# THE 1986 CONSTITUTION OF THE REPUBLIC OF LIBERIA

## CONSTITUTION OF THE REPUBLICE OF LIBERIA

**PREAMBLE**

**CHAPTER I**

**STRUCTURE OF THE STATE**

**Article**


1. Power of the People
2. Supremacy of the Constitution
3. Counties of the Republic and Form and Branches of Government

**CHAPTER II**

**GENERAL PRINCIPLES OF NATIONAL POLICY**

4. Effect of General Principles and Policy
5. Principles of Unity and Culture
6. Principles of Equity in Educational Opportunities
7. Principles on Management of National Economy
8. Principles on Non-discrimination in Employment Opportunities
9. Principles on Regional and Bilateral Cooperation
10. Publication, Dissemination and Teaching of the Constitution

**CHAPTER III**

**FUNDAMENTAL RIGHTS**

11. a. Right to Life, Liberty, Security and Property
    b. Entitlement to Fundamental Rights
    c. Right to Equal Protection of the Law
12. Prohibition Against Slavery and Forced Labor
13. a. Right to Freedom of Movement
    b. Right to Leave and Enter the Republic and

Extradition of Liberian Citizens and Non-Liberian Residents
14. Right to Freedom of Thought, Conscience and Religion
15. a. Right to Freedom of Expression
b. Scope of Right to Freedom of Expression
c. Right of Public to be Informed
d. Right of Access to State Owned Media
e. Limitation of Freedom of Expression
16. Right to Privacy
17. Right to Peaceful Assembly and Association
18. Right to Equal Opportunity for Work and Employment
19. Right not to be Subject to Military Law
20. a. Right to Jury Trial and Due Process of Law
b. Right to Appeal
21. a. Prohibition of Retroactive Law, Bill of Attainder and Ex Post Facto Law
b. Prohibition Against illegal Search or Seizure
c. Right to be Informed of Charges and Right to Remain Silent
d. i. Right to Bail
ii. Prohibition Against Excessive Bail, Fines and Punishment
e. Prohibition Against Torture or Inhumane Treatment
f. Right to be Presented before Court
g. Right to Writ of Habeas Corpus
h. Right to an Indictment by a Grand Jury when charged with Infamous or Capital Offense
i. Inviolability of Right to Counsel
j. Right to Enjoyment of Civil Rights and Liberties after Services of Penalty or Upon Pardon
22. a. Right to Own Property
b. Scope of Right to Own Property
c. Right of Non-Citizen Missionary, Educational and Benevolent Institutions to Own Real Property
d. Right to Republic to Convey Real Property

to Foreign Government
23. a. Property Right of Spouse in or after Marriage
b. Legislative Enactment of Laws on Devolution of Estates
24. a. Right of Republic to Expropriate Private Property
b. Forfeiture of Property Right by Denaturalized Citizens
c. Prohibition Against Inclusion of Forfeiture of Right of Inheritance in Punishment for Crime
25. Prohibition Against Impairment of Right to Contract
26. Right to Sue the Republic or other Persons for Fundamental Rights Violations

**CHAPTER IV**

**CITIZENSHIP**

27. a. Citizenship on coming into Force of Constitution
b. Eligibility for Citizenship by Birth and Naturalization Restricted to Negroes
28. Legislature to Prescribe Standard for Citizenship

**CHAPTER V**

**THE LEGISLATURE**

29. Establishment of Legislature
30. Qualifications for Membership of Legislature
31. Oath of Members
32. a. Session of Legislature
b. Right of President to Extend Session for Emergency
33. Quorum
34. Powers of Legislature
35. Veto of Proposed Legislation by President
36. Remuneration for Members of Legislature
37. By-Election to Fill Vacancy
38. Power of Legislature to Adopt Own Rules
39. Legislature to Authorize Census
40. Adjournment of Legislature
41. Languages to Conduct Business

42. Immunity of Members of Legislature
43. Impeachment Power of Legislature
44. Contempt of the Legislature
45. Term of Office of Senators
46. Staggering of Senatorial Terms
47. Election of Officers of Senate
48. Term of Office of Members of House of Representatives
49. Election of Officers of House of Representatives

**CHAPTER VI**

**THE EXECUTIVE**

50. Establishment of the Office of President and Tenure of Office of President
51. Establishment of the Office of Vice President And Prescribing Term Office
52. Qualifications for Election to Office of President And Vice-President
53. Oath of President and Vice-President
54. Appointment Power of President
55. Appointment Power of President of Notaries Public And Justices of the Peace
56. a. Removal Power of the President
    b. Elections and Removal of Chiefs
57. Presidential Power to Conduct foreign Affairs
58. President to Present Annual Legislative Programs
59. Power of President to Pardon
60. Compensation for President and Vice-President
61. Immunity of President
62. Removal of President and Vice-President from Office
63. a. Accession to Presidency by Vice-President-Elect After the Death or Inability of President-Elect
    b. Completion of an Unexpired Presidential Term by Vice-President
    c. Guidelines and Procedures to declare the President incapable to carry out the Duties of His Office
    d. Power of President to Nominate a Vice-President

64. Accession to the Presidency in the Event of Vacancy In Offices of the President and the Vice-President

**CHAPTER VII**

**THE JUDICIARY**

65. Vesting of Judicial Powers in the Supreme Court
66. Supreme Court to Have Final Appellate Jurisdiction
67. Composition of Supreme Court
68. Qualifications for Appointments as Justices of Supreme Court
69. Qualifications for Appointment as Judges of Subordinate Courts
70. Oaths of Justices and Judges
71. Tenure and Impeachment of Justices and Judges
72. a. Salaries and Allowance of Justices and Judges
    b. Retirement age of Justices and Judges
73. Immunity of Justices and Judges
74. Contempt Power of Courts
75. Power of Supreme Court to Make Rules of Court and Prescribe Code of Conduct of Lawyers
76. a. Definition of Treason
    b. Legislature to Prescribe Punishment for Treason

**CHAPTER VIII**

**POLITICAL PARTIES AND ELECTIONS**

77. a. Establishment of Political Parties
    b. Conduct of Elections and Eligibility Criteria for the Exercise of the Right to Vote
78. Definition of "Association", Political Parties And "Independent Candidate"
79. a. Criteria for Registration as a Political Party Or Independent Candidate
    b. Membership of Political Party of Independent Candidate's Organization
    c. Location of Headquarters of Political Party and Independent Candidate

d. Limitation on Name, Objective, Emblem and Motto of Political Party and Independent Candidate
e. Constitution and Rules of Political Party and Independent Candidates
80. a. Power of Elections Commission to Deny Registration Of Political Party or Independent Candidate
b. Power of Elections Commission to Revoke Registration of Political Party of Independent Candidate
c. Right of Citizen to Vote and Change Constituency
d. Creation and Limitation of Constituencies
e. Right of Elections Commission to Reapportion Constituencies
81. Right of Citizen, Political Party, Organization or Association To canvass for votes in an Election
82. a. Right of Citizen, Association or Organization To Contribute Funds to Political Party or Independent Candidate
b. Prohibition on Possession of Funds Outside the Republic or Contribution from Outside the Republic to any Political Party or Independent Candidate
c. Power of Elections Commission to Examine and Audit the Books of Political Parties or Independent Candidates
83. a. time for Conducting General Elections
b. Elections of Public Officers to be Determined by Absolute Majority
c. Power of Elections Commission to Declare Results of Elections and Right to Appeal by any Aggrieved Party or Candidate
d. Liabilities by Political Parties and Independent Candidates
84. Legislature to Provide Penalties for Violation Of Chapter and Enact Laws in furtherance of Constitution

**CHAPTER IX**

**EMERGENCY POWERS**

85. Power of President to Order Armed Forces into State of Combat Readiness
86. a. Power of President to Declare State of Emergency
    b. Conditions Under which State of Emergency may be Declared
87. a. Limitations on Use of Emergency Powers
    b. Right to Writ of Habeas Corpus not Affected by State of Emergency
88. The Establishment of Autonomous Public Commission and Power of Legislature to enact Laws for their Governance

**CHAPTER X**

**AUTONOMOUS PUBLIC COMMISSIONS**

89. The Establishment of Autonomous Public Commission And Power of Legislature to Enact Laws for Their Governance

**CHAPTER XI**

**MISCELLANEOUS**

90. a. Prohibition Against Conflict of Interest
    b. Prohibition Against Public Officials Demanding and Receiving Perquisites For Duties Legally Required
    c. Power of Legislature to Prescribe Code of Conduct Against Conflict of Interest

**CHAPTER XII**

**AMENDMENTS**

91. Initial and Process of Amendment
92. Publication of Proposal for Amendment and Separately Itemizing Amendments Sought
93. Limitation of Presidential Terms of Office

**CHAPTER XIII**

**TRANSITIONAL PROVISIONS**


94. a. Persons Elected prior to Promulgation of Constitution to be considered duly elected Under Constitution
    b. Swearing in of Newly Elected President on April 12, 1985 and coming into Forces of Constitution
    c. Convening of Newly elected Legislature
    d. Position of Persons Appointed Prior to Coming into Forces of Constitution
95. a. Abrogation of Constitution of July 26, 1847
    b. Status of treaties, Executive and other Agreements concluded by prior Government
    c. Status of Foreign and Domestic Debts concluded by Prior Governments
96. a. Continuity of Judiciary after the coming Into Force of the Constitution and Power Of President to Appoint
    b. Legal Proceedings concluded not to be commenced a new
97. a. Prohibition against Question in Judicial or Other forums of Actions taken by or in the Name of People's redemption Council
    b. Prohibition Against Court Entertaining any Action which Brought Change of Government On April 12, 1980 or any other act by People's Redemption Council


**SCHEDULE**


1. Schedule to Form Integral Part of Constitution
2. Oaths for Public Official

## NATIONAL CONSTITUTION COMMISSION

| | | |
|---|---|---|
| 1. | Amos Sawyer | Chairman |
| 2. | D. K. Wonsehleay | Co-Chairman |
| 3. | Robert G. W. Azango | Member |
| 4. | J. Gornee B. Barlefay | Member |
| 5. | J. Emmanuel Berry | Member |
| 6. | George D. Brown | Member |
| 7. | Augustus F. Caine | Member |
| 8. | H. Boima Fahnbulleh, Sr. | Member |
| 9. | Banglay Fofana | Member |
| 10. | Philip G. Gadegbeku | Member |
| 11. | Alfred V.W. Gayflor | Member |
| 12. | Isaac L. George | Member |
| 13. | J. Rudolph Grimes | Member |
| 14. | Abraham L. James | Member |
| 15. | Peter A. Johnson | Member |
| 16. | David Kpomakpor | Member |
| 17. | Henry G. Kwekwe | Member |
| 18. | Albert Porte | Member |
| 19. | Patrick L. N. Seyon | Member |
| 20. | J. Teah Tarpeh | Member |
| 21. | S. Byron Tarr | Member |
| 22. | B. Mulbah Togbah | Member |
| 23. | Wolor Torpor | Member |
| 24. | Rebecca Ware-Wilson | Member |
| 25. | Tuan Wreh | Member |

## CONSTITUTIONAL ADVISORY ASSEMBLY

1. Edward Binyah Kesselly
   (Lofa County) Chairman
2. Charles H. Williams
   (Grand Bassa County) Deputy Chairman
3. Archibald F. Bernard
   (Montserrado County) Sec. General

4. Richard K. Flomo
(Bong County) Asst. Sec. Gen.

**MONTSERRADOCOUNTY**

| | | |
|---|---|---|
| 5. | Stephen H. Kolison, Sr, | Member |
| 6. | James Nagbe Doe | Member |
| 7. | James N. Nagbe | Member |
| 8. | Rocheforte L. Weeks | Member |
| 9. | Pearl Brown-Bull | Member |
| 10. | Jonathan E.M. Gibson | Member |
| 11. | Zoe Ethel Norman | Member |
| 12. | Walter Yedebabuo Wisner, Jr. | Member |

**MARSHALL TERRITORY**

| | | |
|---|---|---|
| 13. | R. Francis Okai, Jr. | Member |

**BOMI TERRITORY**

| | | |
|---|---|---|
| 14. | Samuel Dwelu Hill | Member |
| 15. | K. Ballah M. Davis, Sr. | Member |

**GIBI TERRITORY**

| | | |
|---|---|---|
| 16. | David S. Menyongai | Member |
| 17. | Flomo Shadrach Daniel, II | Member |

**GRAND BASSA COUNTY**

| | | |
|---|---|---|
| 18. | A. Wilmot McCritty, I | Member |
| 19. | Abba G. Karnga | Member |
| 20. | Thomas L. Griggs | Member |
| 21. | Joseph L. Barchue, Sr. | Member |

**RIVERCESS TERRITORY**

| | | |
|---|---|---|
| 22. | T. Gbegbe Roberto Dole | Member |

**SINOE COUNTY**

| | | |
|---|---|---|
| 23. | Nelson William Broderick | Member |
| 24. | Charles N. Wiah | Member |

| | | |
|---|---|---|
| 25. | Lawrence S. Bestman | Member |
| 26. | Jenkinson T. Nyenpan, Sr. | Member |

**SASSTOWN TERRITORY**

| | | |
|---|---|---|
| 27. | Dennis J. Weagbe | Member |

**MARYLAND COUNTY**

| | | |
|---|---|---|
| 28. | Nathaniel Bleh Seton, Sr. | Member |
| 29. | James Klaba Giko | Member |
| 30. | Christian W. Baker | Member |
| 31. | J. Barney Taylor | Member |

**KRU COAST TERRITORY**

| | | |
|---|---|---|
| 32. | Charles Barzee Coffey | Member |

**GRAND CAPEMOUNT COUNTY**

| | | |
|---|---|---|
| 33. | A. Kini Freeman | Member |
| 34. | Christopher K. Kandakai | Member |
| 35. | Ernest K. Metzgar | Member |
| 36. | Victor Lamina Yates | Member |

**GRAND GEDEH COUNTY**

| | | |
|---|---|---|
| 37. | Harry T. Faber Nayou | Member |
| 38. | Philip Karyeyou Deah | Member |
| 39. | Robert Bloh Toe, Sr. | Member |
| 40. | Emmanuel B. Neewray | Member |
| 41. | Doquinee Jarpee Andrews, Jr. | Member |

**NIMBA COUNTY**

| | | |
|---|---|---|
| 42. | J. Patrick K. Biddle | Member |
| 43. | John Wiemi Bartuah | Member |
| 44. | James W. Zotaa, Jr. | Member |
| 45. | J. Gbarmie Sahn | Member |
| 46. | Jenkins G. W. Wongbe | Member |
| 47. | Peter A. Gbelia, Sr. | Member |
| 48. | Stephen B. Daniels, Sr. | Member |

| | | |
|---|---|---|
| 49. | Samuel B. Wongbeh | Member |

**BONG COUNTY**

| | | |
|---|---|---|
| 50. | John Flumo Bakalu, Sr. | Member |
| 51. | James Y. Gbarbea | Member |
| 52. | Walter T. Gwenigale | Member |
| 53. | Salome Giddings-Hall | Member |
| 54. | Manyu M. Kamara | Member |

**LOFA COUNTY**

| | | |
|---|---|---|
| 55. | Edward S. Mends-Cole | Member |
| 56. | J. Edward Koenig | Member |
| 57. | Frederick K. Gobewole | Member |
| 58. | James M. Hargrave | Member |
| 59. | Keikura Bayoh Kpoto | Member |

## PREAMBLE

We the People of the Republic of Liberia:

Acknowledging our devout gratitude to God for our existence as a Free, Sovereign and Independent State, and relying on His Divine Guidance for our survival as a Nation;

Realizing from many experiences during the course of our national existence which culminated in the Revolution of April 12, 1980, when our Constitution of July 26, 1847 was suspended, that all of our people irrespective of history, tradition, creed or ethnic background are of one common body politic;

Exercising our natural, inherent and inalienable rights to establish a framework of government for the purpose of promoting unity, liberty, peace, stability, equality, justice and human rights under the rule of law, with opportunities for political, social, moral, spiritual and cultural advancement of our society, for ourselves and for our posterity; and

Having resolved to live in harmony, to practice fraternal love, tolerance and understanding as a people and being fully mindful of our obligation to promote African Unity and International Peace and Cooperation.

Do hereby solemnly make, establish, proclaim and publish this Constitution for the governance of the Republic of Liberia.

## CHAPTER I

## STRUCTURE OF THE STATE

### Article 1

All power is inherent in the people. All free governments are instituted by their authority and for their benefit and they have the right to alter and reform the same when their safety and happiness so require. In order to ensure democratic government which responds to the wishes of the governed, the people shall have the right at such period, and in such manner as provided for under this Constitution, to cause their public servants to leave office and to fill vacancies by regular elections and appointments.

### Article 2

This Constitution is the supreme and fundamental law of Liberia and its provisions shall have binding force and effect on all authorities and persons throughout the Republic.

Any laws, treaties, statutes, decrees, customs and regulations found to be inconsistent with it shall, to the extent of the inconsistency, be void and of no legal effect. The Supreme Court, pursuant to its power of judicial review, is empowered to declare any inconsistent laws unconstitutional.

### Article 3

Liberia is a unitary sovereign state divided into counties for administrative purposes. The form of government is Republican with three separate coordinate branches: the Legislative, the Executive and the Judiciary. Consistent with the principles of separation of powers and checks and balances, no person

holding office in one of these branches shall hold office in or exercise any of the powers assigned to either of the other two branches except as otherwise provided in this Constitution; and no person holding office in one of the said branches shall serve on any autonomous public agency.

## CHAPTER II

## GENERAL PRINCIPLES OF NATIONAL POLICY

### Article 4

The principles contained in this Chapter shall be fundamental in the governance of the Republic and shall serve as guidelines in the formulation of legislative, executive and administrative directives, policy-making and their execution.

### Article 5

The Republic shall:

(a) Aim at strengthening the national integration and unity of the people of Liberia, regardless of ethnic, regional or other difference, into one body politic; and the Legislature shall enact laws promoting national unification and the encouragement of all citizens to participate in government.

(b) Preserve, protect and promote positive Liberian culture, ensuring that traditional values which are compatible with public policy and national progress are adopted and developed as an integral part of the growing needs of the Liberian society;

(c) Take steps, by appropriate legislation and executive orders, to eliminate sectionalism and tribalism, and

such abuses of power as the misuse of government resources, nepotism and all other corrupt practices.

**Article 6**

The Republic shall, because of the vital role assigned to the individual citizen under this Constitution for the social, economic and political well-being of Liberia, provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy.

**Article 7**

The Republic shall, consistent with the principles of individual freedom and social justice enshrined in this Constitution, manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia.

**Article 8**

The Republic shall direct its policy towards ensuring for all citizens without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards promoting safety, health and welfare facilities in employment.

**Article 9**

The Republic shall encourage the promotion of bilateral and regional cooperation between and among Liberia and other nations and the formation and maintenance of regional organizations aimed at the cultural, social, political and

economic development of the peoples of Africa and other nations of the world.

**Article 10**

The Republic shall ensure the publication and dissemination of this Constitution throughout the Republic and the teaching of its principles and provisions in all institutions of learning in Liberia.

## CHAPTER III

## FUNDAMENTAL RIGHTS

**Article 11**

(a) All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of pursuing and maintaining the security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution.

(b) All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution.

(c) All persons are equal before the law and are therefore entitled to the equal protection of the law.

**Article 12**

No person shall be held in slavery or forced labor within the Republic, nor shall any citizen of Liberia nor any person resident therein deal in slaves or subject any other person to forced labor, debt bondage or peonage; but labor reasonably required in consequence of a court sentence or order conforming to acceptable labor standards, service in military, work or service which forms part of normal civil obligations or service exacted which forms part of normal civil obligations or service exacted in cases of emergency or calamity threatening the life or well-being of the community shall not be deemed forced labor.

**Article 13**

(a) Every person lawfully within the Republic shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave there from subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others.

(b) Every Liberian citizen shall have the right to leave and to enter Liberia at any time. Liberian citizens and non-Liberian residents may be extradited to a foreign country for prosecution of a criminal offense in accordance with the provisions of an extradition treaty or other reciprocal international agreements in force. Non-Liberian residents may be expelled from the Republic of Liberia for cause.

**Article 14**

All persons shall be entitled to freedom of thought, conscience and religion and no person shall be hindered in the enjoyment thereof except as may be required by law to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. All persons who, in the practice of their

religion, conduct themselves peaceably, not obstructing others and conforming to the standards set out herein, shall be entitled to the protection of the law. No religious denomination or sect shall have any exclusive privilege or preference over any other, but all shall be treated alike; and no religious tests shall be required for any civil or military office or for the exercise of any civil right. Consistent with the principle of separation of religion and state, the Republic shall establish no state religion.

**Article 15**

(a) Every person shall have the right to freedom of expression, being fully responsible for the abuse thereof. This right shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with this Constitution.

(b) The right encompasses the right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.

(c) In pursuance of this right, there shall be no limitation on the public right to be informed about the government and its functionaries.

(d) Access to state owned media shall not be denied because of any disagreement with or dislike of the ideas express. Denial of such access may be challenged in a court of competent jurisdiction.

(e) This freedom may be limited only by judicial action in proceedings grounded in defamation or invasion of the rights of privacy and publicity or in the commercial aspect of expression in deception, false advertising and copyright infringement.

**Article 16**

No person shall be subjected to interference with his privacy of person, family, home or correspondence except by order of a court of competent jurisdiction.

**Article 17**

All persons, at all times, in an orderly and peaceable manner, shall have the right to assemble and consult upon the common good, to instruct their representatives, to petition the Government or other functionaries for the redress of grievances and to associate fully with others or refuse to associate in political parties, trade unions and other organizations.

**Article 18**

All Liberian citizens shall have equal opportunity for work and employment regardless of sex, creed, religion, ethnic background, place of origin or political affiliation, and all shall be entitled to equal pay for equal work.

**Article 19**

No person other than members of the Armed Forces of Liberia or of the militia in active service shall be subject to military law, or made to suffer any pains or penalties by virtue of that law, or be tried by courts-martial.

**Article 20**

(a) No person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law. Justice shall be done without sale, denial or delay; and in all cases not arising in courts not of record, under courts martial and upon impeachment, the parties shall have the right to trial by jury.

(b) The right of an appeal from a judgment, decree, decision or ruling of any court or administrative board or agency, except the Supreme Court, shall be held inviolable. The Legislature shall prescribe rules and procedures for the easy, expeditious and inexpensive filling and hearing of an appeal.

**Article 21**

No person shall be made subject to any law or punishment which was not in effect at the time of commission of an offense, nor shall the Legislature enact any bill of attainder or ex post facto law.

(a) No person shall be made subject to search or seizure of his person or property, whether on a criminal charge or for any other purpose, unless upon warrant lawfully issued upon probable cause supported by a solemn oath or affirmation, specifically identifying the person or place to be searched and stating the object of the search; provided, however, that a search or seizure shall be permissible without a search warrant where the arresting authorities act during the commission of a crime or in hot pursuit of a person who has committed a crime.

(b) Every person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges, of the right to remain silent and of the fact that any statement made could be used against him in a court of law. Such person shall be entitled to counsel at every state of the investigation and shall have the right not to be interrogated except in the presence of counsel. Any admission or other statements made by the accused in the absence of such counsel shall be deemed inadmissible as evidence in a court of law.

(c) (i) All accused persons shall be bailable upon their personal recognizance or by sufficient sureties, depending upon the gravity of the charge, unless charged for capital offenses or grave offenses as defined by law.

(ii) Excessive bail shall not be required, nor excessive fines imposed, nor excessive punishment inflicted.

(d) No person charged, arrested, restricted, detained or otherwise held in confinement shall be subject to torture or inhumane treatment; nor shall any person except military personnel, be kept or confined in any military facility; nor shall any person be seized and kept among convicted prisoners or treated as a convict, unless such person first shall have been convicted of a crime in a court of competent jurisdiction. The Legislature shall make it a criminal offense and provide for appropriate penalties against any police or security officers, prosecutor, administrator or any other public official acting in contravention of this provision; and any person so damaged by the conduct of any such public official shall have a civil remedy therefor, exclusive of any criminal penalties imposed.

(e) Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours. Should the court determine the existence of a prima facie case against the accused, it shall issue a formal writ of arrest setting out the charge or charges and shall provide for a speedy trial. There shall be no preventive detention.

(f) The right to the writ of habeas corpus, being essential to the protection of human rights, shall be guaranteed at all times, and any person arrested or detained and not presented to court within the period specified may in consequence exercise this right.

(g) No person shall be held to answer for a capital or infamous crime except in cases of impeachment, cases arising in the Armed Forces and petty offenses, unless upon indictment by a Grand Jury; and in all such cases, the accused shall have the right to a speedy, public and impartial trial by a jury of the vicinity, unless such person shall, with appropriate understanding, expressly waive the right to a jury trial. In all criminal cases, the accused shall have the right to be represented by counsel of his choice, to confront witnesses against him and to have compulsory process for obtaining witnesses in his favor. He shall not be compelled to furnish evidence against himself and he shall be presumed innocent until the contrary is proven beyond a reasonable doubt. No person shall be subject to double jeopardy.

(h) The right to counsel and the rights of counsel shall be inviolable. There shall be no interference with the lawyer-client relationship. In all trials, hearings, interrogatories and other proceedings where a person is accused of a criminal offense, the accused shall have the right to counsel of his choice; and where the

accused is unable to secure such representation, the Republic shall make available legal aid services to ensure the protection of his rights.

There shall be absolute immunity from any government sanctions or interference in the performance of legal services as a counselor or advocate; lawyers' offices and homes shall not be searched or papers examined or taken save pursuant to a search warrant and court order; and no lawyer shall be prevented from or punished for providing legal services, regardless of the charges against or the guilt of his client. No lawyer shall be barred from practice for political reasons.

(i) Any person who, upon conviction of a criminal offense, was deprived of the enjoyment of his civil rights and liberties shall have the same automatically restored upon serving the sentence and satisfying any other penalty imposed, or upon an executive pardon.

**Article 22**

Every person shall have the right to own property alone as well as in association with others; provided that only Liberian citizens shall have the right to own real property within the Republic.

(a) Private property rights, however, shall not extend to any mineral resources on or beneath any land or to any lands under the seas and waterways of the Republic. All mineral resources in and under the seas and other waterways shall belong to the Republic and be used by and for the entire Republic.

(b) Non-citizen missionary, educational and other benevolent institutions shall have the right to own

property, as long as that property is used for the purposes for which acquired; property no longer so used shall escheat to the Republic.

(c) The Republic may, on the basis of reciprocity, convey to a foreign government property to be used perpetually for its diplomatic activities. This land shall not be transferred or otherwise conveyed to any other party or used for any other purpose, except upon the expressed permission of the Government of Liberia. All property so conveyed may escheat to the Republic in the event of a cessation of diplomatic relations.

**Article 23**

(a) The property which a person possesses at the time of marriage or which may afterwards be acquired as a result of one's own labors shall not be held for or otherwise applied to the liquidation of the debts or other obligations of the spouse, whether contracted before or after marriage; nor shall the property which by law is to be secured to a man or a woman be alienated or be controlled by that person's spouse save by free and voluntary consent.

(b) The Legislature shall enact laws to govern the devolution of estates and establish rights of inheritance and descent for spouses of both statutory and customary marriages so as to give adequate protection to surviving spouses and children of such marriages.

**Article 24**

(a) While the inviolability of private property shall be guaranteed by the Republic, expropriation may be authorized for the security of the nation in the event of

armed conflict or where the public health and safety are endangered or for any other public purposes, provided:

(i) That reasons for such expropriation are given;

(ii) That there is prompt payment of just compensation;

(iii) That such expropriation or the compensation offered may be challenged freely by the owner of the property in a court of law with no penalty for having brought such action; and

(iv) That when property taken for public use ceases to be so used, the Republic shall accord the former owner or those entitled to the property through such owner, the right of first refusal to reacquire the property.

(a) All real property held by a person whose certificate of naturalization has been cancelled shall escheat to the Republic, unless such person shall have a spouse and/or lineal heirs who are Liberian citizens, in which case the real property shall be transferred to them in accordance with the intestacy law.

(b) The power of the Legislature to provide punishment for treason or other crimes shall not include a deprivation or forfeiture of the right of inheritance, although its enjoyment by the convicted person shall be postponed during a term of imprisonment judicially imposed; provided that if the convicted person has minor children and a spouse, the spouse or next of kin in the order of

priority shall administer the same. No punishment shall preclude the inheritance, enjoyment or punishment forfeiture by others entitled thereto of any property which the convicted person at the time of conviction or subsequent thereto may have possessed.

**Article 25**

Obligation of contract shall be guaranteed by the Republic and no laws shall be passed which might impair this right.

**Article 26**

Where any person or any association alleges that any of the rights granted under this Constitution or any legislation or directives are constitutionally contravened, that person or association may invoke the privilege and benefit of court direction, order or writ, including a judgment of unconstitutionality; and anyone injured by an act of the Government or any person acting under its authority, whether in property, contract, tort or otherwise, shall have the right to bring suit for appropriate redress. All such suits brought against the Government shall originate in a Claims Court; appeals from judgment of the Claims Court shall lie directly to the Supreme Court.

## CHAPTER IV

## CITIZENSHIP

**Article 27**

(a) All persons who, on the coming into force of this Constitution were lawfully citizens of Liberia shall continue to be Liberian citizens.

(b) In order to preserve, foster and maintain the positive Liberian culture, values and character, only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia

(c) The Legislature shall, adhering to the above standard, prescribe such other qualification criteria for and the procedures by which naturalization may be obtained.

**Article 28**

Any person, at least one of whose parents was a citizen of Liberia at the time of the person's birth, shall be a citizen of Liberia; provided that any such person shall upon reaching maturity renounce any other citizenship acquired by virtue of one parent being a citizen of another country. No citizen of the Republic shall be deprived of citizenship or nationality except as provided by law; and no person shall be denied the right to change citizenship or nationality.

## CHAPTER V

## THE LEGISLATURE

**Article 29**

The legislative power of the Republic shall be vested in the Legislature of Liberia which shall consist of two separate houses: A Senate and a House of Representatives, both of which must pass on all legislation. The enacting style shall be: "It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled."

**Article 30**

Citizens of Liberia who meet the following qualifications are eligible to become members of the Legislature:

(a) For the Senate, have attained the age of 30 years and for the House of Representatives, have attained the age of 25 years;

(b) Be domiciled in the county or constituency to be represented not less than one year prior to the time of the election and be a taxpayer.

**Article 31**

Each member of the Legislature, before taking his seat and entering upon the duties of office, shall take and subscribe to a solemn oath or affirmation, before the presiding officer of the House to which such person was elected and in the presence of other members of that House, to uphold and defend the Constitution and laws of the Republic and to discharge faithfully duties of such office.

**Article 32**

(a) The Legislature shall assemble in regular session once a year on the second working Monday in January.

(b) The President shall, on his own initiative or upon receipt of a certificate signed by at least one-fourth of the total membership of each House, and by proclamation, extend a regular session of the Legislature beyond the date for adjournment or call a special or extraordinary session of that body to discuss or act upon matters of national emergency and concern.

When the extension or call is at the request of the Legislature, the proclamation shall be issued not later than forty-eight hours after receipt of the certificate by the President.

**Article 33**

A simple majority of each House shall constitute a quorum for the transaction of business, but a lower number may adjourn from day to day and compel the attendance of absent members. Whenever the House of Representatives and the Senate shall meet in joint session, the presiding officer of the House of Representatives shall preside.

**Article 34**

The Legislature shall have the power:

(a) To create new counties and other political sub-divisions, and readjust existing county boundaries;

(b) To provide for the security of the Republic;

(c) To provide for the common defense, to declare war and authorize the Executive to conclude peace; to raise and support the Armed forces of the Republic, and to make appropriations therefor provided that no appropriation of money for that use shall be for a longer term than one year; and to make rules for the governance of the Armed forces of the Republic;

(d) To levy taxes, duties, imposts, excise and other revenues, to borrow money, issue currency, mint coins, and to make appropriations for the fiscal governance of the Republic, subject to the following qualifications:

(i) All revenue bills, whether subsidies, charges, imposts, duties or taxes, and other financial bills, shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. No other financial charge shall be established, fixed, laid or levied on any individual, community or locality under any pretext whatsoever except by the expressed consent of the individual, community or locality. In all such cases, a true and correct account of funds collected shall be made to the community or locality.

(ii) No monies shall be drawn from the treasury except in consequence of appropriations made by legislative enactment and upon warrant of the President: and no coin shall be minted or national currency issued except by the expressed authority of the Legislature. An annual statement and account of the receipt and expenditure of all public monies shall be submitted by the office of the President to the Legislature and published once a year.

(iii) No loans shall be raised by the Government on behalf of the Republic or guarantees given for any public institution or authority otherwise than by or under the authority of a legislative enactment.

(e) To constitute courts inferior to the Supreme Court, including circuit courts, claims courts and such other courts with such prescribed jurisdictional powers as may be deemed necessary for the proper administration of justice throughout the Republic;

(f) To approve treaties, conventions and such other international agreements negotiated or signed on behalf of the Republic;

(g) To regulate trade and commerce between Liberia and other nations;

(h) To establish laws for citizenship, naturalization and residence;

(i) To enact the election laws;

(j) To establish various categories of criminal offenses and provide for the punishment thereof;

(k) To enact laws providing pension scheme for various categories of government officials and employees in accordance with age and tenure of service; and

(l) To make all other laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Republic, or in any department or officer thereof.

**Article 35**

Each bill or resolution which shall have passed both Houses of the Legislature shall, before it becomes law, be laid before the President for his approval. If he grants approval, it shall become law. If the President does not approve such bill or resolution, he shall return it with his objections, to the House in which it originated. In so doing, the President may disapprove of the entire bill or resolution or any item or items thereof. This veto may be overridden by the re-passage of such bill, resolution or item thereof by a vote of two-thirds of the members in each

House, in which case it shall become law. If the President does not return the bill or resolution within twenty days after the same shall have been laid before him it shall become law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return.

No bill or resolution shall embrace more than one subject which shall be expressed in its title.

**Article 36**

The Senators and Representatives shall receive from the Republic remuneration for their services to be fixed by law, provided that any increase shall become effective at the beginning of the next fiscal year.

**Article 37**

In the event of a vacancy in the Legislature caused by death, resignation, expulsion or otherwise, the presiding officer shall within 30 days notify the Elections Commission thereof. The Elections Commission shall not later than 90 days thereafter cause a by-election to be held; provided that where such vacancy occurs within 90 days prior to the holding of general elections, the filling of the vacancy shall await the holding of such general elections.

**Article 38**

Each House shall adopt its own rules of procedure, enforce order, and with the concurrence of two-thirds of the entire membership, may expel a member for cause. Each House shall establish its own committees and sub-committees; provided, however, that the committees on revenues and appropriations shall consist of one member from each County. All rules

adopted by the Legislature shall conform to the requirements of due process of law laid down in this Constitution.

**Article 39**

The Legislature shall cause a census of the Republic to be undertaken every ten years.

**Article 40**

Neither House shall adjourn for more than five days without the consent of the other and both Houses shall always sit in the same city.

**Article 41**

The business of the Legislature shall be conducted in the English language or, when adequate preparations shall have been made, in one or more of the languages of the Republic as the Legislature may by resolution approve.

**Article 42**

No member of the Senate or House of Representatives shall be arrested, detained, prosecuted or tried as a result of opinions expressed or votes cast in the exercise of the functions of his office. Members shall be privileged from arrest while attending, going to or returning from sessions of the Legislature, except for treason, felony or breach of the peace. All official acts done or performed and all statements made in the Chambers of the Legislature shall be privileged, and no Legislator shall be held accountable or punished therefor.

**Article 43**

The power to prepare a bill of impeachment is vested solely in the House of Representatives, and the power to try all impeachments is vested solely in the Senate. When the President, Vice President or an Associate Justice is to be tried, the Chief Justice shall preside; when the Chief Justice or a judge of a subordinate court of record is to be tried, the President of the Senate shall preside. No person shall be impeached but by the concurrence of two-thirds of the total membership of the Senate. Judgments in such cases shall not extend beyond removal from office and disqualification to hold public office in the Republic; but the party may be tried at law for the same offense. The Legislature shall prescribe the procedure for impeachment proceedings which shall be in conformity with the requirements of due process of law.

**Article 44**

Contempt of the Legislature shall consist of actions which obstruct the legislative functions or which obstruct or impede members or officers of the Legislature in the discharge of their legislative duties and may be punished by the House concerned by reasonable sanctions after a hearing consistent with due process of law. No sanction shall extend beyond the session of the Legislature wherein it is imposed, and any sanction imposed shall conform to the provisions on Fundamental Rights laid down in this Constitution. Disputes between legislators and non-members which are properly cognizable in the courts shall not be entertained or heard in the Legislature.

**Article 45**

The Senate shall be composed of Senators elected for a term of nine years by the registered voters in each of the counties, but a Senator elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be so elected to serve only the remainder of the unexpired term of office.

Each county shall elect two Senators and each Senator shall have one vote in the Senate. Senators shall be eligible for re-election.

**Article 46**

Immediately after the Senate shall have assembled following the elections prior to the coming into force of this Constitution, the Senators shall be divided into two categories as a result of the votes cast in each county. The Senator with the higher votes cast shall be the Senator of the first category and the Senator with the lower votes cast shall be Senator of the second category; provided that no two Senators from a county shall be placed in the same category. The seats of Senators of the first category shall be vacated at the expiration of the ninth year. In the interest of legislative continuity, the Senators of the second category shall serve a first term of six year only, after the first elections. Thereafter, all Senators shall be elected to serve a term of nine years.

**Article 47**

The Senate shall elect once every six years a President Pro-Tempore who shall preside in the absence of the President of the Senate, and such other officers as shall ensure the proper functioning of the Senate. The President Pro-Tempore and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the Senate.

**Article 48**

The House of Representative shall be composed of members elected for a term of six years by the registered voters in each of the legislative constituencies of the counties, but a member

of the House of Representatives elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be elected to serve only the reminder of the unexpired term of the office. Members of the House of Representatives shall be eligible for re-election.

**Article 49**

The House of Representatives shall elect once every six years a Speaker who shall be the presiding officer of that body, a Deputy Speaker, and such other officers as shall ensure the proper functioning of the House. The Speaker, the Deputy Speaker and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the House.

## CHAPTER VI

## THE EXECUTIVE

**Article 50**

The Executive Power of the Republic shall be vested in the President who shall be Head of State, Head of Government and Commander-in-Chief of the Armed Forces of Liberia. The President shall be elected by universal adult suffrage of registered voters in the Republic and shall hold office for a term of six years commencing at noon on the third working Monday in January of the year immediately following the elections. No person shall serve as President for more than two terms.

**Article 51**

There shall be a Vice President who shall assist the President in the discharge of his functions. The Vice President shall be

elected on the same political ticket and shall serve the same term as the President. The Vice President shall be President of the Senate and preside over its deliberations without the right to vote, except in the case of a tie vote. He shall attend meetings of the cabinet and other governmental meetings and shall perform such functions as the President shall delegate or deem appropriate; provided that no powers specifically vested in the President by the provisions of this Constitution shall be delegated to the Vice President.

**Article 52**

No person shall be eligible to hold the office of President or Vice President, unless that person is:

(a) A natural born Liberian citizen of not less than 35 years of age;

(b) The owner of unencumbered real property valued at not less than twenty-five thousand dollars; and

(c) Resident in the Republic ten years prior to his election, provided that the President and the Vice President shall not come from the same county.

**Article 53**

(a) The President and the Vice President shall, before entering on the execution of the duties of their respective offices, take a solemn oath or affirmation to preserve, protect and defend the Constitution and laws of the Republic and faithfully execute the duties of the office. The oath or affirmation shall be administered in joint convention of both Houses of

the Legislature by the Chef Justice or, in his absence, the most senior Associate Justice.

(b) In an emergency where the Chief Justice and the Associate Justices are not available, such oath or affirmation shall be administered by a judge of a subordinate court of record.

**Article 54**

The President shall nominate and, with the consent of the Senate, appoint and commission-

(a) Cabinet ministers, deputy and assistant cabinet ministers;

(b) Ambassadors, ministers, consuls; and

(c) The Chief Justice and Associate Justices of the Supreme Court and judges of subordinate courts;

(c) Superintendents, other county officials and officials of other political sub-divisions;

(d) Members of the military from the rank of lieutenant or its equivalent and above, and

(e) Marshals, deputy marshals and sheriffs.

**Article 55**

The President shall appoint and commission Notaries Public and Justices of the Peace who shall hold office for a term of two years but may be removed by the President for cause. They shall be eligible for reappointment.

**Article 56**

(a) All cabinet ministers, deputy and assistant cabinet ministers, ambassadors, ministers and consuls, superintendents of counties and other government officials, both military and civilian, appointed by the President pursuant to this Constitution shall hold their offices at the pleasure of the President.

(b) There shall be elections of Paramount, Clan and Town Chiefs by the registered voters in their respective localities, to serve for a term of six years. They may be re-elected and may be removed only by the President for proved misconduct. The Legislature shall enact laws to provide for their qualifications as may be required.

**Article 57**

The President shall have the power to conduct the foreign affairs of the Republic and in that connection he is empowered to conclude treaties, conventions and similar international agreements with the concurrence of a majority of each House of the Legislature.

**Article 58**

The President shall, on the fourth working Monday in January of each year, present the administration's legislative program for the ensuing session, and shall once a year report to the Legislature on the state of the Republic. In presenting the economic condition of the Republic the report shall cover expenditure as well as income.

**Article 59**

The President may remit any public forfeiture and penalties, suspend any fines and sentences, grant reprieves and pardons, and restore civil rights after conviction for all public offenses, except impeachment.

**Article 60**

The President and the Vice President shall receive salaries which shall be determined by the Legislature and be paid by the Republic. Such salaries shall be subject to taxes as defined by law and shall neither be increased nor diminished during the period for which the President and the Vice President shall have been elected.

**Article 61**

The President shall be immune from any suits, actions or proceedings judicial or otherwise, and from arrest, detention or other actions on account of any act done by him while President of Liberia pursuant to any provision of this Constitution or any other laws of the Republic. The President shall not, however, be immune from prosecution upon removal from office for the commission of any criminal act done while President.

**Article 62**

The President and the Vice President may be removed from office by impeachment for treason, bribery and other felonies, violation of the constitution or gross misconduct.

**Article 63**

(a) Whenever a person elected to the office of President dies or is otherwise incapacitated before being inaugurated

into office, the Vice President elect shall succeed to the office of President, and this accession shall commence a term.

(b) Whenever the office of the President shall become vacant by reason of death, resignation, impeachment, or the President shall be declared incapable of carrying out the duties and functions of his office, the Vice President shall succeed to the office of the President to complete the unexpired term. In such a case, this shall not constitute a term.

(c) The Legislature shall, no later than one year after the coming into force of this Constitution, prescribe the guidelines and determine the procedures under which the President, by reason of illness, shall be declared incapable of carrying out the functions of his office.

(d) Whenever the office of the Vice President becomes vacant by reason of death, resignation, impeachment, inability or otherwise, the President shall, without delay, nominate a candidate who, with the concurrence of both Houses of the Legislature, shall be sworn in and hold office as Vice President until the next general elections are held. Whenever the Vice President elect dies, resigns, or is incapacitated before being inaugurated, the President elected on the same ticket with him, shall, after being inaugurated into office, nominate without delay a candidate who, with the concurrence of both Houses of the Legislature, shall be sworn in and hold office as Vice President until the next general elections are held.

**Article 64**

Whenever the office of the President and of the Vice President shall become vacant by reason of removal, death, resignation, inability or other disability of the President and the Vice President, the Speaker of the House of Representatives shall be sworn in as Acting President until the holding of elections to fill the vacancies so created. Should the Speaker be legally incapable or otherwise unable to assume the office of Acting President, then the same shall devolve upon the President Pro Tempore of the Senate. In any further line of descent, the office shall devolve in order upon the Deputy Speaker and members of the Cabinet in the order of precedence as established by law. The Elections Commission shall within ninety days conduct elections for a new President and a new Vice President.

## CHAPTER VII

## THE JUDICIARY

### Article 65

The Judicial Power of the Republic shall be vested in a Supreme Court and such subordinate courts as the legislature may from time to time establish. The courts shall apply both statutory and customary laws in accordance with the standards enacted by the Legislature. Judgments of the Supreme Court shall be final and binding and shall not be subject to appeal or review by any other branch of Government. Nothing in this article shall prohibit administrative consideration of the Justiciable matter prior to review by a court of competent jurisdiction.

### Article 66

The Supreme Court shall be the final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases

whether emanating from courts of record, courts not of record, administrative agencies, autonomous agencies or any other authority, both as to law and fact except cases involving ambassadors, ministers, or cases in which a county is a party. In all such cases, the Supreme Court shall exercise originate jurisdiction. The Legislature shall make no law nor create any exceptions as would deprive the Supreme Court of any of the powers granted herein.

**Article 67**

The Supreme Court shall comprise of one Chief Justice and four Associate Justices, a majority of whom shall be deemed competent to transact the business of the Court. If a quorum is not obtained to enable the Court to hear any case, a circuit judge in the order of seniority shall sit as an ad hoc justice of the Supreme Court.

**Article 68**

The Chief Justice and Associate Justices of the Supreme Court shall, with the consent of the Senate, be appointed and commissioned by the President; provided that any person so appointed shall be:

(a) A citizen of Liberia and of good moral character; and

(b) A counselor of the Supreme Court Bar who has practiced for at least 5 years.

**Article 69**

The judges of subordinate courts of record shall, with the consent of the Senate, be appointed and commissioned by the President, provided that any person so appointed shall be:

(a) A citizen of Liberia and of good moral character; and

(b) An Attorney-at-Law who has practiced for at least 3 year, or a counselor of the Supreme Court Bar.

**Article 70**

The Chief Justice and the Associate Justices of the Supreme Court and all judges of subordinate courts shall, before assuming the functions of their office, subscribe to a solemn oath or affirmation to discharge faithfully and impartially the duties and functions of their office and to preserve, protect and defend the Constitution and laws of the Republic. The oath or affirmation shall be administered by the president or his designee.

**Article 71**

The Chief Justice and the Associate Justices of the Supreme Court and the judges of subordinate courts of record shall hold office during good behavior. They may be removed upon impeachment and conviction by the Legislature based on proved misconduct, gross breach of duty, inability to perform the functions of their office, or conviction in a court of law for treason, bribery or other infamous crimes.

**Article 72**

(a) The Justices of the Supreme Court and all other judges shall receive such salaries, allowances and benefits as shall be established by law. Such salaries shall be subject to taxes as defined by law, provided that they shall not otherwise be diminished. Allowances and benefits paid to Justices of the Supreme Court and judges of subordinate courts may by law be increased but may not be diminished except under a national

program enacted by the Legislature; nor shall such allowances and benefit be subject to taxation.

(b) The Chief Justice and the Associate Justices of the Supreme Court and judges of subordinate courts of record shall be retired at the age of seventy; provided, however, that a justice or judge who has attained that age may continue in office for as long as may be necessary to enable him to render judgment or perform any other judicial duty in regard to proceedings entertained by him before he attained that age.

**Article 73**

No judicial official shall be summoned, arrested, detained, prosecuted or tried civilly or criminally by or at the instance of any person or authority on account of judicial opinions rendered or expressed, judicial statements made and judicial acts done in the course of a trial in open court or in chambers, except for treason or other felonies, misdemeanor or breach of the peace. Statements made and acts done by such officials in the course of a judicial proceeding shall be privileged, and, subject to the above qualification, no such statements made or acts done shall be admissible into evidence against them at any trial or proceeding.

**Article 74**

In all matters of contempt of court, whether in the Supreme Court or in other courts, the penalties to be imposed shall be fixed by the Legislature and shall conform to the provisions on Fundamental Rights laid down in this Constitution.

**Article 75**

The Supreme Court shall from time to time make rules of court for the purpose of regulating the practice, procedures and manner by which cases shall be commenced and heard before it and all other subordinate courts. It shall prescribe such code of conduct for lawyers appearing before it and all other subordinate courts as may be necessary to facilitate the proper discharge of the court's functions. Such rules and code, however, shall not contravene any statutory provisions or any provisions of this Constitution.

**Article 76**

(a) Treason against the Republic shall consist of:

(1) Levying war against the Republic;

(2) Aligning oneself with the aiding and abetting another nation or people with whom Liberia is at war or in a state of war;

(3) Acts of espionage for any enemy state;

(4) Attempting by overt act to overthrow the Government rebellion against the Republic, insurrection and mutiny; and

(5) Abrogating or attempting to abrogate, subverting or attempting or conspiring to subvert the Constitution by use of force or show of force or by any other means which attempts to undermine this Constitution.

The Legislature shall have the power to declare the punishment for treason; provided, however, that such punishment shall not include a deprivation or forfeiture of the right of inheritance by the convicted person of any property although he may not be entitled to enjoyment thereof for as long as he continues to

serve the term of imprisonment imposed after conviction in a court of competent jurisdiction. The right to enjoyment of any property inherited or otherwise conveyed to or acquired by such convicted person shall be automatically restored upon serving the term of imprisonment of other punishment, or an executive pardon by the President. No punishment shall preclude the inheritance and enjoyment, or cause the forfeiture by others entitled thereto, of any property which the convicted person at the time of any property which the convicted person at the time of conviction or subsequent thereto may have possessed or been seized.

## CHAPTER VII

## POLITICAL PARTIES AND ELECTIONS

### Article 77

(a) Since the essence of democracy is free competition of ideas expressed by political parties and political groups as well as by individuals, parties may freely be established to advocate the political opinions of the people. Laws, regulations, decrees or measures which might have the effect of creating a one-party state be declared unconstitutional.

(b) All elections shall be by secret ballot as may be determined by the Elections Commission, and every Liberian citizen not less than 18 years of age, shall have the right to be registered as a voter and to vote in public elections and referenda under this Constitution. The Legislature shall enact laws indicating the category of Liberians who shall not form or become members of political parties.

**Article 78**

As used in this Chapter, unless the context otherwise requires, an "association" means a body of persons, corporate or other, which acts together for a common purpose, and includes a group of people organized for any ethnic, social, cultural, occupational or religious objectives; a "political party" shall be an association with a membership of not less than five hundred qualified voters in each of at least six counties. Whose activities include canvassing for votes on any public issued or in support of a candidate for elective public office; and an "independent candidate" shall be a person seeking electoral post or office with or without his own organization, acting independently of a political party.

**Article 79**

No association, by whatever name called, shall function as a political party, nor shall any citizen be an independent candidate for election to public office, unless:

(a) The association or independent candidate and his organization meet the minimum registration requirements laid down by the Elections Commission and registered with it. Registration requirements shall include filing with the Elections Commission a copy of the constitution of the association and guidelines of the independent candidate and his organization, a detailed statement of the names and addresses of the association and its officers or of the independent candidates and the officers of his organization, and fulfillment of the provisions of sub-sections (b), (c), (d) and (e) hereof. Registration by the Elections Commission of any association or independent candidate and his organization shall vest in the

entity or candidate and his organization so registered legal personality, with the capacity to own property, real, personal or mixed, to sue and be sued and to hold accounts. A denial of registration or failure by the Elections Commission to register any applicant may be challenged by the applicant in the Supreme Court;

(b) The membership of the association or the independent candidate's organization is open to every citizen of Liberia, irrespective of sex, religion or ethnic background, except as otherwise provided in this Constitution;

(c) The headquarters of the association or independent candidate and his organization is situated:

(i) In the capital of the Republic where an association is involved or where an independent candidate seeks election to the office of President or Vice President;

(ii) In the headquarters of the county where an independent candidate seeks election as a Senator; and

(iii) In the electoral center in the constituency where the candidate seeks election as a member of the House of Representatives or to any other public office.

(d) The name, objective, emblem or motto of the association or of the independent candidate and his organization is free from any religious connotations or divisive ethnic implications and that the activities of the association of independent

candidate are not limited to a special group or, in the case of an association, limited to a particular geographic area of Liberia;

(e) The constitution and rules of the political party shall conform to the provisions of this Constitution, provide for the democratic elections of officers and/or governing body at least once every six years, and ensure the election of officers from as many of the regions and ethnic groupings in the country as possible. All amendments to the Constitution or rules of a political party shall be registered with the Elections Commission no later than ten days from the effective dates of such amendments.

**Article 80**

(a) Parties or organizations which, by reason of their aims or the behavior of their adherents, seek to impair or abolish the free democratic society of Liberia or to endanger the existence of the Republic shall be denied registration.

(b) Parties or organizations which retain, organize, train or equip any person or group of persons for the use or display of physical force or coercion in promoting any political objective of interest, or arouse reasonable apprehension that they are so organized, trained or equipped, shall be denied registration, or if registered, shall have their registration revoked.

(c) Every Liberian citizen shall have the right to be registered in a constituency, and to vote in public elections only in the constituency where registered, either in person or by absentee ballot; provided that

such citizen shall have the right to change his voting constituency as may be prescribed by the Legislature.

(d) Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the Legislature shall prescribe in keeping with population growth and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred.

(e) Immediately following a national census and before the next elections, the Elections Commission shall reapportion the constituencies in accordance with the new population figures so that every constituency shall have as close to the same population as possible; provided, however, that a constituency must be solely within a county.

**Article 81**

Any citizen, political party, organization or association, being resident in Liberia, of Liberian nationality or origin, and not otherwise disqualified under the provisions of this Constitution and laws of the land, shall have the right to canvass for the votes for any political party or candidate at any election, provided that corporate and business organizations and labor unions are excluded from so canvassing directly or indirectly in whatsoever form.

**Article 82**

(a) Any citizen or citizens, political party association or organization, being of Liberian nationality or origin, shall have the right to contribute to the funds or election expenses of any political party or candidate; provided

that corporate and business organizations and labor unions shall be excluded from making any contribution to the funds or expenses of any political party.

The Legislature shall by law prescribe the guidelines under which such contributions may be made and the maximum amount which may be contributed.

(b) No political party or organization may hold or posses any funds or other assets outside of Liberia; nor may they or any independent candidates retain any funds or assets remitted or sent to them from outside Liberia unless remitted or sent by Liberian citizens residing abroad. Any funds or other assets received directly or indirectly in contravention of this restriction shall be paid over or transferred to the Elections Commission within twenty-one days of receipt. Information on all funds received from abroad shall be filed promptly with the Elections Commission.

(c) The Elections Commission shall have the power to examine to into and order certified audits of the financial transactions of political parties and independent candidates and their organizations. The Commission shall prescribe the kinds of records to be kept and the manner in which they shall be kept. The certify audits shall be conducted by a certified chartered public accountant, not a member of any political party.

**Article 83**

(a) Voting for the President, Vice President, members of the Senate and members of the House of Representatives shall be conducted throughout the

Republic on the second Tuesday in October of each election year.

(b) All Except for President and Vice President, all elections of public officers shall be determined by a simple majority of the valid votes cast in any election. Election of President and Vice President shall be by absolute majority of the valid votes cast. If no Presidential ticket obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Tuesday following expiry of the time provided in Article 83(c). The two presidential tickets that received the greatest number of valid votes on the first ballot shall be designated to participate in the run-off election and the ticket with a majority of the valid votes cast shall be the declared winner.[1]

(c) The returns of the elections shall be declared by the Elections Commission not later than fifteen days after the casting of ballots. Any party or candidate who complains about the manner in which the elections were conducted or who challenges the results thereof shall have the right to file a complaint with the Elections Commission. Such complaint must be filed not later than seven days after the announcement of the elections.

The Elections Commission shall, within thirty days of receipt of the complaint, conduct an impartial investigation and render a

[1] National Referendum, 23 August 2011, amended Article 83(b) which previously read, "All elections of public officers shall he determined by an absolute majority of the votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Tuesday following. The two candidates who receive the greatest numbers of votes on the first ballot shall he designated to participate in the run-of election."

decision which may involve a dismissal of the complaint or a nullification of the election of a candidate. Any political party or independent candidate affected by such decision shall not later than seven days appeal against it to the Supreme Court.

The Elections Commission shall within seven days of receipt of the notice of appeal; forward all the records in the case to the Supreme Court, which not later than seven days thereafter, shall hear and make its determination. If the Supreme Court nullifies or sustains the nullification of the election of any candidate, for whatever reasons, the Elections Commission shall within sixty days of the decision of the Court conduct new elections to fill the vacancy. If the court sustains the election of a candidate, the Elections Commission shall act to effectuate the mandate of the Court.

(d) Every political party shall, on September 1 of each year, and every candidate of such political party and every independent candidate shall, not later than thirty days prior to the holding of an election in which he is a candidate, publish and submit to the Elections Commission detailed statements of assets and liabilities. These shall include the enumeration of sources of funds and other assets, plus lists of expenditures. Where the filing of such statements is made in an election year, every political party and independent candidate shall be required to file with the Elections Commission additional detailed supplementary statements of all funds received and expenditures made by them from the date of filing of the original statements to the date of the elections. Any political party or independent candidate who ceases to function shall publish and submit a final financial statement to the Elections Commission.

**Article 84**

The Legislature shall by law provide penalties for any violations of the relevant provisions of this Chapter, and shall enact laws and regulations in furtherance thereof not later than 1986; provided that such penalties, laws or regulations shall not be inconsistent with any provision of this Constitution.

## CHAPTER IX

## EMERGENCY POWERS

### Article 85

The President, as Commander-in-Chief of the Armed Forces may order any portion of the Armed Forces into state of combat.

Readiness in defense of the Republic, before or after the declaration of a state of emergency, as may be warranted by the situation. All military power or authority shall at all times, however, be held in subordination to the civil authority and the Constitution.

### Article 86

(a) The President may, consultation with the Speaker of the House of Representatives and the President Pro Tempore of the Senate, proclaim and declare the existence of a state of emergency in the Republic or any part thereof. Acting pursuant thereto, the President may suspend or affect certain rights, freedoms and guarantees contained in this Constitution and exercise such other emergency powers as may be necessary and appropriate to take care of the emergency, subject, however, to the limitations contained in this Chapter.

(b) A state of emergency may be declared only where there is a threat or outbreak of war or where there is civil unrest affecting the existence, security or well-being of the Republic amounting to a clear and present danger.

**Article 87**

(a) Emergency powers do not include the power to suspend or abrogate the Constitution, dissolve the Legislature, or suspend or dismiss the Judiciary; and no constitutional amendment shall be promulgated during a state of emergency. Where the Legislature is not in session, it must be convened immediately in special session and remain in session during the entire period of the state of emergency.

(b) The writ of habeas corpus shall remain available and exercisable at all times and shall not be suspended on account of any state of emergency. It shall be enjoyed in the most free, easy, inexpensive, expeditious and ample manner. Any person who suffers from a violation of this right may challenge such violation in a court of competent jurisdiction.

**Article 88**

The President shall, immediately upon the declaration of a state of emergency, but not later than seven days thereafter, lay before the Legislature at its regular session or at a specially convened session, the facts and circumstances leading to such declaration. The Legislature shall within seventy-two hours, by joint resolution voted by two-thirds of the membership of each house, decide whether the proclamation of a state of emergency is justified or whether the measures taken there under are appropriate. If the two-thirds vote is not obtained,

the emergency automatically shall be revoked. Where the Legislature shall deem it necessary to revoke the state of emergency or to modify the measures taken there under, the President shall act accordingly and immediately carry out the decisions of the Legislature.

## CHAPTER X

## AUTONOMOUS PUBLIC COMMISSIONS

**Article 89**

The following Autonomous Public Commissions are hereby established.

A. CIVIL SERVICE COMMISSION;

B. ELECTIONS COMMISSION; and

C. GENERAL AUDITING COMMISSION

The Legislature shall enact laws for the governance of these Commissions and create other agencies as may be necessary for the effective operation of Government.

## CHAPTER XI

## MISCELLANEOUS

**Article 90**

(a) No person, whether elected or appointed to any public office, shall engage in any other activity which shall be against public policy, or constitute conflict of interest.

(b) No person holding public office shall demand and receive any other perquisites, emoluments or benefits, directly or indirectly, on account of any duty required by Government.

(c) The Legislature shall, in pursuance of the above provision, prescribe a Code of Conduct for all public officials and employees, stipulating the acts which constitute conflict of interest or are against public policy, and the penalties for violation thereof.

## CHAPTER XII

## AMENDMENTS

### Article 91

This Constitution may be amended whenever a proposal by either (1) two-thirds of the membership of both Houses of the Legislature or (2) a petition submitted to the Legislature, by not fewer than 10,000 citizens which receives the concurrence of two-thirds of the membership of bout Houses of Legislature, is ratified by two-thirds of the registered voters, voting in a referendum conducted by the Elections Commission not sooner than one year after the action of the Legislature.

### Article 92

Proposed constitutional amendments shall be accompanied by statements setting for the reasons therefore and shall be published in the Official Gazette and made known to the people through the information services of the Republic. If more than one proposed amendment is to be voted upon in a referendum they shall be submitted in such manner that the people may vote for or against them separately.

**Article 93**

The limitation of the Presidential term of office to two terms, each of six years duration, may be subject to amendment; provided that the amendment shall not become effective during the term of office of the incumbent President.

## CHAPTER XIII

## TRANSITIONAL PROVISIONS

**Article 94**

(a) Notwithstanding anything to the contrary in this Constitution, any person duly elected to any office provided for under this Constitution and under the laws in force immediately before the coming into force of this Constitution shall be deemed to have been duly elected for the purpose of this Constitution and to have assumed the position so occupied on the date of coming into existence of this Constitution.

(b) Notwithstanding anything to the contrary in this Constitution, elections for the President, Vice President and members of the Legislature, prior to the coming into force of this Constitution, shall be held on the 3rd Tuesday in January 1985. The Person so elected President of Liberia shall be inaugurated on the 12th day of April 1985. The President, Vice President and members of the Legislature who are elected for the first term prior to the coming into force of this Constitution, shall serve their respective terms less approximately three months. This Constitution shall come into force simultaneously with that inauguration.

(c) Notwithstanding anything to the contrary in this Constitution, the People's Redemption Council shall by decree convene a session of the newly elected Legislature before the 12th day of April 1985, to enable the Senate and House of Representatives to organize and elect their officers. Such elections shall be conducted in accordance with the rules and procedures laid down by the Legislature under the suspended Constitution until changed by the new Legislature.

(d) Any person who, under the laws extant immediately before the coming into force of this Constitution, held an appointment or was acting in an office shall be deemed to have been appointed, as far as it is consistent with the provisions of this Constitution, to hold or to act in the equivalent office under this Constitution until appointments otherwise provided for under this Constitution shall have been made.

**Article 95**

(a) The Constitution of the Republic of Liberia which came into force on the 26th day of July 1847, and which was suspended on the 12th day of April 1980, is hereby abrogated. Notwithstanding this abrogation, however, any enactment or rule of law in existence immediately before the coming into force of this Constitution, whether derived from the abrogated Constitution or from any other source shall, in so far as it is not inconsistent with any provision of this Constitution, continue in force as if enacted, issued or made under the authority of this Constitution.

(b) All treaties, executive and other international agreements and obligations concluded by the Government of the People's Redemption council or prior governments in the name of the Republic prior to the coming into force of this Constitution shall continue to be valid and binding on the Republic unless abrogated or cancelled or unless otherwise inconsistent with this Constitution.

(c) All foreign and domestic debts or other loans and obligations contracted by the Government of the People's Redemption Council or prior governments or any agency or other authority in the name of the Republic of Liberia prior to the coming into existence of this Constitution, shall continue to be binding on and enforceable by the Republic of Liberia.

**Article 96**

Notwithstanding anything to the contrary in this Constitution:

(a) The People's Supreme Court of Liberia and all subordinate courts operating prior to the effective date of this Constitution shall continue to so operate, and the Chief Justice, Associate Justices of the People's Supreme Court and judges of subordinate courts holding appointments in such courts shall continue to hold such appointments after the coming into existence of this Constitution until their successors are appointed and qualified; provided, however, that all judges of the subordinate courts shall remain and preside in their respective resident circuits pending the reconstruction of the Supreme Court. The appointment by the President, with the consent of the Senate, of the Chief Justice and Associate Justices of the Supreme Court and judges of subordinate courts, shall be made as soon as possible after the coming into force of this Constitution.

The Chief Justice and Associate Justices of the People's Supreme Court and judges of subordinate courts holding office prior thereto, unless reappointed, shall cease to hold office and their function shall automatically devolve upon the newly appointed Chief Justice, Associate Justices of the Supreme Court and judges of subordinate courts, respectively.

(b) Where any legal or administrative proceeding has been commenced, or a person seeks action by any authority or one acting under the authority of the Government, that matter may be carried on and completed by the person or authority having power or by his successor-in-office; and it shall not be necessary for any such proceeding to be commenced de-novo. Any act completed by any person or authority having power under the existing law shall not be made the subject of review or commenced anew by anyone assuming the authority of that office after the coming into force of this Constitution.

**Article 97**

(a) No executive, legislative, judicial or administrative action taken by the People's Redemption Council or by any persons, whether military or civilian, in the name of that Council pursuant to any of its decrees shall be questioned in any proceedings whatsoever; and accordingly, it shall not be lawful for any court or other tribunal to make any order or grant any remedy or relief in respect of any such act.

(b) No court or other tribunal shall entertain any action whatsoever instituted against the Government of Liberia, whether before or after the coming into force of this Constitution or against any person or persons who

assisted in any manner whatsoever in bringing about the change of Government of Liberia on the 12th day of April, 1980, in respect of any act or commission relating to or consequent upon:

(i) The overthrow of the government in power in Liberia before the establishment of the government of the People's Redemption Council;

(ii) The suspension of the Constitution of Liberia of July 26, 1847;

(iii) The establishment, functioning and other organs established by the People's Redemption Council;

(iv) The imposition of any penalties, including the death penalty, or the confiscation of any property by or under the authority of the People's Redemption Council under a decree made by that Council in pursuant of but not limited to the measures undertaken by the Council to punish persons guilty of crimes and malpractice to the detriment of the Liberian nation, the people, the economy, or the public interest; and

(v) The establishment of this Constitution.

## SCHEDULE

1. This Schedule shall form and be an integral part of this Constitution and shall have the same force as any other provision thereof.

2. All public officials and employees, whether elected or appointed, holding office of public trust, shall subscribe to a solemn oath or affirmation as follows:

"I, do solemnly swear (affirm) that I will support, uphold, protect and defend the Constitution and laws of the Republic of Liberia, bear true faith and allegiance to the Republic, and will faithfully, conscientiously and impartially discharge the duties and functions of the office of to _____ to the best of my ability. **SO HELP ME GOD.**

# REPUBLIC OF LIBERIA

## THE NEW ELECTIONS LAW[2]

APPROVED SEPTEMBER 29, 1986
Amended on January 29, 2003,
December 23, 2004, and
December 15, 2014

Codified by the Department of Codification,
Ministry of Justice, Republic of Liberia
and published by the National Elections
Commission of Liberia
2016

[2] The word "Sheriff" deleted and replaced throughout with the words "NEC Presiding Officer", by National Transitional Legislative Assembly through "An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission", approved December 17, 2004 and published December 23, 2004, section 10.

**NO.** **TABLE OF CONTENTS**

1 Decree 75 Repealed

**CHAPTER I**

**Definitions of General Provisions**

1.1 Title of Law
1.2 Definitions
1.3 Effect of Declaration
1.4 Service of Notice
1.5 Service by Radio
1.6 Signature of Person Unable to Write
1.7 Chieftaincy Election
1.8 Qualification of Chiefs

**CHAPTER II**

**The National Elections Commission; Organization and Administration**

2.1 Office of the National Elections Commission
2.2 Tenure and Appointment
2.3 Qualification for Appointment
2.4 Quorum and Vote
2.5 Party Affiliation, Oath
2.6 Remuneration
2.7 Seat of the Commission
2.8 Police Protection for Members of the Commission
2.9 Power and Duties

***SUB-CHAPTER A – DUTIES***

2.10 Chairman
2.11 Co-chairman

***SUB-CHAPTER B – LEGAL SECTION ESTABLISHED***

2.12 Legal Staff

2.13 Composition
2.14 Qualification
2.15 Appointment and Tenure
2.16 Duties and Functions
2.17 Division of Administration
2.18 Divisional Head
2.19 Appointment of Executive Director
2.20 Qualification
2.21 Duties of Executive Director

*SUB-CHAPTER D – ELECTIONS OFFICERS*
2.22 Appointment
2.23 Clerk of Writs
2.24 Magistrates
2.25 Oath of Office
2.26 Inability to Hold Office
2.27 Compensation
2.28 Payment
2.29 Oath

**CHAPTER 3 – VOTER REGISTRATION AND VOTER UPDATES**

*SUB-CHAPTER A - GENERAL PROVISIONS*
3.1 Who May Vote
3.1(A) Voter Registration and Voter Updates
3.2 Place of Registration
3.3 Time of Registration

*SUB-CHAPTER B – REGISTRATION ROLL*
3.4 Registration Roll
3.5 Registration Card
3.6 Roll to Be Kept
3.7 Non-Appliance with Prescribed Form
3.8 Public Office to Furnish Information
3.9 Other Persons from Whom Information May Be required

3.10 Regulations for Preparation of Rolls

***SUB-CHAPTER C – VERIFICATION, ADDITION AND OBJECTIONS TO REGISTRATION ROLL***

3.11 Claims for Registration
3.12 Duty of Witness to Claim
3.13 Filing of Claims by Registrar
3.14 Registration to Claimant

***SUB-CHAPTER D – OBJECTION TO CLAIM AND REGISTRATION***

3.15 Objection to Claim
3.16 Objection to Registration

***SUB-CHAPTER E – ALTERATION OF REGISTRATION ROLL***

3.17 Removal of Names Repeated on the Roll
3.18 Alteration of Rolls
3.19 When Registration Roll May Not Be Altered
3.20 Alteration of Registration Roll – How Made
3.21 Ministry of Health to Furnish Names of Deceased Persons
3.22 Clerk of Probate Court to Furnish Names of Incompetent and Unsound Mind
3.23 Names of Disenfranchised to be Furnished by Minister of Justice
3.24 Restoration of Names on Registration Roll

**CHAPTER 3A – CANDIDATES**

3A.1 Qualification of Candidates

**CHAPTER 4 – CONDUCT OF ELECTIONS**

4.1 Voting Precincts
4.2 Polling Place
4.3 Elections Writ
4.4 Duties of Magistrate

4.5 Nomination of Candidates
4.6 Emblem
4.7 Ballot Papers
4.7A Period of Permissible Withdrawal
4.7B Death of a Candidate
4.8 The Polls
4.9 Representatives at Polling Places
4.10 Persons Present at Polling Places
4.11 Opening of the Poll
4.12 Closing of the Poll
4.13 Question Ballots
4.14 Endorsement of Elections Tally
4.15 Elections Results – How Returned
4.15A Tied Results
4.16 Preservation of Ballots

**CHAPTER 4A – CONDUCT OF REFERENDUM**
4A.1 Voters in a Referendum
4A.2 System for Referendum
4A.3 Referendum Ballot
4A.4 Referendum Results

**CHAPTER 5 – VOTING**
5.1 Who May Vote
5.2 Where to Vote
5.3 Leave of Absence to Vote
5.4 Voting in Person – Identification of Voter
5.5 Absentee Voting
5.6 Challenges
5.7 Casting of Ballot
5.8 Assistance to Unlettered and Physically Incapacitated
5.9 Right to Make a Complaint
5.10 Time and Place to File a Complaint
5.11 Complaint Forms
5.12 Hearing and Determination of Complaints
5.13 Decisions on Complaints by the Commission

5.14 Subsequent Prosecution

**CHAPTER 5A – REVIEW OF PARTY RESULTS**

5A.1 Review of Party Results
5A.2 Appeal
5A.3 De-Registration

**CHAPTER 6 – CONTESTED ELECTION**

6.1 Filing of Complaint With the Commission
6.2 Investigation and Decision
1. Time Schedule
2. Effect of Determination
3. Harmless Error Not To Vitiate Election
4. Bribery; Undue Influence
5. Ground of Decisions

6.3 Right of Appeal to Supreme Court
6.4 Filing Bill of Exception
6.5 Bill of Exception Contents
6.6 Bill of Exception
6.7 Filing and Service of Bill of Exception
6.8 Recognizance
6.9 Hearing and Determination of Bill of Exception

**CHAPTER 7 – ELECTIONS CAMPAIGN EXPENSES**

7.1 Who May Contribute
7.2 Remittance of Funds Outside Liberia
7.3 Limitation of Elections Expenses
7.4 Accounts of Political Parties to be Examined
7.5 Election Campaign Contributions and Reports
7.6 Election Campaign Expenses and Reports
7.7 Reports of Contributions and Expenses
7.8 Regulations
7.9 Reports Published by the Commission
7.10 Enforcement of Reporting of Contributions and Expenses
7.11 Currency

**CHAPTER 8 – MERGER AND CONSOLIDATION**

8.1 Merger and Consolidation
   1. Procedure
   2. Plan of Merger
   3. Approval of Plan

8.2 Article of Merger or Consolidation

8.3 Filing of Article of Merger or Consolidation

8.4 When Merger or Consolidation is Effective

**CHAPTER 9 – DISSOLUTION OF POLITICAL PARTY**

9.1 Dissolution of Party

9.2 Time When Effective

9.3 Winding up Affairs of Political Party

**CHAPTER 10 – ELECTIONS OFFENSES**

10.1 Acts Constituting Malfeasance

10.2 Offenses in Relation to Registration Cards

10.3 Unlawful Disclosure of Knowledge Relating to the Vote of Any Voter

10.4 Bribery

10.5 Undue Influence

10.6 Destruction, Removal or Mutilation of Ballot Papers or Boxes

10.7 Incurring Unauthorized Election Expenses

10.8 Ballot Paper Fraud I

10.9 Ballot Paper Fraud II

10.10 Plural Voting at Same Election

10.11 False Statements With Regard to Registration of Claims

10.12 Witnessing registration Claim Without Knowledge of Claim To the Facts

10.13 Failure to Transmit Claim of Another

10.14 Anonymous Publications

10.15 Representatives

10.16 Period of Permissible Withdrawal

10.17 Refusal to Serve When Elected

10.18 Stirring up Unrest in Lieu of Protest
10.19 Commenting on Election During Pendency of an Election Contest
10.20 Notwithstanding, the Penalty Provided to be Punishable
10.21 Freedom of Travel and Use of Public Facilities by Political Parties
10.22 Abusive Language and Slogan as Election Offense
10.23 Unfair Political Practices
10.24 Unlawful Election Propaganda
10.25 Civil Sanction
10.25A Attempts, Assistance or Conspiracy
10.25B Duty of Parties and Candidates Re-Offences and Violations
10.25C Obstruction of Election Process
10.26 Penalty for Offenses not Provided
10.27 Elections Offenses Punishable

**CHAPTER 11 - Budgetary Appropriations for the NEC**
11.1 Election Expenditure to be Charged on the National Revenue
11.2 Submission of Annual Budget and Quarterly Release of Funds
11.3 Publication of Annual Plan and Audited Accounts
11.4 Establishment of Finance and Audit Committee

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

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

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

**Section 1**.

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

## CHAPTER 1.

## DEFINITIONS AND GENERAL PROVISIONS

### §1.1. Title of Law

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

### §1.2. Definitions.

Except when the context or a specific provision of law otherwise requires, the following terms, when used in this title, shall have the following meanings ascribed to them in this Section:

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

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

(c) "Political Party" shall refer to an association with a membership of not less than five hundred (500) qualified voters in each of at least twelve (12) counties of Liberia in the case of new political parties, or such membership in each of at least six (6) counties in the case of existing political parties. The activities of a political party which has met the minimum registered requirements laid down by the National Elections Commission by filing with the said National Elections Commission, its articles of incorporation and by-laws in the Archives of the Republic of Liberia shall include canvassing for votes on any public issue, or in support for a candidate for elective office.[3]

(d) All military, para-military personnel, trade unions, union of teachers, union of doctors and nurses, are hereby prohibited from forming political parties, but may participate in political activities by voting for the candidate of his/her choice during election time.

(e) "Aspirant" when used in this title, means anyone canvassing for an elective public office under the provision of this title.

(f) "General Elections" means any election for the offices of the President, Vice President, Senators and Representatives held every six (6) years.

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[3] Sub-sections (a), (b) and (c) amended by deleting and inserting new definitions, by National Transitional Legislative Assembly through "An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004", section 5.

(g) “Special Elections” means election pursuant to Articles 64 and 91 of the Constitution called for the purpose of filling vacancies in the offices of the President and Vice President and for the purpose of adopting an amendment to the Constitution, and to include election to fill the vacancies created for the election of fifty percent of the members of the Senate.

(h) “By-Election” means any election other than a general or special election as provided for under the provision of Article 37 of the Constitution and to otherwise include election called for the purpose of filling vacancies created as a result of unexpired term in an election position other than the Presidency and the Vice Presidency.

(i) “Run-off election” means an election following the result of the first ballot where no candidate obtains an absolute majority.

(j) “Given Name” or “First Name” means the name preceding the surname of any person qualified to vote.

(k) “Absolute Majority of Votes” means a number of votes greater than one-half the number of all voters who vote at an election, exclusive of voters whose ballot papers are rejected.

(l) “Constituency” means the whole of the country when referring to the presidential election, each of the fifteen counties in the country when referring to the elections for the Senate, and each of the electoral districts designated by the National Elections Commission when

referring to the elections for the House of Representatives.[4]

(m) "Domicile" when used in this title shall refer to the residence in the constituency of an aspirant or candidate who seeks elective public office in which he lives and pays taxes.

(n) "Residence" means a place where a voter lives.

(o) "Polling Place" means any approved building or structure in which voters cast their votes during an election.

(p) "Voting Precinct" means a designated area containing no more than 3,000 registered voters.[5]

(q) "Voter" means any qualified person who has been regularly registered and in possession of a Registration Card and whose name appears on a registration roll.

(r) "Registration Card" means a card issued by the National Elections Commission to an elector as an identification showing his/her name, and constituency, center and roll numbers which entitles him/her to vote during an election.

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[4] This sub-section amended by deleting and inserting new definitions, by National Transitional Legislative Assembly through, An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 5.

[5] Re-wording of the definition as amended by National Transitional Legislative Assembly through, An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 5.

(s) "Election Writ" means a writ issued by the Elections Commission directing the holding of an election.

(t) "Magistrate of Elections" means an elections officer representing the National Elections Commission in the area of his appointment to perform such duties and functions prescribed in this title under the direction and supervision of the National Elections Commission.

(u) "Chairman" when used in this title shall refer to the Chairman of the National Elections Commission.

(v) "Co-Chairman" is one of the Commissioners who has been designated as such to assist the Chairman in the administrative affairs of the Commission.

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

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

(y) "Electoral district" means the amalgamation of voting precincts by the National Elections Commission, the registered voters of which shall elect a member of the House of Representatives. [6]

[6] Sub-section (w) is a re-wording of the previous sub-section, while sub-sections (x) and (y) are additions made by the Transitional Legislative Assembly, through An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 5..approved December 17, 2004 and published December 23, 2004, Section 5.

## §1.3. Effect of Declaration

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

## §1.4. Service of Notice

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

## §1.5. Service by Radio or Newspaper Communication

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

## §1.6. Signature of person unable to write

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

## §1.7. Chieftaincy Election

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

## §1.8. Qualification

Persons aspiring for the position of chiefs shall possess the following qualifications:

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

2. **CLAN CHIEF**
   (a) Be a Liberian Citizen of the clan;
   (b) Be owner of a house or hut and must be a tax payer; and
   (c) Attained the age of 25 years, or more.

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

# CHAPTER 2.

# THE NATIONAL ELECTIONS COMMISSION: ORGANIZATION; ADMINISTRATION

## § 2.1. Office of the National Elections Commission

The National Elections Commission, as an autonomous public commission established by the Constitution of Liberia, shall be under direction and management of seven (7) Commissioners appointed by the President of Liberia, who shall appoint one of them as Chairman and another as Co-Chairman. All of the appointments shall be subject to the consent of the Senate.[7]

## §2.2. Appointment and Tenure

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

## §2.3. Qualification for Appointment

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

## §2.4. Quorum and Vote

[7] Amendment of the provision providing, "The Elections Commission of the Republic of Liberia, as an autonomous public commission established by the Constitution of Liberia, shall be composed of seven (7) members, one of whom shall be appointed as Chairman, and Co-Chairman, respectively; each of the other five (5) members shall be called Commissioners. They shall be appointed by the President of Liberia with the advice and consent of the Senate," in its entirety by An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 and published December 15, 2014. Thereby Increasing the Composition of the Elections Commission of Liberia, superseding prior amendment, An Act to Amend Sections 2.1 and 2.4 of Chapter Two (2) of the New Elections Law (1986), approved December 27, 2002 and published January 23, 2003, Section 1A.

Any five (5) members, including the Chairman, shall constitute a quorum for the transaction of business of the Commission; they shall decide any question before it, and said decision shall be binding on the Commission.[8]

## §2.5. Party Affiliation, Oath

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

Before assuming office, each Commissioner, election officer and every employee of the Commission shall solemnly subscribe to an Oath renouncing allegiance to, and severing all connections, affiliation and relationship with his/her own, or any political party during his/her service or tenure with the Commission.

## §2.6. Remuneration

Members of the Commission, Elections Officers and all other employees of the Commission shall each receive legitimate honorarium, and actual and all necessary traveling and other expenses incurred by them in the performance of their duties in

[8] This section amended "Any three (3) members at the Commission shall constitute a quorum for the transaction of business of the Commission, and a majority of the members of the Commission shall decide any question before it, and that decision shall be binding on the Commission." in its entirety by An Act to Amend Sections 2.1 and 2.4 of Chapter Two (2) of the New Elections Law (1986). Thereby Increasing the Composition of the Elections Commission of Liberia, approved December 27, 2002 and published January 23, 2003, Section 1B.

accordance with budgetary appropriation during their tenure with the Commission.

## §2.7. Seat of the Commission

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

## §2.8. Police Protection for Members of the Commission

Members of the Commission shall be accorded Police Protection during their tenure.

## §2.9. Power and Duties

The Commission, as an autonomous agency of Government, independent of any branch of the Government, shall have the following powers and duties:

(a) To administer and enforce all laws relative to the conduct of elections throughout the Republic of Liberia.

(b) To organize the office of the Commission in manner as may be necessary and practicable for the effective operation of the Commission.

(c) To propose to the National Legislature for enactment, amendment to, and repeal of, any provision of the Election Law.

(d) To give accreditation to, and register all political parties and independent candidates who meet the minimum registrations laid down by the

Commission, by which authority they may exercise political franchise under relevant provisions of the Constitution.

(e) Upon objections made by any person or group of persons, the Commission may reject, and if already registered, revoke the certificate of accreditation of said party or independent candidate, subject to an appeal to the Supreme Court of Liberia. The revocation of the application of any proposed political party for accreditation as a full-fledged political party shall be predicated upon the following factors:

(1) Where a proposed political party or an independent candidate retains, organizes, trains or equips any person or group of persons for the use or display of physical force or coercion in promoting any objectives or interest, or arouse reasonable apprehension that they are so organized, trained or equipped, or by reason of their aims, or conduct or the behavior of their adherents, seek to impair or abolish the free democratic society of Liberia, or to endanger the existence of the Republic, or whose tendency and behavior are inconsistent with the free democratic process of the Republic.

(f) To suspend the registration and accreditation of a registered political party in accordance with Chapter 5.[9]

[9] The provision, "To revoke the registration and accreditation of an already legal party only upon the judicial determination of a court of competent jurisdiction in accordance with due process," amended by An Act to Amend Certain Provisions of

(g) Conduct all elections for elective public offices including the chieftaincy election and all referenda and declare the results thereof.

(h) Formulate and enforce guidelines controlling the conduct of all elections for elective public offices which guidelines shall not be inconsistent with the provisions of the Constitution and the Elections Law.

(i) In consultation with the President of Liberia and such other appropriate officials of government appoint all such officials and employees as may be necessary for the effective performance of the duties and functions of the Commission.

(j) In consultation with the appropriate local officials, appoint elections officers in the political sub-divisions of the country who shall perform their duties under the direction and supervision of the Commission and in accordance with the provisions of this title.

(k) Maintain a register of all qualified voters which shall be subject to inspection under the provision of this title.

(l) Establish constituencies in every political sub-division and re-apportion the same when deemed necessary and expedient in accordance with population figure.

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the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

(m) Maintain a register of the Constitution, Article of Incorporation and Rules of all political parties and independent candidates and their organizations and any amendment thereto.

(n) Screen all candidates for elective public office and accredit their candidacy, and/or reject the candidacy of anyone who is not qualified under this title and the guidelines laid down by the Commission.

(o) Prescribe the kinds of records to be kept by all political parties and independent candidates and their organizations and the manner in which they shall be kept.

(p) Examine into and audit, or cause to be audited, the financial transactions of all political parties and independent candidates and their organizations by a chartered public accountant who shall not be member of any political party or the organization of any independent candidate.

(q) Be the sole judge of all contests relating to the election results, and the accreditation of all successful members who have been duly elected as President, Vice President, Members of the National Legislature, Paramount, Clan and Town Chiefs and City Mayors with their Common Councilmen. Appeal from the decision of the Commission in any election contest shall lie before the Supreme Court taken in accordance with the provisions of this Title relating to election contests.

(r) Submit annual report to the National Legislature and the President of Liberia on the general operation of the Commission.

(s) Perform such other duties and functions as may be provided by law.

(t) Conduct all elections for public offices including the chieftaincy election, and all referenda and declare the results thereof.

(u) Formulate and enforce guidelines controlling the conduct of all elections for public offices which guidelines shall not be inconsistent with the provisions of the Constitution and the Elections Law.

(v) The Commission shall employ officers and staff necessary for the performance of its duties through an open and transparent selection process.[10]

(w) (i) To issue citation for the appearance before it of any political party or its leaders, or other natural persons in connection with any complaint cognizable before it;

(ii) To issue subpoenas for the purpose of having witnesses to appear and testify or to produce documents or any other form of evidence in any hearing;

(iii) To punish for contempt for any obstruction or disobedience of its orders by a fine in an amount of

[10] The prior provision replaced by amendment. An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

the Liberian Dollar equivalent of not less than Two Thousand Five Hundred Unites States Dollars ($2,500.00) and not more than Fifty Thousand United States Dollars ($50,000.00) in the case of a political party, alliance or coalition; or not more than Five Hundred United States Dollars ($500.00) in the case of a natural person.[11]

(x) To revoke the Certificate of Accreditation of any political party, alliance or coalition, or to impose a fine of not less than the Liberian dollar equivalent of two thousand Five Hundred United States dollars (US$2,500), nor more than the Liberian dollar equivalent of fifty thousand United States dollars (US$50,000), or both, with respect to election offences committed by a political party, alliance or coalition, or to impose a fine of no more than twenty-five thousand Liberian dollars (LD$25,000.00) with respect to election offences committed by a natural person, according to the gravity of the offences committed.[12]

(y) To conduct programs to educate the citizens of Liberia about elections and referenda and their

[11] Sub-sections (w )was replaced in its entirety by amendment made in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014,Superceeding An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, Section 22.

[12] Sub-sections (x )was replaced in its entirety by amendment made in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, Section 22.

democratic rights related to them; and to inform them about voter registration events and election and referendum events.[13]

## SUB-CHAPTER A: DUTIES OF CHAIRMAN AND CO-CHAIRMAN:

### § 2.10. Chairman

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

(a) Be the official head and spokesman of the Commission;

(b) Presides over all meetings and hearings of elections contests;

(c) The Chairman shall apportion the Republic into administrative areas and assign a Commissioner to each area to oversee election activities in the area and advice the Commission on all decisions related to the area, provided however, that a Commissioner shall not be assigned to his or her area of origin;[14]

(d) Controls, supervises and directs the administrative operation of the office of the Commission and in consultation with the Commissioners, takes such corrective administrative measures for the smooth and effective operation of the Commission.

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[13] This subsection added after subsection 2.9(x) by amendment in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

[14] This subsection was deleted and replace by amendment in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014, Ch. A, 2.1(c).

## § 2.11. Co-Chairman

The Co-Chairman shall be the principal assistant to the Chairman in the over-all operation of the office of the Commission. He shall perform all such other duties as may be assigned by the Chairman and act in his absence.

## SUB-CHAPTER B: LEGAL SECTION ESTABLISHED:

## § 2.12. Legal Staff

The Commissioners shall appoint Legal Counsels and Research Officers of the Legal Section by an open and transparent selection process.[15]

## § 2.13. Composition

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

## § 2.14. Qualification

Except a research officer who may be an Attorney-at-Law, anyone appointed as legal counsel must be a qualified lawyer and a Counselor-at-Law, and must have practiced for not less than five (5) years prior to his/her appointment.

## § 2.15. Appointment and Tenure:

[15] The word "section" deleted and replaced by "staff". Section amended by, "An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014".

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

## § 2.16. Duties and Functions

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

(a) Represent the Commission before the Supreme Court of Liberia in any elections litigations, or otherwise;

(b) Advise the Commission on all legal matters when so required;

(c) Submit to the Commission a written legal opinion on any question of legal implication when so required; and

(d) Perform such other legal duties relating to the administration of the Elections Law as may be required by the Commission.

## § 2.17. Division

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

## § 2.18. Division Head

The Administrative Division of the Commission shall be headed by an Executive Director who shall be the principal administrative assistant to the Chairman in the overall administrative activities and operation of the office of the Commission. He shall be responsible for the general administration of the office of the Commission and assisted by a core of staff members who shall be the head of each section of the administrative division as may be established in the division. The Sectional heads shall be amenable to the Executive Director for the effective and smooth operation and functions of the Commission.

## § 2.19. Appointment of Executive Director

(1) The Commissioners shall appoint the Executive Director by an open and transparent selection process. The appointment shall be endorsed by a vote of not less than two thirds (2/3) of the Commissioners voting in favor.

(2) The Executive Director may be dismissed for proven misconduct by a vote of not less than two thirds (2/3) of the Commissioners voting in favor.[16]

## § 2.20. Qualification

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

## § 2.21. Duties and Functions.

[16] Entire section deleted and replaced by amendment in, An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014". Section 2.19.

The Executive Director shall have the following duties and functions:

(a) Have charge of the general administrative supervision of the office of the Commission under the direction of the Commission;

(b) Serve as Secretary to the Commission; attend its deliberations and keep minutes of its transaction;

(c) Keep and preserve the records of the Commission;

(d) Direct and supervise the works of the administrative sections and the local offices of the Commission in the counties and be responsible and accountable to the Commission for the effective and smooth operation of the division; and

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

## SUB-CHAPTER D: ELECTIONS OFFICERS:

### § 2.22. Appointment of Election Officers

Elections Officers shall include Election Magistrates, Clerks of Writs, Registrars, NEC Presiding Officers, Poll Clerks, Judges and such other Poll Workers appointed by the Commission in accordance with the provision of section 2.9 (i) who shall carry out the duties assigned them by the Commission and by the provision of this Title in connection with the Registration of Voters or the holding of Election.

### § 2.23. Clerks of Writs

A Clerk of Writs and an Assistant Clerk of Writs shall be appointed by the Commission in accordance with provision of this title. Writs for all elections shall be issued by the Clerk and

returned to him. The Assistant Clerk shall assist the Clerk of Writs in the performance of his duties and act in his absence. The Clerk of Writs shall perform such other duties as may be assigned to him by the Commission.

## § 2.24: Magistrates of Elections

In accordance with the Provision of Section 2.9 (i) of this title the Commission shall appoint within each County/District as many Magistrates of Elections as shall be necessary, who shall serve as liaison between the Commission and the County/District they represent in respect of all Election activities within their County of assignment. Each such Magistrate shall comply with all general as well as special instructions issued to him by the Commission.

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

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

## § 2.25: Oath of Officers of Elections

Each Magistrate, before assuming such office, shall make and subscribe to an oath before the Chairman of the Commission or his Commissioner designee for the faithful discharge of his duties. Such persons appointed as a Registrar of voters, a NEC Presiding Officer, a Clerk and other Poll Workers, before assuming such office, shall make and subscribe to an oath

before the Magistrate of Elections to perform faithfully the duties of such office in accordance with the provisions of this title. Such oath shall be filed in the office of the Commission.

## § 2.26. Ineligibility to Hold Office as Elections Officers

No candidate and/or person holding any official position in connection with any political organization or Elections Committee shall be appointed as Elections Officer by the Commission; any Elections Officer who knowingly becomes a candidate, or who is elected, appointed or otherwise becomes an official of any political organization or Elections Committee shall be considered to have automatically vacated his election office and dealt with under the provision of this title.

## § 2.27. Compensation of Elections Officers

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

## § 2.28. Payment of Elections Officers

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

## § 2.29. Oaths

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

Commissioner, and in the office of the Commission, in case of Elections Officers, officials or employees.

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

## CHAPTER 3.

## VOTERS REGISTRATION AND VOTERS UPDATE[17]

### REGISTRATION OF VOTERS

### SUB-CHAPTER A. GENERAL PROVISIONS

### § 3.1. Who May Register

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

[17] Title changed by amendment, An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014".

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

(a) Production of a valid Liberian passport;

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

(c) Production of an original or certified copy of a certificate of naturalization;[18]

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

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

The NEC may issue regulations to establish the procedures in which these means, and any other means the NEC deems necessary and appropriate, will be applied.[19]

[18] This provision amendment by, An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014".

[19] The provisions of this section amended by inserting immediately after the first sentence ", the principal means of verification", subsections (a) through (e) and the last two sentences in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 6.

A person must register to vote at a voter registration center established by the NEC for the place where he or she ordinarily resides and must vote at the polling place established by NEC for voters registered at that center.[20]

## § 3.1 (a) Voter Registration and Voter Updates

(1) The Commission shall carry out voter registration for eligible citizens.

(2) The Commission shall carry out voter registration update periodically.[21]

## § 3.2(a). Place or Center of Registration

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

## § 3.2(b)

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

## § 3.2(c)

[20] This provision replaces the last paragraph of Section 3.1, amended by, An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014".

[21] This sub-chapter added by amendment by, An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014".

The location and arrangement of the registration centers shall, to the extent which is reasonably and practicably possible, be accessible to persons with disabilities.[22]

## § 3.3. Time of Registration

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

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

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

In particular, and as an exception to the provisions in section 3.1, 5.1 and 5.2 of the New Elections Law 1986 as amended pursuant to the provisions of this law, the NEC shall adopt appropriate measures to allow eligible internally displaced persons and returnees to register in the county in which they reside for their County of origin. The NEC shall also adopt measures to facilitate the registration of internally displaced persons and returnees after the registration deadline where justifiable reasons

[22] Sub-sections (b) and (c) were additions and the re-numbering of the first paragraph of the said section as (a) by amendment in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 8.

for failure to register before the deadline are shown. Further, the NEC shall define the categories of persons who may benefit from such measures and the conditions under which they may do so.

An extension of the time period to register, if deemed appropriate by the NEC in accordance with this section, shall be limited to those returnees whose return to Liberia is directly facilitated by the UN High Commissioner for Refugees (UNHCR), and to other Liberians who can satisfy the registrar that they are returnees and eligible to register. [23]

## SUB-CHAPTER B: REGISTRATION ROLL:

### § 3.4. Registration Roll

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

### § 3.5. Registration Card

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

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[23] Sub-section 3.3A was added by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 7.

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

## § 3.6. Roll to be Kept for Public Inspection

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

## § 3.7. Non-Compliance with Prescribed Forms which will not Affect Validity of Rolls and Other Election Documents

No registration roll or other election document shall be invalidated on the ground that it is not printed or because or any error made in the copying or printing thereof.

## § 3.8. Public Officers to Furnish Information

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

## § 3.9. Other Persons from whom Information may be Required

For the purpose of preparing any registration roll or ensuring the registration of any voter on a registration roll, the Commission or a registrar or any person authorized for this

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

## §S 3.10. Regulations for Preparations of Rolls

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

## SUB-CHAPTER C: VERIFICATION, ADDITIONS AND OBJECTIONS TO THE REGISTRATION ROLL

## § 3.11. Claims for Registration

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

(2) The Commission shall determine a period of not less than at least two (2) days before Election Day which:

(a) The registration roll shall be available for inspection at each Registration Center and compared with the Commission's Master Registration Roll to make sure

the roll is in order and that the names of the deceased registered voters are removed from the roll in accordance with the provisions of this chapter; and

(b) Claims for Registration and Objections to Registration may be made. The dates determined by the Commission shall be published in the same manner as is required by Section 3.2 for Notification of Registration Centers.

## § 3.12. Duty of Witness to Claim

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

## § 3.13. Filing of Claim by Registrar

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

## § 3.14. Registration of Claimant

If a claim is in order and not objected to the Registrar of elections, at the expiration of ten (10) days from its receipt, shall endorse the claim as approved and register the claimant by entering his name and other prescribed particulars on the registration Roll, filed in his office under the provisions of Section 3.11 of this Title. When the registration is concluded, the said registrar shall send the endorsed claim to the

Magistrate of Elections identifying it by the voting precinct, constituency and polling place at which it was registered and by its number on the appropriate registration roll.

## SUB-CHAPTER D: OBJECTION TO CLAIM AND REGISTRATION

### § 3.15. Objection to Claim

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

### § 3.16. Objection to Registration

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

## SUB-CHAPTER E: ALTERATION OF REGISTRATION ROLLS

### § 3.17. Removal of Names Repeated on the Rolls

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

### § 3.18. Alteration of Rolls by Registrar of Elections

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

(1) By correcting any obvious mistake or omission, but not to the extent of wholly removing a name from the registration roll; and

(2) By re-instating a name previously struck off by orders of the Commission.

## § 3.19. When Registration Roll May not Be Altered

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

## § 3.20. Alteration of Registration Roll

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

## § 3.21. Names of Deceased Persons over 18 Years to be furnished by the Ministry of Health and Social Welfare

Every county Health Center shall by its Registrar of Births, Deaths and Burials send to the appropriate Magistrate of Elections in December of each year, a list in a prescribed form containing the names and addresses and ages of all persons who are eighteen (18) years of age or over whose death has been

registered in the preceding year, together with the deceased Voter's registration Card.

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

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

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

The Minister of Justice shall send to the Commission annually, in the month of December, a list containing the names and the addresses of all persons judicially convicted and sentenced for a disenfranchisable offense and whose disenfranchisement continues. He shall also furnish along with the list, the Registration Cards of all such persons.

**§ 3.2. Restoration of Names on Registration Rolls Removed for Disqualification**

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

## CHAPTER 3A

## CANDIDATES

### § 3A 1. Qualification of Candidates

A person qualified to be registered to vote may be a candidate in an election for all elected offices if he/she is:

Domiciled in the constituency for which he or she will be a candidate for at least one year, that is to say twelve (12) months prior to the Election Day, and is a regular taxpayer.[24]

## CHAPTER 4.

## CONDUCT OF ELECTIONS

### § 4.1. Voting Precincts

(1) The Commission shall describe and as far as practicable, delineate on a map the voting precincts in each constituency.

(2) The number of registered voters in every precinct shall be approximately equal, and unless the Commission in any particular case so determines, the number of registered voters in any precinct shall not exceed three thousand (3000).[25]

(3) No change in the definition of a constituency or a voting precinct shall apply to an election if the Election Day is less than twelve (12) months after the day the change is published, unless the Commission announces, at least 120

[24] Sub-Chapter 3A is and addition by amendment in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014".

[25] The word "two" substituted by "three", increasing the number of voters to three thousand (3000), by amendment in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014".

days before the election day, that all necessary preparations can be made to allow the changes to apply to the election.[26]

## § 4.2. Polling Places

(1) (a) The Commission shall determine and publish the location of Polling Places to serve the voting precincts. The location of a polling place may be changed by the Commission if it determines that it is necessary. The Commission shall post signs showing the new location at least a week before the start of polling, unless the change is caused by an emergency in which case signs for the new location shall be posted as soon as possible. [27]

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

(1)(c) The location and arrangement of the Polling Places shall, to the extent which is reasonably and practicably possible, be accessible to persons with disabilities. [28]

(2) Polling Places shall have separate compartments constructed so as to protect each voter from observation whilst making his ballot papers.

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[26] Sub-section (3) was added by amendment in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

[27] This sub-section was substituted in its entirety by amendment in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

[28] Sub-sections (b) and (c) were added and the first paragraph thereof changed to (a) in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 8.1.

(3) Each polling place shall be provided with a transparent ballot box or boxes, which can be sealed. [29]

(4) The Commission shall make arrangements for the list of polling places to be published not less than ten (10) days before the election and shall take all necessary steps to ensure that voters are made aware of the location of the various polling places before the election.

(5) Each Polling Place shall be identified to the public by a suitable notice or other means.

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

## § 4.3. Election Writs

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

(a) The date of the election;

(b) The last date for nomination of candidates by political parties and nomination of independent candidates; and

(c) Such date to be not later than fifteen (15) days after election. [30]

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[29] The Section reflects new wordings replacing the original wordings in in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 11.

[30] The wording of the last sentence of the sub-section amended by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to

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

## § 4.4. Duty of Magistrate of Elections

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

(2) The Magistrate of Elections may, with the approval of the Commission, appoint a deputy or deputies to act specially or generally, or for a particular constituency, who shall have the authority to perform all the duties of the Magistrate of Elections or such duties as are specifically described and subject to such limitations as are mentioned in the appointment.

(3) The Magistrate of Elections shall take such steps as may be directed by the Commission to inform the political parties, independent candidates and the voters of:

(a) The dates by which acts have to be done, nominations made or otherwise as required by this title;

(b) The time-table for the electoral process;

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the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 12.

(c) The general arrangements for taking the poll, counting the ballots and declaring the result of the poll; and

(d) Generally, as to the conduct of the election and the duties of parties and candidates.

(4) The Magistrate of Elections shall in accordance with any directive from the Commission:

(a) Furnish the approved polling places and provide each one with a ballot box or boxes;

(b) Provide each polling place with the necessary ballot papers prepared in the prescribed forms and furnished by the Commission;

(c) Administer the oath to all persons serving in the polls; and

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

## § 4.5: Nomination of Candidates

(1) Any political party which has been registered by the Commission shall send to the Commission a list of the candidates who will stand for election to the several elective offices in the several constituencies.

a. The list of candidates sent by a political party to the Commission for an election must include a candidate for at least half of all the constituencies in the election.

b. A political party or coalition in its submission to the Commission, of its list of candidates for an election

should endeavor to ensure that the governing body and its list of candidates has no less than 30% of its members from each gender.

c. A list of candidates submitted to the Commission for an election should endeavor to have no less than 30% of the candidates on the list from each gender. [31]

(2) The list shall be accompanied by a statement by each candidate of his intention to stand as a candidate and his willingness to accept office if elected.

(3) The list of candidates shall be received by the Commission no later than Ninety (90) days before the Election Day.[32]

(4) Should any candidate on the list die after the list has been filed and after the ballot papers have been printed, the political party concerned may nominate another candidate and any votes given for the deceased candidate shall be transferred to and regarded as cast for the nominated candidate. Any such nominated candidate shall file a statement with the Commission as required by paragraph two (2) herein when his name is submitted.

(5) Any independent candidate who has been registered by the Commission shall send to the Commission a notification of his candidature by means of a petition on

[31] Section 4.5 (1) amended by adding subsections (1a); (1b); and (1c) in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

[32] The wordings of sub-section 4.5(3) deleted and substituted by amendment in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

the prescribed form, together with a statement of his willingness to accept office if elected.

## § 4.6: Emblems

Any separate and distinct emblem shall be selected by each organized political party and by each independent candidate to represent such party or candidate. The selected emblem shall be notified to the Commission at the time of registration of the party or the candidate. The Commission may reject any emblem which is so confused thereby.

## § 4.7: Ballot Papers

(1) Ballot Papers shall be in a form to be prescribed by the Commission, who shall arrange to print and issue them for the polls.

(2) The Ballot Papers shall include the names of candidates in alphabetical order of surname, the name of the party, and the selected emblem. Different coloured ballots may be provided for elections to differed elective offices.

## § 4.7 A: Period of Permissible Withdrawal

(1) A candidate may withdraw from contesting an election by giving a written notice to the Commission no later than seven (7) days after the last day for receiving nominations under section 4.5, and a withdrawal notice after this date is void.

(2) Subsection (1) does not apply to the second round of a Presidential Elections.[33]

[33] Chapter 4 Sub-section 4.7 was amended by adding Sub-section 4.7A in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

## § 4.7 B: Death of a Candidate

(1) If a candidate nominated by a Political Party dies before the last date that withdrawals are permitted, the party may give the Commission written notice of a substitute candidate to be entered on the ballot, with all information required by the Commission, not later than seven (7) days after the death.

(2) In an election for President, if a candidate nominated by a political party dies between the close of the first round of voting and the announcement of final results, and is either the one who wins the election in the first round or is a candidate in the second round, the election shall be held again, at the earliest date practicable, as determined by the Commission, and the Commission shall allow seven (7) days for the party whose candidate died to nominate another candidate.[34]

## § 4.8: The Polls

(1) The NEC Presiding Officer for each voting precinct shall be present at the Polling Place with the registration roll for the precinct.

(2) The Poll shall be opened from eight o'clock in the morning until six o'clock in the evening.

(3) Before any vote is cast, the NEC Presiding Officer shall exhibit the ballot box empty, and then shall lock it.

(4) The Commission shall prescribe regulations consistent with the following which in its opinion will portray fairness of the election:

[34] Chapter 4 Sub-section 4.7 was amended by adding Sub-section 4.7B in An Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014

(a) Marking of the hands of the voters;
(b) The production and marking of the registration cards;
(c) The marking of the register; and

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

## § 4.9. Representatives at Polling Place

To ensure a fair and impartial democratic election:

(1) Any registered political party or any independent candidate may appoint a representative to attend any polling place with sufficient identification, in any constituency in voting precinct in which the party has nominated candidates or in which the independent candidate is a candidate. Any such appointment shall be made in a form to be prescribed by the Commission and a copy thereof shall be sent to the Magistrate of Elections not later than two (2) weeks before the election.

(2) Any party representative or representative of an independent candidate attending any polling place shall not speak to any voters; shall not attempt to see how a voter cast his vote; and shall obey all lawful instructions from the NEC Presiding Officer of the Polling Place.

## § 4.10. Persons Present At Polling Places

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

(2) No one other than the elections officers, the party representatives appointed under paragraph (1) of section 4.9 and accredited by the NEC, the elections observers, police officers or other persons accredited or authorized by the NEC, and voters voting or about to vote shall be permitted to enter in a polling place during the polling.

(3) During the polling and counting, a representative of a party or candidate shall not interfere with or delay the presiding officer or other officials in their duties nor insist that they follow a request made by the representative. A representative who is not satisfied may make a written complaint under section 5.9.[35]

## § 4.11. At the Opening of the Polls

At the opening of the polls, the ballot box shall be opened and shown to all voters, representatives of political parties or independent candidates and election observers who are present in the polling station. After it has been confirmed that the box is completely empty, it shall be closed, sealed and placed in open view of the voters.

The serial numbers on the seals shall be read and recorded by the presiding officer. Party and candidate's agents as well as observers may record the serial numbers of the seals. [36]

## § 4.12. At the Close of the Polls

[35] The section amended in its entirety by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 13.

[36] The wordings of Section 4.11 are deleted and substituted by the current wordings in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

Following the close of the polls, the Presiding Officer shall, in the presence of all accredited representatives of parties or candidates and all accredited election observers who are present:[37]

(a) Cause the clerk to tabulate the total votes cast;

(b) Cause four (4) copies of the tabulated register to be made and signed by the NEC Presiding Officer, his Clerk, and the representatives of political parties and/or independent candidate(s) present, who wish to sign it. The original tabulated register shall be placed in a tamper evident envelope and sent to the Commission through the Magistrate. The first copy shall be placed in an envelope and inserted in the ballot box; the second copy shall be posted by the NEC Presiding Officer on the wall of the polling center; the third copy shall be given to the candidate with the highest vote, and the fourth copy shall be given to the candidate with the second highest vote;

(c) Using the form prescribed by the Commission, reconcile the disposition of all ballots by totaling:
    i. the number of valid votes for each candidate,
    ii. the number of spoiled ballots,
    iii. the number of ballots determined to be questioned as invalid or blank, and
    iv. the number of unused ballots and verifying that the total equals the number of ballots issued to the polling place.

[37] The first paragraph of Section 4.12 is amended by deleting the word "Sheriff" and substituting with "Presiding Officer" by an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

(d) Place all ballot papers cast at the election in the ballot box; and[38]

(e) Close and seal the ballot box and forward it to the Commission.

## § 4.13. Question Ballots

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

(a) If there is no mark in favour of any candidate on the front of the ballot paper;

(b) If the voter has voted for more than one (1) candidate for the same post;

(c) If there is any writing, signature or words on the ballot paper other than the mark for the candidate; and

(d) If the position of the mark for the candidate on the ballot paper is such that it is not clear as for which candidate the voter intended to vote.

(1A) Notwithstanding paragraph (1), if the voter's choice of candidate is clear, the ballot shall be counted as a valid vote for that candidate, even if the voter has not made a mark in the box provided, or has not made the correct

[38] Section 4.12(b), (c) and (d) are amended by the current provisions in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

mark, or there are other marks on the ballot, other than a mark that identifies the voter. [39]

(2) The NEC Presiding Officer shall consult with the party representatives present at the count before disallowing any voter under these provisions.

(3) The questioned ballots shall be separately parceled and the number of votes in each category which have been rejected, be notified to the Magistrate of Elections.

## § 4.14. Endorsement of Elections Tally

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

The Commission shall collect all the tabulated results from every constituency received from the Magistrates; and announce the returns of the elections not later than fifteen (15) days after the day of elections.[40]

[39] Section 4.13 is amended by adding Section 4.13(1A) in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

[40] The section amended by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 14.

## § 4.15. Elections Results How Determined

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

(b) Elections for the office of Senator of the Republic of Liberia shall be based on a simple majoritarian system. The two candidates who obtain the highest and second highest numbers of valid votes cast in the county shall be elected. *[Amended in 2004]*

(c) Elections to the office of Representative of the Republic of Liberia shall be based on a simple majoritarian system. The candidate with the highest valid votes cast shall be declared the winner.[41]

## § 4.15A. Tied Results

If, after completion of the counting and tabulation and the final determination of all complaints that could affect the results, the votes for the leading candidates in a constituency are equal, the Commission shall order that the voting be repeated for that

[41] Previous section 4.15 deleted and replaced with three sub-sections (a), (b) and (c) in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 15

constituency at a time and on conditions set by the Commission.[42]

## § 4.16. Preservation of Ballot

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

# CHAPTER 4A
# CONDUCT OF REFERENDUM [43]

## § 4A.1. Voters in a Referendum

The voter Registration Roll prepared by the Commission for elections under this law shall be used for referenda.

## § 4A.2. System for Referendum

The provisions of this law relating to voting, challenges, counting, complaints and announcement of results in an election apply to the conduct of a referendum with such changes as are necessary, as provided by the Commission by regulation.

## § 4A.3. Referendum Ballot

[42] Chapter 4 is amended by adding the following Section 4.15A in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014

[43] Chapter 4A CONDUCT OF REFERANDUM was added by amendment in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014.

The ballot for a question in a referendum shall show the question or proposal to be voted on as set by the Constitution or by law, and may also show a simple explanation of the question or proposal, as determined by the Commission.

## § 4A.4. Referendum Result

The fraction of two thirds (2/3) required for approval of a question in a referendum is calculated by dividing the number of valid votes cast in approval of the question by the total of the valid votes cast on the question.

# CHAPTER 5.

# VOTING

## § 5.1. Who May Vote

Except one who has been judicially declared to be incompetent or of unsound mind, or who has been barred from voting as a result of his/her conviction and imprisonment for an infamous crime which disenfranchised him as a voter and has not been restored to full citizenship, a Liberian citizen who has attained the age of 18 years or above with a valid registration card may vote at any election in the voting precinct of the electoral district for which he/she is registered. [44]

## § 5.2. Where To Vote

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

[44] The wording of the current section reflects amendment made in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 16.

precinct of the electoral district for which he/she is registered.[45]

## § 5.3 Leave of Absence to Vote

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

(a) The employee notifies the employer before the day of the election that he desires such leave of absence; and

(b) Such leave of absence is necessary to enable the employee to vote and that he returns to work on the day specified for his return to work.

## § 5.4. Voting in Person: Identification of Voter

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

[45] The wording of the current section reflects amendment made in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 17.

## § 5.5. Absentee Voting *[Omitted in 2004]*[46]

## § 5.6. Challenges

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

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

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

## § 5.7. Casting of Ballots

Upon receipt of the official ballot paper, the voter, unless he/she comes within the cases provided for in section 5.8 of this Chapter following, shall without any delay, retire to an

[46] Section 5.5 "A registered voter who is absent from the country during an election and wishes to vote shall request the Commission [by] registered mail for an absentee ballot forty-five (45) days before an election. Absentia votes shall be directed directly to the Commission by registered mail for inclusion into the result of the elections." was deleted by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 18

unoccupied voting compartment alone and therein privately mark his/her ballot paper in accordance with the instructions issued by the Commission and according to his choice. The voter shall then fold the ballot paper forthwith and place the same in the official ballot box. He/she shall then leave the polling place.

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

A voter who is unlettered or incapacitated may request the assistance of a person of his/her choice to mark his/her ballot in secret, provided that the person giving assistance shall be a registered voter. The Clerk shall enter on the register opposite the name of the assisted voter, the reason of such assistance. The one assisting the voter shall retire with him/her in an unoccupied compartment and, at the direction of the voter, help in preparation and marking of his/her ballot paper and return the ballot paper properly folded for deposit in the ballot box.[47]

## § 5.9. Rights to Make a Complaint

A voter, candidate or a registered political party may file a complaint with the Commission alleging that an offence against the Constitution or the Elections law or a violation of a regulation issued by the Commission has occurred in connection with the administration of an election, during any stage of the election. A complainant must first exhaust all remedies before the National Elections Commission, and an adverse decision

[47] Section 5.8 amended by deleting the pre-existing section and inserting this section in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 8.3.

must be made by the Commission, before the complainant may proceed to the Supreme Court. [48]

**§ 5.10. Time and Place to File a Complaint**

A complaint must be submitted no later than seven (7) days after the time the offence or violation was witnessed, in writing signed by the witness, accompanied by any evidence the complainant has, and shall be submitted by delivery:

(a) To the Commission at its head office in Monrovia, or

(b) To the office of the Magistrate in the county where the offence or violation is alleged to have occurred, or

(c) On election day, to the presiding officer of the polling place where it is alleged to have occurred.

**§ 5.11. Complaint forms**

The Commission may provide complaint forms at places convenient to voters, but a complaint in any written form may be submitted if it contains the information required.

**§ 5.12. Hearing and Determination of Complaints**

(1) The Commission may, by regulation, specify the complaints that must be sent to the Commission for determination and those that may be determined by a Magistrate.

(2) A Magistrate may not determine a complaint against himself or herself, but shall send any such complaint to the Commission.

[48]Chapter 5 amended by adding Sections 5.9, 5.10,5.11,5.12,5.13, and 5.14 in amendment in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014, Section 5.

(3) The Commission may appoint hearing officers to assess, investigate and assist Magistrates to determine complaints, and a chief hearing officer to make an initial determination on complaints to the Commission.

(4) A decision by a Magistrate may be appealed to the Commission, within 48 (forty eight) hours after the posting of the decision by the Magistrate.

(5) A decision by a chief hearing officer may be appealed to the Commission within forty eight (48) hours after the posting of the decision by the Magistrate.

(6) A decision of the Commission on an appeal from the decision of a Magistrate or Chief Hearing Officer may be appealed to the Supreme Court within 48 (forty eight) hours after the posting of the decision.

**§ 5.13. Decisions on complaints by the Commission**

In hearing an appeal on a complaint, the Commission may do any one or more of the following:

(a) Dismiss the complaint;

(b) Order that a ballot box be opened and re-counted;

(c) Order a re-vote at a polling place or polling station;

(d) Refer a complaint to the Minister of Justice for prosecution if it believes that there is credible evidence of a crime, or

(e) Order a punishment within the authority of the Commission under this law.

**§ 5.14. Subsequent Prosecution**

A determination by a Magistrate or the Commission that a person has committed an offence or violation and the imposition of a sanction does not bar a prosecution against that person for a crime based on the same facts.

## CHAPTER 5A
## REVIEW OF PARTY RESULTS [49]

### § 5A.1. Review of Party Results

(1) A Political Party or Independent Candidate shall be suspended if the candidate(s) nominated in an election for Presidency or a seat in the Legislature receives insufficient support in that election thereby resulting into:

a) None of the Party's candidates is elected, and

b) The total of all valid votes cast for the candidates nominated by the party is less than two percent (2%) of the total of all valid votes cast for all candidates in the constituencies in which the party contested, the Commission shall suspend the party's right to nominate candidates for the next two (2) elections for the same office.

(2) If an independent candidate has contested an election for a President or a seat in the Legislature, and in that election:

a) The candidate is not elected, and

b) The total of all valid votes cast for the candidate is less than two percent (2%) of the total of all valid votes cast for all candidates in the constituency that the candidate

[49] Chapter 5 amended by adding a new Chapter 5A in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014, Section 5.

contested, the Commission shall suspend the candidate's right to be a candidate in the next two elections for the same office.

(3) Paragraph 5A (1) does not apply to a political party that, at the time of the election had a member continuing to hold office as President or as a member of the Legislature.

**§ 5A.2. Appeal**

A decision to suspend the right of a political party or a candidate to contest elections may be appealed to the Supreme Court.

**§ 5A.3. De-Registration**

A political party shall be de-registered only upon the judicial determination of a court of competent jurisdiction in accordance with due process of law.

## CHAPTER 6

## CONTESTED ELECTION

**§ 6.1. Filing a Complaint with the Commission**

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

**§ 6.2. Investigation and Decision**

(1) Time schedule. The Commission upon receipt of the complaint of the contestant shall within thirty (30) days cite the parties; conduct an impartial investigation, and

render a determination as provided for in Paragraph 2 of this section. The determination shall be accompanied by a summary of the investigation and the reason for it.

(2) Omitted[50].

(3) *Harmless errors not to vitiate election*. No election shall be declared void on account of any delay of nominations; the polling or return of the writ, or on account of the absence or error of any officer which shall not be proved to have affected the result of the election.

(4) *Bribery; undue influence: effective on election*. If at the trial of a contest, it is found that a candidate has committed or has attempted to commit bribery or undue influence, his election shall be declared void.

(5) No decision that any person return was not elected, and no decision that an election is void, shall be made:

(a) On the ground of any election offense committed by a person other than the candidate and without his knowledge or consent; or,

(b) On the ground of an election offense other than bribery or corruption; and

(c) Finding not to bar prosecution for election offense: No finding at the trial of a contested election shall bar or prejudice any prosecution for any election offense.

[50] Previous provision of subsection section 6.2(2) declared Unconstitutional by the Supreme Court of Liberia in *CDC vs. NEC of* February 17, 2015

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

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

**§ 6.4. Filing of Bill of Exceptions.**

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

**§ 6.5. Bill of Exceptions: Content**

(1) Content: The Bill of Exceptions shall:

(a) State clearly and distinctly the grounds of exceptions of the facts relied upon to reverse the decision of the Commission;

(b) Contain a prayer for the relief sought; and

(c) Be signed by the appealing contestant

**§ 6.6. Bill of Exception**

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

**§ 6.7. Filing and Service of Bill of Exceptions**

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

## § 6.8. Recognizance

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

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

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

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

(d) With respect to any other elective public office, the amount shall be determined by the Commission and shall not exceed the Liberian dollar equivalent of two hundred United States dollars (US$200.00*).*[51]

[51] Section 6.8 amended by deleting the pre-existing section and inserting this section in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New

## § 6.9. Hearing and Determination by the Supreme Court

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

# CHAPTER 7

# ELECTION CAMPAIGN EXPENSES[52]

## § 7.1. Who May Contribute

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

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Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 19

[52] Amended by inserting in the caption the word "CAMPAIGN" after "ELECTION" and before " EXPENSES" in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014, Chapter 7.

amount of such contribution and such other information necessary or required by the Commission.

No corporate or business organization and labour union may contribute to the funds or the election expenses of any political party or any independent candidate, and any Contribution made in violation of this provision shall, by the Commission, be declared forfeited.

## § 7.2. Remittance of Funds from outside Liberia to Political Parties or Independent Candidate: Restriction

(1) No person shall contribute funds or other assets to any political party or independent candidate from outside Liberia, unless they are the property of a Liberian citizen who has attained the age of eighteen (18) years.

(2) Funds or other assets that appear to contravene paragraph (1) shall be transferred to the Commission by the party or independent candidate within seven (7) days of receipt to be kept by NEC in escrow.

(3) After investigation, NEC shall return the funds or assets to the party or independent candidate to whom they were, if the contribution was not in contravention of paragraph (1), and if it was in contravention, shall return them to the person who sent them, or deal with them as ordered by a court. [53]

## § 7.3. Limitation of Election Expenses: Expenses Per Candidate

[53] Section 7.2 is deleted entirely and substituted by the current provision by amendment in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014, Section 7.2.

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

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

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

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

(d) For a Representative in excess of Four Hundred thousand United States dollars (US$400,000.00).

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

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

(2) Application and Registration Fee:

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

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

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

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

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

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

All application and registration fees shall be paid to the National Elections Commission, and shall form an integral part of its budget.[54]

## § 7.4. Account of Political Parties and Requirements for Instruction and Examination

One month following the effective date of this title, all registered political parties in the country shall furnish the Commission with the names of the Banking Institutions with which they maintain accounts respectively, indicating the dates of the establishment of the banking account; the account number and the names of the party officials upon whose signatures funds are withdrawn from the bank.

Any registered political party failing to furnish the information and the instruction required by this section, shall be guilty of an elections offense and punishable by a fine of Five Thousand ($5000.00) Dollars.

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[54] Section 7.3 amended by deleting the pre-existing section and inserting this section in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 20.

Any Banking Institution failing to provide such information upon being duly advised by the political party and upon demand of the Commission shall be guilty of an election offense and punishable by a fine of not less than ten thousand ($10,000.00) dollars and, not more than twenty-five thousand ($25,000.00) dollars.

## § 7.5. Election Campaign Contributions and Reports

(1) No artificial person shall contribute more than US$100,000.00 or its equivalent in Liberian Dollars in total to a party or its candidates or to independent candidates for use in an election campaign.

(2) Every registered political party that has nominated a candidate and every independent candidate shall maintain a record of contributions in the form prescribed by the Commission.

## § 7.6. Election Campaign Expenses and Reports

Every registered political party that has nominated a candidate and every independent candidate shall maintain a record of every expense incurred in the election campaign of the party or independent candidate in the election campaign in the form prescribed by the Commission.

## § 7.7. Reports of Contributions and Expenses

Every registered political party that has nominated a candidate and every independent candidate shall report to the Commission the contributions recorded under Section 7.5 and the expenses recorded under section 7.6, in the form prescribed by the Commission.

## § 7.8. Regulations

The Commission may make regulations:

(a) Specifying the form, content and timing of reports of contributions expenses to the Commission under this Chapter, and

(b) Defining contributions to include the fair market value of goods, services and loans that are provided.

**§ 7.9. Reports Published by the Commission**

The reports of expenses and contributions for an election campaign submitted under Section 7.7 shall be published by the Commission.

**§ 7.10. Enforcement of Reporting of Contributions and Expenses**

1) The Commission shall fine all participants (Political Parties, Independent Candidates and Coalitions) who do not submit their final contributions or expenses report as stipulated in the guidelines. This fine shall be at least US$1,000.00 or at most US$5,000.00 or its equivalents to Liberian Dollars.

2) In the case of a defeated candidate, the candidate shall be barred from participating in subsequent elections until the reports are submitted to the Commission as required by this Chapter.

**§ 7.11. Currency**

In this Chapter, where amounts are expressed in United States dollars (US$) these amounts may be calculated or applied in

Liberian Dollars at the rate at the time, set by the Liberian Central Bank. [55]

## CHAPTER 8

## MERGER AND CONSOLIDATION

### § 8.1. Merger and Consolidation

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

(1) **Procedure:**

Registered political parties wishing to merge or consolidate shall each pass a resolution consenting to the merger or consolidation signed by 2/3 of the members of the executive committee.

(2) **Plan of Merger or Consolidation:**

The Executive Committee of each registered political party proposing to participate in the merger or consolidation shall approve a plan of merger or consolidation setting forth:

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

(b) Terms and conditions of the proposed merger or consolidation;

(c) In case of merger, a statement of any amendment in articles of incorporation of the surviving registered political party to be effected by such merger, and in case of consolidation, all statements required to be included in articles in incorporation for a political party.

[55] Sections 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11 are new provisions added to Chapter 7 by amendment in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014, Chapter 7.

**(3) Approval of Plan:**

The Executive Committee of each constituent political party, upon approving the plan of merger or consolidation, shall submit such a plan to the vote of the local parties in the Counties.

## § 8.2. Article of Merger or Consolidation

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

i. The plan of the merger or consolidation, any statement required to be included in article of incorporation;

ii. The date when the articles of incorporation of each constituent political party was filed with the Commission, probated and registered; and

iii. The manner in which the merger or consolidation was authorized with respect to each constituent political party.

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

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

## § 8. 4. When Merger or Consolidation Effective

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

## § 8.5. Alliances and Coalitions

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

(1) Procedure

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

(2) Plan of alliance or coalition

The Executive Committee of each registered political party proposed to participate in the alliance or coalition shall approve a plan of alliance or coalition setting forth:

(a) The name of each constituent registered political party

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

(3) Filing of plan of alliance or coalition

The plan of alliance or coalition shall be filed with the National Elections Commission (NEC) in accordance with regulations and guidelines laid down by the NEC. The plan shall be accompanied by certified copies of the resolution, pursuant to clause 1 above, of each constituent party consenting to the alliance or coalition, and the votes taken by each constituent party authorizing the alliance or coalition.

(4) When alliance or coalition effective

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

(5) When alliances or coalitions may be formed

Alliances or coalitions may be formed not later than eight (8) weeks prior to the first ballot.[56]

## CHAPTER 9

## DISSOLUTION OF POLITICAL PARTY

### § 9.1. Dissolution of Political Party

(1) A political party which has a perpetual existence according to its articles of incorporation shall have the rights to be dissolved after it has failed at least two successive general elections to obtain an absolute

[56]Section 8.5 added in An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 21.

majority to win the Presidency, provided, however, that it shall meet the following conditions:

(a) If, at a meeting of its Executive Committee, two third (2/3) of the members vote on the proposal to dissolve by consenting that the dissolution shall take place. A certified copy of such resolution shall be filed with the Commission along with the Articles of Dissolution.
(b) Filing with the Commission, the verified Articles of Dissolution signed by members of the Executive Committee of such party with the address of the position of each in the party, stating the reason for the dissolution and the manner in which the dissolution was authorized, the Articles of Dissolution shall also be filed with the Registrar of Deeds for Montserrado County, in whose office the Articles of Incorporation of this party were recorded.

**§ 9.2. Time when Effective**

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

**§ 9.3. Winding up Affairs of Political Party after Dissolution**

(a) **Continuation of Party for Winding up -** A political party, whether voluntarily dissolved or otherwise, shall nevertheless be continued for the term of three (3) years from the date of such dissolution as provided by the Association Law of Liberia for the purpose of prosecuting and defending suits by or against it, and to enable it to

gradually settle and close its business, to dispose of and convey its property and to discharge its liabilities, but not to continue the exercise of its political franchise granted under its certificate of accreditation as a registered political party.

(b) **Trustees -** Upon the voluntary dissolution or otherwise of political party, the Executive Committee of the party shall be trustees thereof, with full power to settle the affairs, collect the outstanding debts, if any, sell and convey any of its properties, prosecute and defend all such suits and for the payments of its liabilities and obligations.

## CHAPTER 10

## ELECTION OFFENSES

### § 10.1. Acts Constituting Malfeasance

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

(a) Influencing or attempting to influence the results of any election, to include the trucking of voters;

(b) Emitting or refusal to sign the register or other document which is required to be signed in connection with any election without just cause;

(c) Committing or attempt to commit any act designed to defect the intention of a voter; and

(d) Unlawful disclosure of any knowledge officially acquired touching the vote of any voter, or acquired

through assisting a person with disabilities pursuant to Chapter 5 Section 5.8 of the New Elections Law. [57]

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

**§ 10.2 (1): Offences in Relation to Fraudulent Registration:**

(a) Making a false statement to an Elections Officer at any point during the voter registration process;
(b) Impersonating another person when applying to register to vote;
(c) Registering or attempting to register to vote more than once in relation to an election;
(d) Any other fraudulent act relating to voter registration. [58]

**§ 10.2 (2). Offenses in Relation to Registration Cards**

Any person who does any of the following acts shall be guilty of an election offense and punishable by a fine or sixty (60) days imprisonment or both: *[Amended in 2004]*

(a) Printing or distributing any registration card;

(b) Altering any registration card;

[57] The wording of the sub-section is the amended by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 8.4.

[58] Section 10.2.1 was added and previous section 10.2 renumbered as 10.2.2 by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 24.

(c) Using or attempting to use at any election, a registration card issued to another voter.

**§ 10.2A. Use of State Resources**

(1) In this section "state resource" means

(a) any physical, electronic or other resource including, but not limited to land, buildings, vehicles, aircraft, vessels, or any equipment, transportation or communications system or other resource owned, leased to or otherwise available to any part of the Government of Liberia and used primarily by it,

(b) the services of any officer or employee of the Government at a time when that officer or employee is on duty, or

(c) any other service provided by the Government, but does not include security staff or security services.

(2) No candidate or political party shall use a state resource in an election campaign or in preparation for an election campaign, except a state resource that:

(a) is made available to all candidates and political parties for the election, or

(b) is generally available to the public and is provided on the same terms as to the public.

(3) Paragraph (2) does not apply to the use of a state resource that is unavoidable because of the fulfillment of a duty of public office, if the user reimburses the Government for the use of the resource for the campaign. [59]

## § 10.3. Unlawful Disclosure of Knowledge relating to the vote of any voter

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

## § 10.4. Bribery

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

(a) Offering or cause to be offered money or anything of value or benefit or promise to give anything of value with intent to induce or influence any person; election officer; poll worker in connection with an election which in so doing will tend to affect the true election results;

(b) Receiving money or any valuable consideration; promise for the purpose of influencing any vote or canceling or destroying any ballot paper; ballot box; election writs; a signed register with the intent to defeat the election; and

(c) After close of campaign, and on the day of an election, anyone who offers money or receives money or valuable consideration for the purpose of influencing the voters to vote or not to vote, for a particular candidate.

[59]Chapter 10 is amended by adding Section 10.2A in an in an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014, Chapter 10.

Any election officer, political party or any candidate or the agent of any candidate or any person who does any of these acts is guilty of an election offense and is punishable by a fine or imprisonment for not more than five (5) years or both.

In addition to the forgoing penalty, anyone guilty of bribery as an election offence shall be disqualified from holding any elective public office in the Republic of Liberia or from voting in any elections held under this law for a period of seven years.[60]

## § 10.5. Undue Influence

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

(a) Threatens any person or persons, officers, procures, suggests, and uses or caused to be used any violence; or inflicts, or caused to be inflicted any injury, corporal punishment, damages, losses or disadvantage on any person or persons in support of a political party or a candidate; or

(b) Publishes by spoken, written, or printed words, or by signing whatever form or any matter intended or tending to prevent any person or persons from the free exercise of their franchise or such acts which threaten, or suggest any damage, loss or disadvantage either in the present or in the future, or on account of a political party or his political opinion; or,

[60] The last paragraph added by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 25.

(c) Publishes or exposes, or caused to be published or exposed to public view, at any time between the issuance of an Election Writ and the close of the Poll thereon; any document written or printed matter containing any untrue statement, defamatory of any candidate and calculated to influence the vote of any voter.

In addition to the forgoing penalty, anyone guilty of the aforementioned acts shall be disqualified from holding any elective public office in the republic of Liberia, or from voting in any elections held under this law for a period of seven years.[61]

## § 10.6. Destruction, Removal or Mutilation of Ballot Papers or Boxes

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

## § 10.7. Incurring Unauthorized Election Expenses

Any political party or candidate who incurs any election expenses in excess of the limitation set forth in Section 7.4 of the Elections Law, is guilty of an election offense and is

[61] The last paragraph added by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 26.

punishable by a fine of Five Hundred ($500.00) Dollars or twenty five percent (25%) of the excess amount spent or whichever is greater.

## § 10.8. Ballot Paper Fraud I

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

## § 10.9. Ballot Paper fraud II

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

## § 10.10. Plural Voting at same Election

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

## § 10.11. False Statements with Regard to Registration of Claims Applications and Objections

Any person who willfully makes a false statement in any objection to registration, a claim or to any name on a

registration roll, or who willfully makes a false statement in any registration claim, application, return or declaration, or who signs as the claimant on a claim to register as a voter in the name of any other person, is guilty of an election offense and punishable by a fine not to exceed the sum of five hundred ($500.00) dollars or by imprisonment for not more than six (6) months or both.

## § 10.12. Witnessing A Registration Claim without Knowledge of Claim to the Facts.

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

## § 10.13. Failure to Transmit Claim of Another

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

## § 10.14. Anonymous Publications

(1) **Publication**: Any person who publishes a handbill, pamphlet, notice or other advertisement relating to an election, which does not include prominently

displayed name at the end thereof and address of the person authorizing or publishing it, is guilty of an election offense and is punishable by a fine of not more than five hundred ($500.00) dollars or by imprisonment for not more than six (6) months or both.

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

**§ 10.15**

(1) **Representatives:** Any party representative or the representative of an Independent candidate accredited to the polling place or any person impersonating a representative who violates the provisions of section 4.9 (2), is guilty of an election offense and is punishable by a fine of Three Hundred ($300.00) Dollars or by imprisonment for three (3) months.

(2) **Single Offense:** Any person who fails to obey the lawful direction of the NEC Presiding Officer or any poll worker in a polling place on Election Day, or misconducts himself by committing a breach of peace or threat, is guilty of an election offense and is punishable by a fine or by imprisonment for not more than thirty (30) days or by both and shall be removed from the polling place by the NEC Presiding Officer or any person authorized by him. *[Amended in 2004]*

(3) **Re-Entry of Polling Place After Being Removed:** -- Any person ordered to be removed from a polling place by the

NEC Presiding Officer or any person authorized by him on Election Day for failure to obey the lawful directions of the NEC Presiding Officer or for misconduct by threat, is guilty of an election offense and punishable by fine of not more than five hundred ($500.00) dollars or by imprisonment for not more than six (6) months or both.

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

## § 10.16. Period of Permissible Withdrawal

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

## § 10.17. Refusal to Serve When Elected

Failure to serve when elected is a serious elections offense by anyone and is punishable by a fine by not more than Five Thousand ($500.00) Dollars or imprisonment for a period not exceeding five (5) years or both.

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

Failure by a candidate or a political party to file and prosecute an election protest within the time allowed by this title, is a waiver and ends the right of such candidate or political party to do so. Any candidate or a political party failing to take advantage of the provisions of this title relating to election contest and after the expiration of the time allowed to do so, resort to the dissemination of propaganda which contains statements intended to create political unrest, disloyalty or subvert the constituted authority of government; or to bring the government into disrepute at home or abroad; to oppose and refuse to recognize the government on account of disagreement with the elections results, or by commenting on the election in any manner or form intending to discredit its results to which no contest or protest had been filed, constitutes an election offense for the purpose of this title.

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

In addition to the foregoing penalty, any person who is guilty of stirring up unrest and rebellion in lieu of protest after declaration of election results shall be disqualified from holding any elective public office in the Republic of Liberia, or voting in any elections held under this law for seven years. [62]

[62] The last paragraph added by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the

## § 10.19. Commenting on Election During the Pendency of an Election Contest

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

## § 10.20. Notwithstanding the Penalty Provided to be Punishable

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

## § 10.21. Freedom of Travel throughout the Country and the use of Public Facilities by Political Parties.

Political parties, without any molestation whatsoever by official action are privileged to travel throughout the length and breadth of the country to canvass for membership or for elective public office and to hold and conduct orderly meetings

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National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 27.

and political rallies to raise funds or for any lawful purposes in the free exercise of their political franchise being responsible for the abuse of such privilege. They shall be entitled to appropriate security protection when timely public notice is given.

Political parties are also privileged to use, and shall not be denied the right to use any public building or such public facilities necessary and appropriate for their purpose, a timely request shall first be made to the appropriate authorities.

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

## § 10.22. Abusive and Profane Language and Slogans as an Election Offense

It shall be an election offense punishable by a fine of One Thousand ($1,000.00) Dollars for political party, when having

their political rallies or demonstrations to abuse another political party or its leaders by the use of profane language or slogan tending to reflect on such party or its leaders or a particular ethnic group or groups.

## § 10.23. Unfair Political Practices

Under the multiparty system provided under the Constitution, every citizen of legal age of this Republic is entitled to join any political party of his choice and may resign therefrom for any reason without molestation.

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

## § 10.24. Unlawful Election Propaganda

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

(a) Disseminate propaganda which contains false statements intended to:
   i. Create unrest; disloyalty; rebellion or terrorism among the Liberian people;
   ii. Overthrow or subvert the authority into disrepute at home or abroad; or

(b) Publish:
   i. Anonymous writings affecting or commenting on the conduct of an election; or
   ii. Allegations derogatory to the Government without affixing thereto the name of the publisher or writer; or

(c) Engage or consent to the engagement of aliens as members or officials of an organized political party or independent candidate.

**(2) Liability of Members**: Any member of a registered political party or independent candidate who directs, or with knowledge of the purpose thereof, participate in the unlawful acts defined in paragraph (1) above, shall be subjected to a fine of not more than Five Thousand ($5,000.00) Dollars or imprisonment for not more than five (5) years or both.

## § 10.25. Civil Sanction:

Notwithstanding that criminal proceeding may be pending in court in respect of any violation of Section 10.18 by a political party, upon receipt of clear evidence of the violation, the

Commission, upon petition of the Minister of Justice or on its own motion, may outlaw such political party or parties and revoke their certificate. An appeal may lie from the determination of the Commission to the Supreme Court en banc, if notice of appeal is served and filed with the Commission within sever (7) days after its determination is made. If such an appeal is taken, the Chairman of the Commission shall immediately notify the Chief Justice of the Supreme Court, who shall summon the Associate Justices in an extraordinary session if not sitting in term to hear and determine such appeal as expeditiously as possible.

**§ 10.25A. Attempts, Assistance or Conspiracy**

Any person who attempts, or assists another person(s), or conspires with another person(s) to commit an offense under this law, is guilty of an election offense.

**§ 10.25B. Duty of Parties and Candidates re-offences and violations**

(1) Every political party, party nominated candidate and independent candidate shall:

(a) take reasonable steps to ensure that their representatives and supporters and, in the case of parties, their members and officers are made aware of the offenses under this law and the violations prescribed in regulations issued by the Commission; and

(b) instruct their representatives and supporters and in case of parties, their members and officers not to commit offenses or violations.

(2) A political party, party nominated candidate or independent candidate who fails to comply with paragraph (1):

(a) is guilty of an election offense punishable by a fine in accordance with Sections 10.2 and 10.26; and

(b) if an offense under this law or violation of a regulation is committed by their representatives and supporters or, in the case of parties, their members and officers, may be found to be jointly liable to the offense or violation and be subject to punishment by a fine in accordance with Sections 10.2 and 10.26.

## § 10.25C. Obstruction of Election Process

A person has obstructed the elections process if he/she obstructs the Commission or any of its officers in the administration of an election under this law by:

Willfully failing to deliver or delaying the delivery of any item(s) or services in which he/she had been contracted to provide, in accordance with the contract; or

Willfully denying, delaying or obstructing access to premises that he/she had been contracted to provide, in accordance with the contract;

Commits an election offence punishable by a fine;

Willfully blocking of immediate access into and out of voting centers;

Willfully blocking driveways and highways, street(s) to voting places and to NEC offices;

Removal of Voters Roll or Post. [63]

## § 10.26. Penalty for any Offense not Provided

[63] Sections 10.25A, 10.25B, 10.25C were added by an Act to Amend Certain Provisions of the 1986 Elections Law, approved September 17, 2014 published December 15, 2014, Chapter 10.

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

## § 10.27. Election Offenses Punishable by Fines [64]

Wherever this Law refers to election offences punishable by fines:

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

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

# CHAPTER 11

# Budgetary Appropriations for the NEC[65]

[64] The section added and amends chapter 10 by the deletion of all provisions and references which are inconsistent in The last paragraph added by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, section 23.

[65] This entire Chapter was added by An Act Suspending Certain Provisions of the Constitution of Liberia and Amending Specific Sections of the New Elections Law 1986 and Approving New Provisions Relating to the Budget Appropriations of the National Elections Commission, approved December 17, 2004 and published December 23, 2004, sections 28-31.

## § 11.1. Election Expenditure to be Charged on the National Revenue

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

## § 11.2. Submission of Annual Budget and Quarterly release of Funds

(1) The Commission shall submit an annual budget for the Commission directly to the Legislature of Liberia for consideration and approval.

(2) The Minister of Finance shall, on or before July 1 and January 1 in each fiscal year, cause the amounts approved for the following half year for the general administration of the Commission and for preparing for and conducting elections or referenda, to be paid into an account established and operated by the Commission.

## § 11.3. Publication of Annual Plan and Audited Accounts

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

(b) At the end of each year, the NEC shall publish an annual report and an externally audited set of accounts, which shall relate to its achievements and activities against the annual plan.

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

**§ 11.4. Establishment of Finance and Audit Committee**

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

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

Any Law to the Contrary Notwithstanding