ACT

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THE PUBLIC ELECTIONS ACT, 2012

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Note The nominators and the candidates must sign in the presence of two witnesses who must be of full age and who must sign in the places indicated.

Passed in Parliament this *1st* day of *May,* in the year of our Lord two thousand and twelve.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.

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GAZETTE NO. 26 OF 24TH MAY, 2012.

SIGNED this 7th *day of May, 2012.*

DR. ERNEST BAI KOROMA,
President.

LS

No. 4 **2012**

Sierra Leone

THE PUBLIC ELECTIONS ACT, 2012.

Short title.

Being an Act to consolidate and amend the law on public elections, to make provision supplementary to sections 32 and 33 of the Constitution of Sierra Leone with respect to the Electoral Commission and for other related matters.

[ ] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I–PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires-

"ballot paper" means the printed form used for the purpose of voting for a candidate;

"candidate" includes a person nominated for election as President of Sierra Leone, ordinary member of Parliament, Paramount Chief Member of Parliament or as member of a local council;

"constituency" means a constituency prescribed under subsection (1) of section 38 of the Constitution;

Act No. 6 of 1991.

"Constitution" means the Constitution of Sierra Leone, 1991;

"dangerous weapon or missile" includes any cannon, gun, rifle, carbine, revolver, pistol or any other firearm, bow and arrow, spear, cutlass, knife, dagger, axe, cudgel, or any other thing capable of being used as an offensive weapon or missile, including teargas, acid, and any inflammable substance capable of injuring a person;

Cap. 60

"district" means a district established under the Provinces Act;

"election" means any election for the President of Sierra Leone, Parliament or a local council;

"election material" includes ballot boxes, ballot papers, counterfoils, envelopes, packets, statements and other documents used in connection with voting in an election, information technology equipment, instruments, seals and other materials and things required for the purpose of conducting a public election;

"election period" means the period between the commencement of the election, which is the date of the proclamation of the election, and the ending of the election, which is the date the Electoral Commission receives the results of the election for publication in the *Gazette*;

"electoral area" means a district, ward, or other electoral area into which Sierra Leone is divided;

"Electoral Commission" means the Electoral Commission referred to in section 32 of the Constitution;

"Electoral Commissioner" means a member of the Commission;

"Executive Secretary" means the person appointed Executive Secretary under section 9;

"field registrar" means a person appointed as such under section 29;

"*Gazette* List" means the latest list of a Chiefdom Council appearing in the Gazette prior to an election;

"general election" means a general election for Members of Parliament;

"National Returning Officer" means the person responsible for thr supervision of elections conducted under this Act;

"nomination paper" means the printed form used for the purpose of nominating a presidential candidate or other candidate for election under this Act;

"non-citizen" means a person who is not a citizen of Sierra Leone;

"observer" means a person or group of persons representing an organization whether national or international accredited by the Electoral Commission for the purpose of observing any or all aspects of the electoral process including voter registration, nomination for election, campaigning, polling,

counting and the announcement of results, conducted by the Electoral Commission, without interference in the process;

"official mark" means an official secret mark (if any), prescribed by the Electoral Commission impressed upon a ballot paper before delivery to a voter at an election;

"ordinary residence" in relation to a person means the home or place where the person normally resides and to which the person returns regularly after any period of temporary absence;

"Paramount Chief" means a chief who is not subordinate in his ordinary jurisdiction to any other chief but does not include an acting chief or a regent chief;

"Paramount Chief Member" means a member of Parliament referred to in paragraph (a) of subsection (1) of section 74 of the Constitution;

Act No. 3 of 2002

"political party" means an association of persons registered as a political party under the Political Parties Act, 2002;

"polling assistant" means a person appointed as such under section 50 or 70;

"polling station" means a polling station provided under this Act;

"presidential candidate" means a person standing as a candidate in a presidential election;

"presidential election" means an election to choose a person to the office of President of the Republic of Sierra Leone;

"Presiding Officer" means a person appointed as such under section 50 or 70 and includes an Assistant Presiding Officer;

"public election" means election of the President, Members of Parliament or members of local councils;

"Register of Voters" means the register referred to in section 12;

"registration area" means an area prescribed by the Electoral Commission within a ward or a Chiefdom for the purposes of voter registration under this Act;

"Registration Officer" means a person appointed as such under section 20 and includes an Assistant Registration Officer appointed under section 21;

"Revising Officer" means a person appointed as such under section 20;

"voter" means a person whose name is on a register of voters prepared in accordance with this Act or, in the case of the election for a Paramount Chief member, a person whose name is on the Gazette List;

"ward" means one of the areas into which Sierra Leone is divided for the purposes of registration and includes such Chiefdoms designated as wards by the Commission.

PART II–ESTABLISHMENT OF ELECTORAL COMMISSION

Establishment of Electoral Commission.

2. (1) There shall continue to be a body known as the Electoral Commission consisting of the Chairman and four other Electoral Commissioners referred to in subsection (2) of section 32 of the Constitution.

(2) The Chairman and other members of the Commission shall subject to section 33 of the Constitution, be persons of proven intergrity.

(3) The Commission shall be a body corporate having perpetual succession and shall be capable of–

(a) acquiring, holding and disposing of movable and immovable property;

(b) suing and being sued in its corporate name; and

(c) performing all such acts as bodies corporate may by law perform.

(4) The Commission shall have a seal, the use of which shall be authenticated by the signature of–

(a) the Chairman; or

(b) an Electoral Commissioner and any other officer of the Commission authorized either generally or specifically by the Commission, in that behalf.

Independence of Electoral Commission.

3. By virtue of subsection (11) of section 32 of the Constitution, the Commission is an independent body.

Resignation from Electoral Commission.

4. The Chairman or an Electoral Commissioner may resign the office by written notice addressed to the President.

Removal of member for gross misconduct.

5. (1) Pursuant to subsection (8) of section 32 of the Constitution, a member of the Commission may be removed from office by the President for inability to discharge the functions of the office, whether arising from infirmity of mind or body or any other cause, or for gross misconduct.

(2) When a member of the Electoral Commission is to be removed from office for gross misconduct under subsection (1), the statement of the gross misconduct shall be addressed to a tribunal appointed by the President, adapting for that purpose, the provisions of paragraphs (a) and (b) of subsection (5) of section 137 of the Constitution and subsections (6) and (7) of that section shall apply, with the necessary modifications, to the removal of that member.

Remuneration, allowances and privileges of members of Electoral Commission.. Act No. 4 of 2003.

6. (1) The terms and conditions of service of the Chairman and other members of the Commission including their remuneration, allowances and the privileges to be accorded them, shall be prescribed by Parliament under the State Salaries, Pensions, Gratuities and Other Benefits Act, 2003.

(2) The terms and conditions of service referred to in subsection (1) shall not be altered to the detriment of the Chairman or other members of the Commission.

Functions of Electoral Commission.

7. (1) The object for which the Commission is established is the performance of the functions prescribed in section 33 of the Constitution and in this or any other enactment and in particular for–

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

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

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

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

(e) the conduct of civic electoral education;

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

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

(h) such other functions as may be provided for by the Constitution, this or any other enactment.

(2) The Commission may utilize appropriate technology and adopt appropriate approaches in the performance of its functions.

Proceedings of Electoral Commission.

8. (1) The Commission shall meet for the dispatch of its business at such time and place as the Chairman may determine.

(2) The Chairman shall preside at a meeting of the Commission at which he is present and in his absence, a member elected by the members present from among their number, shall preside.

(3) Each member shall have one vote but where there is an equality of votes, the Chairman or other member presiding shall have a casting vote.

(4) All acts, matters or things authorized or required to be done by the Commission shall be decided at a meeting where a quorum is present and the decision is supported by the votes of a majority of the members.

(5) The quorum for a meeting of the Electoral Commission shall be three.

(6) A proposal circulated among all members and agreed to in writing by a majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Electoral Commission and shall be incorporated in the minutes of the next succeeding meeting of the Commission; but if a member requires that the proposal be placed before a meeting of the Electoral Commission, this section shall not apply to that proposal.

(7) Subject to this Act, the Commission shall regulate the procedure at its meetings.

Executive Secretary and other staff of Commission.

9. (1) The Electoral Commission shall have an Executive Secretary and such other staff as may be required for the efficient discharge of the functions of the Commission.

(2) The Executive Secretary and other staff of the Commission shall be appointed by the Electoral Commission subject to the terms and conditions that the Commission may determine.

(3) Public officers may be seconded or otherwise render assistance to the Commission.

(4) The Executive Secretary shall be responsible to the Commission for–

(a) the day-to-day administration of the affairs of the Commission;

(b) the recording and keeping of minutes of meetings of the Commission in a book kept for that purpose;

(c) the supervision and discipline of the staff of the Commission; and

(d) performing such other duties as the Commission may determine.

Expenses, accounts and audit of Commission.

10. (1) The administrative and other expenses of the Commission, including the salaries, allowances, gratuities and pensions of the members and staff of the Commission shall be a charge on the Consolidated Fund.

(2) Subject to subsection (3), the Commission may accept grants, gifts, donations and bequests made to it.

(3) The Commission shall not accept any grant, gift, donation or bequest–

(a) from a political party; or

(b) if it is made on condition that the Commission performs any function or discharges any duty or obligation other than a function, duty or obligation aimed at achieving its objects, or on any condition determined solely by the donor.

(4) The Commission shall keep proper books of account and other records in relation to any moneys appropriated for the purposes of the Commission by Parliament or received by the Commission from any other source and the accounts shall be kept in a form approved by the Auditor-General and shall be audited annually by the Auditor-General or an auditor appointed by him.

Standing orders of Electoral Commission.

11. The Commission may issue standing orders for the internal regulation of its business and the conduct of staff.

PART III–REGISTER OF VOTERS AND REGISTRATION OF VOTERS

Register of Voters.

12. (1) There is hereby established a National Register of Voters in this Act referred to as the "Register of Voters" which shall contain the names of persons who are entitled to vote in public elections and referenda.

(2) The Register of Voters shall contain, but shall not be limited to the following particulars:–

(a) the full name of the voter;

(b) the voter's date and place of birth;

(c) the voter's residential address at the time of registration;

(d) the voter's sex;

(e) the voter's signature and thumbprint;

(f) a column to indicate whether or not a voter has voted;

(g) date of registration and voting;

(h) the form of identification used; and

(i) the ward in which the voter is ordinarily resident.

(3) The Register of Voters shall be kept in a number of copies and at places that the Electoral Commission may direct, to ensure the proper and fair conduct of public elections.

(4) Notwithstanding anything contained in this Act, the Electoral Commission may modify the format, content and design of the Register of Voters for the effective performance of its functions.

Register of Voters to be conclusive evidence of entitlement to vote.

13. The Register of Voters for the time being in force shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote in a public election or referendum.

Division of Sierra Leone into wards, etc.

14. (1) For the purpose of registering voters for the election of the President of Sierra Leone, members of Parliament and members of a local Council, the Electoral Commission may, by statutory instrument, divide Sierra Leone into wards.

(2) The Electoral Commission may, from time to time divide a ward into registration areas (hereafter referred to as sub-wards) as it thinks necessary for the proper execution of its duties.

Qualification of voters.

15. (1) Subject to section 16, every person who–

(a) has attained the age of eighteen years or who will on the date of the holding of the next election have attained the age of eighteen years; and

(b) is ordinarily resident in a ward,

is entitled to be registered as a voter in that ward and, when so registered, to vote at an election in that ward.

(2) A person's ordinary residence shall be determined by reference to all the facts of the case and in particular, by reference to the rules contained in the First Schedule.

(3) Without prejudice to subsections (1) and (2), the Electoral Commission may, by statutory instrument, specify places, other than the areas referred to in those subsections, for the purposes of registration, voting or transfer of the votes of the voters as may be specified in the order.

Disqualification of voters.

16. No person shall be registered as a voter or, having been registered as such, shall be entitled to vote at a public election if the person is–

(a) a non-citizen;

(b) a lunatic within the meaning of an enactment in force in Sierra Leone;

(c) disqualified from being registered as a voter or voting by an enactment in force in Sierra Leone relating to offences connected with elections; or

(d) serving a sentence of imprisonment.

Period for registration of voters.

17. The registration of voters, updating and revision of the Voters Register shall be conducted not later than six months before an election or referendum, as the case may be.

Registration of voters outside Sierra Leone.

18. Notwithstanding anything to the contrary in this Act, the Electoral Commission may make provision for the registration outside Sierra Leone of non-resident citizens of Sierra Leone who may wish to be registered as voters.

Voters to be registered once only.

19. (1) No person shall be registered as a voter in more than one ward or more than once in a ward.

(2) A person who knowingly seeks or assists a person to seek or obtain registration as a voter in contravention of this section commits an offence and is liable, on summary conviction, to a fine not exceeding five hundred thousand leones or to imprisonment for a term not exceeding two years or to both the fine and imprisonment.

PART IV–PROCEDURE FOR REGISTRATION OF VOTERS

Appointment of Registration Officers and Revising Officers.

20. (1) The Electoral Commission may from time to time appoint fit and proper persons to be Registration Officers and Revising Officers to prepare or to revise the Voters Register in the prescribed manner.

(2) An appointment under subsection (1) or a termination of the appointment, shall be notified by Government Notice, and shall specify the ward or wards in respect of which the appointment or termination shall apply.

(3) Registration Officers and Revising Officers shall comply with any general or specific directions which may be given by the Electoral Commission with respect to the arrangements to be made by the officers for carrying out their registration and revision duties under this Act.

Appointment of Assistant Registration Officers.

21. (1) The Electoral Commission may appoint fit and proper persons to be Assistant Registration Officers to assist Registration Officers in the preparation of the register of voters in accordance with this Act.

(2) Subject to the authority, direction and control of the Electoral Commission, an Assistant Registration Officer shall have the powers to perform all of the duties of a Registration Officer.

Notice of intention to compile Register of Voters.

22. Upon notification by the Electoral Commission, the President may, from time to time, by statutory instrument, make orders-

(a) declaring the intention of the Electoral Commission either generally or in such wards as he may specify in the order to have new Registers of Voters prepared; and

(b) specifying a date for the publication of notices inviting claims from eligible voters under section 23;

but any order already in existence, if issued not more than two years earlier, shall be sufficient for the purposes of this section.

Notice inviting claims of eligible voters.

23. On the date specified under an order made under section 22, the Electoral Commission shall publish in each ward a notice in Form A in the Second Schedule requiring within fifteen days of the publication of the notice every eligible voter to present himself for registration in the ward in respect of which the notice is published.

Notice of claim for registration.

24. (1) Within the period of fifteen days specified in section 23, every person who is entitled to be registered as a voter (in any ward) shall present himself to the Registration Officer for registration and shall be registered as a voter, unless the Registration Officer is not satisfied that the person concerned is entitled to be registered.

(2) A claim to the entitlement to be registered as a voter shall be in Form B in the Second Schedule.

Proof of claim for registration.

25. (1) For being satisfied as to the claim of a person to be registered as a voter, a Registration Officer may request from the person applying to be registered any of the following:–

(a) a birth certificate or other such document issued under the authority of an enactment;

(b) a naturalisation certificate;

(c) the testimony of a member of the Local Council in the area of his residence;

(d) a statutory declaration giving particulars of the person's birth;

(e) any other satisfactory evidence of the person's entitlement to be registered as a voter.

(2) A Registration Officer shall examine a document or testimonial evidence presented to him and, if satisfied with the validity of the document or the sufficiency of the testimonial evidence, shall register the person concerned.

(3) A person who establishes a claim to be registered as a voter under this section, shall be registered in a form containing the particulars in Form C of the Second Schedule, but designed in a manner determined by the Electoral Commission and shall be issued a voter registration card by the Registration Officer.

(4) Where a voter registration card issued to a registered voter is proved to the satisfaction of the Registration Officer to be lost, defaced or destroyed, the voter may, upon application made in person to the Registration Officer, be issued a new voter registration card and in the case of a card that is defaced, upon the surrender of that card.

(5) A person wishing to vote in an election shall present the voter registration card issued to him in subsection (3).

(6) Notwithstanding subsection (5), a person whose name appears on the Voters Register shall be entitled to vote at an election even though he does not possess or present to the Presiding Officer, Assistant Presiding Officer or the polling assistant a voter registration card, if he satisfies the officer that he is the person whose name appears on the Voters Register for the ward or polling station in question.

Refusal to register.

26. (1) The Registration Officer may, after considering a claim for registration made under section 24, refuse to register the person if the Registration Officer is satisfied that he is not qualified for registration.

(2) Where the Registration Officer refuses to register a person, he shall–

(a) make a record of his refusal, the reason for it and the date of the refusal and sign the record; and

(b) inform the person that he may, in accordance with section 30, appeal against the refusal to the Electoral Commission.

Records of statements made by persons refused registration.

27. (1) If the Registration Officer refuses to register any person, the Registration Officer shall advise him accordingly and make a written record of any statement which the person may wish to make in response to that advice and in support of his application.

(2) Any written records made under subsection (1) shall be retained and secured in accordance with the instructions of the Electoral Commission.

Exhibition of provisional list of voters.

28. Within forty days after the expiry of the date fixed under section 22 for the registration of voters, the Electoral Commission shall compile a provisional list of all voters registered for each ward and shall, by Government Notice in Form D of the Second Schedule, specify the places within that ward where a copy of the provisional list shall be exhibited by the Electoral Commission for the review of the public; but if it becomes necessary or expedient, the provisional list or any part of it may be exhibited in any sub-ward to which it relates.

Electoral Commission to appoint field registrars, etc. in compiling provisional list.

29. (1) In compiling the provisional lists under section 28, the Electoral Commission may–

(a) appoint field registrars in order to have a house-to-house or other sufficient inquiry made as to the persons entitled to be registered and the field registrars may perform

other duties connected with the registration of voters which may be assigned to them by the Electoral Commission; and

(b) inspect existing Rate Books, Local Tax Assessment Lists and all other similar records relating to an area or ward, and any officer of a local council or other person having the custody of the records shall afford the Electoral Commission every facility as may be required.

(2) A person who hinders or obstructs a field registrar in the execution of the field registrar's duties under paragraph (a) of subsection (1) commits an offence and is liable, on summary conviction to a fine not exceeding five hundred thousand Leones or to imprisonment for a term not exceeding two years.

(3) A field registrar shall submit to the Electoral Commission and to the Registration Officer of the electoral area concerned a report of the enquiries carried out under subsection (1) in which the field registrar shall set out the names and other particulars of every person found to be eligible to be registered.

Procedure as to omissions and objections.

30. (1) A person whose name has been omitted from a copy of the provisional list of voters or part of the list prepared and exhibited under section 28, and who claims to have satisfied the Registration Officer concerned of his entitlement to be registered under this Act shall, during the period of exhibition of the copy or part of it, apply or present himself to the Electoral Commission to have his name inserted in the copy, as provided for in Form E of the Second Schedule.

(2) A person whose name appears in a copy of the provisional list or part of it may object to another person whose name also appears in the provisional list as not being entitled to be registered as a voter, and shall, during the period of the exhibition of the copy or part of it under section 28, give notice of his objection to the Electoral Commission in Form F in the Second Schedule, and to the person objected to, in Form G of the Second Schedule, giving reasons for his objection.

(3) Within five days of the expiry of the exhibition referred to in subsections (1) and (2), the Electoral Commission shall cause to be prepared and exhibited, in a place where a copy of the provisional list or part of the list has been exhibited under section 28, a statement of all claims and objections in respect of the copy or part of the list, giving the names of the persons who have made the claims or the objections.

(4) A person who knowingly causes his name to be included in a copy of a provisional list while not entitled to be registered or a Registration Officer who knowingly includes the name of a person who is not entitled to be registered commits an offence and is liable on summary conviction, to a fine of five hundred thousand leones or to imprisonment for a term of two years.

Revision inquiries.

31. (1) A public inquiry shall be held for each ward by the Revising Officer for that ward for the purpose of revising the provisional list for the ward.

(2) The inquiry shall be held on a day being within eight days after the publication of the list of claims and objections referred to in subsection (3) of section 30, as may be fixed by the Revising Officer, and five days' notice of the holding of the inquiry and of the place and time at which the inquiry is to be held shall be given in such manner as the Revising Officer may consider appropriate.

Procedures of revision.

32. (1) Upon the production at an inquiry by the Registration Officer of the provisional lists for the ward and statement of claims and objections relating to the list, the Revising Officer shall go through the lists and shall insert in any list the name of every person who is proved to his satisfaction to be entitled to have his name inserted in the list and shall strike out of the list the name of every person who, upon the application of an objector or of the Registration Officer, is proved to the satisfaction of the Revising Officer not to be entitled to have his name retained in the list or to be dead.

(2) If an objector, other than the Registration Officer, appears neither in person nor by counsel, the objection shall be overruled and the name of the person objected to shall be retained as a voter in the provisional list.

Powers of Revising Officer.

33. (1) The Revising Officer holding an inquiry under this Part may require any of the parties present to give information in his possession which the Revising Officer may require for the purposes of his duties and may, subject to section 37, adjourn the inquiry to such time and as often as may be necessary.

(2) The Revising Officer shall, in public, determine all claims and objections and shall write his initials against any name struck out of a provisional list or inserted in it, or against a mistake or omission corrected, and shall sign his name to every page of the provisional list when the list is finally settled.

(3) If the Revising Officer is of the opinion that the claim or objection of a person is without foundation or is frivolous, he may order the person to pay the actual costs of the inquiry, including the cost of witnesses; and the costs shall be recoverable by the Commission in a suit before a court.

Grounds of appeal.

34. No appeal or notice of appeal shall be received or allowed against the decision of the Revising Officer upon any question of fact or upon the admissibility or effect of any evidence or admission adduced or, as the case may be, made in a case to establish a matter of fact only.

Procedure on appeal.

35. (1) A person–

(a) whose claim to have his name inserted in a provisional list has been disallowed;

(b) who has made an objection to another person as not being entitled to have his name inserted in a provisional list;

(c) whose name has been struck out from a provisional list; or

(d) who has made an objection to another person as not being entitled to have his name inserted in a provisional list, and is dissatisfied with a decision of the Revising Officer on a point of law material to the result of his case,

may, either in person or by counsel, deliver to the Registration Officer within seven days after the decision of the Revising Officer was given, a note in writing of his desire to appeal to the High Court by way of a case stated and such notice shall contain a short statement of the decision against which he desires to appeal.

(2) The Registration Officer shall forthwith forward the notice of appeal to the Revising Officer.

(3) The Revising Officer shall upon receiving the notice of appeal referred to in subsection (1), state in writing the facts which in his judgement have been established by the evidence in the case, and which are material to the matter in question and his decision upon the whole case, and also his decision upon any point of law appealed against, and shall sign and date the statement.

(4) The Master and Registrar of the High Court, after receiving a case stated under subsection (3) from the Revising Officer, shall file the case in the High Court and shall forthwith set down the appeal for hearing and give seven clear days notice of the date of hearing of the appeal to the appellant and respondent, (if any).

(5) When the High Court has determined an appeal, the Master and Registrar of the High Court shall forward forthwith to the Revising Officer a statement under his hand of the decision of the High Court.

(6) Where by a decision of the High Court a decision of the Revising Officer is reversed or altered so as to require an alteration or correction in a provisional list of the Register of Voters, the Revising Officer shall forthwith alter or correct the list accordingly and shall sign his name after the words "altered (or corrected) on Order of the High Court dated the.....day of .....20....." which he shall write against every alteration or correction on the provisional list.

Right to vote not affected by pending appeal.

36. The right to vote of a person whose name is for the time being on a Register of Voters shall not be prejudiced by an appeal pending under section 35, and a vote given at an election in pursuance of that right, shall be as good as if no appeal were pending and shall not be affected by the subsequent decision of the appeal.

Settlement of lists.

37. The provisional lists in respect of a ward shall be finally settled and signed by the Revising Officer and the provisional lists shall be delivered by him to the Registration Officer within five days from the date on which the Revising Officer first commenced to hold his inquiry and to revise the lists.

Revision of Register.

38. (1) Upon delivery to him of the list as revised by the Revising Officer, the Registration Officer shall, within the period that the Electoral Commission may by Government Notice direct, cause the revised list to be kept, ward by ward, in the Register of Voters, beginning with every name in each ward and continuing in regular series to the last name in each ward.

(2) A change of name, if provided to the satisfaction of the Returning Officer, shall not affect the right of a person to vote under the name in which he is registered.

Returns of deaths.

39. The Chief Administrator of a local council shall not later than 31st January in every year, send to the Electoral Commission a return certified by him under his hand of the names, addresses and any other information as the Commission may require, of all persons over the age of seventeen years who have died within the locality in the previous year.

Transfer of registered voter.

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

(2) If the Registration Officer is satisfied that the applicant is qualified for registration and is ordinarily resident in the ward in relation to which the application is made, and on the surrender by the applicant of his voter registration card, the Registration Officer shall-

(a) register the applicant in the Voter Register for the ward in which the applicant is now ordinarily resident;

(b) cause the name of the applicant to be deleted from the Register for the ward in which the applicant was previously resident; and

(c) issue to the applicant a new voter registration card for the ward in which the applicant is now ordinarily resident.

Loss or destruction of voter registration card.

41. (1) Where a voter loses a voter registration card or where a voter registration card is destroyed, defaced, torn or otherwise damaged, the voter concerned shall, not less than 21 days before the date of an election apply to the Registration Officer for the ward in which he is ordinarily resident, stating the circumstances of the loss, destruction, defacement or damage, as the case may be.

(2) If the Registration Officer is satisfied as to the circumstances of the loss, destruction or defacement of, or damage to, the voter registration card, he shall issue to the applicant a copy of the Voter Registration Card with the word "DUPLICATE" clearly printed on it and showing the date of issue.

(3) In the case of defacement of or damage to a voter registration card, the Registration Officer shall immediately cancel the voter registration card surrendered by the voter.

(4) No person shall issue a duplicate voter registration card to a voter on polling day or less than 14 days before polling day.

(5) A person who contravenes subsection (4) commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

Proprietary rights in voter registration cards.

42. The proprietary rights in a voter registration card issued by the Electoral Commission shall vest in the Electoral Commission.

PART V–PRESIDENTIAL ELECTIONS

Time for presidential election.

43. (1) There shall be a presidential election to fill a vacancy occurring in the office of the President under subsection (1) of section 49 of the Constitution.

(2) The vacancy to be filled by a presidential election shall be declared by the Electoral Commission by proclamation made after consultation with the President.

(3) Where the vacancy in the office of President occurs–

(a) in any of the circumstances referred to in paragraph (a) of subsection (1) of section 49 of the Constitution, a period during which the presidential election shall be held shall be determined by the Commission in accordance with section 43 of the Constitution; and

(b) in any other case, the Electoral Commission, may in the proclamation referred to in subsection (2), fix the actual date of the election, the date not being earlier than thirty days and not later than sixty days before the day appointed for voting in the elections.

Nomination of presidential candidates.

44. (1) No person shall stand as a candidate in a presidential election if he is not a candidate nominated by a political party.

(2) A person is not qualified to be nominated as a candidate in a presidential election unless the person is–

(a) a citizen by birth;

(b) a member of the political party;

(c) not less than forty years of age; and

(d) otherwise qualified to be elected as a member of Parliament.

Form for nomination of presidential candidate.

45. (1) The nomination of a presidential candidate shall be in writing in the form prescribed in the Third Schedule and shall be subscribed by–

(a) the presidential candidate;

(b) the candidate designated for the office of Vice-President by the presidential candidate in accordance with subsection (2) of section 54 of the Constitution; and

(c) three executive members of the political party which nominated the presidential candidate.

(2) A person shall not be qualified to be designated as a candidate for the office of Vice-President if the person does not have the qualifications specified in subsection (2) of section 44.

(3) The nomination papers of a presidential candidate shall be delivered by the candidate to the Returning Officer on the day, time and place that shall be determined by the Returning Officer and published by Government Notice and shall be accompanied with two statutory declarations in the form prescribed in the Fourth Schedule, made separately by the presidential candidate and the candidate designated by him for the office of Vice-President.

(4) A person who makes a statutory declaration under subsection (3) knowing it to be false in a material particular, or recklessly, whether it is true or not, commits an offence and is liable on conviction, to a fine not exceeding five million leones or to a term of imprisonment not exceeding three years.

(5) The Returning Officer for a presidential election shall be the Chairman of the Electoral Commission.

Presidential candidate to pay nomination fee.

46. (1) A presidential candidate shall not be entitled to take part in a presidential election unless he has paid to the Returning Officer a non-refundable election fee of such amount as may be prescribed.

(2) The Returning Officer shall cause an official receipt to be issued in respect of the election fee paid under subsection (1).

(3) The election fee shall be deemed to be duly paid if a presidential candidate deposits with the Returning Officer a written receipt issued by or on behalf of the Electoral Commission for the amount mentioned in subsection (1) received for or on account of the candidate in respect of that sum.

(4) The nomination fee shall be paid on or before the date fixed by the Returning Officer in the manner referred to in subsection (3) of section 45.

Publication of nomination.

47. (1) Upon the expiration of the time published under section 45 for the delivery by a presidential candidate of his nomination papers to the Returning Officer, the Returning Officer shall immediately cause to be published by Government Notice and in any other manner as he thinks fit, a notice of the nomination, showing the full name, address and occupation of each presidential candidate together with the following particulars:–

(a) the name of the political party of which the candidate is a member; and

(b) the names, addresses and occupations of three executive members of the political party who nominated the presidential candidate.

(2) The Government Notice referred to in subsection (1) shall direct that any citizen of Sierra Leone may lodge an objection, if any, against the nomination of a presidential candidate but that the objection shall be lodged with the Supreme Court within seven days of the publication of the Government Notice.

(3) An objection against the nomination of a presidential candidate shall be heard by the Supreme Court made up of three Justices whose decision shall be given within thirty days of the lodging of the objection.

(4) Where the Supreme Court upholds an objection against a nomination, it shall declare the presidential candidate concerned to be disqualified from contesting the presidential election.

Political party to nominate fresh candidate.

48. (1) Where at a presidential election a candidate dies before polling begins, the Electoral Commission shall appoint a further nomination day, being not less than twenty-one days from the date of the death of the candidate to enable the party which nominated the dead candidate to nominate a new presidential or vice-presidential candidate as the case may be.

(2) If a further nomination day is appointed under subsection (1), the Electoral Commission shall appoint another presidential election day and the appropriate procedures shall start afresh.

Election of unopposed candidate.

49. A candidate in a presidential election shall be deemed to have been duly elected to the office of President and shall be declared as such by the Returning Officer if he is the only candidate nominated for election after the close of nomination.

Appointment of Returning Officers, Presiding Officers, Polling Assistants, etc.

50. (1) After the appointment of the day under section 43 for the holding of a presidential election, the Electoral Commission shall appoint fit and proper persons to be–

(a) Presiding Officers who shall be in charge of the polling in a polling station; and

(b) Polling Assistants who shall be under the direction of the Presiding Officers.

(2) Where parliamentary elections are to be held at the same time as the presidential election, the Electoral Commission shall also appoint Returning Officers and Assistant Returning Officers.

(3) The appointment of Returning Officers, Assistant Returning Officers and Presiding Officers shall be published by Government Notice.

Time and procedure for polling.

51. (1) The hours of voting in a presidential or parliamentary election shall be from seven o'clock in the morning to five o'clock in the afternoon or such later time as the Electoral Commission may allow.

(2) The voting at a polling station shall not be closed until all the registered voters present inside the polling station or waiting in line outside the polling station at the time specified in subsection (1) have cast their vote.

(3) Part VII shall, with the necessary modifications, apply to the voting in a presidential election.

Declaration of election result.

52. (1) After the expiration of the time fixed for polling, the votes shall be counted, polling station by polling station and each Presiding Officer shall as soon as possible after the votes have been counted, certify, through the regional offices of the Electoral Commission, to the Returning Officer, the result of the counting, stating the number of valid votes cast in favour of each presidential candidate.

(2) As soon as possible after receipt of the result of the counting of votes under subsection (1), the Returning Officer shall tally and compute the results certified to him by the various Presiding Officers and shall after that declare the result of the election.

Certification of election and publication of result.

53. The Returning Officer shall, after declaring the result of a presidential election–

(a) subject to paragraph (e) and (f) of subsection (2) of section 42 of the Constitution, issue to the successful candidate a certificate of election in the form prescribed in the Fifth Schedule; and

(b) as soon as possible, cause the result of the election to be published by Government Notice and in any other manner that the Returning Officer may think fit.

Assumption of office by elected candidate.

54. (1) A person elected to the office of President shall, subject to subsection (2), assume that office on the date upon which he is declared elected by the Returning Officer or upon the date that his predecessor's term of office expires, whichever is the later.

(2) Before assuming office, the President shall take and subscribe the oath for the due execution of his office, set out in the Second Schedule to the Constitution.

Challenge of election of President.

55. (1) A person who is a citizen of Sierra Leone and has lawfully voted may in a presidential election challenge the validity of that election by petition to the Supreme Court within seven days after the declaration of the result of a presidential election under subsection (2) of section 52.

(2) A declaration by the Supreme Court that the election of the President is not valid shall not prejudice anything done by the President before the declaration.

PART VI–GENERAL ELECTION OF MEMBERS OF PARLIAMENT

Composition of Parliament.

56. Members of Parliament shall comprise–

(a) the twelve Paramount Chief members referred to in paragraph (a) of subsection (1) of section 74 of the Constitution; and

(b) one hundred and twelve ordinary members.

Time for parliamentary elections.

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

Form of general elections.

58. A general election of ordinary members of Parliament shall be by the one-member constituency system under subsection (2) of section 38 of the Constitution.

Time for nomination of candidates.

59. When a time is appointed for a general election under section 57, the Electoral Commission shall, by Government Notice, require that nominations of candidates be delivered to the Electoral Commission or the Returning Officer designated by the Commission before four o'clock in the afternoon of the day specified in the Government Notice, which shall not be more than sixty and not less than thirty days before the day appointed for voting in the elections.

Nomination of candidates.

60. (1) Every candidate shall be nominated in writing by three voters of the electoral area for which he intends to contest an election and no candidate may be nominated for more than one electoral area.

(2) The nomination shall be as prescribed in the Sixth Schedule and shall be subscribed by the candidate and the persons nominating him.

(3) A Returning Officer shall provide nomination papers and shall supply a voter with the number of nomination papers that he may reasonably require and shall, at the request of a voter, the candidate and all his nominators being present, complete the nomination on the voter's behalf.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination paper, subscribed in accordance with subsection (3), at the office of the Returning Officer before four o'clock in the afternoon of the last day for the delivery of nomination papers.

(5) Every candidate shall pay to the Returning Officer a non-refundable nomination fee of the prescribed amount and the nomination shall not be valid until the nomination fee has been paid.

(6) On the delivery of the nomination paper of a candidate together with the prescribed nomination fee, the Returning Officer for the electoral area shall forthwith acknowledge receipt of the nomination paper and nomination fee.

(7) When the requirements concerning the completion and delivery of nomination papers have been duly completed, the Returning Officer shall forthwith publish by displaying in a conspicuous manner at the place of receipt of the nomination, a notice containing the name of the candidate and the names of the voters nominating him, the political party of the candidate as applicable , and the symbol of the candidate.

(8) Nomination fees received by the Electoral Commission shall be paid into the Consolidated Fund and shall not be refunded.

Political party list of endorsed candidates for parliamentary elections.

61. (1) Each political party shall deliver to the Electoral Commission or as the case may be, to the designated Returning Officer a list of that party's endorsed candidates for the election of ordinary members of Parliament.

(2) No candidate shall be endorsed by more than one political party and the name of a candidate shall not appear in more than one list delivered to the Electoral Commission.

(3) Where a candidate is endorsed by more than one political party, the Electoral Commission shall strike out the name of the candidate from all the lists in which it appears and inform the candidate and the political parties concerned accordingly.

Statutory declaration in support of political party list of endorsed candidates.

62. A list of candidates delivered by a political party shall be accompanied by a statutory declaration made by the National Chairman and Secretary of that party, stating that–

(a) each candidate has accepted his nomination in writing;

(b) every candidate on the list is qualified to be elected as an ordinary member of Parliament under section 75 of the Constitution; and

(c) no candidate on the list is disqualified for election as a member of Parliament under section 76 of the Constitution.

Objections to nominations.

63. (1) A voter of the electoral area in which a candidate intends to contest an election may at any time up to five o'clock in the afternoon of the last appointed day for the receipt of nominations, object to the nomination of that candidate on any of the grounds set out in subsection (2), and the Returning Officer shall decide on the validity of the objection.

(2) The Returning Officer shall be entitled to hold a nomination paper invalid only on one or more of the following grounds:–

(a) that the particulars of the candidate or his nominators are not as required by law;

(b) that the paper is not subscribed as so required;

(c) that any one of the nominators is not a voter;

(d) that the candidate has not paid the nomination fee;

(e) that the candidate is a person disqualified from being a member of Parliament under section 76 of the Constitution.

(3) The Returning Officer shall give his decision on an objection to a nomination paper as soon as practicable after it is made, but in any event before six o'clock in the afternoon of the last day appointed for the receipt of nominations.

(4) Where the Returning Officer decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for the decision.

(5) A candidate aggrieved by the decision of the Returning Officer as to the validity or otherwise of a nomination paper may appeal to the Electoral Commission, which may uphold the decision of the Returning Officer or reverse it.

(6) The decision of the Returning Officer or, in the case of an appeal, the Electoral Commission, on the validity of a nomination shall be final and shall not be questioned in any proceeding whatsoever, except by way of an election petition.

Withdrawal of candidate.

64. A candidate may withdraw his nomination by notice in writing signed by him and endorse by the political party to which he belongs, and delivered by him to the Returning Officer.

(a) the notice of withdrawal shall take effect in the order in which it is delivered; and

(b) no notice shall have effect if it would result in there being no candidate in respect of a vacancy in an electoral area.

Action to be taken on withdrawal.

65. If when a nominated candidate withdraws his candidature under section 64-

(a) the number of persons remaining nominated exceeds the number of vacancies, a poll shall be taken in accordance with this Act;

(b) the number of persons remaining nominated is the same as the number of vacancies, the Returning Officer shall forthwith declare the person or persons to be duly elected;

(c) no person is or remains nominated, or the number of persons remaining nominated is less than the number of vacancies, the Returning Officer shall forthwith declare the persons remaining nominated to be duly elected and shall forthwith notify the Electoral Commission who shall by Government Notice appoint some other convenient day for the election to fill any vacancy which remains unfilled and all proceedings with reference to the election to fill the vacancy shall commence afresh.

Death of candidate.

66. (1) If, after the date appointed for the receipt of nominations one of the candidates nominated for election in an electoral area dies before the poll has commenced, the Returning Officer shall, upon being satisfied of the fact of the death, countermand the notice of the poll and shall forthwith report the fact to the Electoral Commission.

(2) In the event referred to in subsection (1), the Electoral Commission shall appoint some other convenient day or days for the election and all proceedings with reference to the election shall commence afresh:, but no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time when the notice of poll was countermanded.

Final list of candidates to be published by Commission.

67. Not later than ten days before the first day appointed for the election, the Returning Officer shall cause to be published by Government Notice, and in any other manner within every electoral area as he may think appropriate, a list containing the full names, addresses and occupations of the candidates and of the persons or political parties by whom they were nominated.

Contested election and unopposed candidates.

68. If by six o'clock in the afternoon of the last day appointed for the receipt of nominations–

(a) the number of persons remaining nominated exceeds the number of vacancies, a poll shall be taken and the result shall be declared in accordance with this Act;

(b) the number of persons remaining nominated is the same as the number of vacancies, the Returning Officer shall forthwith declare the person or persons to be duly elected;

(c) no person is or remains nominated, or if the number of persons remaining nominated is less than the number of vacancies, the Returning Officer shall forthwith declare the persons remaining nominated to be duly elected and shall forthwith notify the Electoral Commission who shall by Government Notice appoint some other convenient day for the election to fill a vacancy which remains unfilled and all proceedings with reference to the election to fill the vacancy shall commence afresh.

PART VII–PROCEDURES AND ARRANGEMENTS FOR ELECTIONS

National Returning Officer.

69. (1) In conducting an election under this Act, the Chairman of the Electoral Commission shall be the National Returning Officer.

(2) The Electoral Commission shall appoint–

(a) four other Returning Officers to be known as Regional Returning Officers for each of the four electoral regions into which Sierra Leone is divided;

(b) fourteen District Returning Officers; and

(c) such number of Assistant Returning Officers as may be required.

Conduct of elections by Electoral Commission.

70. (1) The Electoral Commission shall be responsible for the conduct of elections under this Act and shall make arrangements for the casting of ballots by voters.

(2) For the purposes of subsection (1), the Electoral Commission shall–

(a) provide the number of polling stations that may be required in each electoral area and allot the voters within each electoral area to the polling stations in such manner as it thinks most convenient;

(b) not later than fifteen days before the day of election, give notice where practicable, in the Government Notice referred to in section 67, specifying–

(i) the day and hours fixed for voting;

(ii) the full name, address and occupation of each candidate in the final list of candidates as determined by the

Electoral Commission together with a description of the symbol which the Electoral Commission has accepted for each political party or candidate in another election being held on the same day;

(c) indicate the situation of the polling station or stations and the persons entitled to vote at those stations;

(d) appoint a fit and proper person, other than a candidate for election, to be–

(i) the Presiding Officer who shall be in charge of the polling station; and

(ii) Polling Assistants under the direction of the Presiding Officer;

(e) provide each Presiding Officer with ballot boxes for each polling station in the electoral area and the number of ballot papers that in the opinion of the Presiding Officer may be necessary;

(f) provide the Presiding Officer at each polling station with instruments for making an official mark on the ballot papers;

(g) provide the Presiding Officer at each polling station with copies of the Register of Voters or a part of the register that contains the names of the persons allotted to vote at that polling station;

(h) cause to be published in each polling station the names of the candidates for whom a vote can be cast at that polling station together with the individual or party symbols of those candidates; and

(i) do such other things as may be necessary for conducting the election in the manner provided in this Act.

(3) During an election, the arrangements under this section and other acts relating to the electoral process generally shall be subject to verification and monitoring but only by observers accredited by the Electoral Commission.

Polling agents.

71. (1) Each political party or independent candidate contesting the election may appoint two persons (hereinafter referred to as "polling agents") to attend at each polling station within the electoral area, for the purpose of–

(a) detecting personation and making representations to the Presiding Officer under paragraph (c) of section 74 and subsection (1) of section 79; and

(b) generally for the purpose of drawing the attention of the Presiding Officer to irregularities in the procedure at a polling station.

(2) Notice in writing of the appointment, stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by each political party or independent candidate, as the case may be, to the District Returning Officer not later than three days before the day appointed for the election and before four o'clock in the afternoon of that day, and the District Returning Officer shall inform the Presiding Officer accordingly.

(3) If a polling agent dies or becomes incapable of acting as such, the political party or independent candidate concerned may appoint another polling agent in his place and shall give to the Presiding Officer due notice in writing of the name and address of the polling agent so appointed.

(4) No polling agent shall be admitted into a polling station if notice of his appointment has not been given to the Presiding Officer.

(5) A polling agent admitted to a polling station shall not–

(a) interfere with the voting at that station, except as provided in this Act;

(b) do the canvassing at the polling station or display anything which indicates that he is a representative of a particular political party or candidate, and the polling agent shall be obliged to display the identification as is determined by the Electoral Commission.

Precautions to ensure secrecy.

72. (1) Every ballot box shall be so constructed that the ballot papers can be put in it by the voter but cannot be withdrawn by him.

(2) The Presiding Officer shall cause to be placed at each polling station ballot boxes in which shall be deposited the ballot papers of the voters.

(3) Immediately before the commencement of voting, the Presiding Officer at each polling station shall–

(a) show each ballot box empty to observers (if any) and to any other persons lawfully present so that they may see that the boxes are empty;

(b) in the presence of such persons, close and place distinctive seals upon each ballot box in such a manner as to prevent the ballot box from being opened without breaking the seal; and

(c) keep the ballot boxes so closed and sealed until the voting is completed and counting is about to commence.

(4) The Presiding Officer shall place the ballot boxes, in full view of the Presiding Officer, Polling Assistants, polling agents, observers (if any), and any other persons authorised to be present in the polling station throughout the voting time.

Hours of voting.

73. (1) The hours of voting shall be from seven o'clock in the morning to five o'clock in the afternoon or such later time as the Electoral Commission may allow.

(2) The Presiding Officer shall not declare the poll closed until all the registered voters present inside the polling station or waiting in line outside the polling station at the time specified in subsection (1) have cast their vote.

Manner of voting.

74. (1) The voting at an election shall be conducted in the following manner:–

(a) every voter desiring to record his vote shall present himself to the Presiding Officer or a Polling Assistant at the polling station at which he is entitled to vote and the Presiding Officer or Polling Assistant, after satisfying himself that–

(i) the name of the voter appears in the copy of the Register of Voters, or part of the register of voters provided for that polling station and that the voter is the same person whose picture, if any, is on the voter registration card presented by the voter; and

(ii) the voter has not already voted having regard to subparagraph (ii) of paragraph (b);

the Presiding Officer or Polling Assistant shall deliver to him a ballot paper; but where a number of public elections are held on the same day the ballot papers shall be differentiated by such colours as the Electoral Commission shall determine and shall be cast separately for each election held on the day in question;

(b) immediately before the Presiding Officer or Polling Assistant delivers a ballot paper to a voter, he shall–

(i) call out the voter's serial ward number and his name and address as stated in the Register of Voters and examine the voter's registration card issued by the Electoral Commission and mark the card in the manner prescribed by the Electoral Commission;

(ii) examine the voter's left hand for traces of the ink (if any) referred to in paragraph (e), and if he is satisfied that there are such traces he shall not deliver any ballot paper to that voter;

(iii) mark the ballot paper or papers with an official mark which may be prescribed by the Electoral Commission;

(iv) place a mark against the number of the copy of the Register of Voters to denote that a ballot paper or papers have been delivered;

(c) a Polling Assistant may, and, if required by a polling agent, shall put to any persons applying for a ballot paper or papers at the time of his application, but not afterwards, the following questions or any of them:–

(i) "Are you the person whose name is on the Register of Voters as (reading the entry in the Register)";

(ii) "Have you already voted at the present election at this or any other polling station?";

(d) no person who is required by the Polling Assistant to answer these questions, or either of them, shall be provided with a ballot paper or be allowed to vote until he has answered the question or questions to the satisfaction of the Presiding Officer;

(e) every voter shall, immediately before receiving a ballot paper, submit to having his left thumb or a finger of the left hand, or right hand if an elector suffers from physical defect, marked with indelible ink; but this paragraph shall not apply in the case of a voter who suffers from a physical defect which in the opinion of the Presiding Officer, makes this application impractical;

(f) the voter shall then go alone to the booth or enclosure which shall be placed in open view of the public but in a manner which will conceal the identity of the candidate he voted for, put his mark against the symbol of the candidate or as the case may be, the party of his choice secretly, and then come out of the booth or enclosure with his ballot paper folded which he will then cast in full view of everyone present;

(g) if a voter–

(i) spoils any ballot paper inadvertently; or

(ii) mistakenly marks a ballot paper for a candidate who is not of his choice;

the voter shall return the ballot paper to the Presiding Officer, who shall, if he is satisfied that the circumstances described in subparagraphs (i) and (ii) have occurred, provide the voter with another ballot paper and the Presiding Officer shall write the word "CANCELLED" across the face of the spoilt ballot paper which shall be kept separately and shall be delivered to the Returning Officer as provided by this Act;

(h) if a voter places any writing or mark on the ballot paper by which he may be identified, the Presiding Officer shall write the word "CANCELLED" across the face of the ballot paper which shall be kept separately and shall be delivered to the Returning Officer as provided in this Act; and

(i) a voter who is unable to read or who is incapacitated by blindness or any other physical disability and is unable to cast his vote in the manner prescribed in this Act, shall apply in person to the Presiding Officer, who shall–

(i) in the case of a voter who is physically disabled, allow the voter to be accompanied by another voter of his own choice, who shall guarantee the faithful expression of the vote of the disabled person and who shall pledge absolute secrecy;

(ii) in the case of a voter who is unable to read or write and cannot draw a cross, inform the voter that he can vote by putting a fingerprint mark in the square corresponding to the candidate for whom he wishes to vote after dipping his finger in the ink which shall be placed for this purpose in the voting booth.

(2) Notwithstanding subparagraph (i) of paragraph (a) of subsection (1), a voter who is likely to be unable to go in person to the polling station at which he is entitled to vote by reason of–

(a) being on official duties in connection with the election; or

(b) being a public officer or employee of a public corporation or commercial firm or mining company or member of the Sierra Leone Police Force or the Armed Forces of the Republic of Sierra Leone who is transferred by his employer or supervisor to a place of employment in a ward other than the one in which he is registered,

may, not later than fifteen days before the day appointed for voting, make an application to the Returning Officer of his electoral area for a certificate of authorisation in a form approved by the Electoral Commission to authorise a Presiding Officer in a polling station other than the one at which the applicant is entitled to vote, to permit him to cast his vote in that polling station.

(3) Before issuing a certificate of authorisation under subsection (2), the Returning Officer shall satisfy himself that the application is well founded and supported by the written confirmation of the employer or supervisor of the applicant and shall delete the applicant's name from the Register of Voters of the polling station at which he is entitled to vote and initial the deletion.

(4) A voter who has been issued with a certificate of authorisation referred to in subsection (2) shall present the certificate of authorisation to a Presiding Officer of a polling station other than the polling station at which he is entitled to vote and the Presiding Officer after satisfying himself as to the authenticity of the certificate of authorisation, shall permit the voter to vote in accordance with the directions contained therein.

(5) A person who makes a false answer to any of the questions prescribed in paragraph (c) of subsection (1) which he knows to be false or does not believe to be true, commits an offence and is liable, on summary conviction, to a fine not less than five million leones or to imprisonment for a term of two years.

Numbering of ballot papers.

75. Every ballot paper shall have a number printed on it and shall be attached to a counterfoil bearing the same number as is printed on the ballot paper.

Voting to be without delay.

76. Every voter shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper in the ballot box.

Admission of persons to polling stations.

77. (1) Subject to this Act, no person shall be permitted to vote at a polling station other than the polling station at which he is entitled to vote under to paragraph (a) of subsection (1) of section 74.

(2) The Presiding Officer shall regulate the admission of voters to the polling station, and shall exclude all other persons except polling agents, polling assistants, constables on duty, observers (if any), and any other person who under this Act has lawful reason to be admitted to the polling station.

(3) Every voter present in a polling station shall comply with any direction of the Presiding Officer for regulating the casting of votes and generally shall conduct himself in an orderly manner.

Restriction on admission to polling stations.

78. (1) No person shall carry, wear or display any dangerous weapon or missile in any part of a polling station otherwise than in pursuance of a lawful duty.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than one million Leones or to imprisonment for a term of two years.

(3) For the purpose of subsection (1), a person shall be deemed to be acting in pursuance of a lawful duty if he is acting in his capacity as a military or police personnel, officially deployed to provide security at that polling station or generally charged with responsibility for providing security during elections.

Prevention of personation.

79. (1) If at the time a person applies for a ballot paper or after he has so applied and before he has left the polling station, a polling agent declares to the Presiding Officer that he has reasonable cause to believe that the applicant has committed the offence of personation and undertakes to substantiate the charge in a court, or if the Presiding Officer has reasonable cause to believe that an applicant for a ballot paper has committed the offence of personation, the person may be charged with the offence of personation.

(2) A person in respect of whom a polling agent makes a declaration in accordance with subsection (1) or who the Presiding Officer has reasonable cause to believe has committed the offence of personation shall not, by reason, be prevented from voting, but the

Presiding Officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the Register of Voters or part of the Register of Voters; but where a person in respect of whom a declaration is made admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already done so.

Conduct in polling stations.

80. (1) The Presiding Officer shall keep order in the polling station.

(2) If a person misconducts himself in a polling station or fails to obey a lawful order of the Presiding Officer, the person may, on the order of the Presiding Officer, be removed from the polling station by a constable, or by any other person authorised in writing by the Presiding Officer in that behalf; and the person so removed shall not, without the permission of the Presiding Officer, again enter the polling station during the day of the election.

(3) A person so removed may be charged with the commission of an offence.

(4) Subsection (2) shall not be used so as to prevent a person who is otherwise entitled to vote at a polling station from having an opportunity to vote.

Sealing of ballot boxes.

81. (1) On the day appointed for an election under section 57, the Presiding Officer at each polling station shall, at the expiration of the hours of voting prescribed under section 73, close the polling station and cease to receive any votes and shall as soon as is practicable, in the presence of any polling agents or observers in attendance, make up into separate packets, each sealed with his own seal–

(a) the ballot boxes in use at the polling station, unopened and sealed, so as to prevent the introduction of additional ballot papers;

(b) a certificate he has received under subsection (2) of section 74;

(c) the unused and spoilt ballot papers, placed together;

(d) the marked copies or part of the Register of Voters; and

(e) the counterfoils of the used ballot papers,

and shall arrange for the counting of votes at the polling station.

(2) The packets made up under subsection (1) shall be accompanied by a statement to be called "the Ballot Papers Account", which shall be in Form A of the Seventh Schedule, prepared by the Presiding Officer, showing the number of ballot papers entrusted to him and accounting for them under the following heads:–

(a) number of unused ballot papers;

(b) number of spoilt ballot papers; and

(c) number of persons marked on the Register of Voters as having been issued with ballot papers.

Counting agents.

82. (1) For the purpose of the counting of the votes under section 84, each candidate or, as the case may be, each political party contesting the election shall appoint one person, referred to as the "counting agent", for each polling station to attend at the counting of the votes.

(2) Notice in writing of the appointment, stating the name and address of the counting agent, shall be given by the candidate or political party concerned, to the District Returning Officer not later than three days before the day of the election and the District Returning Officer shall forward the notice to the Presiding Officer.

(3) The Presiding Officer may refuse to admit to the place where the votes are counted a person purporting to be a counting agent but in respect of whom the notice referred to in subsection (2) has not been given.

(4) If a counting agent dies or becomes incapable of acting as such, the candidate or political party concerned shall appoint another counting agent in his place and shall immediately give to the District Returning Officer notice in writing of the name and address of the counting agent so appointed.

Persons who may be present at counting of votes.

83. Except with the consent of the District Returning Officer, no person other than the Counting Officer, Counting Assistant, polling staff, counting agents and observers (if any), may be present at the counting of votes.

Counting of votes.

84. As soon as is practicable after the Presiding Officer has declared the polls closed in accordance with subsection (2) of section 73 and has complied with section 81, he shall, in his capacity as Counting Officer, in the presence of the persons referred to in section 83–

(a) open each ballot box;

(b) take out the ballot papers;

(c) separate the ballot papers cast in respect of the election of members of Parliament from those cast for the election of a President, as the case may be;

(d) in accordance with section 85 and 86, count the votes separately for each election if more than one is held on the same day; and

(e) ensure that the ballot papers for the candidates and those for any other election held on the same day are kept separate.

Void ballots.

85. (1) At the counting of votes a ballot paper–

(a) which bears a number or mark or variation indicating that it was issued for use at a polling station other than that at which it was used to vote;

(b) not bearing an official mark (if the mark has been prescribed by the Electoral Commission);

(c) on which anything is written or marked by which the voter may be identified (other than a fingerprint);

(d) on which is cast votes for more than one candidate;

(e) which is unmarked or on which it is impossible to determine with certainty for which candidate the ballot was cast; or

(f) which bears a number or mark or variation indicating that it was not issued by the Electoral Commission,

shall not be counted.

(2) Subject to subsection (1), the Counting Officer shall not reject but shall count a ballot paper on which there is a mark or writing by means of which a voter has clearly indicated his choice otherwise than by a cross or fingerprint on the ballot paper concerned.

(3) Where in the opinion of the Counting Officer, a ballot box has been evidently tampered with before the completion of counting of votes, the ballot papers contained in that box shall not be counted.

Rejection of void ballot papers.

86. The Counting Officer shall endorse the word "Rejected" on a ballot paper which, under section 85, is not counted and shall add the words "Rejection objected to" if an objection to his decision is made by a counting agent.

Over voting.

87. (1) Where the votes cast at an election at a polling station exceed the number of registered voters in that polling station, the result of the election for that polling station shall be declared null and void by the Electoral Commission and another election may be conducted at a date to be fixed by the Commission, where the result at that polling station may affect the overall result in the electoral area, in the case of parliamentary or local council elections.

(2) Where the votes cast at a Presidential election at a polling station exceed the number of registered voters in that polling station, the result of the election for that polling station shall be declared null and void by the Electoral Commission and another election may be conducted at a date to be fixed by the Commission where the result at that polling station may affect the overall result in the election.

(3) Where an election result is nullified in accordance with subsection (1) or (2), there shall be no return for the election until another poll has taken place in the affected electoral area.

(4) Notwithstanding subsection (3), the Electoral Commission may, if satisfied that the result of the election will not be affected by voting in the area where the election result is nullified, direct that a return of the election be made.

Counting Officer's decision to be final.

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

Re-count.

89. (1) A counting agent may, if present when the counting or a re-count of the votes is completed, require the Counting Officer to have the votes recounted or again recounted; but the Counting Officer may refuse to do so if, in his opinion, the request is unreasonable.

(2) No steps shall be taken on the completion of the counting or a re-count of votes until the counting agents present at the completion of the counting have been given a reasonable opportunity to exercise the right conferred by this section.

(3) A counting agent may, in addition to the recount which he may request of a counting officer under subsection (1), request another recount at the office of the District Returning Officer.

Counting Officer's duties at conclusion of counting.

90. (1) Upon the conclusion of the counting of votes, the Counting Officer shall seal in separate packets the ballot papers counted and those rejected, the ballot papers for each constituency candidate or candidate in any other election held the same day, being kept separate from those of any other candidate; and each packet shall be endorsed on the outside by the Counting Officer with the name of the constituency candidate or other candidate, or as the case may be, with the name of the candidate in any other election held the same day for whom the votes represented by the ballot papers were cast.

(2) The Counting Officer shall prepare a statement of the result of the poll which shall be in the form prescribed in the Eighth Schedule and shall certify a sufficient number of copies for distribution to–

(a) the National Returning Officer;

(b) each Regional Returning Officer;

(c) the District Returning Officer;

(d) each counting agent of a candidate or political party present at the poll;

(e) himself.

(3) The copy of the statement of the result of the poll which is intended for the National Returning Officer shall be dispatched by a means other than that by which the copy to the District Returning Officer was dispatched.

(4) The Counting Officer shall then place the sealed envelopes with the counted ballots, the rejected ballots and other election documents as may be decided upon by the Electoral Commission, into the ballot box, and shall lock the ballot box and fix his seal to it and invite the other polling station officials and counting agents who may be present to affix their own seals on the ballot box.

Delivery of sealed ballot boxes and election equipment to District Returning Officer.

91. (1) After the counting of the votes at the polling station, the Counting Officer shall forward the ballot boxes sealed in the manner stated in subsection (4) of section 90 and all other documents and equipment used in the election to the District Returning Officer.

(2) In dispatching the ballot box referred to in subsection (1), the Counting Officer shall fix outside the ballot box, in a separate envelope, the following:–

(a) the statement of the result of the poll; and

(b) the key to the sealed ballot box.

(3) Until the delivery of the ballot box to the person authorised by the District Returning Officer to collect it or, until the delivery of the ballot box by the Counting Officer to the office of the District Returning Officer, the Counting Officer shall ensure that the ballot box and other election materials are not tampered with and they shall be regarded as being in his custody.

Loss or destruction of sealed ballot boxes.

92. Where a ballot box referred to in subsection (1) of section 91 or its content is lost or destroyed, the certified copy of the statement of the result of the poll referred to in subsection (2) of section 90, shall, on the oath of the Counting Officer or other polling station official, be accepted as representing the result of the poll at the polling station concerned.

Duty of District Returning Officer regarding counting of ballots.

93. (1) Upon receipt of the sealed ballot box and other election materials referred to in section 91, the District Returning Officer shall–

(a) not open the sealed packet containing the marked copy of the Register of Voters nor the sealed packets containing the counterfoils of the used ballot papers;

(b) proceed, in the presence of the counting agents, if any, to verify the Ballot Papers Account, kept for the purpose, by comparing it with the number of ballot papers counted and rejected in accordance with sections 85 and 86 and the unused and spoilt papers in his possession; and

(c) reseal each packet after examination.

(2) The District Returning Officer shall prepare a statement on the result of verification in form B of the Seventh Schedule showing the number of ballot papers rejected and shall, on request by a counting agent, allow him to copy the statement.

Certificate of result by District Returning Officer.

94. (1) Upon receipt of the statement of the result of the poll from all the polling stations located in the district, the District Returning Officer shall compile a summary of all the statements of the results from the polling stations concerned and certify as many copies as may be required of each summary to the Regional Returning Officer showing the number of votes cast for each constituency candidate or, as the case may be, each candidate in any other election held on the same day.

(2) Certified copies of the summary compiled under subsection (1) shall be supplied to observers or counting agents present at the office of the District Returning Officer.

(3) Upon receipt of the copies of the summary of results compiled under subsection (1) by each of the District Returning Officers in the electoral area, the Regional Returning Officer shall compile a summary of all the results received from the District Returning Officers and shall supply certified copies of his summaries to the National Returning Officer and any observers or counting agents present.

(4) Upon receipt of the summaries referred to in subsection (3), the National Returning Officer shall cause those summaries to be tallied and computed and shall at the end forthwith declare the result of the election or elections as follows:–

(a) in the case of an election of the ordinary members of Parliament, the number of votes cast for each constituency candidate; and

(b) in the case of the election for a President held the same day, in the manner prescribed in section 52, and ensure that the statements of the result of the polls and the sealed packages containing the voting papers and all other documents relating to the election, including all forms whether used or not, are securely kept by the Electoral Commission.

Publication of result.

95. As soon as may be after the National Returning Officer has declared the result of the election or elections under subsection (4) of section 94, the Electoral Commission shall publish the results so declared–

(a) in the case of the election of the ordinary members of Parliament, by Government Notice and in any other manner as he may think fit; and

(b) in the case of an election of a President, in the manner prescribed in section 53.

Non-attendance of agents not to invalidate acts etc.

96. (1) Where, in this Act, any act or thing is required or authorised to be done in the presence of the polling agents or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose, shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

(2) Upon the determination of any legal proceedings arising in connection with an election under this Act, the High Court shall, if a Returning Officer is a party to the action, certify whether or not the proceedings result from an act or omission of the Returning Officer done otherwise than in the *bona fide* performance of his duty under this Act.

Secrecy of voting.

97. No person who has voted at an election shall, in any legal proceedings arising out of the election, be required to state for whom he voted.

PART VIII –ELECTION OF PARAMOUNT CHIEF MEMBERS OF PARLIAMENT

Nomination and procedure in election of Paramount Chief members of Parliament.

98. (1) The nomination in the election of Paramount Chief members of Parliament shall be in the form prescribed in the Ninth Schedule.

(2) Sections 70, 71, 72, paragraphs (f) and (g) of subsection (1) of section 74, sections 76, 77, 80, 81, 86, 88, 89, 90, 91, 92, 93, 94, 95, subsection (2) of section 96, and section 97 shall apply, with the necessary modifications to the election of Paramount Chief Members of Parliament.

(3) The Register of Voters, where referred to in any of the provisions of Part VII shall, for the purposes of this Part, be construed to mean the *Gazette* List.

(4) The right of a Chiefdom Councillor to vote in the election of Paramount Chief Members of Parliament shall not prejudice his right to vote in any other election under this Act.

Returning Officer to meet Chiefdom Council and conduct polling.

99. (1) For the purposes of an election under this Part, the Returning Officer shall appoint the hours and place of the voting and meet each Chiefdom Council at the time and place appointed by him.

(2) Pursuant to subsection (1), upon meeting a Chiefdom Council, the Returning Officer shall–

(a) mark numbers serially against the names of the members of that Chiefdom Council who are present in the order in which they appear in the *Gazette* List;

(b) read the list of candidates remaining nominated and display the symbols allocated to the candidates;

(c) show the ballot boxes to the electors in the manner provided in section 72;

(d) call the name of each voter in the *Gazette* List and cause a Polling Assistant to issue a ballot paper to each voter in turn.

(3) Before issuing a ballot paper under subsection (2), the Polling Assistant shall place a mark against the number of the voter in the *Gazette* List to denote that a ballot paper has been delivered to him.

(4) The voter shall then go alone to the booth or enclosure, put his mark against the symbol of the candidate of his choice secretly and then come out of the booth or enclosure with his ballot paper folded which he will then cast in full view of everyone present.

Counting of votes in election of Paramount Chief members of Parliament.

100. (1) The Returning Officer at a polling station shall, at the conclusion of the time appointed for voting under subsection (1) of section 73–

(a) close the polling station and cease to receive any votes and shall as soon as is practicable thereafter proceed to open each ballot box, take out the ballot papers and count them;

(b), subject to sections 85 and 86, record the number of valid ballot papers; but, the ballots cast for each candidate shall be kept separate from the ballots of any other candidate.

Persons who may be present at counting of votes.

101. Except with the consent of the Returning Officer, no person other than the Returning Officer, his assistants, the polling agents, and observers (if any), may be present at the counting of votes.

Returning Officer's duties at conclusion of counting.

102. Upon the conclusion of the counting, the Returning Officer shall–

(a) prepare a statement to be called the Ballot Papers Account, which shall be in Form A prescribed in the Seventh Schedule;

(b) seal up in separate packets the counted and the rejected ballot papers, and the ballot papers for each candidate shall be kept separate from those of any other candidate;

(c) endorse on the outside of each packet the name of the candidate for whom the votes represented by the ballot papers were cast;

(d) seal up in separate packets the marked copy of the *Gazette* List and any unused ballot papers;

(e) prepare a statement to be called the "Verification of Ballot Papers", which shall be in Form B in the Seventh Schedule and shall, on request by any candidate or his polling agent allow him to copy the statement.

PART IX –ELECTION OF LOCAL COUNCILLORS

Time for local council elections.

103. The time for local council elections shall be appointed by Government Notice by the President after consultation with the Electoral Commission.

Form of local council elections.

104. A person shall present himself for nomination for election to a local council either as a Chairperson or as a Councillor.

Application of sections 60 to 97 to local council elections.

105. Sections 60 to 97 shall with the necessary modifications apply to local council elections.

PART X–ELECTORAL OFFENCES

Interpretation of terms.

106. (1) In this Part, unless a contrary intention appears "corrupt practice" means personation, undue influence, bribery, aiding, abetting, counselling or procuring the commission of any of these.

(2) No prosecution shall be initiated for an offence created by this Part unless the offence is committed during an election period.

(3) A corrupt practice shall be deemed to be committed by a person if it is committed with his knowledge and consent.

(4) In this Part, "electoral officer" includes a member or staff of the Electoral Commission or a person performing any duties under this Act.

Offences relating to registration of voters

107. (1) A person who–

(a) makes a false statement in an application for registration as a voter knowing it to be false;

(b) after demand or requisition made of him under this Act and without just cause, fails to give the information in his possession or does not give the information within the time specified;

(c) in the name of any other person, whether living, dead or fictitious, signs an application form for registration as a voter to have that other person registered as a voter;

(d) transmits or is concerned with transmitting to any person as genuine a declaration relating to registration which is false in any material particular, knowing it to be false;

(e) without lawful authority, destroys, mutilates, defaces or removes or makes any alteration in any notice or document required for the purpose of registration under this Act;

(f) knowingly gives false information or makes a false statement with reference to an application for registration of his name or with reference to an objection to the retention of the name of a person in the Register of Voters;

(g) challenges or objects to the inclusion of the name of another person in the Register of Voters on a ground he knows to be false;

(h) offers anything of actual or prospective value to a person to induce that person not to register as a voter;

(i) presents himself to be or does any act whereby he is by whatever name or description included in the Register of Voters for an electoral area in which he is not entitled to be registered;

(j) having been disqualified from registering as a voter under an enactment, applies to be registered as a voter;

(k) publishes a statement or report which he knows to be false or does not believe to be true so as to prevent persons who are qualified to register from registering as voters;

(l) makes in a record, register or document which he is required to prepare, publish or keep for the purpose of registration of voters, an entry or statement which he knows to be false or does not believe to be true;

(m) impedes or obstructs a Registration Officer or a Revision Officer in the performance of his duties;

(n) without lawful authority, wears the identification of a registration officer or assistant registration officer or wears any other identification purporting to be the identification of a Registration Officer or an Assistant Registration Officer;

(o) by himself or any other person procures the registration of himself or any other person on the Register of Voters knowing that he or that other person is not entitled to be registered on that Register or is already registered on it;

(p) by himself or any other person procures the registration of a dead or fictitious person; or

(q) carries out registration of voters or revision of the Register of Voters at a centre or place not authorised or designated by the Electoral Commission,

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

(2) A person who–

(a) by duress, including threats of any kind causes or induces another person generally to refrain from registering as a voter; or

(b) in any way hinders another person from registering as a voter,

commits an offence and is liable on conviction, to a fine not less than ten million leones or to imprisonment for a term not less than two years.

Offences relating to multiple registration of voters.

108. (1) A person who–

(a) being registered as a voter in a Register of Voters applies again to be registered as a voter–

(i) in a Register of Voters otherwise than in substitution for his subsisting registration; or

(ii) in the same Register of Voters;

(b) having applied to be registered in a Register of Voters in a ward and which application has not been granted or has been rejected, applies to be registered in the Register of Voters for the same ward or in the Register of Voters for another ward; or

(c) makes two or more applications to be registered as a voter,

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

(2) A person who commits an offence under subsection (1) shall, in addition to the penalty prescribed in that subsection, not be eligible to vote in that election or in the next election.

(3) An electoral officer or any person who aids another person to register as a voter more than once commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

(4) A person who aids another person to register as a voter more than once commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

Offences relating to Register of Voters.

109. A person who–

(a) without lawful authority, makes, prepares, prints or is in possession of a document or paper purporting to be a Register of Voters or any part of the Register;

(b) without lawful authority, copies or possesses any part of a Register of Voters or a copy of the Register; or

(c) forges, counterfeits, alters, defaces or fraudulently destroys a Register of Voters or any part of the Register;

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

Offences relating to voter registration cards, etc.

110. (1) A person who–

(a) forges a voter registration card;

(b) unlawfully retains, seizes or possesses a voter registration card, counterfoil book, registration stamp or anything in use at a registration centre;

(c) without lawful authority makes, prepares, or prints a document or paper purporting to be a voter registration card; or

(d) without lawful authority supplies a voter registration card to any other person,

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

(2) A person who–

(a) being entitled to a voter registration card, gives it to a person other than an electoral officer acting in the course of his duty under this Act, for use at an election;

(b) not being an electoral officer acting in the course of his duty under this Act, receives a voter registration card in the name of another person for use at an election and uses the card fraudulently;

(c) without lawful authority or excuse has in his possession more than one voter registration cards;

(d) is in unlawful possession of a voter's card whether issued in the name of a voter or not; or

(e) procures or deals with a voter registration card otherwise than as provided in this Act,

commits an offence and is liable on conviction to a fine not less than ten million leones or to imprisonment for a term of two years.

Offences of buying and selling voter registration cards.

111. A person who–

(a) sells or attempts to sell or offers to sell a voter registration card whether issued in the name of a voter or not; or

(b) buys or offers to buy a voter registration card whether on his own behalf or on behalf of any other person,

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

Offences in respect of nomination papers, ballot papers, etc.

112. (1) A person who–

(a) forges or fraudulently defaces or knowingly destroys the nomination papers of a candidate or the list of endorsed candidates of a political party;

(b) delivers to another person or authority to whom nomination papers or lists of endorsed candidates of political parties are required to be delivered by this Act, a nomination paper or list of endorsed candidates of a political party knowing it to be forged;

(c) signs a nomination paper as a candidate in more than one electoral area for the same election;

(d) signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be or disqualified from being a candidate at that election;

(e) forges or counterfeits or fraudulently defaces or fraudulently destroys a ballot paper or an official stamp or mark on a ballot paper;

(f) not being a person entitled to be in possession of a ballot paper which has been marked with an official stamp or mark has the ballot paper in his possession;

(g) without lawful authority, supplies a ballot paper to another person;

(h) fraudulently puts into a ballot box anything other than the ballot paper which he is authorised by law to put in it;

(i) without the authority of the Presiding Officer, brings into or takes out of the polling station, place of voting or place of election a ballot paper;

(j) without lawful authority, destroys, takes, opens or otherwise interferes with a ballot box or packet or ballot papers then in use for the purposes of the election;

(k) without lawful authority prints a ballot paper or what purports to be or is capable of being used as a ballot paper;

(l) without lawful authority removes election material from a polling station before, during or after an election;

(m) being authorised by the Electoral Commission to print ballot papers prints more than the number or quantity authorised by the Commission;

(n) without lawful authority has in his possession a ballot paper;

(o) without lawful authority destroys, takes, opens, disposes of or otherwise interferes with an election material in use or intended to be used for the purposes of an election;

(p) for the purposes of an election, manufactures, constructs, imports, has in his possession, supplies or uses, or causes to be manufactured, constructed, imported, supplied or used, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during polling at an election; or

(q) not being authorised to do so under this Act, makes a mark on a ballot paper issued to a person other than to himself,

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

Wrongful voting, etc.

113. (1) A person who–

(a) unlawfully votes or attempts to vote for more than one candidate or, as the case may be, votes or records more than one vote in favour of a candidate;

(b) votes at an election when he is not entitled to vote;

(c) votes more than once in an election;

(d) interferes with a voter in the casting of his vote in secret;

(e) pretends to be unable to read or write so as to be assisted in voting; or

(f) pretends to be visually impaired or suffering from any other disability so as to be assisted in voting,

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

(2) In a prosecution for an offence in relation to nomination papers, ballot boxes, ballot papers, counterfoils, marking instruments and other voting and election materials, the property in the voting and election materials may be stated to be in the possession of the Returning Officer at that election.

Improper practices by electoral officers.

114. (1) An electoral officer performing a duty under this Act or any other enactment who–

(a) wilfully or negligently fails to perform the duty in an impartial manner,

(b) makes use of or attempts to make use of his official duties or position to influence the way in which a person votes,

(c) knowingly subverts the process of free and fair elections;

(d) knowingly obstructs the Electoral Commission in the discharge of its functions; or

(e) otherwise interferes with the functions of the Electoral Commission,

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

(2) An electoral officer having a duty to perform under this Act or any other enactment relating to an election who–

(a) makes, in a record, return or other document which he is required to keep or make under that enactment, an entry which he knows or has reasonable cause to believe to be false, or does not believe to be true;

(b) permits a person whom he knows or has reasonable cause to believe to be able to read or write to vote in the manner provided for persons unable to read or write;

(c) permits a person whom he knows or has reasonable cause to believe not to be visually impaired or a person with disability to vote in the manner provided for persons who are visually impaired or persons with disability, as the case may be;

(d) wilfully prevents a person from voting at the polling station at which he knows or has reasonable cause to believe that that person is entitled to vote;

(e) wilfully rejects or refuses to count a ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate in accordance with this Act or any other enactment;

(f) wilfully counts a ballot paper as being cast for a candidate which he knows or has reasonable cause to believe was not validly cast for that candidate;

(g) interferes with a voter in the casting of his vote in secret;

(h) where required under this Act or any other enactment to declare the result of an election, fails to declare the results of an election;

(i) except in the case of a member or officer of the Electoral Commission or person authorised to do so, purports to make a formal declaration or formal announcement of an election result;

(j) without reasonable cause does or omits to do anything in breach of his official duty;

(k) colludes with a political party or candidate for the purpose of giving an undue advantage to the political party or candidate;

(l) wilfully contravenes the law to give undue advantage to a candidate or a political party on partisan, ethnic, religious, gender or any other unlawful consideration; or

(m) fails to prevent or report to the Electoral Commission and any other relevant authority, the commission of an electoral malpractice or offence under this Act,

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than one year.

(3) A person who is convicted of an offence under subsection (1) shall not be eligible to hold public office for a period of ten years following the conviction.

Falsification of return of election.

115. A person who being a member or officer of the Electoral Commission, charged with the counting of votes or the making of a return at an election, wilfully falsifies the count of the votes or wilfully

makes a false return commits an offence and is liable on conviction to imprisonment for a term not less than one year.

Infringement of secrecy.

116. (1) Every electoral officer, Polling Assistant, and polling agent in attendance at a polling station shall–

(a) maintain and aid in maintaining the secrecy of the ballot; and

(b) not communicate, except for a purpose authorised by law before the poll is closed, information as to the name or number on the Register of Voters or a *Gazette* List , of any person who has or has not applied for a ballot paper or voted at that station or as to any official stamp or mark.

(2) No electoral officer, Polling Assistant, polling agent or other person shall–

(a) without lawful authority, obtain or attempt to obtain, in a polling station, information as to the candidate for whom a voter in the station is about to vote or has voted; or

(b) without lawful authority interfere or attempt to interfere with a voter when casting his vote; or

(c) communicate at any time to a person, information obtained in a polling station as to the candidate for whom a voter in the station is about to vote or has voted; or

(d) disclose the serial number of the ballot paper issued to a voter at the station.

(3) Subsection (2) shall not be construed to extend to any procedures prescribed by this Act for recording the vote or votes of a voter who is unable to read or write or is incapacitated by blindness or other physical cause or disability from casting his vote himself.

(4) No person, except a Presiding Officer or a person authorised by the Presiding Officer, shall communicate with any voter after the voter has received a ballot paper and before the voter has placed the ballot paper in a ballot box.

(5) Every electoral officer, Polling Assistant, or polling agent in attendance at the counting of votes shall maintain and aid in maintaining the secrecy of the ballot, and shall not attempt to ascertain the counting, the serial number of a ballot paper or communicate any information obtained at the counting as to the candidate for whom a vote was cast by any particular ballot paper.

(6) A person attending any proceedings relating to an election shall maintain and aid in maintaining the secrecy of the ballot and shall not without lawful authority–

(a) communicate, before the poll is closed, to a person, information obtained at those proceedings as to any official stamp or mark to be used in connection with any paper;

(b) communicate to a person at any time any information obtained at those proceedings as to the number of ballot papers issued to any person;

(c) attempt to ascertain at the proceedings in connection with the receipt of ballot papers, the number on any ballot paper;

(d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings; or

(e) capture an image of any marked ballot for any purpose whatsoever.

(7) A person who contravenes this section commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term of two years.

Prevention of election by force, etc.

117. A person who prevents, obstructs or disturbs any election by force, violence or threats commits an offence and is liable, on conviction, to imprisonment for a term not less than two years.

Undue influence.

118. (1) A person who, directly or indirectly in person or through another person on his behalf uses or threatens to use force, violence including sexual violence, restraint or material, physical or spiritual injury, harmful cultural practices, damage or loss, or any fraudulent device, trick or deception for the purpose of or on account of–

(a) inducing or compelling a person to vote or not to vote for a particular candidate or political party at an election;

(b) impeding or preventing the free exercise of the franchise of a voter;

(c) inducing or compelling a person to refrain from becoming a candidate or to withdraw if he has become a candidate; or

(d) impeding or preventing a person from being nominated as a candidate or from being registered as a voter,

commits the offence of undue influence and is liable on conviction to a fine not less than three million leones or to imprisonment for a term not less than one year.

(2) A person who induces, influences or procures any other person to vote in an election knowing that the person is not entitled to vote in that election commits an offence and is liable on conviction to a fine not less than one million leones or to imprisonment for a term not less than one year.

(3) A person who directly or indirectly by duress or intimidation impedes, prevents or threatens to impede or prevent a voter from voting commits an offence and is liable on conviction to a fine not less than one million leones or to imprisonment for a term not less than one year.

(4) A person who directly or indirectly by duress, intimidation or otherwise compels or induces a voter who has already voted at an election–

(a) to inform him or any other person of the name of the candidate or political party for which the voter voted; or

(b) to display the ballot paper on which the voter has marked his vote,

commits an offence and is liable on conviction to a fine not less than one million leones or to imprisonment for a term not less than one year.

Personation.

119. A person who at an election–

(a) knowingly votes or attempts to vote or applies for a ballot paper in the name of another person, whether that name be that of a person living or dead or of a fictitious person;

(b) having voted once at that election votes or attempts to vote at the same election in his own name;

(c) votes with the knowledge that he is not entitled to vote in that election;

(d) presents himself as an electoral officer knowing that he is not,

commits the offence of personation and is liable, on summary conviction to a term of imprisonment of six months.

Bribery.

120. (1) A person who–

(a) gives, lends, offers, promises, or promises to procure, any money or valuable consideration to or for a voter, or to do for any other person,

in order to induce a voter to vote or refrain from voting or corruptly does any such act on account of such voter having voted, or refrained from voting at an election under this Act;

(b) gives, procures, agrees to give or procure, offers, promises, or promises to procure or endeavour to procure, any office, place or employment to or for a voter, or to or for any other person, in order to induce the voter to vote or refrain from voting or corruptly does any such act on account of a voter having voted or refrained from voting at any election under this Act;

(c) makes a gift, loan, offer, promise, procurement or agreement referred to in paragraph (b) to or for any person in order to induce the person to procure or endeavour to procure the return of any person as President or a Member of Parliament or of a local council or the vote of a person at an election under this Act;

(d) upon or in consequence of a gift, loan, offer, promise, procurement or agreement referred to in paragraph (b), procures or engages, promises or endeavours to procure, the return of a person as President or a Member of Parliament or of a local council, or the vote of a person at an election under this Act;

(e) advances or pays or causes to be paid any money to or for the use of any other person, with the intent that the money or part of it shall be expended in bribery at an election under this Act; or

(f) knowingly pays or causes to be paid money to another person in discharge of repayment of money wholly or in part expended in bribery at an election,

commits the offence of bribery and is liable, on conviction, to a fine not less than five million leones or to imprisonment for a term not less than two years.

(2) A person who–

(a) being a voter who before or during an election under this Act receives, agrees or contracts for money, gift, loan, valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at that election; or

(b) after an election under this Act, receives money, gift, loan, valuable consideration, office, place or employment for himself or for that other person, on account of any other person having voted or refrained from voting or having induced any other person to vote or refrain from voting at that election,

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than two years.

(3) This section shall not apply or be construed to apply to money paid or agreed to be paid for or on account of any lawful expenses *bona fide* incurred at or concerning an election, and in particular to the hiring of transport by or on behalf of a candidate's or political party's polling agent or the travelling expenses of a candidate or his polling agent.

Disqualification for undue influence, personation, or bribery.

121. A person who is convicted of personation, undue influence, bribery or aiding, abetting, counselling or procuring the commission of the offence of personation shall, in addition to any other punishment, be barred during a period of five years from the date of his conviction–

(a) from being registered as a voter or from voting at an election under this Act; and

(b) from being elected a member of Parliament or a local council, or if elected before his conviction, of retaining his seat as a member of Parliament or a local council.

Wrongful voting and false statements.

122. A person who–

(a) votes or induces or procures a person to vote at an election under this Act knowing that he or the other person is prohibited by this Act or by any other enactment from voting at that election; or

(b) before or during an election under this Act knowingly publishes a false statement of the withdrawal of a candidate at that election for the purpose of promoting or procuring the election of another candidate,

commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than two years; and shall in addition be barred from being registered as a voter or voting for a period of five years from the date of his conviction.

Prohibition of interference with election materials.

123. A person who–

(a) removes, destroys, conceals or mutilates or assists in the removal, destruction, concealment or mutilation of an election material, except with the authority of the Electoral Commission or under this Act; or

(b) snatches or destroys or otherwise unlawfully interferes with an election material,

commits an offence and is liable on conviction to imprisonment for a term not less than five years.

Prohibition of unauthorised printing, manufacture and supply of voting and election materials.

124. A person who, except with the authorisation of the Electoral Commission directly or indirectly, prints, manufactures or supplies or procures the printing, manufacture or supply of materials in connection with an election, commits an offence and is liable on conviction to a fine not less than ten million leones or to imprisonment for a term not less than five years.

Interference with lawful public meeting.

125. (1) A person who at a lawful public meeting, held in connection with an election–

(a) acts or incites others to act in a disorderly manner for the purpose of preventing or interfering with the transaction of the business for which the meeting was called; or

(b) has in his possession an offensive weapon or missile otherwise than in pursuance of a lawful duty,

commits an offence and is liable on conviction to a fine not less than ten million leones or to imprisonment for a term not less than two years.

(2) A person convicted of an offence under subsection (1) shall be barred from voting at an election held within a period of five years from the date of the conviction.

(3) For the purpose of subsection (1), a person shall be deemed to be acting in pursuance of a lawful duty if he is acting in his capacity as a military or police personnel charged with providing security at that public meeting.

Symbols and emblems of candidates.

126. The Electoral Commission or its agents may display symbols and emblems of the candidates or a political party within the vicinity of the place of voting.

Prohibition of interference with free political canvassing and campaigning.

127. A person who–

(a) directly or indirectly, by the use of threat or force, violence, sexual harassment or otherwise, prevents the conduct of a political meeting, procession, demonstration or other event of a political nature or another person from attending or participating in the meeting, procession, demonstration or other event;

(b) creates a material disruption with the intention of preventing a political party from holding a public political meeting;

(c) impedes or prevents or threatens to impede or prevent the right of a representative of a political party to gain access, in the manner and during the hours prescribed, to voters in a particular area, whether public or private, for the purposes of conducting political canvassing or campaigning and of soliciting membership and support;

(d) impedes or threatens to impede or prevent a member of the Electoral Commission, a representative of the Electoral Commission or any other person or organisation engaged in civic electoral education to gain access, in the manner and during the hours prescribed, to eligible voters in a particular area, whether public or private, for the purpose of conducting civic electoral education; or

(e) conducts a political party procession along a public thoroughfare or a political party meeting or rally in a public place otherwise than on a date or at a time specified by the Electoral Commission in a campaign calendar published pursuant to this Act,

commits an offence and is liable on conviction to a fine not less than twenty million leones or to imprisonment for a term not less than five years.

Improper use of vehicles.

128. (1) No person shall provide for the purpose of conveying any other person to a registration centre or to a polling station a government vehicle or boat, or a vehicle or boat belonging to a public body or institution except in respect of a person who is ordinarily entitled to use that vehicle or boat or in an emergency in respect of an electoral officer.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than five hundred thousand leones or to a term of imprisonment not less than six months.

Disorderly conduct at elections

129. A person who at an election acts or incites others to act in a disorderly manner commits an offence and is liable on conviction to a fine not less than five hundred thousand leones or to imprisonment for a term not less than six months.

Voting by unregistered persons.

130. A person who knowingly votes or attempts to vote in an electoral area in respect of which his name is not on the Register of Voters commits an offence and is liable on conviction to a fine not less than five million leones or to imprisonment for a term not less than two years.

Offences on election day.

131. (1) No person shall on the day on which an election is held do any of the following acts or things in a polling station or within a distance of three hundred metres of a polling station:–

(a) canvass for votes;

(b) solicit for the vote of a voter;

(c) persuade a voter not to vote for any particular candidate;

(d) persuade a voter not to vote at the election;

(e) shout slogans concerning the election;

(f) be in possession of an offensive weapon or missile or wear a dress or have any facial or other decoration which in any event is calculated to intimidate voters;

(g) exhibit, wear or tender a notice, symbol, photograph or party card referring to the election;

(h) use a vehicle bearing the symbol of a political party by any means whatsoever;

(i) loiter without lawful excuse after voting or after being refused to vote;

(j) snatch or destroy any election materials;

(k) unlawfully blare a siren.

(2) No person shall within the vicinity of a polling station or unit or collation centre on the day of which an election is held–

(a) convene, hold or attend a public meeting during the hours of the election as may be prescribed by the Electoral Commission;

(b) unless appointed under this Act to make official announcements, operate a megaphone, amplifier or public address apparatus;

(c) wear or carry a badge, poster, banner, flag or symbol relating to a political party or to the election.

(3) A person who contravenes any of the provisions of this section commits an offence and is liable on conviction to a fine not less than one million leones or to imprisonment for a term not less than six months.

PART XI–OFFENCES RELATED TO INFORMATION TECHNOLOGY

Unauthorized access to computer material.

132. (1) A person who knowingly or without lawful authorization causes a computer to perform a function with intent to secure unauthorised access to any program or data held in that computer or any other computer related to an election under this Act commits an offence and is liable on conviction to imprisonment for a term not less than two years.

(2) In subsection (1), the intent required to commit an offence need not be directed at–

(a) any particular program or data;

(b) a program or data of any particular kind; or

(c) a program or data held in any particular computer.

Unauthorized access with intent to commit or facilitate commission of further offences.

133. (1) A person who commits an offence under section 132 with intent to commit a further offence or with intent to facilitate the commission of a further offence whether by himself or by any other person shall be liable on conviction to imprisonment for a term not less than five years.

(2) It is immaterial for the purposes of this section whether the further offence is to be committed on the same occasion as the commission of an offence under section 132 or on any future occasion.

(3) A person may be guilty of an offence under this section even though the facts are such that the commission of the further offence is impossible.

(4) In this section, "further offence" means any other offence under this Act.

Unauthorized modification of computer material.

134. (1) A person who, in relation to an election under this Act does any act which causes an unauthorized modification of the contents of a computer and who at the time when he does the act, has the requisite intent and the requisite knowledge commits an offence.

(2) In subsection (1), "requisite intent" is intent to cause a modification of the contents of a computer and by so doing–

(a) to impair the operation of the computer;

(b) to prevent or hinder access to a program or data held in a computer; or

(c) to impair the operation of a program or the reliability of the data.

(3) For the purposes of subsection (1), the intent need not be directed at–

(a) a particular computer;

(b) a particular program or data or a program or data of any particular kind; or

(c) a particular modification or a modification of any particular kind.

(4) In subsection (1), "requisite knowledge" is knowledge that a modification a person intends to cause is unauthorized.

(5) In this section, it shall be immaterial whether anunauthorized modification or its intended effect of a kind mentioned in subsection (2) is or is intended to be permanent or temporary.

(6) A modification of the contents of a computer shall not be regarded as damaging a computer or computer storage medium unless its effect on that computer or computer storage medium impairs its physical condition.

(7) A person who commits an offence under this section is liable on conviction to imprisonment for a term not less than three years.

Territorial scope of offences under this Part.

135. Except as provided in this part, it is immaterial for the purposes of an offence under this Part whether an act or other event proof of which is required for conviction of the offence occurred within or outside Sierra Leone.

Interpretation.

136. (1) In this Part a person secures access to a program or data held in a computer if by causing a computer to perform a function the person–

(a) alters or erases the program or data;

(b) copies or moves its to a storage medium other than that in which it is held or to a different location in the storage medium in which it is held;

(c) uses it;

(d) has its output from the computer in which it is held (whether by having it displayed or in any other manner); and

references to access to a program or data and to intent to secure such access shall be read accordingly.

(2) In subsection (1), a person uses a program if the function he causes the computer to perform-

(a) causes the program to be executed; or

(b) is itself a function of the program

(3) In paragraph (d) of subsection (1)-

(a) a program is output if the instructions of which it consists are output; and

(b) the form in which the instructions or any other data is output (and in particular whether or not it represents a form in which, in the case of instructions, they are capable of being executed or, in the case of data, it is capable of being processed by a computer) is immaterial.

(4) Access of any kind by a person to a program or data held in a computer is unauthorised if–

(a) the person is not entitled to control access of the kind in question to the program or data; and

(b) he does not have consent to access by him of the kind in question to the program or data from a person who is so entitled.

(5) References to a program or data held in a computer include references to a program or data held in a removable storage medium which is for the time being in the computer; and a computer is to be regarded as containing a program or data held in that medium.

(6) A modification of the contents of a computer takes place if, by the operation of a function of the computer concerned or any other computer–

(a) a program or data held in that computer concerned is altered or erased; or

(b) a program or data is added to its contents,

and an act which contributes towards causing that modification shall be regarded as causing it.

(7) A modification is unauthorised if the person whose act causes the modification–

(a) is not himself entitled to determine whether the modification should be made; and

(b) does not have consent to the modification from a person who is so entitled.

(8) References to a program include references to part of a program.

PART XII–ELECTORAL OFFENCES COURT

Electoral Offences Court.

137. (1) Pursuant to subsection (3) of section 131 of the Constitution, there is hereby established a division of the High Court to be known as the Election Offences Court.

(2) The Election Offences Court shall sit in such places in Sierra Leone as the Chief Justice may determine and shall be presided over by–

(a) a High Court Judge; or

(b) a retired Judge of the Superior Court of Judicature; or

(c) a barrister or solicitor who is qualified to hold office as a High Court Judge.

(3) The Election Offences Court has jurisdiction to try any election offence under this Act.

(4) A defendant in a trial before the Election Offences Court may be represented by the counsel of his own choice.

(5) A trial before the Election Offences Court shall be by summary procedure and bail shall be at the absolute discretion of the Court.

(6) All trials by the Election Offences Court shall be by judge alone and shall be concluded not later than six months after the establishment of the Court under this section.

(7) A person convicted of an offence under this Act may appeal to the Court of Appeal.

PART XIII–ELECTION PETITIONS AND CIVIL PROCEEDINGS

Questions as to elected members of Parliament to be determined by High Court.

138. (1) All questions which may arise as to the right of a person to be or remain a member of Parliament shall be referred to and determined by a Judge of the High Court on a petition presented by a voter and in accordance with the procedure prescribed under section 162 for the trial of an election petition.

(2) Where the question to be decided concerns the right of a person to remain a Member of Parliament, the Court shall certify its decision in writing to the Speaker and the Electoral Commission and where the High Court has decided that a person is not entitled to remain a Member of Parliament that person shall then cease to be a Member of Parliament.

Election valid unless questioned within twenty-one days of publication of result.

139. (1) Every election not called in question within twenty-one days after the publication of the result in the *Gazette*, shall be deemed to have been to all intents a good and valid election.

(2) No election petition founded on acts amounting to an offence under Part X or Part XI shall be brought unless those acts occurred between the last day appointed for the delivery of nomination papers notified under section 59 and the time of the day at which the result of the election is declared under section 94.

Presentation of election petition.

140. (1) A petition complaining of an undue return or undue election of a Member of Parliament or a member of a local council, in this Act called an election petition, may within twenty-one days from the date of the publication of the result of the election in the *Gazette* be presented to a Judge of the High Court by any one or more of the following persons:–

(a) a person who voted or had a right to vote at the election to which the petition relates;

(b) a person who claims to have had a right to be returned or elected at the election; or

(c) a person who alleges himself to have been a candidate at that election.

(2) A person presenting an election petition shall forthwith deliver a copy of it to the Electoral Commission.

Trial of election petition.

141. (1) Every election petition shall be tried by a Judge of the High Court in open court.

(2) During the trial of an election petition, the High Court may order–

(a) the inspection and production of any rejected ballot papers;

(b) the opening of a sealed packet of counterfoils of used ballot papers; or

(c) the inspection of any counted ballot papers;

but in making and carrying into effect the order, care shall be taken that the way in which the vote of a particular person has been given shall not be disclosed until it has been proved that his vote was given and the vote has been declared by the High Court to be invalid.

(3) At the conclusion of the trial, the High Court shall determine whether the person whose return or election is complained of was duly returned or elected, or whether the election was void, and shall certify that determination as provided in subsection (2) of

section 136 where the question decided concerns an election to Parliament and where the election concerns an election to a local council, the High Court shall certify its determination to the Electoral Commission and to the Minister responsible for local government.

Proceedings to have priority of hearing.

142. Election petitions and proceedings in the High Court taken under section 138 shall, in respect of the right to priority of hearing by the Court, enjoy, precedence over all other civil proceedings other than those which are part- heard.

Non-compliance with Act.

143. No election shall be invalid by reason of non-compliance with this Act if it appears to the High Court that the election was conducted in accordance with the principles laid down in this Act or that the non-compliance did not affect the result of the election.

Privilege, certificate of indemnity.

144. (l) A person called as a witness in proceedings in theHigh Court under this Part, shall not be excused from answering a question relating to an offence at, or connected with, an election on the grounds that the answer to the question may incriminate or tend to incriminate him, or on the grounds of privilege; but-

(a) a witness who answers truly all questions which he is required by the Court to answer shall be entitled to receive a certificate of indemnity under the hand of the presiding Judge stating that the witness has so answered; and

(b) an answer by a person to a question before the Court shall not, except in the case of any criminal proceedings for perjury in respect of the evidence, be admissible in proceedings civil or criminal in evidence against him.

(2) When a person has received a certificate of indemnity in relation to an offence disclosed by answering a question which he was required to answer by virtue only of subsection (1), and any legal proceedings are at any time brought against him for that offence, the High Court having cognizance of the case shall, on proof of the certificate, stay the proceedings and may award to that person such costs as he may have been put to in the proceedings.

Appeal from High Court.

145. (1) An appeal shall lie to the Court of Appeal from the determination of the High Court upon an election petition, or a proceeding of the High Court taken under section 138 at the suit of a party to the petition or proceedings, and the decision of the Court of Appeal on the appeal shall be final to all intents and purposes.

(2) Notwithstanding any provisions to the contrary, the Court of Appeal shall not entertain an appeal under this section unless notice of the appeal has been given within fourteen days of the determination in question.

(3) At the time of filing the notice of appeal, the appellant shall give security for the payment of all costs, charges and expenses which may become payable by him to any witnesses summoned on his behalf or to a respondent, in an amount and given in the manner, as the Court, may order; and in the event of a failure to comply with the order, no proceedings shall be heard on the appeal.

Effect on election return of notice of appeal.

146. (l) If the High Court determines that a candidate returned as elected was not duly elected and that the election was void, then the candidate's seat shall become vacant from the time of the notice of decision of the High Court and if notice of appeal from that decision has been given within fourteen days, the seat shall remain vacant for the period until the determination of the Court of Appeal is given on the appeal or the appeal is abandoned.

(2) Where the question to be decided by the Court of Appeal concerns an election to or the right to remain a member of Parliament, the Registrar of the Court of Appeal shall certify the decision in writing to the Speaker and the Electoral Commission.

(3) Where the High Court has determined that a candidate was duly returned or elected, or that the election was void, and no notice of appeal has been given against that determination within fourteen days, or where on appeal the Court of Appeal has determined that a candidate was duly returned or elected, or that the election was void, then the Speaker shall publish by notification in the *Gazette* whether the candidate whose return or election is questioned is duly returned or elected or whether the election is void.

(4) If the election is declared void, another election shall be held.

Election offences may void election.

147. Where on an election petition or in a prosecution for an election offence under this Act, it is shown that the offence committed in reference to the election for the purpose of promoting or procuring the election of a person has so extensively prevailed that it may be reasonably supposed to have affected the result, his election, if he has been elected shall be declared void by the court in addition to any other penalty that may be imposed by the court.

PART XIV — ELECTION CAMPAIGN PERIOD

Electoral Commission to declare election campaign period.

148. (1) The Electoral Commission shall, after the close of nominations and after consultation with registered political parties and candidates contesting elections, determine and declare by Government Notice the period when campaigning by candidates and political parties may begin and end.

(2) The Commission may, in its discretion, declare different periods for election campaigns for different offices.

Election campaign materials.

149. (1) The Electoral Commission shall, after publication of the campaign period pursuant to section 148 and after consultation with registered political parties and candidates prepare and publish by Government Notice a campaign calendar of events including public rallies, public meetings and public processions to be held by political parties and independent candidates.

(2) The Electoral Commission shall for the purposes of ensuring the smooth co-ordination of a demonstration or procession and the maintenance of the peace and public order, during an election campaign liaise with the Inspector-General of Police and in the case of campaign activities in the Provinces, notify the Paramount Chief and other local councils as the Commission may think necessary.

(3) Nothing contained in this section shall be construed to prohibit a political party from conducting a meeting, organisational activity or publishing a book or other material in connection with its normal activities as a political party.

Election campaign calendar.

150. (1) During an election campaign, candidates and political parties may, in addition to activities normally associated with election campaigns–

(a) publish books, magazines, brochures, pamphlets, flyers, posters, signs and other similar materials;

(b) make use of the press, radio, television and other media forms;

(c) carry out various political activities within the limits of the law.

(2) Every election campaign material referred to in paragraph (a) of subsection (1) shall clearly state–

(a) the issuing candidate or political party, as the case may be; and

(b) the printer of the material.

(3) No person shall post banners, posters, placards, drawings, billboards or other similar material on public buildings, national monuments, religious institutions or on any private property unless the owner of that property gives his consent.

(4) A candidate or political party shall, notwithstanding any enactment to the contrary, be exempted from the payment of customs duty in respect of election campaign material which is imported and supported by a Certificate of Authorisation issued by the Electoral Commission.

(5) The Electoral Commission may, on application made to it by a candidate or political party wishing to import electoral campaign materials, issue to the candidate or political party, as the case may be, with a Certificate of Authorisation.

Publishing of information.

151. At the end of an election campaign period, all election campaign activities shall cease and the public media shall be at the disposal of the Electoral Commission to publicise information on procedures for voting at the elections.

Complaints against violation of rights.

152. (1) Where a candidate or political party believes that his or its rights under this Part have been violated, the candidate or political party may lodge a complaint with the Electoral Commission.

(2) The Electoral Commission shall, upon receipt of a complaint under subsection (1), take all necessary steps to ensure that the issues raised in the complaint are properly addressed and any fault or detect is rectified without delay.

Civic obligation of candidates and political parties.

153. Every candidate or political party shall, in an election campaign period–

(a) respect and take into account the Fundamental Principles of State policy set out in Part II of the Constitution; and

(b) carry out the campaign in keeping with ethical and moral standards and the respect due to the other candidates and political parties and the electorate of Sierra Leone.

Prohibitions during election campaigns.

154. No candidate or political party shall during the campaign period–

(a) insult or defame another candidate or political party;

(b) abuse or engage in the improper use of Government property for political propaganda purposes;

(c) campaign in public offices or educational institutions during working hours or hours of instruction.

Code of election campaign ethics.

155. (1) The Electoral Commission shall prepare a code of election campaign ethics which it shall, at least thirty days before the beginning of election campaigning, publish by Government Notice and issue copies to each candidate and political party.

(2) The acceptance of the code prepared and issued by the Electoral Commission under subsection (1) shall be a condition for the acceptance of a candidate's nomination paper or the list of candidates endorsed by a political party, as the case may be.

Air time on radio and television.

156. (1) The management of the national radio or television shall, during an election campaign period, ensure that equal air time is given to each candidate and each political party on the national radio and television.

(2) The management of the national radio or television shall, in pursuance of subsection (1), allocate a minimum airtime of thirty minutes to each candidate and political party during an election campaign period taking into account, the number of candidates and political parties making a request under subsection (3).

(3) A candidate or political party wishing to be given air time under subsection (1), shall for that purpose make a request in writing addressed to the management of the national radio or television, and the management shall only act upon the receipt of the request in writing.

PART XV–MISCELLANEOUS PROVISIONS

Power to accredit observers.

157. (1) The Electoral Commission may at an election accredit any group or institution to act as election observer.

(2) No person shall observe an election unless that person has obtained prior accreditation from the Electoral Commission.

(3) The Electoral Commission may issue guidelines to observers involved in the electoral process.

(4) An accredited observer shall submit a written report to the Electoral Commission on its observation not later than three months after the declaration of results of the election or such earlier date as the Electoral Commission may specify in writing.

(5) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not less than ten million leones.

Application for accreditation.

158. (1) A local or international organization may apply to the Electoral Commission for accreditation to observe an election in the manner determined by the Commission.

(2) The Electoral Commission may require further information in support of an application.

(3) The Electoral Commission may accredit an applicant to observe an election after considering the application, any further information provided by the applicant, and whether–

(a) the accreditation of the applicant will promote conditions conducive to free and fair elections; and

(b) the persons appointed by the applicant will–

(i) observe the election impartially and independently of any registered political party or candidate contesting that election;

(ii) be competent and professional in observing that election; and

(iii) subscribe to a Code of Conduct for observers issued by the Electoral Commission pursuant to this Act.

(4) Where the Electoral Commission decides to accredit an applicant, the Commission shall–

(a) enter the applicant's name in a register of accredited observers; and

(b) issue a certificate of accreditation in the applicant's name stating the period and other conditions of accreditation.

(5) Where the Electoral Commission decides not to accredit an applicant, the Commission shall inform the unsuccessful applicant in writing of its decision.

(6) The Electoral Commission shall maintain at its headquarters a register of accredited observers.

(7) Any person may inspect the register of accredited observers on payment of a prescribed fee.

(8) The Chief Electoral Officer may provide certified copies of extracts from the register on payment of a prescribed fee.

Revocation of accreditation.

159. If an accredited observer fails to comply to a material extent with any condition of accreditation, the Electoral Commission may revoke its accreditation after having given reasonable notice of revocation to that observer.

Rights and obligations of observers.

160. (1) An accredited observer shall–

(a) in relation to the election for which it is accredited be entitled to attend at and observe all aspects of the electoral process including registration, voting, counting of votes and the determination and declaration of results;

(b) have freedom of movement to, within and from the area or areas specified in the Certificate of Accreditation;

(c) have a right to communicate freely with registered political parties and individual candidates contesting in the election, electoral officials, government functionaries, the media, civil society organizations and other relevant parties.

(2) Whilst observing an electoral process, the representatives of an accredited observer shall wear and visibly and conspicuously display their identification cards at all times.

Obligation of impartiality.

161. (1) Every employee of the Electoral Commission shall perform his functions in a neutral and impartial manner and shall receive his instructions only from the Electoral Commission.

(2) An employee of the Electoral Commission who contravenes subsection (1) and a person who causes that employee to commit the contravention shall each be liable, on summary conviction, to a fine of five hundred thousand leones or to imprisonment for a term of two years.

Election petition Rules.

162. The Rules of Court Committee may make Rules for practice and procedure for election petitions under this Act.

Pending petitions and appeals saved.

163. Nothing in this Act shall affect any proceeding pending at the commencement of this Act on any petition or any proceeding on appeal pending at the commencement of this Act relating to any petition and such proceeding or appeal may be proceeded with as if this Act had not been passed.

Electoral Commission's power to enlarge time.

164. The Electoral Commission may, where the circumstances so require, by order, enlarge or reduce the time prescribed in this Act for the giving of any notice or for the doing of any act or thing.

Power of Electoral Commission to prescribe additional forms, etc.

165. (1) For the purposes of its functions under this Act, the Electoral Commission shall have power to prescribe, in addition to the forms in the Schedules, such other forms as it may find necessary or expedient but such additional forms shall be consistent with this Act or anything that is to be prescribed.

(2) Any deviation from a form prescribed in the Schedules which does not affect its substance shall not invalidate the form in which the deviation occurred.

Regulations.

166. The Electoral Commission may, by statutory instrument, make regulations for giving effect to this Act.

Transitional.

167. Any act or thing done or made by the Electoral Commission prior to the commencement of this Act, shall if consistent with this Act, be deemed to have been done or made under this Act.

Repeals.

168. (1) The following enactments are hereby repealed:-

Act No. 1 of 2002.

(a) the National Electoral Commission Act, 2002; and

Act No. 2 of 2002.

(b) the Electoral Laws Act, 2002.

(2) Notwithstanding subsection (1), any rules, regulations, orders, notices, prescriptions and other instruments or directives issued under the repealed Acts and in existence immediately before the commencement of this Act, shall continue in operation until their expiration or until their express repeal or revocation or cancellation.

(3) All investigations, prosecutions and other legal proceedings, instituted or commenced under the repealed Acts and which have not been concluded before the commencement of this Act, shall be continued and concluded in all respects as if that Act had not been repealed.

SCHEDULES

FIRST SCHEDULE

PUBLIC ELECTIONS ACT, 2012

RULES AS TO THE ORDINARY RESIDENCE OF VOTERS (Section 15 (2))

1. The place of ordinary residence of a person is that place where he usually lives or which has always or generally been his home, or which is the place to which he intends to return when away from it.

2. Where a person usually sleeps in one place and has his meal or is employed in another place, his place of ordinary residence will be where he sleeps.

3. For the purpose of these rules it will be assumed that a person can have only one place of ordinary residence and that it cannot be lost.

4. Temporary absence does not cause a loss, and an absence of less than six months, or which is anticipated to be less than six months, will be regarded as temporary if the intention is to resume actual residence within that period.

5. Where after consideration of these rules in respect of an application for registration or objection thereto, there appears some doubt as to whether a person's ordinary residence is in one registration area or another, a Registration Officer may decide between such respective areas (and other matters being equal may take into account the probable convenience of the applicant) and his decision shall in such case be conclusive in respect of any application for registration or objection thereto.

SECOND SCHEDULE

FORM A

PUBLIC ELECTIONS ACT, 2012

ELECTORAL COMMISSION

NOTICE TO VOTERS (Section 23)

Every person who is entitled to be registered as a voter in Registration Area Number:……in ……..Chiefdom/Ward of Province/Western area is required to present himself/herself to the Registration Officer during the registration period from ……day of ……20…….to the ……day of……..20…..to be registered.

FORM B

PUBLIC ELECTIONS ACT, 2012

CLAIM TO BE REGISTERED AS A VOTER (Section 24 (2))

To: THE REGISTRATION OFFICER:…….....…….....……

I……
claim the right to be registered as a voter in the Registration Area No.....in.....Chiefdom/ Ward…….and declare that–

(a) I am not a non-citizen;
(b) I have not applied for registration as an elector in any other ward;

(c) I am not otherwise disqualified from being registered as a voter in that ward;
(d) I am not under 18 years of age;
(e) I will have attained the age of 18 years on or before the polling date; and
(f) I was ordinarily resident in the ward on the…….....…….

DATED the.....day of ……20…….

…….. ……..
Witness to mark Signature (or mark)

* Date of publication of Form A in Second Schedule.

FORM C (Section 25 (3))

PUBLIC ELECTIONS ACT, 2012
ELECTORAL COMMISSION
FORM OF VOTER REGISTRATION CARD

THE REGISTRATION OFFICER…….....……...
(Chiefdom/Ward)

This is to show that…….....…….
(Name of voter)

Has been registered as a voter this.....day of .....20….. with the following particulars:–

1. Age;
2. Sex;
3. Residential Address;
4. Place of Birth;
5. District of Origin;
6. Father's Name;
7. Mother's Name.

…..……..
Signature of Registration Officer.

FORM D (Section 28)

PUBLIC ELECTIONS ACT, 2012

ELECTORAL COMMISSION

REVIEW OF VOTERS REGISTER 20…..

NOTICE IS HEREBY GIVEN IN ACCORDANCE WITH SECTION 28 OF THE Public Elections Act, 2012, that a list of voters of each Ward has been compiled. This list contains the names of persons qualified to be registered under section 28. The lists will be exhibited at the following Centres with effect from……..to……20…… in the Western Area and the Provinces:–

DISTRICT……

CHIEFDOM/WARD……

REGISTRATION AREA NO:……

EXHIBITION AREA:……

EXHIBITION CENTRE at the following addresses:–

1. ……
2. ……
3. ……
4. ……
5. ……
6. ……

Anyone whose name has been omitted or claims to have his/her name inserted in the List shall during the period of the Exhibition of such copy or part thereof apply or present himself/herself to the National Electoral Commission or its designated officer to have his/her name inserted in such copy as provided in Section 19(1) of the Act.

Any Elector can object to the inclusion of any name as provided in section 19(2) of the Act.

……

Registration Officer.

FORM E (Section 30 (1)

PUBLIC ELECTIONS ACT, 2012

SERIAL NUMBER…….……...

REPUBLIC OF SIERRA LEONE

ELECTORAL COMMISSION

REGISTRATION OF VOTERS

NOTICE OF OMISSION FROM PROVISIONAL LIST

To: THE REGISTRATION OFFICER……

I…….. hereby give you notice that I object to the omission of my name from the Provisional List of voters for Registration Area No. ……. In Chiefdom/Ward and I claim the right to have my name inserted in the said List as a voter on the following grounds and on the basis of the particulars stated below:-

DATED the……..day of ……20……...

…….. ……

Witness to mark Signature (or mark)

CHIEFDOM/WARD	REGISTRATION AREA	LOCALITY

STREET ADDRESS	

NAME OF HOUSEHOLD HEAD/INSTITUTION/ FLOATING GROUP	

DWELLING GROUP NUMBER	HOUSEHOLD NUMBER	INSTITUTION NUMBER	FLOATING NUMBER

ID CARD	FIRST NAME	SURNAME	AGE	SEX	RELATIONSHIP

FORM F (Section 30(2)

PUBLIC ELECTIONS ACT, 2012

SERIAL NUMBER……..

ELECTORAL COMMISSION

REGISTRATION OF VOTERS

NOTICE OF OBJECTION TO RETENTION OF NAME IN A LIST AS A VOTER

To: THE REGISTRATION OFFICER ……...…….....……
Chiefdom/Ward

I……of…….. being a person whose name appears as a voter in the Provisional List for.....Town/ Village/Street in Registration Area……..hereby give you notice that I object to the name of……..whose particulars are listed below being retained in that list as an Elector on the grounds that:–

.....

.....

Dated this …….day of ……..20…….

……..
Signature (or mark)

CHIEFDOM/WARD	REGISTRATION AREA	LOCALITY

STREET ADDRESS	

NAME OF HOUSEHOLD HEAD/INSTITUTION/ FLOATING GROUP	

DWELLING GROUP NUMBER	HOUSEHOLD NUMBER	INSTITUTION NUMBER	FLOATING NUMBER

ID CARD	FIRST NAME	SURNAME	AGE	SEX	RELATIONSHIP

FORM G (Section 30(2)

PUBLIC ELECTIONS ACT, 2012

ELECTORAL COMMISSION

REGISTRATION OF VOTERS

NOTICE TO PERSON OBJECTED TO

To:

I……of…….. being a person whose name appears as a voter in the Provisional List for.....Town/ Village/Street in Registration Area……. hereby give you notice that I object to the name of ……..whose particulars are listed below being retained in that list as a voter on the grounds that:–

.....

.....

And that you will be required to prove your qualification at the time of the revising of the list concerned.

Dated this …….day of ……..20….

…….
Signature (or mark)

CHIEFDOM/WARD	REGISTRATION AREA	LOCALITY

STREET ADDRESS

NAME OF HOUSEHOLD HEAD/INSTITUTION/ FLOATING GROUP	

DWELLING NUMBER	HOUSEHOLD NUMBER	INSTITUTION NUMBER	FLOATING GROUP NUMBER

ID CARD	FIRST NAME	SURNAME	AGE	SEX	RELATIONSHIP

THIRD SCHEDULE

PUBLIC ELECTIONS ACT, 2012 (Section 45(1)

NOMINATION PAPER OF PRESIDENTIAL CANDIDATE

Date of Presidential Election:

1. I, the undersigned, am the Presidential Candidate to whom this nomination paper relates and I hereby certify that I am willing to stand for election to the office of President of the Republic of Sierra Leone.

2. I also hereby state that I am qualified and not disqualified for election to the office of President of the Republic of Sierra Leone in accordance with the statutory declaration attached hereto as Annexure 1.

3. My designated candidate for the office of Vice-President of the Republic of Sierra Leone :……………………………………………………………………

………………………………………………………………………………

who has subscribed his signature hereunder to indicate his consent to his being so designated. He has also made the statutory declaration attached hereto as Annexure II.

Full name of presidential candidate:……………………………………………

………………………………………………………………………………

Occupation……………………………………………………………………

Date:……………………………………………………………………………

………………………………………

Signature of Presidential Candidate

………………………………………

Signature of Designated Vice-President

We the undersigned, are the three executive members of the……………………

………………………………………………………………………………

(State name of political party nominating candidate)

which has nominated the above presidential candidate.

Full name………………………………………………………………………

Address:………………………………………………………………………

Occupation:……………………………………………………………………

Office held in above political party……………………………………………

Date……………………………………………………………………………

………………………………

Signature

Full name…….....

Address:…….....

Occupation:…….....……

Office held in above political party…….

Date.…….....……

……

Signature

Full name…….....

Address:…….....

Occupation:…….....……

Office held in above political party…….

Date.…….....……

……

Signature

This nomination paper was completed and signed in our presence.

(1) Name:…….....…..Address……...……

(2) Name:…….....…..Address……...……

Signature of witness (1) Signature of witness(2)

(2) …….....……..

Received by me at.....o'clock on the……day of …….20……..

(Signed):……

Returning Officer

Note:– The Presidential Candidate and his nominators must all sign in the presence of the two witnesses who must be of full age and who must sign in the place indicated.

FOURTH SCHEDULE (Section 45(3)

PUBLIC ELECTIONS ACT, 2012

STATUTORY DECLARATION OF PRESIDENTIAL/
VICE-PRESIDENTIAL CANDIDATE

I,……...……..

Do solemnly and sincerely declare that–

1. I am a citizen of Sierra Leone;
2. I have attained the age of forty years;
3. I am registered as a voter with registration number:…….....…
   ……....…..
4. (i) I have paid all my taxes; or
   (ii) I have made arrangements satisfactory to the appropriate authority for the payment of my taxes

(Delete where inapplicable)

5. I have not been adjudged or otherwise declared to be of unsound mind or detained as a criminal lunatic under any law in force in Sierra Leone.

6. I have not been convicted-
   (i) for an offence involving fraud or dishonesty; or
   (ii) for any offence punishable by death; or
   (iii) for an offence relating to or connected with election under any law in force in Sierra Leone
7. I am not a person disqualified from practicing a profession in terms of paragraph (g) of subsection (1) of section 76 of the Constitution.

8. I am not under sentence of death imposed on me by any court.

9. I am not disqualified to be registered as a voter under the provisions of any law relating to public elections.

10. I am not disqualified for election by any law in force in Sierra Leone by reason of my holding or acting in any office the functions of which involve a responsibility for or in connection with the conduct of an election or any responsibility for the compilation or revision of any electoral register.

11. I am not a member of any commission established by the Constitution, or, member of the Armed Forces of the Republic, or a public officer, or an employee of a corporate body established by an Act of Parliament or out of funds appropriated by Parliament. I have not been in any of the foregoing capacities stated above during past twelve months.

12. I am not a chief.

13. I am not otherwise disqualified from standing for the election by any law in force in Sierra Leone.

I make this solemn declaration knowing and believing it to be true.

Subscribed and solemnly declared by me…….....……..

……

……
Candidate\Ward

Before me
……..

FIFTH SCHEDULE

(FORM 1)

PUBLIC ELECTIONS ACT, 2012 (Section 53)

CERTIFICATE OF ELECTION OF PRESIDENT (UNOPPOSED)

Whereas:……
(Full name of Presidential Candidate)
of……
(Address)

was a Presidential Candidate at the Presidential Election held on the ……day of……..day of……20……..

AND WHEREAS after the close of nomination……..
……..
(Name of candidate unopposed)
……
was the only candidate nominated for that election:

AND WHEREAS I have accordingly in pursuance of section 49 of the Act Declared
……
(Name of person elected)

to have been elected President:……

NOW, THEREFORE, in exercise of the powers conferred on the Returning Officer by paragraph (a) of section 53 of the Public Elections Act, 2012, I hereby certify that…….....
(Name of person elected)

has been duly elected President of the Republic of Sierra Leone at the Presidential Election of …….....……..
(Year of election)

DATED this day of 20……..

…….....……..
Returning Officer.

(FORM 2)

PUBLIC ELECTIONS ACT, 2012 (Section 53)

CERTIFICATE OF ELECTION OF PRESIDENT (AFTER POLL)

WHEREAS:……

(Full name of Presidential Candidate)

of……..

(Address)

was a Presidential Candidate at the Presidential Election held on the.....day of……..20……..

AND WHEREAS after the Presiding Officer has, in accordance with subsection (1) of Section 52 of the Public Elections Act, 2012, certified to me.....

.....

Returning Officer at that election, that…….....……..

(State number of votes in favour of the Presidential Candidate)

Valid votes were cast in favour of the candidate……..…

(Presidential Candidate)

at that election:

AND WHEREAS……..

(Name of person elected)

therefore received per centum of the valid vote cast in the election:

AND WHEREAS I have accordingly in pursuance of subsection (1) of section 52 of the Act declared……..

(Name of person elected)

……to have been elected President.

NOW THEREFORE, in exercise of the powers conferred on the Returning Officer by paragraph (a) of section 53 of the Public Elections Act, 2012, I hereby certify that…….....……

(Name of person elected)

has been duly elected President of the Republic of Sierra Leone at the Presidential Election of……..

(Year of election)

DATED this……day of……20……..

……..

Returning Officer.

SIXTH SCHEDULE (Section 60) (2)

ELECTION OF ORDINARY MEMBER OF PARLIAMENT

PUBLIC ELECTIONS ACT, 2012

NOMINATION PAPER

Constituency for which candidate seeks election….....……

Date of election……

1. I, the undersigned, am the candidate to whom this nomination paper relates and I hereby certify that I am willing to stand for election to Parliament as a Member for the ……Constituency.

2. I also hereby state that I am qualified, and not disqualified, for election to Parliament in accordance with the requirements of sections 75 and 76 of the Constitution.

Full Name…….....……..

Occupation…….....……

Address…….....……

Date…….....…….....……

Signature:.....

We, the undersigned, are the three nominators of the above candidate, and are voters of the constituency for which this candidate seeks election.

(1) Full Name……
Occupation……
Address……
Date……

Signature:……

(2) Full Name……
Occupation……
Address……
Date……

Signature:……

(3) Full Name……
Occupation……
Address……
Date……

Signature:……

SEVENTH SCHEDULE

(Section 81(2)

FORM A

……ELECTIONS*

PUBLIC ELECTIONS ACT, 2012

BALLOT PAPERS ACCOUNT

To: THE DISTRICT RETURNING OFFICER……..

(i)	(ii)	(iii)	(iv)
Serial Numbers provided to	Serial Numbers unused	Serial Numbers spoilt	Number of persons marked on the Register of Voters or Gazette List as being issued with Ballort Paper

Date……

……..
**Signature of Presiding Officer
Returning Officer

……..Polling Station

……...Electoral Region

*(State the nature of elections here)
**(Delete if inappropriate)

FORM B

ELECTIONS*

PUBLIC ELECTIONS ACT, 2012

(Section 93(2)

NATIONAL ELECTORAL COMMISSION

VERIFICATION OF BALLOT PAPERS

…….....…….Electoral Region/District

No. of Ballot Papers issued to……...…Polling Station

Station.…….....…….....……

	*List of Political party/ Name of Candidate	Ballots
(1)	No. of ballot papers cast for……	…….
(2)	No. of ballot papers cast for……	…….
(3)	No. of ballot papers cast for…… Etc.	…….
…….	…….	…….
…….		
No. of ballot papers spoilt		…….
No. of ballot papers issued		…….
No. of ballot papers rejected		…….
Under categories (b) and (c) below		…….
	Total	

REJECTED BALLOT PAPERS

No. cast for political party/candidate No. (1) ……. ……. …….

No. cast for political party/candidate No. (2) ……. ……. …….

No. cast for political party/candidate No. (3) ……. ……. …….

……. ……. ……. …….

……. ……. ……. …….

……. ……. ……. …….

……. ……. ……. …….

Total

(a) bearing a number not included among those issued to the station;
(b) bearing the same number as another ballot paper which has already been counted;
(c) not bearing the official mark (if any has been prescribed); cast by an admitted impersonator; or bearing identification mark other than a finger print or printed number;
(d) tendered ballot papers.

Verified by:……...……..
District Returning Officer.

Date …….....……..

In the presence of-
(1)…….....…….Counting Agent
(2)…….....…….Counting Agent
(3)…….....……etc.

*Delete as appropriate when parliamentary and presidential elections are held on the same day.

EIGHT SCHEDULE

Section (90(2))

PUBLIC ELECTIONS ACT, 2012

NATIONAL ELECTORAL COMMISSION

FORM OF STATEMENT OF RESULT OF POLL

Electoral Region…….....……Polling Station No.

Name of Presiding Officer…….....……

(RECORD OF POLL)

	Name of political party	No. of ballot cast in favour
1.	……..	……..
2.	……..	……..
3.	……..	……..
4.	……..	……..
5.	……..	……..
6.	……..	……..
7.	……..	……..
8.	……..	……..
9.	……..	……..
10.	……..	……..
11.	……..	……..
12.	……..	……..
13.	……..	……..
14.	……..	……..
15	……..	……..
16.	Total Number of ballots in Ballot Box (Add 1-15)	……..
17.	Number of destroyed ballots	……..
18.	Total of spoilt ballot	……..
19.	Number of unused ballots papers	……..
20.	To add 1 to 19	……..
21.	Number of ballot papers received from Commission	……..

Note:- If the entries (20 and 21) disagreed, the statement is inaccurate, carefuly re-examine 1-20.

Number of ballot papers in Ballot Box ……..

Number of names on register of Electors ……..

I hereby certify that the above statement is correct and that a copy was handed to the Assistant Presiding Officer, the Poll Clerk and to each of the polling agents who were present at the count.

Dated at.....….....……..this……..day of……....……20……

Signature of Presiding Officer…….....……..

Certified in the presence of: Assistant Presiding Officer…….....……

Polling Assistant…….....……

Polling Agent(s)…….....……

…….....……

…….....……

…….....……

…….....……

NINTH SCHEDULE

(Section (98 (1))

PUBLIC ELECTIONS ACT, 2012
NATIONAL ELECTORAL COMMISSION
FORM OF NOMINATION PAPER FOR PARAMOUNT CHIEF
MEMBER OF PARLIAMENT

To: THE ELECTORAL COMMISSION
Through the : DISTRICT RETURNING OFFICER…………………………………
DISTRICT:
We the undersigned being members of the Chiefdom Council of the …………………………………District do hereby nominate Paramount Chief of the Chiefdom as a fit and proper candidate for election as a Paramount Chief member;

(1) Name…………………………………………………………………………
Address:………………………………………………………………………
Chiefdom Council………………………………………………………………
………………………………………………………………………Chiefdom

…………………………………
Signature or Mark

(2) Name…………………………………………………………………………
Address:………………………………………………………………………
Chiefdom Council………………………………………………………………
………………………………………………………………………Chiefdom

…………………………………
Signature or Mark

(3) Name…………………………………………………………………………
Address:………………………………………………………………………
Chiefdom Council………………………………………………………………
………………………………………………………………………Chiefdom

…………………………………
Signature or Mark

I …………………………………………….of………………………………….being Paramount Chief of the …………………………………………………………………… Chiefdom of the ………………District do hereby certify that I am willing to stand for election by the Chiefdom Council of……………..in the …………………..District, and in doing so, I hereby declare that I am qualified and not disqualified for membership in accordance with the requirements of sections 75 and 76 of the Constitution.

…………………………………
Signature or Mark

Date:…………………………………

This nomination paper was completed and signed in the presence of

(1) Name of……………………………………of ……………………………………
……………………………………

(2) Name of:……………………………………of……………………………………
……………………………………

Signature of-……………………………
Witness (1)……………………………
Witness (2)……………………………

Received by me at ……………o'clock………………………………………on the ……………………………………day of…………………20……………………

Signed…………………………
District Returning Officer
for Electoral Commission.

……………………………………District