru its Chairperson,)
 Davidetta Browne Lansannah, and all authorized)
 representatives, of the City of Monrovia, Montserrado County)
 LiberiaAppellee)

CASE #2

Mr. Amos S. Seibo, Jr. Independent Aspirant, District #1,)
 Montserrado County.....Appellant)
)
 Versus) ACTION:
) APPEAL
 National Elections Commission, by and thru its Chairperson)
 Hon. Davidetta Browne Lansannah, et alAppellee)

Heard: August 31, 2023 and September 28, 2023 Decided: February 7, 2024

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

These appeals emanate from the final rulings of the Board of Commissioners (BOC) of the National Elections Commission (NEC) in two cases, wherein (a) the Board affirmed in the one case, Madam Siah Tandapolie and Doris Dalieh v. National Elections Commission, the Ruling of the Hearing Officers, and (b) the Board affirmed in the other case, National Elections Commission v. Amos Siebo Jr., the Ruling of the Hearing Officers, thus dismissing the complaints in both cases.

The records certified to this Court show that in the first of these consolidated cases, i.e. Madam Siah Tandapolie and Doris Dalieh v. National Elections Commission, the Appellants, Madams Siah Tandapolie and Doris Dalieh, Independent Aspirants at the time for the seat in the House of Representatives for District 11, Montserrado County, filed, on July 6, 2023, a complaint

before the National Elections Commission challenging the legality and constitutionality of the NEC 2023 Regulations and Procedures Relating to Political Parties, Coalitions, Alliances, and Independent Candidates. The specific provision challenged by the appellants was Section 11. The provision provides that a) “an independent aspirant shall at all times maintain a minimum bank balance of at least Ten Thousand United States Dollars or its equivalent in Liberian Dollars; and b) an Independent aspirant shall at all times maintain an indemnity insurance policy with a reputable insurance company in an amount not less than One Hundred Thousand United States Dollars) or its equivalent in Liberian Dollars to compensate or indemnify any third party that may be injured as a result of the independent aspirant’s action.” Appellants Tandapolie and Dalieh submitted that the aforesaid provisions of Section 11 violated Article 30 of the 1986 Liberian Constitution, contending that as the Article 30 provision of the Organic Law sets the requirements for aspirants for legislative seats, the NEC 2023 Regulations, being contrary to the referenced constitutional provision, were invalid and therefore void. Additionally, the appellants contended that the 2023 NEC Regulations were promulgated without the required broad based public consultation and awareness, which they said should have been undertaken prior to their utilization for the ensuing 2023 General and Presidential Elections.

The Hearing Officers of the National Elections Commission (NEC), upon receipt of the complaint of the appellants on July 7, 2023, issued citations to the parties on July 10, 2023, for argument of the case on July 12, 2023. The records reveal that on July 18, 2023, the Hearing Officers dismissed the complaint, stating as the grounds therefor that (a) the complainants/appellants had failed to show any wrong doing on the part of Appellee/Respondent NEC in the execution and application of the 2023 Regulations, (b) that the NEC’s records showed that the Regulations were discussed with political parties and other stakeholders at several political party meetings and underwent a validation process before they were published; (c) that in their opinion the provisions of Sub-sections 11.4 and 11.5 of the said NEC’s Regulations were not illegal and did not infringe on the rights of the complainants; and (d) that the complainants, Tandapolie and Dalieh, had already been certificated by the Appellee/ Respondent NEC as candidates to participate in the ensuing elections.

To the above ruling, the Appellants, Tandapolie and Dalieh, noted exceptions and announced an appeal to the Board of Commissioners (BOC) of the National Elections Commission (NEC), filing thereafter, in fulfilment of the statutory requirement, their bill of exceptions before the Board. In their bill of exceptions, Appellants Tandapolie and Dalieh contended that the Hearing Officers committed a reversible error when they failed and neglected to establish whether or not the National Elections Commission, as an administrative agency, had the jurisdiction to hear the subject matter as to the constitutionality of a provision of the Regulation, but instead

proceeded to give a legal interpretation to the said provision, in contravention of the Constitution.

The Board of Commissioners (BOC), after listening to the arguments of the parties, held that the Appellants, Tandapolie and Dalieh, lacked standing since at the time of the filing of their complaint with the NEC challenging *Section 11.0 and at subsection 11.4, 11.5 of the NEC 2023 Regulations and Procedures Relating to Political Parties, Coalitions, Alliances and Independent Candidate*, the appellants had not submitted themselves to the 2023 candidate nomination exercise. The records established that indeed at the time of the filing of their complaint, the appellants had not applied as aspirants to contest in the elections, but filed a complaint. They however failed to pursue their complaint and instead proceeded to comply with the requirements they had challenged in their complaint. Upon appealing to the BOC, the latter ruled that the NEC's records show that the appellants' names were listed as candidates published by NEC, thereby rendering their appeal before the BOC moot. Hence, the Board of Commissioners denied the appeal and affirmed the ruling of the Hearing Officers. The Appellants Tandapolie and Dalieh noted exceptions to the Board's ruling and announced an appeal to the Honorable Supreme Court. As required by the New Elections Law, the appellants, on August 28, 2023, filed a bill of exceptions before this Court wherein, amongst other contentions, they raised the constitutional issue challenging the NEC's *2023 Regulations and Procedures Relating to Political Parties, Coalitions, Alliances and Independent Candidates*. The foregoing constitutes a summary of the first of the two appeal cases consolidated in this Opinion.

In regard to the second case, the appellant, Amos S. Siebo Jr., on June 12, 2023, obtained the candidate's nomination package as an independent candidate seeking election to the seat of the House of Representatives for Electoral District #1, Montserrado County. After receipt of his package, appellant Siebo, on June 15, 2023, communicated through a letter to the National Elections Commission (NEC), stating that after a review of the nomination package, he had made inquiries at different institutions and realized that the total cost for the requirements contained in the nomination package was excessive and unnecessary for a single independent aspirant. With no response to this communication, he again wrote to the Chairperson of the National Elections Commission via a letter, dated June 15, 2023, requesting a drastic reduction in the quantity and cost of the requirements for a single independent aspirant.

Further, on June 20, 2023, appellant Siebo, through his lawyer, wrote a follow up letter to the NEC requesting a conversation with the Chairperson of the NEC, stating that he would be available up to June 27, 2023. appellant Siebo averred further that another follow-up letter was sent to the Chairperson of NEC on June 26, 2023, but that there was no reply to any of his three letters.

The records show that subsequently appellant Amos S. Siebo, Jr. filed a petition for a writ of prohibition before the Justice in Chambers, His Honor Yamie Q. Gbeisay, Sr. The parties were cited for a conference by the Justice in Chambers on July 6, 2023 and NEC and it was mutually agreed that within seven (7) days, the NEC addresses the concerns contained in appellant Siebo's communications referenced herein. After NEC's failure to address the concerns of Mr. Siebo, as ordered by the Justice in Chambers, the appellant Siebo, on July 12, 2023, filed a bill of information with the Chambers Justice who in turn, again prevailed upon the parties that the NEC hears and make a determination on Mr. Siebo's concerns within seven days. Pursuant thereto, the NEC through its Hearing Officers conducted a hearing on July 20, 2023. The thrust of the appellant's argument during the hearing was that (a) NEC had violated his rights under Articles 2, 11 and 30 of the 1986 Constitution; (b) that Sections 11.4 and 11.5 of the NEC's Regulations and Procedures Relating to Political Parties, Coalitions, Alliances and Independent Candidates were unconstitutional; and (c) that Article 30 of the 1986 Constitution listed only four requirements for persons wishing to become members of the Legislature, making it flexible for citizens to exercise their rights. Further, in seeking to justify the challenge to the constitutionality of the NEC's 2023 Regulations and the claim that the Regulations usurp Article 2, 11, and 30 of the Constitution in that the requirements of the provisions contained therein seemed far more superior than the organic law of the State, and that it was illegal for NEC to execute a regulation to provide additional requirements other than those listed in Article 30 of the 1986 Constitution. The appellant argued further that the NEC's Regulations were issued in violation of the ECOWAS Protocol on democracy and governance, and he reiterated that said regulations are illegal and that they infringed on his rights to participate in the ensuing October 10, 2023 Elections.

This Court notes from the certified records in this case, that appellant Seibo did not raise any constitutional issues or challenge to NEC's Regulations in any of his communications to the NEC and that he pleaded only for a reduction in the registration fees charged by the NEC. This Court observes further that similar to appellants Tandapolie and Dalieh, while appellant Siebo's complaint was pending and undetermined before the Hearing Officers, he submitted himself to the registration exercise where, on July 13, 2023, he registered as an independent candidate for the Representative Seat of District #1, Montserrado County.

The Hearing Officers, in their ruling on July 24, 2023, dismissed the complaint, stating that there was no wrong doing on the part of NEC in the promulgation and execution of NEC 2023 Regulations, and that Sections 11.4 and 11.5 of the Regulations did not infringe on the rights of the Complainant. In their holding, the Hearing Officers disagreed with the argument of the complainant that only the four requirements mentioned in Article 30 of the 1986 Constitution should be used to qualify an individual to be elected to a public office. They stated further that

the complaint of the appellant Seibo was moot since he had registered with the NEC, he had fulfilled all of the requirements for qualification as a candidate, and his name had been published on the Provisional List. Appellant Seibo, being dissatisfied with the ruling of the Hearing Officers, noted exceptions thereto and announced an appeal to the Board of Commissioners. In fulfilment of the statutory requirement Mr. Seibo, on July 27, 2023, Mr. Seibo filed a bill of exceptions with the Board of Commissioners.

The Board of Commissioners, after listening to the arguments of the parties, ruled that although Mr. Seibo, in his communications to NEC, had sought to have a “conversation” with the Board so that the Board would “please consider a drastic reduction in the quantity and cost of the requirements” for registering as an independent candidate for a representative seat, he had instead, in his argument before the Board abandoned those contents of his complaint and raising before the Hearing Officers for the first time, a challenge to the constitutionality of the 2023 Regulations. Accordingly, the Board rejected the new contention and upheld the ruling of the Hearing Officers, holding that as per Opinions of the Supreme Court, a person challenging the constitutionality of an act or regulation had to do so timely and squarely, which it said the appellant had failed to do. The Board therefore held that the point of contention challenging the constitutionality of the 2023 Regulations were not worthy of any substantive consideration by the Board.

The Board also stated in its ruling that even assuming Appellant Siebo’s letters could be considered a complaint, the contention and prayer contained therein were clearly inconsistent with what Mr. Siebo argued before the Hearing Officers and as such, same not being laid down in his letters, the contention could not be expected to receive legal consideration. Hence, the Board concluded that the concerns and requests raised in Mr. Siebo’s letters, not being in harmony with the law, did not warrant any legal consideration by the Board.

We again note, from the certified records, that notwithstanding the contention raised by appellant Siebo to the constitutionality of the 2023 Regulations and the plea to the NEC to reduce the amount required of a person seeking a House of Representative seat in the Legislature, he still proceeded to pay all the required fees stipulated by the Regulations and was registered on the same day with the NEC as an independent candidate for the Representative Seat for District #1, Montserrado County. Additionally, and in accordance with the procedure established and followed by the NEC, the appellant was photographed and his particulars entered into the NEC’s database as an independent candidate for the Representative Seat for Electoral District #1, Montserrado County. Predicated thereupon, the Board, in its ruling, declared that appellant Siebo, having met all the statutory and regulatory requirements and having been registered as an independent candidate, his contention regarding the constitutionality of the NEC 2023 Regulations had become a matter of history or moot, since

the list of candidates had been published and it contained his name as a candidate for Electoral District #1, Montserrado County. The Board concluded further that the NEC had the power to make rules under Chapter 2, Sec. 2.9 (h) of the Constitution. Appellant Seibo noted exceptions to the Board's ruling confirming the ruling of the Hearing Officers and announced an appeal to the Honorable Supreme Court. Thereafter, as required by law, he filed a bill of exceptions, duly approved by the Board on the 7th day of August, A. D. 2023.

However, although the Board approved the appellant's bill of exceptions on 7th August, 2023, the appellant Siebo did not perfect his appeal to the Supreme Court until the 21st of August, 2023, fourteen (14) days after the approval of the bill of exceptions by the Board. Predicated on the above failure by the appellant to perfect his appeal in a timely manner, as per the NEC Regulations, the Appellee, National Elections Commission, filed a motion to dismiss the appellant's appeal, contending that as per the NEC's Regulations an appeal from the ruling of the Board of Commissioners to the Honorable Supreme Court should be filed within two days or forty-eight hours after receiving the decision of the Board.

The parties having called the Court's attention to the fact that the two matters on appeal before the Court, and the pleadings and documents exchanged between the parties to the two matters, as well as the motions to dismiss and the resistances thereto, contained similar and/or identical issues, this Court decided, both for the purpose of succinctness of time and speed in the disposition of the matters, and in accord with the requisite provision of the statutory law, and the practice, procedure and precedence of this Court, that the two matters be consolidated and disposed of in a single Opinion of this Court. The law consistently adhered to in this jurisdiction is that the Court may consolidate any number of actions or proceedings, in the interest of time and to speed up the litigation process, and thus the speedy administration of justice, where the several actions or proceedings present common questions of law and facts, either upon motion of a party or *sua sponte* by the Court on its own initiative. Civil Procedure Law, Rev. Code 1:6.3; *The National Port Authority v. The Executive Committee of the Six Consolidated Groups of Retirees and Compulsory Employees of the National Port Authority*, 39 LLR 244, 256 (1998); *National Milling Company of Liberia v. Pupo and Miatta Family Center*, 34 LLR 467, 469 (1985). Predicated thereupon, and because any determination of the one matter before it could conclude the other, the Court is disposed to consolidate the two matters on appeal before us.

In proceeding with the consolidation and delivery of a single Opinion in the two mentioned matters before us, the Court recognizes that the parties have presented manifold issues for the determination and disposition, but the Court also recognizes and is cognizant of the fact that it

has espoused in numerous Opinions that it need not address all of the issues or every issue presented by the parties, or raised in the bill of exceptions, or argued before the Court; and the Court, as it has done on numerous prior occasions, is prepared to and shall proceed to concentrate on and devote its energies only on issues which the Court considers to be germane and/or dispositive of the case, even if in the course of such disposition the Court alludes to other ancillary issues in passing. *Frederick Kromah et al v. BEA Mountain Mining Company*, Supreme Court Opinion, October Term, A. D. 2022; *Universal Printing Press v. Blue Cross Insurance Company*, Supreme Court Opinion, March Term, A. D. 2015; *Central Bank of Liberia v. The Liberian Trading and Development Bank (TRADEVCO) Supreme Court Opinion, March Term, A. D. 2014*. See also: *Monrovia Breweries, Inc. v. Hon Karpeh*, 37 LLR 288, 301 (1993) and *Cooper v. Republic*, 19 LLR 269, 273 (1969).

Thus, having perused the records, analyzed the contentions of the parties, and listened to the arguments advanced by counsels for the parties, the Court has identified a single critical issue which it believes to be determinative and dispositive of the consolidated appeal cases. The single issue in the both cases, similar in nature, in issue and in law, warranting the attention of this Court is: Whether under the circumstances of the facts of the cases narrated herein, the appellants in the both cases can pursue before the Supreme Court the challenge to the constitutionality of NEC 2023 Regulations, or, stated in the alternative is there still a case or controversy existing as warrants the Court delving into the challenge mounted by the appellants to the constitutionality of the NEC 2023 Regulations? Stated in a further alternative, the question may be asked in two folds: (a) Did the Hearing Officers or the Board of Commissioners of the National Elections Commission have the constitutional authority to pass upon the issue of the constitutionality of the regulations promulgated by the NEC under authority allegedly conferred by the constitution of Liberia; and (b) even if such constitutional authority existed, can the appellants, having complied with and satisfied the requirements of the NEC 2023 Regulations, been approved and authorized by the NEC to participate in the elections and contest for the elective legislative offices for which they had applied, challenge the constitutionality of the provisions after they had complied with the same and regarding which they had benefitted and had been formally declared as eligible candidates to contest the legislative elections?

In order to answer the question, we again take recourse to the records in the two cases. In the first case, Siah Tandanpolie and Doris Dalieh versus the National Elections Commission, the appellants had challenged the legality and constitutionality of the “Regulations and Procedures Relating to Political Parties, Coalitions, Alliances and Independent Candidates” issued by the National Elections Commission, asserting that the requirements stated therein infringed “on

the constitutional rights of the appellants to contest for a seat at the National Legislature as provided in Article 30 of the Constitution of Liberia.” The basic tenets of the challenge to the constitutionality of the Regulations were (a) that an independent candidate shall at all times maintain a minimum bank balance of at least ten thousand United States Dollars (US\$10,000.00) or its equivalent in Liberian dollars, and (b) that an independent candidate maintains an indemnity insurance policy of not less than one hundred thousand United States dollars or its equivalent in Liberian dollars. Although at the time the appellants filed their claims they had not submitted applications to contest any legislative seat, they subsequently submitted such application and they were accepted and approved by the NEC to contest the elections, which presupposed that they had complied with the requirements stated in the Regulations. The Board of Commissioners therefore declared the issue relative to the constitutionality of the Regulations moot and hence upheld the ruling of the Hearing Officers dismissing the appellants’ complaint.

In the second case, Amos S. Seibo, Jr. versus the National Elections Commission, the appellant challenged the independent candidate nomination requirements as contained in the NEC Regulations, asserting that the fees stated therein were “excessive”. In addition, Appellant Seibo filed a bill of information with the Justice in Chambers of the Supreme Court, seeking to have the Court direct the NEC to address his issue. However, while the matter was still pending before the NEC, Appellant Seibo, on July 13, 2023 submitted his registration application to the Nomination Committee of the NEC. His application was accepted and he was entered into the database of the NEC, approved to contest the legislative seat, and his name carried on the list of candidates published by the NEC on July 18, 2023. As the appellant Siebo had complied with the requirements of the Regulations, as a consequence of which the National Elections Commission had declared him eligible to contest the elections and had placed his particulars in its data base, thereby legitimizing and legalizing his participation in the 2023 Presidential and Legislative Elections. Accordingly, the Board ruled that the issue raised by the appellant relative to the alleged unconstitutionality of the Regulations, as relates to the purported excessiveness of the fees which an independent candidate was required to pay, had become moot and hence did not warrant consideration by the Board.

These are the matters before this Court and which we will address in this consolidated Opinion. However, before addressing the issue as presented, this Court deems it befitting to reiterate, as we have done on many occasions but which the parties and their counsels have consistently ignored, is that no administrative agency or court lower than the Supreme Court has the constitutional authority or power to declare any laws or regulations unconstitutional and invalid except the Supreme Court. Article 2 of the Liberian Constitution is clear in its expose on the matter. At Article 2, the Constitution not only states that it is the supreme and fundamental law

of the land with force and effect on all authorities and persons throughout the Republic, but it goes on further to say: “Any laws, treaties, statutes, decrees, customs and regulations found to be inconsistent with it shall, to the extent of the inconsistency, be void and of no legal effect. The Supreme Court, pursuant to its power of judicial review, is empowered to declare any inconsistent laws unconstitutional.” LIB. CONST., ART. 2 (1986).

The Supreme Court, adhering to the mandate of the quoted provision, has said in many Opinions that it is only the Supreme Court that is constitutionally clothed with the power and the authority to declare any Act of the legislature or Regulation of any administrative agency as unconstitutional. LIB. CONST., ART. 2 (1986). No person or party can therefore ask or request a lower court or administrative agency to declare a law, and a Regulation promulgated under authority of the Constitution or statute does have the status of law, unconstitutional. It was therefore error for the appellants to seek to have the NEC declare that its 2023 Regulations or segments of said Regulations, unconstitutional, especially where as in the instant case, the controversy revolves around the regulation of the NEC; for any such action by the NEC, as requested by the appellants, would not only be usurping the province of the Supreme Court and illegal, but such action would also be unconstitutional. We are accordingly again admonishing counsels to take extraordinary care in advising their clients and to adhere to this basic tenet of the law.

We now turn to the issue which is before this Court, that is, that the Board of Commissioners erred in declaring that the issue of the challenge to the constitutionality of the NEC 2022 Regulations had become moot by virtue of the appellants’ compliance with the said Regulations and they having been approved and declared eligible to contest the October 10, 2023 Presidential and Legislative Elections. In other words, did the appellants lose the right to standing by their compliance with the requirements of the NEC 2022 Regulations and by their certification or approval by the NEC to contest the October 10, 2023 Presidential and Legislative Elections.

Black’s Law Dictionary, the widely acclaimed authority on defining legal principles, fully acceptable in the Liberian jurisdiction, says of standing as “*a party’s right to make a legal claim or seek judicial enforcement of a duty or right. To have standing in a court of law a party must show that the challenged conduct has caused the party making a claim of that right actual injury, or that the interest sought to be protected is within the zone of interest meant to be regulated by statutory or constitutional guarantee in question*”. *Black’s Law Dictionary 10th Edition (Garner)*.

In consonance with the foregoing, this is how the Court characterized the standing requirement in the case *The Center for Law and Human Rights Education et al. v. The Monrovia, City Corporation*, 39 LLR 32, 39 (1998):

“Before a law can be assailed by person on the grounds that it is unconstitutional, he must show that he has an interest in the question, in that the enforcement of the law would be an infringement on his rights. Assailants must therefore show the applicability of the statute to them and that they are thereby injuriously affected, and that a statute or ordinance will not be struck down unless plaintiffs are actually aggrieved and prejudiced by its enforcement. Thus it is said only a real party in interest has the right to question the constitutionality of a statute or ordinance before the court. These rules are applicable to all cases, both at law and in equity, to attacks on ordinances and to criminal proceedings. 16 AM. JUR. 2d., *Constitutional Law*, § 188. Further, "...one who is not prejudiced by the enforcement of an act of the legislature (city council) cannot question its constitutionality. Absent a showing of injury, actual or threatened, there can be no constitutional argument..." 16 AM. JUR. 2d., *Constitutional Law*, § 189.” *Citizen Solidarity Council v. R.L., Supreme Court Opinion, March Term, A. D. 2016; The Board of Commissioners of NEC and Brownie J. Samukai v. MPC and the Ministry of Justice, Supreme Court Opinion, March Term, A. D. 2021.*

Indeed, this Court has declared the principle of standing as an indispensable requirement that lays at the foundation of law proceedings and which must always be adhered to by a party asserting the claim in a suit. Predicated on the foregoing principle, this Court has opined in numerous cases that where it is alleged that a party lacks standing to institute an action, the court must first decide the issue of standing and, if it is established that a party indeed lacks standing to bring the action, the action is dismissed without deciding the substantive issues in the pleadings. *The Board of commissioners of NEC & Brownie Samukai v. Movement for Progressive Change and Ministry of Justice, Supreme Court Opinion, March Term, A. D. 2021.* Thus, this Court has said that as a matter of law, it reserves the power to pass on the constitutional question, which ordinarily it should, only if properly raised by a party properly positioned as to be deemed to have standing to raise the constitutional challenge.

The Court says further that in order to show standing to bring a suit, a party must show (1) It has sustained an injury or will suffer a concrete and particularized, actual or imminent invasion of a legally protected interest or right if legal action is not taken; (2) the injury is a result of the defendant's conduct which denotes that there must be a fundamental connection between the injury alleged or suffered and the conduct complained of; and (3) a finding in the party's favor is likely to redress or remedy the injury. The claimed injury must be individualized and unique or personal to the person making said claim. *Morgan v. Barclay*, 42 LLR 259, 269 (2004). This

court has endeavor to utilized the principle of standing to prevent parties having no stake in matters from filing claims devoid of the actual parties of interest.

The question then is what is the interest of the appellants which is threatened or regarding which they are likely to suffer injury, after they have performed the requirements and have accrued benefits therefrom? There is none. Appellants Tandapolie, Dalieh and Seibo, while raising constitutional issues in their bill of exceptions challenging NEC's Regulations, they have honored the said Regulations and have enjoyed being approved and listed as eligible to contest the elections for elective position for which they had applied, thus being accorded the opportunity to be elected to the positions desired by them. The parties cannot be said to have any further interest in or standing to challenge the Regulations as they are no longer threatened with injury or other negative consequences. And as courts are only required to decide issues raised by proper parties before them, who have an interest in the challenge or the controversy, which the appellants no longer have, they have no standing to pursue the challenge. Stated another way, the elevation in statuses of the appellants from aspirants to accredited candidates, the Appellants' rights to challenge the Regulations are no longer available to them. And while we accept the appellants claim that ordinarily a constitutional issue cannot become moot, we reject the notion that it cannot become moot as to a particular party, as in the instant case where the basis for the challenge of constitutionality had been resolved and the challenging party has benefitted from the resolution. A case is moot when a determination is sought on a matter which, when rendered, cannot have any practical effect on the existing controversy. *Duncan et al v. Cornomia*, 42 LLR 309, 319 (2004), *Blamo v. Zulu et al.*, 30 LLR 586, 593 (1983).

While in the normal, we would stop at this point, having determined the issue which we believe resolves the cases before us, we feel the need to address one (1) ancillary issue, which is whether Appellant Seibo perfected his appeal so as to have this Court address the issue on the merits. We hold that he did not, and hence this Court cannot address the merits of his appeal. Here is how the NEC'S Regulations address the issue of the appeal process. The 2023 Regulations and Guidelines of the NEC, with regards to appeal from the decision of the Board of Commissioners (BOC), states:

“Decision on registration/challenge

A challenger or challenged aspirant/candidate not satisfied with an investigative/hearing/decision may, within 24 hours following receipt of the said decision, perfect its appeal to the Board of Commissioners of the National Elections Commission. A challenger or challenged aspirant/ candidate dissatisfied with the Board of Commissioners' decision may, *within 48 hours following*

receipt of the said decision, perfect its appeal to the Honorable Supreme Court.”

(emphasis added)

This Court has held in numerous opinions that where the law prescribed the conditions for perfecting an appeal, it is compulsory that those conditions be met or the appeal will be denied and dismissed. *Knuckles v. The Liberian Trading and Development Bank*, 40 LLR 49, 54; *Freeman and Wesseh v. Lewis et al.*, 40 LLR 103, 107; *Gbartoe et al. v. Doe*, 40 LLR 150, 155; *Pentee v. Tulay*, 40 LLR 207, 215; *Constance et al. v. Ajavon et al.*, 40 LLR 295, 306; *Meridien Biao Liberia Limited v. Maha Industries Incorporated et al.*, 40 LLR 772, 775; *Chicri Abi-Jaoudi v. The Intestate Estate of the late Bendu Kaidii*, 40 LLR 777, 781-782 (2002). This Court, in proceeding to determine whether the appellant, Amos S. Seibo failed to meet the appeal requirements, states that under the laws of Liberia, regulations which are promulgated pursuant to authority granted by the Constitution or by statute, and which are not inconsistent with the Constitution and statute have the full force of law. It was therefore incumbent on appellant Siebo to ensure that he met the requirements laid down in the NEC 2023 Regulations regarding appeals from a decision of the Board of Commissioners. We note that the regulations use the word “may” and ordinarily the use of the word “may” gives a party the option of complying with the requirement or not. However, when interpreting the word “may”, the interpretation must be within the context in which it was used. In the instant situation, we hold that the context within which the word “may” is used in the Regulations is that a party against whom the Board of Commissioners has made a ruling has the option of appealing therefrom or not appealing therefrom, meaning that he or she has the discretion of deciding whether to appeal the decision or not. However, once the decision to appeal the matter is made, the appealing party had the legal duty to comply with the mandate of the statute of the regulation and perfect the appeal within the period stipulated by the regulation, that is, forty-eight (48) hours.

Under the manifold decisions of this Court, once a party has elected to appeal to the Supreme Court’s a decision made by an inferior tribunal, the appealing party must comply strictly with the time frame set by the statute or the regulation for the completion of the appeal. *Victor Smith Flahn v. William Gaye, Supreme Court Opinion, March Term 2022*. The appellant having failed to perfect the appeal within time set by the Regulation, the appeal is subject to dismissal. *Kanneh v. Manley et al.*, 41 LLR 25, 32 (2002); *Liberia Electricity Corporation v. Lloyd*, 41 LLR 348, 353 (2003). We must emphasize here, as we have done in many earlier Opinions, that the failure to comply with the appeal requirements deprives the Supreme Court of jurisdiction to hear or entertain the case on the merits. *Kennedy and General Petroleum Corporation v. Carlton Petroleum Incorporated*, 38 LLR 360, 363 (1997).

We observe here that the Board handed down its decision on the 3rd of August, 2023 and that the Appellant Siebo submitted shortly thereafter his bill of exceptions to the Board for approval, which approval was granted by the Board on the 7th of August, 2023 by affixing of the signatures of the members of the Board. However, the Appellant did not file his appeal to this Honorable Court until the 21st of August, 2023, a period of fourteen (14) days after the approval of his bill of exceptions by the Board. By the deficiency committed by the appellant, we hold that the Court lacks jurisdiction to make any determination on the merits of his appeal. In the case of *Siebo vs. National Elections Commission*, Supreme Court Opinion, March Term 2017, this Court held that “an appeal will be dismissed if the jurisdictional steps for perfecting the appeal are not strictly adhered to.

WHEREFORE AND IN VIEW OF THE FOREGOING, the appeals of the Appellants are denied and dismissed. The Clerk of this Court is hereby ordered to inform the National Elections Commission accordingly. AND IT IS HEREBY SO ORDERED.

When this case was called for hearing, Counsellor Joyce Reeves Woods appeared for appellants Siah Tandanpolie and Doris Dalieh. Counsellor Finley Y. Karngar appeared for the appellant Amos S. Seibo, Jr. Counsellors Micah Wilkins Wright and Peter Y. Kerkula appeared for the appellee, National Elections Commission (NEC).