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# ANNEX I

N.P.R.C. Decree  
No. 16



Sierra Leone

1995

## The Electoral Provisions Decree, 1995

Short title.

Being a Decree to make provision for the election of members of Parliament and for other matters connected therewith.

*[18th December, 1995]* Date of Commencement.

PURSUANT to paragraph 3 of the Proclamation entitled "The Administration of Sierra Leone (National Provisional Ruling Council) Proclamation, 1992", the National Provisional Ruling Council makes and issues the following Decree:—

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PART I — PRELIMINARY

Interpretation. 1. In this Decree, unless the context otherwise requires —

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

"candidate" means a person nominated for election as a Paramount Chief member of Parliament or, as the case may be, a person included in a list of candidates put up by a political party for election as an ordinary member of Parliament;

Act No. 6 of 1991. "Constitution" means the Constitution of Sierra Leone, 1991;

Cap. 60. "district" means a district established under the Provinces Act;

"election" means any election for the membership of Parliament and includes any other election held at the same time;

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

"elector" means any person whose name is on any Register of Electors prepared in accordance with the Franchise and Electoral Registration Decree No. 15 of 1995, or, in the case of an election for a Paramount Chief member, a person whose name is on the *Gazette* List;

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

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Decree No. 1 of  
1994.

"Electoral Commission" means the Interim National Electoral Commission established under section 2 of the Interim National Electoral Commission Decree, 1994;

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

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

"nomination paper" means the printed form used for the purpose of nominating a candidate for election as a Paramount Chief member of Parliament;

"observer" means any person or group of persons, whether national or international, accredited by the Electoral Commission to observe, verify and monitor the electoral processes established by this Decree;

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

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

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

"Polling Assistant" means any person appointed as such under subparagraph (ii) of paragraph (d) of subsection (2) of section 14;

"polling station" means a polling station provided under paragraph (a) of subsection (2) of section 14;

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"Presiding Officer" means any person appointed as such under subparagraph (i) of paragraph (d) of subsection (2) of section 14 and includes an Assistant Presiding Officer;

Decree No. 15 of 1995.

"Register of Electors" means the Register of Electors referred to in section 27 of the Franchise and Electoral Registration Decree, 1995;

"Returning Officer" means any person appointed under section 13 to be the National Returning Officer, a Regional Returning Officer or, as the case may be, a District Returning Officer;

"Secretary of State" means the Secretary of State assigned with responsibility for matters relating to the interior;

"the Speaker" means the person for the time being holding the office of Speaker of Parliament under section 79 of the Constitution;

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

PART II — MEMBERS OF PARLIAMENT

Composition. 2. Members of Parliament shall comprise —

- (a) twelve Paramount Chief members; and
- (b) such number of ordinary members as may be prescribed by the National Provisional Ruling Council being not less than sixty.

Time for parliamentary elections.

3. The time for a general election under this Decree for the election of members of Parliament shall be appointed by proclamation made by the National Provisional Ruling Council after consultation with the Electoral Commission.

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4. When a time is appointed for a general election under section 3, the Electoral Commission shall, by Government Notice, require that nominations of candidates be delivered to the Electoral Commission before four o'clock in the afternoon of the day specified in the Government Notice, which shall not be more than sixty and not less than thirty days before the day appointed for voting in the elections.

Time for nomination of candidates.

5. The candidates in any general election shall be nominated -

Nomination of candidates.

(a) in the case of the ordinary members, by a list of candidates in Form A prescribed in the First Schedule, drawn up by a political party; and

(b) in the case of Paramount Chief members, by writing subscribed by each candidate and the persons nominating him and shall be in Form B prescribed in the First Schedule.

6. (1) A list of candidates for the election of the ordinary members of Parliament shall be delivered by the political party concerned to the Electoral Commission under section 4 and shall be accompanied with a non-refundable electoral deposit of three million leones, payable by the political party.

Delivery of nominations to Electoral Commission.

(2) Any deposit received by the Electoral Commission shall be paid into the Consolidated Fund.

(3) The number of candidates in any list drawn up by a political party shall be equivalent to the number of seats being contested in the election and the names of the candidates shall be arranged in the order in which they may be called upon to fill any seats allocated to their party under section 11.

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

(5) Subject to section 8, if to the knowledge of a candidate his name appears on more than one list in contravention of subsection (4) that

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candidate commits an election offence and shall be liable on summary conviction to a fine of five hundred thousand leones or to a term of imprisonment for two years or to both such fine and imprisonment; and the Electoral Commission shall strike out the name of the candidate from all the lists in which it appears and inform the political parties concerned accordingly.

Statutory declaration in support of list.

7. A list of candidates delivered by a political party shall be accompanied by a statutory declaration made by the national chairman and secretary of that party, stating that -

- (a) each candidate has accepted his nomination in writing;
- (b) every candidate on the list is qualified to be elected as an ordinary member of Parliament under section 75 of the Constitution; and
- (c) no candidate on the list is disqualified for election as a member of Parliament under section 76 of the Constitution.

Publication of list.

8. (1) The Electoral Commission shall, not later than four days after the date specified for the delivery of nominations under section 4, publish, by Government Notice, any lists of candidates delivered to the Commission as the provisional lists of candidates of the political parties concerned.

(2) A notice under subsection (1) shall -

- (a) set out in alphabetical order the names of all political parties which have submitted lists of candidates, followed by their respective lists of candidates arranged in the order specified in subsection (3) of section 6;
- (b) invite objections from any elector to be lodged with the Commission within seven days of the date of the notice concerning the qualification of

any candidate on the list for election as a member of Parliament or otherwise

9. (1) Any objection to the nomination of any candidate on a list shall state the grounds of the objection. Disposal of objections

(2) Upon receipt of an objection, the Electoral Commission shall inquire into the grounds stated in the objection as well as any other matters it may consider necessary, having regard to subsection (4) of section 6 and to section 76 of the Constitution, and if it is satisfied that the candidate objected to is disqualified from election as a member of Parliament, the Commission shall strike off his name from the list and notify the political party of that candidate accordingly.

(3) Any person who is aggrieved by a decision of the Electoral Commission made under subsection (2), may, by originating notice of motion, appeal to the High Court within seven days of the decision appealed against; and the decision of the High Court shall be given within thirty days of the date of the appeal and shall be final and not subject to any further adjudication by any means whatsoever.

(4) After any objections have been disposed of under subsections (2) and (3), the Electoral Commission shall, not later than fifteen days before the day of election publish, by Government Notice, the final list of the candidates put up by each political party.

10. (1) On the day appointed for polling under Part III, voters shall cast their ballots for the lists drawn up by the political parties contesting the elections. Voting for party lists and distribution of seats.

(2) After the counting of the ballots under Part III, the seats in Parliament shall be allocated to the political parties concerned on the basis of the mathematical formula set out in the Second Schedule:

Provided that only a political party which has received five per cent or more of the ballots cast shall be considered for the allocation of the seats in Parliament.

11. (1) As soon as may be after the result of the ballot has been declared under Part III, the Electoral Commission shall declare - Declaration of seats and elected candidates.

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- (a) which political party or parties have won any seat or seats; and
- (b) the candidates on the list of any political party referred to in paragraph (a) who are to be returned as ordinary members of Parliament, having regard to the order in which their names appeared on the list of the political party concerned.

Publication of list of elected candidates.

12. The Electoral Commission shall, as soon as may be after the declaration referred to in section 11, publish, by Government Notice, a list of all the elected candidates and by writing, under the hand of the Chairman of the Commission, notify the candidates concerned and their respective parties of their election to Parliament.

### PART III — PROCEDURES AND ARRANGEMENTS FOR ELECTIONS

Appointment of Returning Officers.

13. (1) For the purpose of the conduct of elections under this Decree, the Chairman of the Electoral Commission shall be the National Returning Officer.

(2) The Electoral Commission shall appoint —

- (a) four other Returning Officers to be known as Regional Returning Officers for each of the four electoral regions into which Sierra Leone is divided;
- (b) twelve District Returning Officers; and
- (c) as many Assistant Returning Officers as may be required.

Conduct of general election by Electoral Commission.

14. (1) The Electoral Commission shall be responsible for the conduct of any elections under this Decree and shall make arrangements for the casting of the ballot by voters.

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

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- (a) provide such number of polling stations as may be required in each electoral region and allot the voters within the electoral region to the polling stations in such manner as it thinks most convenient;
- (b) not later than fifteen days before the day of election, give notice thereof, where practicable, in the same Government Notice referred to in subsection (4) of section 9, specifying –
  - (i) the day and hours fixed for voting;
  - (ii) the full name, address and occupation of each candidate in the final list of candidates as determined by the Electoral Commission under subsection (4) of section 9 together with a description of the symbol which the Electoral Commission has accepted for each political party or candidate in any other election being held on the same day, as the case may be;
- (c) the situation of the polling station or stations and the persons entitled to vote thereat;
- (d) appoint such person as it may think fit, other than a candidate for election, to be –
  - (i) the Presiding Officer who shall be in charge of the polling station; and
  - (ii) Polling Assistants under the direction of the Presiding Officer;
- (e) provide each Presiding Officer with ballot boxes for each polling station in the electoral region and such number of ballot papers as in the opinion of the Presiding Officer may be necessary;
- (f) provide the Presiding Officer at each polling station with instruments for making official mark on the ballot papers;

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- (g) provide the Presiding Officer at each polling station with copies of the Register of Electors or such part thereof as contains the names of the electors allotted to vote at such polling station;
- (h) cause to be published in each polling station, the lists of candidates nominated by each political party or, as the case may be, the names of the candidates for any other election held on the same day, and the symbol which the Electoral Commission has accepted for each of the parties, or such other candidates; and
- (i) do such other acts and things as may be necessary for conducting the election in the manner provided in this Decree.

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

Polling agents.

15. (1) Each political party contesting the election may appoint two persons (hereinafter referred to as "polling agents") to attend at each polling station within the electoral region, for the purpose of detecting personation and making representations to the Presiding Officer under paragraph (c) of section 18 and under subsection (1) of section 23; and generally for the purpose of drawing the attention of the Presiding Officer to irregularities in the procedure at a polling station.

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

(3) If any polling agent dies or becomes incapable of acting as such, the political party concerned may appoint another polling agent in

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his place and shall give to the Presiding Officer due notice in writing of the name and address of the polling agent so appointed.

(4) No polling agent shall be admitted into a polling station if notice of his appointment has not been given to the Presiding Officer, and a polling agent admitted to the polling station shall not interfere with the voting at that station, except as provided in this Decree, or do any canvassing at the polling station or display anything which indicates that he is a representative of a particular political party, and such polling agent shall be obliged to display such identification as is determined by the Electoral Commission.

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

Precautions to ensure secrecy.

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

(3) Immediately before the commencement of voting, the Presiding Officer at each polling station shall show each ballot box empty to observers (if any) and to such persons as may be lawfully present so that they may see that the boxes are empty and shall in the presence of such persons close and place distinctive seals upon each ballot box in such a manner as to prevent the ballot box from being opened without breaking the seal and shall keep it so closed and sealed until the voting is completed and counting is about to commence.

(4) The Presiding Officer shall place the ballot boxes, which he has caused to be prepared under subsection (3), in the polling station in full view of the Presiding Officer, Polling Assistants, polling agents, observers (if any), and such other persons authorized to be present in the polling station throughout the voting time prescribed.

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

Hours of voting.

(2) The Presiding Officer shall not declare the poll closed until all the registered electors present inside the polling station or waiting in

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line outside the polling station at the time specified in subsection (1) have cast their vote.

Manner of voting.

18. The voting at an election shall be conducted in the following manner —

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

(i) the name of such elector appears in the copy of the Register of Electors, or part thereof, provided for that polling station; and

(ii) the elector has not already voted;

the Presiding Officer or Polling Assistant shall deliver to him a ballot paper;

Provided that where a number of public elections are held the same day the ballot papers shall be differentiated by such colours as the Electoral Commission shall determine;

(b) immediately before the Presiding Officer or Polling Assistant delivers a ballot paper to an elector, he shall —

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

(ii) examine the elector's left hand for traces of the ink (if any) referred to in paragraph (c), and be satisfied that there are such

traces he shall not deliver any ballot paper to that elector;

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

(iv) mark the number of the elector in the copy of the Register of Electors on the counterfoil of the ballot paper or ballot papers;

(v) place a mark against the number of the copy of the Register of Electors to denote that a ballot paper or ballot papers have been delivered:

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

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

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

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

(e) if the Electoral Commission so directs, every elector shall, immediately before receiving a ballot paper, submit to having his left thumb or

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a finger of the left hand, or right hand if an elector suffers from physical defect, marked with indelible ink:

Provided that this paragraph shall not apply in the case of an elector who suffers from a physical defect which in the opinion of the Presiding Officer, makes its application impractical:

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

(g) if an elector -

(i) spoils any ballot paper inadvertently; or

(ii) marks a ballot paper by mistake for a party which is not of his choice;

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

(h) if an elector places any writing or mark on the ballot paper by which he may be identified, the Presiding Officer shall write the word "CANCELLED" across the face of the ballot paper which shall be kept separately and whi--

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shall be delivered to the Returning Officer as provided in this Decree:

- (f) an elector who is unable to read or who is incapacitated by blindness or any other physical disability and is unable to cast his vote in the manner prescribed in this Decree, must apply in person to the Presiding Officer who shall –
  - (i) in case of an elector who is physically disabled, allow the elector to be accompanied by another elector of his own choice, who must guarantee the faithful expression of the vote of the disabled person and who shall be pledged to absolute secrecy;
  - (ii) in case of an elector who is unable to read or write and cannot draw a cross, inform the elector that he can vote by putting a fingerprint mark in the square corresponding to the party for which he wishes to vote after dipping his finger in the ink which shall be placed for this purpose in the voting booth;
- (g) notwithstanding subparagraph (i) of paragraph (a), an elector who is likely to be unable to go in person to the polling station at which he is entitled to vote by reason of being on official duties in connection with the election or a civil servant or employee of a public corporation or commercial firm or mining company or mission or member of the Sierra Leone Police Force or the Armed Forces of the Republic of Sierra Leone who is transferred by his employer or supervisor to a place of employment in a ward other than the one in which he is registered; may, not later than fifteen days before the day appointed for voting, make an application to the Returning Officer of his electoral region for a certificate of



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authorisation in a form approved by the Electoral Commission to authorise a Presiding Officer in a polling station, other than the one at which the applicant is entitled to vote, to permit him to cast his vote in that polling station:

Provided that before issuing any certificate of authorisation under this paragraph, the Returning Officer shall satisfy himself that the application is well founded and supported by the written confirmation of the employer or supervisor of the applicant and delete the applicant's name from the Register of Electors for the polling station at which he is entitled to vote and initial such deletion;

(k) an elector who has been issued with a certificate of authorisation referred to in paragraph (j) shall present such certificate of authorisation to a Presiding Officer of a polling station other than the polling station at which he is entitled to vote and such Presiding Officer, after satisfying himself as to the authenticity of the certificate of authorisation, shall permit the elector to vote in accordance with the directions contained therein.

Numbering of counterfoils

19. Every ballot paper shall be attached to a counterfoil which shall have a number printed thereon, but there shall be no numbers printed on any ballot paper.

Voting to be without delay.

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

Admission of persons to polling stations

21. (1) Subject to this Decree, no person shall be permitted to vote at any polling station other than the one allotted to him under paragraph (a) of section 18.

(2) The Presiding Officer shall regulate the admission of electors to the polling station, and shall exclude all other persons except polling

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agents, polling assistants, constables on duty, observers (if any), and any other person who under this Decree has lawful reason to be admitted.

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

22. (1) No person, with the exception of military or police personnel officially deployed to provide security at a polling station, shall in any part of a polling station carry, wear, or in any manner display any firearm or any object, which in the opinion of the Presiding Officer or the military or police personnel so deployed, is a dangerous weapon.

Restriction on admission to polling stations.

(2) Any person who contravenes subsection (1) commits an offence and may then and there be arrested on the instruction of the Presiding Officer.

(3) A person arrested under subsection (2) shall, on summary conviction for the offence, be liable to a fine of five hundred thousand leones or to imprisonment for a term of two years or to both such fine and imprisonment.

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

Prevention of personation.

(2) A person in respect of whom a polling agent makes a declaration in accordance with subsection (1) or who the Presiding Officer has reasonable cause to believe has committed the offence of personation shall not, by reason thereof, be prevented from voting, but the Presiding Officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the Register of Electors or part thereof:

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Provided that where a person in respect of whom such declaration is made admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already done so.

Conduct in polling stations.

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

(2) If any person misconducts himself in a polling station or fails to obey any lawful order of the Presiding Officer, such person may, by order of the Presiding Officer, be removed from the polling station by any constable, or by any other person authorized in writing by the Presiding Officer in that behalf; and the person so removed shall not, without the permission of the Presiding officer, again enter the polling station during the day of the election; and any person so removed may be charged with the commission of an offence in such polling station:

Provided that this subsection shall not be used so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of so voting.

Sealing of ballot boxes.

25. (1) On the day appointed for an election under section 3, the Presiding Officer at each polling station shall, at the expiration of the hours of voting prescribed by or under section 17, close the polling station and cease to receive any votes and shall as soon as is practicable thereafter, in the presence of any polling agents and any observers in attendance, make up into separate packet, each sealed with his own seal -

- (a) the ballot boxes in use at the polling station, unopened and sealed, so as to prevent the introduction of additional ballot papers;
- (b) any certificate he has received under paragraphs (j) and (k) of section 18;
- (c) the unused and spoilt ballot papers, placed together;
- (d) the marked copies of the Register of Electors or part thereof; and

(e) the counterfoils of the used ballot papers;

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

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

(a) number of unused ballot papers;

(b) number of spoilt papers; and

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

26. (1) For the purpose of the counting of the votes under section 28, each political party contesting the election shall appoint one person, hereinafter referred to as a "counting agent", for each polling station to attend at the counting of votes. Counting agents.

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

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

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

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

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Counting of votes.

28. AS soon as is practicable after the Presiding Officer has declared the polls closed in accordance with subsection (2) of section 17 and has complied with section 25, he shall in his capacity as Counting Officer, in the presence of the counting agents, if any -

- (a) open each ballot box;
- (b) take out the ballot papers;
- (c) separate the ballot papers cast for political parties in respect of the election to Parliament from those cast for the election of a President, as the case may be;
- (d) in accordance with sections 29 and 30, count the votes separately for each election if more than one is held on the same day; and
- (e) ensure that the ballot papers for each political party list and those for any other election held on the day are kept separate.

Void ballots.

29. (1) At any counting of votes under section 28, any ballot paper -

- (a) which bears a number or mark or variation indicating that it was issued for use at a polling station other than that at which it was used to vote; or
- (b) not bearing any official mark (if any such mark has been prescribed by the Electoral Commission); or
- (c) on which anything is written or marked by which the voter may be identified (other than a fingerprint); or
- (d) on which is cast votes for more than one political party or candidate, as the case may be, in any other election held that day; or

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

shall not be counted.

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

30. The Counting Officer shall endorse the word "Rejected" on any ballot paper which, under section 29, is not counted and shall add the word "Rejection objected to" if any objection to his decision is made by any counting agent.

Rejection of void ballot papers.

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

Counting Officer's decision to be final.

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

Re-count.

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

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

33. (1) Upon the conclusion of counting of votes, the Counting Officer shall seal up in separate packets the ballot papers counted and those rejected, the ballot papers for each political party or candidate in any other election held the same day, being kept separate from those of any other political party or other candidate; and each packet shall be

Counting Officer's duties at conclusion of counting.

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endorsed on the outside by the Counting Officer with the name of the political party or, as the case may be, with the name of the candidate for whom the votes represented by the ballot papers therein were cast.

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

- (a) the National Returning Officer;
- (b) each Regional Returning Officer;
- (c) the District Returning Officer;
- (d) each counting agent of a political party present at the poll;
- (e) himself.

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

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

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

34. (1) After the counting of the votes at the polling station, the Counting Officer shall forward the ballot boxes sealed in the manner stated in subsection (4) of section 33 and all other documents and equipment used in the election to the District Returning Officer.

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

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

(b) the key to the sealed ballot box

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

35. Where a ballot box referred to in subsection (1) of section 34 or its content is destroyed, the certified copy of the statement of the result of the poll referred to in subsection (2) of section 33, shall, on the oath of the Counting Officer or other polling station official, be accepted as representing the result of the poll at the polling station concerned.

Loss or destruction of sealed ballot boxes.

36. (1) Upon receipt of the sealed ballot box and other election materials referred to in subsection (3) of section 34, the District Returning Officer shall not open the sealed packet containing the marked copy of the Register of Electors nor the sealed packets containing the counterfoils of the used ballot papers, but shall proceed, in the presence of the counting agents, if any, to verify the Ballot Papers Account, kept for the purpose, by comparing it with the number of ballot papers counted and rejected in accordance with sections 29 and 30 and the unused and spoilt papers in his possession and shall reseal each packet after examination.

Duty of District Returning Officer regarding counting of ballots.

(2) the District Returning Officer shall prepare a statement as to the result of verification and showing the number of ballot papers rejected, which shall be in Form B prescribed in the Third Schedule and shall, on request by any counting agent, allow him to copy the statement.

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

Certification of result by District Returning Officer.



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

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

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

- (a) in the case of an election of the ordinary members of Parliament, the number of votes cast for the list submitted by each political party; and
- (b) in the case of the election for a President held the same day, in the manner prescribed in section 15 of the Presidential Elections Decree, 1995; and

ensure that the statements of the polls and the sealed packages containing the voting papers and all other documents relating to the election, including all forms whether used or not, are securely kept by the Electoral Commission.

Publication of result.

38. (1) As soon as may be after the National Returning Officer has declared the result of the election or elections under subsection (4) of section 37, the Electoral Commission shall publish the results so declared—

- (a) in the case of the election of the ordinary members of Parliament, in the manner prescribed in section 12; and
- (b) in the case of an election for a President, in the manner prescribed in section 17 of the Presidential Elections Decree, 1995.

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

Non-attendance of agents not to invalidate.

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

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

Secrecy of voting

#### PART IV—POLLING FOR ELECTION OF PARAMOUNT CHIEF MEMBERS

41. (1) This Part shall apply only to elections for Paramount Chief members.

Application of Part.

(2) Part III shall not apply to elections of Paramount Chief members:

Provided that sections 14, 15, 16, paragraphs (f) and (g) of section 18, sections 20, 21, 24, 25, 30, 31, 32, 33, 34, 35, 36, 37, 38, subsection (2) of section 39, and section 40 of Part III shall apply, *mutatis mutandis*, to such elections.

(3) The Register of Electors, where referred to in Part III, shall, for the purpose of this Part, be construed to mean the *Gazette List*.

(4) In the exercise of his functions under this Part, a Returning Officer shall act as the Presiding Officer at an election.

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Returning Officer to meet Chiefdom Council and conduct polling

42. (1) The Returning Officer shall appoint the hours and place of voting and meet each Chiefdom Council at the time and place appointed by him

(2) Upon so meeting a Chiefdom Council, the Returning Officer shall ---

- (a) mark numbers serially against the names of the members of that Chiefdom Council who are present in the order in which they appear in the Gazette List;
- (b) read the list of candidates remaining nominated and display the symbols allocated to such candidates;
- (c) show the ballot boxes to the electors in the manner provided in section 16;
- (d) call the name of each elector in the Gazette List and cause a Polling Assistant to issue a ballot paper to each elector in turn.

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

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

Counting of votes.

43. The Returning Officer at a Polling Station shall, at the conclusion of the time appointed for voting under subsection (1) of section 17, close the polling station and cease to receive any votes and shall as soon as is practicable thereafter proceed to open each ballot box, take out the ballot papers and count the same, subject to sections 19 and 20, and record the number of valid ballot papers, but, so that, the ballot cast for each candidate shall be kept separate from the ballots of another candidate.

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

Persons who may be present at counting of votes

45. Upon the conclusion of the counting, the Returning Officer shall—

Returning Officer's duties at conclusion of counting.

- (a) prepare a statement to be called the Ballot Papers Account, which shall be in Form D prescribed in the Third Schedule;
- (b) seal up in separate packets (a) the counted and (b) the rejected ballot papers, the ballot papers for each candidate being kept separate from those of any other candidate;
- (c) endorse on the outside of each packet the name of the candidate for whom the votes represented by the ballot papers therein were cast;
- (d) seal in separate packets the marked copy of the Gazette List and any unused ballot papers;
- (e) prepare a statement to be called the "Verification of Ballot Papers", which shall be in Form E prescribed in the Third Schedule and shall, on request by any candidate or his polling agent, allow him to copy the statement.

PART V—ELECTION OFFENCES

46. (1) In this Part, unless a contrary intention appears, "corrupt practice" means any of the following offences against this Part; namely, personation, undue influence, bribery and aiding, abetting, counselling, or procuring any such offence.

Interpretation of term.

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

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

Interference with lawful public meeting.

47. Any person who at a lawful public meeting, held in connection with presidential or parliamentary elections, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called, commits the offence of illegal practice and shall be liable, upon summary conviction, to a fine of five hundred thousand leones or to a term of imprisonment for two years or to both such fine and imprisonment and shall be incapable, during a period of five years from the date of his conviction, of voting at any election.

Prevention of election by force, etc.

48. Any person who prevents, obstructs or disturbs any election by force, violence or threats commits an offence and shall be liable, on summary conviction, to imprisonment for a period of two years.

Undue influence.

49. Any person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election held under this Decree, or who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise by any elector or thereby compels, induces or prevails on any elector, either to give or refrain from giving his vote at any such election, commits the offence of undue influence and shall be liable, on summary conviction, to a fine of one million leones or imprisonment for a term of three years or to both such fine and imprisonment.

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

50. (1) Any person who —

- (a) forges or fraudulently defaces or knowingly destroys any list of candidates of a political party or a nomination paper, or delivers to any person or authority to whom such list or nomination papers are required to be delivered by this Decree any list of candidates of a political party or nomination paper knowing the same to be forged;
- or

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- (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or any official mark on any ballot paper; or
- (c) without due authority, supplies any ballot paper to any person; or
- (d) fraudulently puts into any ballot box any paper other than a ballot paper which he is authorized by law to put in; or
- (e) without the authority of the Presiding Officer, brings into or takes out of any polling station, place of voting or place of election any ballot paper; or
- (f) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election;
- (g) unlawfully votes for more than one list of candidates or, as the case may be, votes or records more than one vote in favour of any candidate;

commits an offence and shall be liable, on summary conviction, to a fine of one million leones or to imprisonment for a term of three years or to both such fine and imprisonment.

(2) In any prosecution for an offence in relation to the list of candidates of a political party, nomination papers, ballot boxes, ballot papers, counterfoils, marking instruments and other things in use at any election, the property in such papers, boxes, instruments and things may be stated to be in the possession of the Returning Officer at such election.

51. Any person, having an official duty to perform under this Decree, who wilfully or negligently fails to perform such duty in an impartial manner, or who makes use of or attempts to make use of his official duties

in proper  
practices by  
election staff.

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or position to influence the way in which any person votes, commits an offence and shall be liable, on summary conviction, to a fine of five hundred thousand leones or to imprisonment for a term of two years or to both such fine and imprisonment

Penalty for  
false answer.

52. Any person who makes a false answer to any of the questions prescribed in paragraph (c) of section 18 knowing it to be false or careless whether it be true or false, commits an offence and shall be liable, on summary conviction, to a fine of five hundred thousand leones or to imprisonment for a term of two years or to both such fine and imprisonment.

Infringement  
of secrecy.

53. (1) Every Electoral Officer, Polling Assistant, and polling agent shall maintain and aid in maintaining the secrecy of the voting in an election and shall not communicate, except for some purpose authorized by law, before the election is closed, to any person any information as to the name or number on a Register of Electors or a Gazette List of any elector who has or has not applied for a ballot paper or voted, or as to any official mark.

(2) No electoral officer, Polling Assistant or polling agent, and no person whatsoever shall interfere with or attempt to interfere with an elector when casting his vote, or otherwise attempt to obtain information as to the candidate or the political party for whom or for which any elector is about to vote or has voted, or communicate at any time to any person information obtained during any election as to the candidate for whom or the political party for which any elector is about to vote or has voted:

Provided that this subsection shall not extend or be construed to extend to any procedure prescribed by this Decree for recording the vote or votes of any elector who is incapacitated by blindness or other physical cause from casting his vote himself.

(3) Every officer, Polling Assistant, or polling agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given by any particular ballot paper.

(4) Any person who acts in contravention of this section commits an offence and shall be liable, on summary conviction, to a fine of five

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hundred thousand leones or to imprisonment for a term of two years or to both such fine and imprisonment.

54. Any person who, being an officer charged with the counting of votes or the making of a return at an election, wilfully falsifies the count of such votes or makes a false return commits an offence and shall be liable on summary conviction, to a fine of five hundred thousand leones or to imprisonment for a term of two years or to both such fine and imprisonment.

Falsification of return of election.

55. Any person who at an election held under this Decree knowingly votes or attempt to vote or applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any such election votes or attempts to vote at the same election in his own name, commits the offence of personation, and shall be liable, on summary conviction, to imprisonment for a period of six months.

Personation.

56. (1) The following persons shall be deemed to have committed the offence of bribery and shall be liable, on summary conviction to a fine of five hundred thousand leones or imprisonment for a term of two years or to both such fine and imprisonment—

Bribery.

- (a) every person who gives, lends, offers, promises, or promises to procure, or to endeavour to procure, any money or valuable consideration to or for an elector, or to or for any other person, in order to induce any elector to vote or refrain from voting or corruptly does any such act as aforesaid on account of such elector having voted, or refrained from voting at any election under this Decree;
- (b) every person who gives, procures, agrees to give or procure, offers, promise, or promises to procure or to endeavour to procure, any office, place or employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any



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such act as aforesaid on account of any elector having voted or refrained from voting at any election under this Decree:

- (c) every person who makes any gift, loan, offer, promise, procurement or agreement referred to in paragraph (b) to or for any person in order to induce such person to procure or endeavour to procure the return of any person as a member of Parliament or the vote of any elector at any election under this Decree;
- (d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person as a member of Parliament or of a local authority, or the vote of any elector at any election under this Decree;
- (e) every person who advances or pays or causes to be paid any money to or for the use of any other person, with the intent, that such money or part thereof shall be expended in bribery at any election under this Decree; or who shall knowingly pay or cause to be paid any money to any person in discharge of repayment of any money wholly or in part expended in bribery at any such election:

Provided that this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any lawful expenses *bona fide* incurred at or concerning any election, and in particular to the hire of transport by or on behalf of a candidate's agent or the travelling expenses of a candidate or his agent.

(2) The following persons shall also be deemed to have committed the offence of bribery and shall be liable, on summary conviction, to the penalty specified in subsection (1)—

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- (a) every elector who before or during any election under this Decree receives, agrees or contracts for any money, gift, loan, valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election;
- (b) every person who, after any election under this Decree, receives any money, gift, loan, valuable consideration, office, place or employment for himself or for any other person, on account of any other person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election.

57. Any person who is convicted of personation, undue influence or bribery or aiding, counselling or procuring the commission of the offence of personation shall, in addition to any other punishment, be incapable during a period of five years from the date of his conviction —

Disqualification for personation, etc.

- (a) of being registered as an elector or voting at an election; or
- (b) of being elected a member of Parliament or a local authority, or if elected before his conviction, of retaining his seat as a member of Parliament or any local authority.

58. Any person who—

Penalty for certain illegal practices.

- (a) votes or induces or procures any person to vote at any election under this Decree knowing that he or such other person is prohibited by this Decree or by any other law from voting at such election; or
- (b) before or during an election under this Decree, knowingly publishes a false statement of the

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withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate:

commits the offence of an illegal practice and shall be liable, on summary conviction, to a fine of five hundred thousand leones or imprisonment for a term of two years and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election.

Symbols and emblems of candidates.

59. (1) The Electoral Commission or its agents may display symbols and emblems of the candidates or a political party within the vicinity of the place of voting:

Provided that no person shall on the day of the election, within four hundred yards of the place of voting, make any public address indicating his support for a particular political party or candidate.

(2) Any person acting in contravention of this section commits an offence and shall be liable, on summary conviction, to a fine of one million leones or to imprisonment for a term of three years or to both such fine and imprisonment.

Prohibition of interference with voting materials

60. Any person who on the day of the election removes, destroys, conceals or mutilates or assists in the removal, destruction, concealment or mutilation of any voting material, save with the authority of the Electoral Commission or under this Decree, commits an offence and shall, on summary conviction, be liable to imprisonment for a period of two years.

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

61. Any person who, directly or indirectly, prints, manufactures or supplies or procures the printing, manufacture or supply of any voting material in connection with any election, save with the authority of the electoral commission, commits an offence and shall, on summary conviction, be liable to a fine of ten million leones or to imprisonment for a term of five years or to both such fine and imprisonment.

Prohibition of interference with free political canvassing and campaigning.

62. Any person who—

- (a) directly or indirectly, by the use of threat or force, violence, sexual harassment or otherwise, prevents the conduct of any political meeting.

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- procession, demonstration or other event of a political nature or any other person from attending or participating therein; or
- (b) creates a material disruption with the intention of preventing a political party from holding a public political meeting; or
  - (c) impedes or prevents or threatens to impede or prevent the right of any representative of any political party to gain access, in the manner and during the hours prescribed, to voters in any particular area, whether public or private, for the purposes of conducting political canvassing and campaigning and of soliciting membership and support; or
  - (d) impedes or prevents or threatens to impede or prevent any member of the Electoral Commission, any representative of the Electoral Commission or any other person or organization engaged in voter education to gain access, in the manner and during the hours prescribed, to voters in any particular area, whether public or private, for the purposes of conducting voter education; or
  - (e) conducts a political party procession along a public thoroughfare or a political party meeting or rally in a public place without first obtaining the written approval of the Inspector-General of Police or any police officer authorised in that behalf or any local authority so authorised by law;

commits an offence and shall, on summary conviction, be liable to a fine of two million leones or to imprisonment for a term of three years or to both such fine and imprisonment.

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- Application of penalties to political parties. 63. Any act or omission which would, if committed by an individual, constitute an offence shall also be an offence if committed by any group of persons.
- Regulations. 64. The National Provisional Ruling Council may, upon the recommendation of the Electoral Commission, make Regulations generally for giving effect to this Decree.
- Electoral Commission's power to enlarge time. 65. The National Provisional Ruling Council may, upon the recommendation of the Electoral Commission, by order, enlarge or reduce as it may deem necessary the time prescribed in this Decree for the giving of any notice or for the doing of any act or thing.
- Pending petitions and appeals saved. 66. Nothing in this Decree shall affect any proceeding pending at the commencement of this Decree on any petition or any proceeding on appeal pending at the commencement of this Decree relating to any petition and any such proceeding or appeal may be proceeded with as if this Decree had not been passed.

## PART VI — GENERAL PROVISIONS

- Obligation of impartiality. 67. An officer of the Electoral Commission shall perform his functions in a neutral and impartial manner and shall receive his instructions only from the Electoral Commission.
- Election Offences Court. 68. (1) Pursuant to subsection (3) of section 131 of the Constitution, there is hereby established a division of the High Court to be known as "the Election Offences Court"
- (2) The Election Offences Court shall sit in such places in Sierra Leone as the Chief Justice may determine and shall be presided over by—
- (a) a High Court Judge; or
  - (b) a retired Judge of the Superior Court of Judicature; or
  - (c) any barrister and solicitor who is qualified to hold office as a High Court Judge.

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

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

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

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

(7) Any decision of the Election Offences court shall be final and shall not be questioned in any other court by any means whatsoever.

69. The Electoral Provisions Act, 1962, is hereby repealed.

Repeal of Act  
No 14 of 1962

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FIRST SCHEDULE

(Section 5 (a))

FORM A

ELECTORAL PROVISIONS DECREE, 1995  
NATIONAL INTERIM ELECTORAL COMMISSION  
FORM OF LIST OF CANDIDATES

Name of political party .....

Election in respect of which list is submitted .....

Statutory declaration signed by the National Chairman and Secretary of the Political Party is attached hereto.

Full Name of Candidate	Address of Candidate	Ordinary Place of Residence	Occupation
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			

N.B.—Foolscap paper on which the necessary columns have been drawn may be used from the second page onwards.

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FIRST SCHEDULE      (Section 5 (b))

FORM B

ELECTORAL PROVISIONS DECREE, 1995

NATIONAL INTERIM ELECTORAL COMMISSION

FORM OF NOMINATION PAPER FOR PARAMOUNT CHIEF MEMBERS OF PARLIAMENT

TO THE ELECTORAL COMMISSION

Through the DISTRICT RETURNING OFFICER .....  
DISTRICT

We the undersigned being members of the Chiefdom Council of the ..... District do hereby nominate Paramount Chief ..... of the ..... Chiefdom as a fit and proper candidate for election as a Paramount Chief Member of Parliament.

(1) Name .....  
Address .....  
Chiefdom Council ..... Chiefdom  
.....  
*Signature or Mark*

(2) Name .....  
Address .....  
Chiefdom Council ..... Chiefdom  
.....  
*Signature or Mark*

(3) Name .....  
Address .....  
Chiefdom Council ..... Chiefdom  
.....  
*Signature or Mark*



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I ..... of .....  
being Paramount Chief of the .....  
Chiefdom of the ..... District hereby certify that I am  
willing to stand for election by the Chiefdom Councils of the  
..... District and in doing so, I hereby declare that I am  
qualified and not disqualified for membership in accordance with requirements of  
sections 75 and 76 of the Constitution.

.....  
*Signature.*

Date .....

This nomination paper was completed and signed in the presence of

(1) Name ..... of .....

(2) Name ..... of .....

*Signature of—*

Witness (1) .....

Witness (2) .....

Received by me at ..... o'clock ..... on the  
..... day of ..... 19.....

Signed .....

*District Returning Officer  
for Electoral Commission.*

..... District.

NOTE:—The nominator, the candidates and the witnesses must all sign in the presence of the  
two witnesses who must be of full age and who must sign in the places indicated.

## SECOND SCHEDULE

(Section 10 (2))

## ELECTORAL PROVISIONS DECREE, 1995

## FORMULA FOR THE ALLOCATION OF SEATS OF ORDINARY MEMBERS OF PARLIAMENT

Formula for the distribution of seats to participating political parties.

1. (1) The total number of votes cast is determined.
- (2) The percentage of the total cast for each political party is determined.
- (3) Parties that fail to make the 5% threshold are then eliminated.
- (4) The votes cast for the eliminated parties are then distributed on a pro-rata basis amongst those left.
- (5) The seats are then distributed on the final percentages obtained.

Example:

- 5 Political Parties — A B C D E
- 100,000 Total Votes.
- Party A, 40,000
- Party B, 30,000
- Party C, 25,000
- Party D, 3,000
- Party E, 2,000

Parties D and E are eliminated because they fail to make the 5% threshold.

The 5,000 votes are now split amongst parties A, B and C, in the ratio of 4:3:2.5.

The final percentage is then determined. The seats are then distributed based on these percentages.

2. Where the final percentage determined above yields a surplus fraction not absorbed by the number of seats allocated to the political party concerned, such fraction shall compete with other similar fractions accruing to any other political party or parties being considered for the allocation of seats, and any undistributed seat or seats shall be

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allocated to the political party or parties concerned in sequence or order of the highest fraction.

Example. Using the 60 seats now proposed for the ordinary members of Parliament, the above percentage formula will produce the following result:

Party A would win 25.20 seats; Party B, 18.90 seats and Party C, 15.75 seats for a total allocation of 58 seats. In the distribution of the 2 remaining seats, Party B would gain one additional seat on account of its 0.90 fraction being the highest, and Party C would have the other remaining seat on the basis of its 0.75 fraction, being the next highest fraction.

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THIRD SCHEDULE

FORM A

(Sections 25 (2) and 45(a))

..... ELECTIONS\*

ELECTORAL PROVISIONS DECREE, 1995

BALLOT PAPERS ACCOUNT

To the DISTRICT RETURNING OFFICER .....

(i)	(ii)	(iii)	(iv)
Serial Numbers provided to	Serial Numbers unused	Serial Numbers spoilt	Number of persons marked on Register of Electors or Gazette List as being issued with Ballot Papers.

Date .....

.....  
\*\* Signature of Presiding Officer/  
Returning Officer.

..... Polling Station

..... Electoral Region

\* (State the nature of elections here)

\*\* (Delete if inappropriate)

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THIRD SCHEDULE

FORM B (Sections 36 (2) and 45 (e))

.....ELECTIONS\*

ELECTORAL PROVISIONS DECREE, 1995

INTERIM NATIONAL ELECTORAL COMMISSION

VERIFICATION OF BALLOT PAPERS

..... Electoral Region/District  
No of Ballot Papers issued to ..... Polling Station

Station.....

\* List of  
political party/  
Name of Candidate

Ballots

(1) No. of ballot papers cast for .....

(2) No. of ballot papers cast for .....

(3) No. of ballot papers cast for  
etc. ....

No. of ballot papers spoilt .....

No. of ballot papers issued .....

No. of ballot papers rejected  
under categories (b) and (c) below .....

Total

.....  
.....

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REJECTED BALLOT PAPERS

No. cast for political party/candidate No. (1)	.....	.....	.....	.....
No. cast for political party/candidate No. (2)	.....	.....	.....	.....
No. cast for political party/candidate No. (3)	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
<b>Totals</b>	.....	.....	.....	.....

- (a) bearing a number not included amongst those issued to the station;
- (b) bearing the same number as another ballot paper which has already been counted;
- (c) not bearing the official mark (if any has been prescribed); cast by an admitted impersonator; or bearing identification mark other than a finger print or printed number;
- (d) tendered ballot papers

Verified by .....  
*District Returning Officer*

Date .....

In the presence of —

- (1) ..... Counting Agent
- (2) ..... Counting Agent
- (3) ..... etc.

• Delete as appropriate when parliamentary and presidential elections are held on the same day.

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FOURTH SCHEDULE

(Section 33(2))

ELECTORAL PROVISIONS DECREE, 1995

INTERNATIONAL ELECTORAL COMMISSION

FORM OF STATEMENT OF RESULT OF POLL

Electoral Region ..... Polling Station No

Name of Presiding Officer .....

RECORD OF POLL

Name of political party	No. of ballots cast in favour
1. ....	.....
2. ....	.....
3. ....	.....
4. ....	.....
5. ....	.....
6. ....	.....
7. ....	.....
8. ....	.....
9. ....	.....
10. ....	.....
11. ....	.....
12. ....	.....
13. ....	.....
15. ....	.....
16. Total Number of ballots in Ballot Box (Add 1 - 15)	.....
17. Number of destroyed ballots	.....
18. Number of spoilt ballots	.....
19. Number of unused ballot papers	.....
20. To Add 1 to 19	.....
21. Number of ballot papers received from Commission.	.....





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MADE AND ISSUED this 15th day of December, 1995.

CAPTAIN VALENTINE E. M. STRASSER  
*Chairman.*  
*National Provisional Ruling Council.*

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BY AUTHORITY OF THE NATIONAL PROVISIONAL RULING COUNCIL.  
*GAZETTE EXTRAORDINARY NO. 57 OF 18TH DECEMBER, 1995.*

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UNITED NATIONS



NATIONS UNIES

OFFICE OF THE  
SPECIAL ENVOY OF THE SECRETARY-GENERAL  
FREETOWN, SIERRA LEONE

MG, LK  
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HB  
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OUTGOING CODE CABLE

CSN124

Outgoing Fax #: CSN124	Date: 21 DECEMBER 1995
To: M. GOULDING USG, DPA UNATIONS, NEW YORK	From: B. DINKA SESG c/o UNDP FREETOWN SIERRA LEONE
Att:	
Fax #: 212-963-1999	Fax #: 232-22-227612
Ref.: CSN124	No. of pages including this one: 53
Subject: SIERRA LEONE ELECTORAL PROVISIONS DECREE, NO. 16, 1995	

1. As you may remember, the NPRC had issued the Political Parties (Regulation of Conduct Decree and the Franchise and Electoral Registration Decree) on 14 December 1995 (CSN122 of 15 December 1995).

2. The long-awaited Decree No. 16 - the Electoral Provisions Decree, 1995 - has now been issued (Annex I). INEC has issued a brief review on this legislation, as it had done on Decrees No. 14 and 15, pointing out the points of difference between INEC's draft decree and the enacted decree (Annex II).

3. It is evident from INEC's review that the two documents differ from each other on substantive points. Decree No. 16 transfers powers originally invested in INEC to the NPRC or one of its organs. Since this has been done without consulting INEC or the political parties, public confidence in the forthcoming electoral process has been badly shaken. Further, the public perception that the NPRC is supporting one of the 15 political parties, the National Unity Party (NUP), is leading to a rapid decline in the popular expectation that a level playing field conducive to fair and free elections will prevail.

4. Consequently, at the request of the registered political parties, through their organization, the All Political Parties Association (APPA), a meeting was held yesterday 20 December 1995 between the political parties on the one hand and the representatives of donor countries and the United Nations on the other. All political parties, with the exception of the NPRC-supported NUP, attended at the level of party leaders. Representatives of the United States of America, the United Kingdom, Germany and the European Union as well as the SESG and the UNDP Resident Representative were also present.

5. The political parties explained that they had noted with great concern the systematic undermining of INEC's independence and authority by the NPRC through the series of decrees that have been issued recently. They stated that the political playing field was increasingly being rendered uneven and undue advantage given to a particular political party favoured by the NPRC.

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International Foundation for Election Systems

6. Observing that their repeated requests for a meeting with Chairman Strasser and other NPRC officials with a view to initiating a process of dialogue aimed at stopping the emerging negative trend had fallen on deaf ears, the political parties appealed to donor governments as well as to the United Nations to bring pressure to bear on the NPRC to reverse the current dangerous trend and more importantly ensure the restoration of INEC's Independence and authority in all matters related to the forthcoming elections. They further requested that the donors and the United Nations ensure the safety of voters and the security of polling stations through the presence of neutral but armed monitors, dispatch international observers to monitor the elections, stop the use of food aid by the NPRC to promote one particular party. They finally requested that the resources necessary for carrying out the electoral process be made available to INEC so that elections could be held on schedule. They also appealed for an increase in the relief supplies for internally displaced persons as well as for Sierra Leonean refugees in Liberia and Guinea.

7. At 3 p.m. yesterday afternoon all the political parties, with the exception of NUP, held a joint press conference and warned that Sierra Leone was in a national crisis and that the democratic process was under threat from the NPRC. After explaining to the public at large the persistent erosion of the independence and power of INEC, the refusal of the NPRC to meet with the political parties as well as the implications of the recently issued decrees for the 1991 Constitution, the All Political Parties Association announced the expulsion of the NUP declaring that that party had been consistently and deliberately working against the aims and objectives of the Association.

### Observations

8. The political parties have promised during the talks with the representatives of donors and the United Nations that, while informing the public about the situation that has arisen, they would continue to exercise restraint and prudence and to make every effort to begin a dialogue with the NPRC. But the political tension in Freetown is beginning to rise. Unless there is a strong external pressure, it appears unlikely at the moment that the decrees issued thus far, particularly those containing provisions contrary to those of the 1991 Constitution as well as the ones which undermine the independence and erode the power of INEC, will be amended or annulled.

9. There is also concern that the RUF might persist in its refusal to have any kind of dialogue with the NPRC, which it considers illegitimate and untrustworthy, by pointing to the controversy which has now developed between the NPRC and the political parties as an added proof that the NPRC could not be trusted. Indeed, views are beginning to be expressed in Freetown to the effect that since the recent decrees have rendered fair and free elections impossible, it would perhaps be better to postpone the elections and call a National Conference which will set up an all-inclusive transitional government of national unity to organize the elections. Calls for such a transitional regime used to be heard prior to the convening of the National Consultative Conference on Elections (NCC) in August 1995. After that conference, it was taken for granted by the general public that the resolutions of the NCC will form the basis of the legislations governing all aspects of the electoral process. It would appear that, as this did not happen and INEC's independence is being undermined, the call for a transitional government of national unity to replace NPRC and organize the elections will again come to the fore.

9. We shall closely monitor further developments and keep you informed.

**INTERNATIONAL ELECTORAL COMMISSION  
VOTER EDUCATION DEPARTMENT**

With reference to the Electoral Provisions Decree 1995, which was published on the 8th of December 1995, INEC wishes to draw attention to the following important differences between this Decree and the Commission's Draft Decree as accepted at the National Consultative Conference, as well as its subsequent proposals which were submitted to government:-

**INEC'S DRAFT DECREE &  
PROPOSALS**

1. That the composition of parliament should be as prescribed by section 74 of the 1991 Constitution.
2. That the deposit payable by a political party at the delivery of Nomination Papers should be Ten Thousand Leones (Le10,000) for each candidate.
3. That each nominated candidate should submit to a statutory declaration that he/she commits and subjects himself/herself to the Electoral Code of Conduct.
4. That a nomination paper could be held invalid only on certain limited grounds as set out in the Draft.
5. An appeal against the nomination of any candidate was settled by the Commission whose decision was final.
6. The mathematical formula for determining the number of seats to be allocated to each political party was based on the Simple or Hare Quotient and the Greatest Remainder.

**ENACTED DECREE (ELECTORAL  
PROVISIONS DECREE 1995)**

That the number of ordinary members of parliament be prescribed by the National Provisional Ruling Council being not less than 60.

The sum payable by each Political Party is Three Million Leones Le3,000,000).

This provision has been removed.

An objection to the nomination of any candidate is not limited to specific grounds, and must merely state the grounds of the objection.

A person aggrieved by the decision of the Electoral Commission may appeal to the High Court which must give its decision within 30 days.

The mathematical formula is based on the percentage of total vote cast for each political party and the greatest remainder.

**INEC'S DRAFT DECREE &  
PROPOSALS**

7. It was proposed that INEC should make regulations for giving effect to the Decree.

8. It was proposed that INEC may by Order enlarge/reduce or may deem necessary the time prescribed in the decree for the giving of any notice or for the doing of any act or thing.

9. INEC proposed in its Draft that no person with the exception of a Peace Officer shall carry or wear any firearms in a polling station.

**ENACTED DECREE (ELECTORAL  
PROVISIONS DECREE 1995)**

The National Provisional Ruling Council is authorised to make such Regulations

The NPRC is authorise to make such Order.

No person with the exception of the military or police personnel is authorised to carry or wear arms in the polling stations.

**NOTES:**

- a) All the sections relating to Elections Petitions and Civil Proceedings have been omitted from the Election Provision Decree 1995.
- b) The stipulation in INEC's Draft that a corrupt or illegal practice may void an election has been removed.
- c) The provision in INEC's Draft dealing with treating has been omitted from the Decree.
- d) The References to Local Government Elections have been omitted from the Decree as enacted.
- e) Restrictions on political party activities during the period of 48 hours prior to the end of the voting period have been omitted.
- f) The requirement that placards, posters and pamphlets etc. must bear the publisher's name during the Election Period has been omitted.
- g) The prohibition in relation to the use of fetish etc. has been omitted.
- h) Provisions in the Draft dealing with remuneration for Returning Officers and other staff connected to the election have been removed.

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- i) Provisions for dealing with the withdrawal or death of a nominated candidate or a person whose name is on the list of candidates presented by political parties have been omitted.

For further information on this fact sheet or other election related matters, please contact:-

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 INTERNATIONAL ELECTORAL COMMISSION  
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**INEC IS WORKING FOR YOU**  
**THE FUTURE IS IN YOUR HANDS**