

## BILL

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### THE PUBLIC ELECTIONS ACT, 2022

#### ARRANGEMENT OF SECTIONS

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

"district block representation system" means a voting system for electing representatives in electoral districts as specified in the 12th schedule;

"District Returning Officer" means a person appointed by the Electoral Commission to supervise and conduct district level elections;

"election" means an election for the President of Sierra Leone, Member of Parliament, Paramount Chief, local council, town or village head;

"election material" includes -

(a) a ballot box, ballot paper, counterfoil, envelope, packet, statement and other document used in connection with voting in an election;

(b) information technology equipment, instruments, seals and other materials required for the purpose of conducting an election;

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

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

"Electoral Commission" means the Electoral Commission referred to in section 32 of the Constitution of Sierra Leone, 1991;

"Electoral Commissioner" means a member of the Commission;

"electoral officer" includes a member of staff of the Electoral Commission or a person performing a duty under this Act"

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

"field registrar" means a person appointed field registrar under section 28;

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

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

"National Returning Officer" means the Chief Electoral Commissioner who is responsible for the supervision and conduct of elections under this Act;

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

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

"observer" means a person or group of persons representing an organisation, whether national or international, accredited by the Electoral Commission for the purpose of observing an aspect or all aspects of the electoral process, without interference in the process, including voter registration, nomination for election, campaigning, polling, counting and the announcement of results, conducted by the Commission;

"official mark" means an official secret mark, prescribed by the Commission, impressed upon a ballot paper before delivery to an elector at an election;

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

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

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

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

"Polling Assistant" means a person appointed polling assistant under paragraph (c) of section 49;

"Polling Centre" means an area prescribed by the Electoral Commission within an electoral ward or chiefdom for the purpose of voting on polling day;

"Polling Centre Manager" means a person appointed by the Electoral Commission to supervise the conduct of polling at the polling centre under paragraph (b) of section 49;

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

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

"public election" means an election of the President, Members of Parliament, members of local councils, town or village head;

"Presiding Officer" means a person appointed as such under section 49 and includes an Assistant Presiding Officer;

"Register of Voters" means the register referred to in section 13;

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

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

"Reserved Seat Member of Parliament" means a Member of Parliament occupying a seat that is reserved for female Members of Parliament or such other categories of persons as Parliament may determine;

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

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

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

## PART II - THE ELECTORAL COMMISSION

Continuation  
of  
Commission.

2. (1) There shall continue in existence the Electoral Commission as a body corporate, having perpetual succession, capable of acquiring, holding and disposing of movable and immovable property, suing and being sued in its corporate name and performing all such acts as bodies corporate may by law perform.

(2) The Electoral Commission shall consist of -

- (a) the Chief Electoral Commissioner, who shall be the Chairman; and
- (b) such other members who shall be known as Electoral Commissioners, appointed by the President for each region, after consultation with the leaders of all registered political parties, subject to the approval of Parliament and in accordance with subsection (3) of section 32 of the Constitution.

(3) A person shall be qualified for appointment as a member of the Electoral Commission if he is -

- (a) of proven integrity;
- (b) qualified to be elected as a Member of Parliament;
- (c) not -
  - (i) a Minister or a Deputy Minister;
  - (ii) a Member of Parliament;
  - (iii) a public officer;
  - (iv) 65 years of age.

(5) The Electoral Commission shall have a seal, the use of which shall be authenticated by the signatures of-

- (a) the Chairman; or
- (b) an Electoral Commissioner and an officer of the Commission authorised either generally or specifically by the Commission, in that behalf.



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

11. (1) The administrative and other expenses of the Electoral Commission including the salaries, allowances, gratuities and pensions of the members and staff of the Electoral Commission shall be a charge on the Consolidated Revenue Fund. Expenses, accounts and audit of Commission.

(2) The Electoral Commission may subject to subsection (3), accept grants, gifts, donations and bequests made to it.

(3) The Electoral Commission shall not accept a grant, gift, donation or bequest-

(a) from a political party; or

(b) if it is made on condition that the Electoral Commission performs a function or discharge a duty or obligation that is not aimed at achieving its objects or is based on a condition solely determined by the donor.

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

12. The Electoral Commission may issue standing orders for the internal regulation of its operations and the conduct of staff. Standing orders of Commission.

### PART III - REGISTRATION OF VOTERS

13. (1) There shall be a national register of voters, to be known as the "Register of Voters" which shall contain - Register of Voters.



- (a) the names and particulars of persons who are entitled to vote in public elections and referenda, including their -

- (i) National Identification Number;
- (ii) date and place of birth;
- (iii) sex; and
- (iv) signature or thumbprint; and

- (b) a column to indicate -

- (i) whether or not a voter has voted;
- (ii) date of registration and voting;
- (iii) the form of identification used; and
- (iv) the ward in which the voter is ordinarily resident.

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

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

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

Division of Sierra Leone into wards, etc.

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

15. (1) For the purpose of registering voters for the election of the President of Sierra Leone, Members of Parliament, local council, town or village head, the Electoral Commission may, by statutory instrument, divide Sierra Leone into wards.

(2) The Electoral Commission may, from time to time, for the proper execution of its duties,-

- (a) divide a ward into sub-wards to be known as registration centres;

- (b) by statutory instrument, specify places including-

- (i) places other than the sub-wards referred to in paragraph (a); and

- (ii) places outside Sierra Leone, for the purposes of registration, voting or transfer of the votes of such voters as may be specified in the order.

16. (1) A person shall, subject to section 17, be eligible to register as a voter in a ward and to vote at an election in that ward, if he -

Eligibility to register and to vote.

- (a) is a citizen of Sierra Leone;
- (b) has attained the age of 18 years;
- (c) will attain the age of 18 years on the date of the next election;
- (d) is resident in a ward.

(2) The residence of a person under paragraph (d) of subsection (1), shall be determined by reference to -

- (a) the facts of the case; and
- (b) the rules contained in the First Schedule.

17. Notwithstanding section 16, a person shall not be registered to vote at a public election or having been registered, be entitled to vote at a public election if he is -

Disqualification of voters.

- (a) a lunatic within the meaning of an enactment relating to lunacy in force in Sierra Leone;
- (b) disqualified from being registered as a voter or voting by an enactment relating to offences connected with elections in force in Sierra Leone; or

- (c) serving a sentence of imprisonment.

Period for registration of voters, etc.

18. The registration of voters, updating and revision of the Voters Register shall be conducted not later than 6 months before an election or referendum, as the case may be.

Voter to be registered once only.

19. A person shall not be registered as a voter in more than one ward or more than once in a ward for a particular election.

#### PART IV - PROCEDURE FOR REGISTRATION OF VOTERS

Appointment of Registration Officers and Revising Officers.

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

(2) An appointment of a Registration Officer or Revising Officer under subsection (1) or the termination of such appointment, shall be published in the Gazette and shall specify the ward or wards in respect of which the appointment or termination apply.

(3) A Registration Officer and Revising Officer shall comply with general or specific directions given by the Electoral Commission with respect to registration and revision duties under this Act.

Appointment of Assistant Registration Officers.

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

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

Notice of intention to prepare new Register of Voters.

22. The Electoral Commission may, from time to time by statutory instrument, make orders-

- (a) declaring, either generally or in such wards as it may specify in the order, new Register of Voters to be prepared; and
- (b) specifying a date for the publication of notices inviting eligible voters to present themselves for registration in the ward in respect of which the notice is published under section 23, but an order already in existence, if issued not more than 2 years earlier, shall be sufficient for the purposes of this section.

23. (1) The Electoral Commission shall, on the date specified in an order made under section 22, publish, in each ward, a notice in Form A in the Second Schedule requiring eligible voters to present themselves for registration in the ward in respect of which the notice is published, within 15 days of the publication of the notice

Notice inviting voters to present themselves for registration.

(2) A person who is entitled to be registered as a voter in a ward shall, within the period of 15 days specified under subsection (1), present himself to the Registration Officer for registration and shall be registered as a voter, unless the Registration Officer, is satisfied that the person is not entitled to be registered.

(3) A claim by a person entitled to be registered as a voter shall be in Form B as specified in the Second Schedule.

24. (1) A Registration Officer may, in satisfying himself that a person is entitled to be registered as a voter, request from the person, any of the following -

Proof of claim for registration.

- (a) a birth certificate or a naturalisation certificate;
- (b) a statutory declaration giving particulars of his birth;
- (c) the testimony of a member of the local Council in the area of his residence;



(d) National Identification Number;

(e) any other satisfactory evidence of his entitlement to be registered as a voter.

(2) A Registration Officer shall examine a document or testimonial evidence presented to him under subsection (1), and if satisfied with the validity of the document or the sufficiency of the testimonial evidence, register that person.

(3) A person who establishes his claim to be registered as a voter under this section, shall be -

- (a) registered in a form containing the particulars in Form C of the Second Schedule, designed in a manner determined by the Electoral Commission; and
- (b) issued a voter registration card by the Registration Officer.

Refusal to register.

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

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

- (a) make and sign a record of his refusal stating the reason and the date of the refusal; and
- (b) inform the person that he may appeal against the refusal to the Electoral Commission.

Records of statements made by persons refused registration.

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

(2)

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

27. (1) The Electoral Commission shall, within 40 days after the expiration of the date fixed under section 18 for the registration of voters, compile a provisional list of all voters registered for each ward. Exhibition of provisional list of voters.

(2) The 40 days period referred to under subsection (1) may be extended or a period not more than 15 days.

(3) The Electoral Commission shall, by notice published in the Gazette and in the format set out in Form A of the Second Schedule specify the places within a ward where a copy of a provisional list of voters shall be exhibited.

(4) A copy of a provisional list of voters or a part of it may be exhibited in a sub-ward to which it relates if it is necessary or expedient to do so.

(5) A provisional list of voters shall be exhibited for a period of 14 days.

28. (1) The Electoral Commission may, in compiling a provisional list under section 27- Appointment of field registrars, etc. in compiling provisional lists

(a) a point field registrars to-

(i) conduct house-to-house or other sufficient enquiry, as to the persons entitled to be registered; and

(ii) perform other duties connected with the registration of voters as may be assigned to them by the Electoral Commission; and



- (b) inspect existing rate books, local tax assessment lists and all other similar records relating to an area or ward and any officer of a local council or other person having the custody of the records shall afford the Electoral Commission every facility as may be required.

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

Procedure as  
to omissions  
and  
objections.

29. (1) A person whose name has been omitted from a provisional list of voters or part of the list prepared and exhibited under section 27, and who claims to have satisfied the Registration Officer concerned of his entitlement to be registered under this Act shall, during the period of exhibition of the provisional list or part of it, apply or present himself to the Electoral Commission to have his name inserted in the provisional list, as provided for in Form D of the Second Schedule.

(2) A person whose name appears in a provisional list or part of it may object to another person whose name also appears in the provisional list as not being entitled to be registered as a voter and shall, during the period of the exhibition of the provisional list or part thereof under section 27, give notice of his objection to the Electoral Commission in Form E in the Second Schedule and to the person objected to, in Form F of the Second Schedule, giving reasons for his objection.

(3) The Electoral Commission shall, within 5 days of the expiration of the exhibition referred to in subsections (1) and (2), cause to be prepared and exhibited, in a place where a provisional list or part of the list has been exhibited under section 27, a statement of all claims and objections in respect of the copy or part of the provisional list, giving the names of the persons who have made the claims or the objections.

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

(2) A public inquiry under subsection (1), shall -

(a) be held not later than 8 days after the publication of the list of claims and objections referred to in subsection (3) of section 29, as may be fixed by the Revising Officer, and

(b) 5 days' notice shall be given, in such manner as the Revising Officer may consider appropriate, of the holding of the inquiry and of the place and time at which the inquiry is to be held.

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

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

32. (1) A Revising Officer holding an inquiry under section 30 may require any of the parties present to give information which the Revising Officer may require and may, subject to section 36, adjourn the inquiry to such time and as often as may be necessary. Powers of Revising Officer.

(2) A Revising Officer shall conclude an inquiry under section 30 within 3 days and the revision of the provisional list within 2 days.

(3) A Revising Officer shall, in public, determine all claims and objections and shall -

- (a) write his initials against a name struck out of or inserted in a provisional list, or against a mistake or omission corrected; and
- (b) write his full name and append his signature to every page of the provisional list when the list is finally settled.

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

Grounds  
of appeal.

33. An appeal or notice of appeal shall not be received or allowed against the decision of the Revising Officer -

- (a) upon a question of fact;
- (b) upon the admissibility or effect of evidence adduced; or;
- (c) in a case to establish a matter of fact only.

Procedure  
on appeal.

34. (1) A person -

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

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

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

deliver to the Registration Officer within 7 days after the decision of the Revising Officer was given, a notice in writing of his desire to appeal to the Court by way of a case stated and such notice shall contain a short statement of the decision against which he desires to appeal.

(2) A Registration Officer shall forthwith forward the notice of appeal under subsection (1), to the Revising Officer.

(3) A Revising Officer shall, upon receiving a notice of appeal under subsection (1), -

(a) state in writing -

(i) the facts which, in his judgement, have been established by the evidence in the case and which are material to the matter in question;

(ii) his decision upon the whole case; and

(iii) his decision upon any point of law appealed against, and

(b) sign and date his statement.



(4) The Master and Registrar of the Court shall, after receiving a case stated under subsection (3) from the Revising Officer, file the case in the Court and forthwith set down the appeal for hearing and give 7 clear days' notice of the date of hearing of the appeal to the appellant and respondent.

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

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

Right to vote  
not affected  
by pending  
appeal.

35. The right of a person whose name is on a Register of Voters to vote shall not be prejudiced by an appeal pending under section 34, and a vote given at an election in pursuance of that right, shall be as good as if no appeal were pending and shall not be affected by the subsequent decision of the appeal.

Settlement  
of lists.

36. The provisional list of a ward shall be settled and signed by the Revising Officer and delivered to the Registration Officer within 5 days from the date on which the Revising Officer first commenced enquiry and to revise the lists.

Revision  
of Register.

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

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

38. The Local Council Chief Administrator shall, not later than 31st January in every year, send to the Electoral Commission a return certified by him under his hand of the names, addresses and any other information as the Electoral Commission may require, of all persons over the age of 17 years who have died within his locality in the previous year. Returns  
of deaths.

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

(2) Where the Registration Officer is satisfied that an applicant under subsection (1), is qualified for registration and is ordinarily resident in the ward in relation to which the application is made, the Registration Officer shall, on the surrender by the applicant of his voter registration card, -

- (a) register the applicant in the Register of Voters for the ward in which the applicant is now ordinarily resident;
- (b) cause the name of the applicant to be deleted from the Register for the ward in which the applicant was previously resident; and
- (c) issue to the applicant a new voter registration card for the ward in which he is now ordinarily resident.

(3) Where the Registration Officer is satisfied with the applicant's application, the transfer of the applicant's name to another Register of Voters shall be done within -

- (a) 3 months from the date of receipt of the application in the case of a General and Presidential election;

- (b) 21 days from the date of receipt of the application in the case of a bye-elections.

Loss or destruction of voter registration card.

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

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

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

(4) A person shall not issue a duplicate voter registration card to a voter on polling day or less than 14 days before polling day.

Proprietary rights in voter registration cards.

41. (1) The proprietary rights in a voter registration card issued by the Electoral Commission shall vest in the Electoral Commission.

(2) A person wishing to vote in an election shall present the voter registration card issued by the Electoral Commission.

(3) Notwithstanding subsection (2), a person whose name appears on the Register of Voters shall be entitled to vote at an election even though he does not possess or present to the Presiding Officer, Assistant Presiding Officer or the Polling Assistant a voter registration card, if he satisfies the officer that he is the person whose name appears on the Register of Voters for the ward or polling station in question.

## PART V-PRESIDENTIAL ELECTIONS

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

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

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

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

(b) in any other case, the Electoral Commission, may in the proclamation referred to in subsection (2), fix the actual date of the election, such date not being earlier than 30 days and not later than 60 days before the day appointed for voting in the elections.

(4) Presidential election conducted after 2023 shall be conducted on the first Saturday of November after the expiration of the term of the sitting President.

43. (1) A person shall not stand as a candidate in a presidential election if he is not a candidate nominated by a political party. Nomination of presidential candidates.

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

- (a) a citizen of Sierra Leone by birth;
- (b) a member of a political party;
- (c) not less than 40 years of age; and
- (d) otherwise qualified to be elected as a member of Parliament.

Form for  
nomination  
of  
Presidential  
candidates.

44. (1) The nomination of a presidential candidate shall be in writing in the form specified in the Third Schedule and shall be subscribed by -

- (a) the presidential candidate;
- (b) the candidate designated for the office of Vice-President by the presidential candidate in accordance with subsection (2) of section 54 of the Constitution; and
- (c) 3 executive members of the political party which nominated the presidential candidate.

(2) A person shall not be qualified to be designated as a candidate for the office of Vice-President if he does not have the qualifications specified in subsection (2) of section 43.

(3) The nomination papers of a presidential candidate shall be -

- (a) delivered by the presidential candidate to the Returning Officer on the day, time and place that shall be determined by the Returning Officer by order published in the Gazette.
- (b) accompanied with 2 statutory declarations in the form prescribed in the Fourth Schedule, made separately by the presidential candidate and the candidate designated by him for the office of Vice-President.



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

45. (1) A presidential candidate shall not be entitled to take part in a presidential election unless he has paid to the Returning Officer a non-refundable nomination fee prescribed by the Commission and based on the Nomination Fee Formulae as specified in the Eleventh Schedule. Presidential candidate to pay a nomination fee.

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

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

(4) A nomination fee shall be paid on or before the date fixed by the Returning Officer in the order referred to in paragraph (a) of subsection (3) of section 44.

46. (1) The Returning Officer shall, upon the expiration of the time prescribed in paragraph (a) of subsection (3) of section 44 for the delivery by a presidential candidate of his nomination papers to the Returning Officer, immediately cause, by notice of nomination published in the Gazette and in any other manner as he may think fit, showing the full name, address and occupation of each presidential candidate together with the following particulars - Publication of nomination.

- (a) the name of the political party of which he is a member; and
- (b) the names, addresses and occupations of 3 executive members of the political party who nominated the presidential candidate.

(2) A notice of nomination under subsection (1) shall direct that a citizen of Sierra Leone may lodge an objection, against the nomination of a presidential candidate but that the objection shall be lodged with the Supreme Court within 7 days of the publication of the notice of nomination.

(3) An objection against the nomination of a presidential candidate shall be heard by the Supreme Court made up of 3 Justices whose decision shall be given within 30 days of the lodging of the objection.

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

Political party to nominate fresh candidate.

47. (1) Where at a presidential election a candidate dies before polling begins, the Electoral Commission shall appoint a further nomination day, being not less than 21 days from the date of the death of the candidate to enable the party which nominated the dead candidate to nominate a new presidential or vice-presidential candidate.

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

Election of unopposed candidate.

48. (1) A candidate in a presidential election shall be deemed to have been duly elected to the office of President if he is the only candidate nominated for election after the close of nomination.

(2) The Returning Officer shall-

- (a) declare the only candidate nominated for election as President under subsection (1); and

- (b) issue a Certificate of Election of President (Unopposed) specified in Form A of the Fifth Schedule.

49. The Electoral Commission shall, after the appointment of the date for presidential election, under section 42, appoint such fit and proper persons to be -

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

- (a) Presiding Officers who shall be in charge of the polling in a polling station;
- (b) polling centre Manager who shall be responsible for supervising the conduct of the polling process at a polling centre;
- (c) Polling Assistants who shall be under the direction of the Presiding Officers.

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

(3) The appointment of a Returning Officer, Assistant Returning Officer and Presiding Officer shall be by notice published in the Gazette.

50. (1) The hours of voting in a presidential or parliamentary election shall be from 7 o'clock in the morning to 5 o'clock in the afternoon or such later time as the Electoral Commission may allow.

Time and procedure for polling.

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

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

Declaration  
of election  
result.

51. (1) A Presiding Officer shall, after the expiration of the time fixed for polling, count the votes, polling station by polling station, certify the result of the counting, stating the number of valid votes cast in favour of each presidential candidate to the District Returning Officer, who shall in turn certify the result to the Regional Returning Officer and the Regional Returning Officer shall in turn certify the result to the National Returning Officer.

Provided that the failure of a Returning Officer to validate a result shall not render the result invalid, if the National Returning Officer is in possession of the certified copy of the result.

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

Certification  
of election  
and  
publication  
of result.

52. The Returning Officer shall, after declaring the result of a presidential election -

- (a) subject to paragraph (c) and (f) of subsection (2) of section 42 of the Constitution, issue to the successful candidate a certificate of election in the form prescribed in Form B in the Fifth Schedule; and
- (b) as soon as possible, cause the result of the election to be published by notice in the Gazette and in any other manner that he may think fit.

Assumption  
of office by  
elected  
candidate.

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

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

Challenge  
of election  
of President.

54. (1) A person who is a citizen of Sierra Leone and has lawfully voted may, in a presidential election challenge the validity of that election by petition to the Supreme Court within 7 days after the declaration of the result of a presidential election under subsection (2) of section 51.

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

#### PART VI - ELECTION OF MEMBERS OF PARLIAMENT

55. Members of Parliament shall comprise the number of -
- (a) Paramount Chief Members of Parliament, equal to the number of provincial districts, in accordance with paragraph (a) of subsection (1) of section 74 of the Constitution;
  - (b) Members of Parliament, other than Paramount Chief Members of Parliament, prescribed by Parliament; and
  - (c) Reserved Seat Members of Parliament, constituting not less than 30% in each district.

56. The date for the general election of Members of Parliament, other than Paramount Chief Members of Parliament, shall be on the first Saturday of November, after the expiration of the tenure of Members of Parliament.

57. A general election of Members of Parliament, other than Paramount Chief Members of Parliament, shall be by -

- (a) the one-member constituency system under subsection (2) of section 38 of the constitution; or
- (b) the district block representation system in accordance with section 38A of the Constitution, as set out in the Twelfth Schedule.



Time for  
nomination  
of candidate.

58. On the date for the general election of Members of Parliament, other than Paramount Chief Members of Parliament, under section 56, the Electoral Commission shall, by notice published in the Gazette, require that nominations of candidates be delivered to the Electoral Commission or the Returning Officer designated by the Commission before 4 O'clock in the afternoon, which shall not be more than 60 and not less than 30 days before the first Saturday of November, after the expiration of the tenure of Members of Parliament.

Nomination  
of  
candidates.

59. (1) A candidate shall be nominated in writing by 3 voters of the electoral area for which he intends to contest an election and shall not be nominated by more than one electoral area.

(2) For every 3 candidate nominated under subsection (1), one of them shall be female.

(3) A nomination of a candidate under subsection (1), shall be in Form A in the Sixth Schedule and shall be subscribed by the candidate and the persons nominating him.

(4) A Returning Officer shall-

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

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

(6) A candidate shall not be entitled to take part in general election unless he has paid to the Returning Officer a non-refundable nomination fee based on the nomination fee prescribed by the Commission and based on the Nomination Fee Formulae as specified

in the Eleventh Schedule.

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

Provided that the returning officer shall reject the Nomination of Candidate made in contravention of subsection (2).

(8) The Returning Officer shall, where the requirements concerning the completion and delivery of nomination papers have been duly complied with, forthwith display, in a conspicuous place, a notice containing-

- (a) the name of the candidate;
- (b) the names of the voters nominating him;
- (c) the political party of the candidate, as applicable; and
- (d) the symbol of the candidate.

60. (1) A political party shall deliver to the Electoral Commission or to a designated Returning Officer, a list of the party's endorsed candidates for the election of Members of Parliament, other than Paramount Chief Members of Parliament.

Political  
party  
elections.

(2) A candidate shall not be endorsed by more than one political party and the name of a candidate shall not appear in more than one list delivered to the Electoral Commission.

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

61. A list of candidates delivered by a political party shall -

- (a) be accompanied by a statutory declaration made by-
  - (i) the Party Leader and Secretary of that

Statutory  
declaration  
in support of  
political  
party  
candidates.

party;

(ii) the Party Leader, the National Chairman and Secretary of that party; or

(iii) where there is no Party Leader, the National Chairman and Secretary of that party; and

(b) state that each candidate -

(i) has accepted his nomination in writing; and

(ii) is qualified to be elected and is not disqualified for election as a Member of Parliament under section 76 of the Constitution.

**Objections to nominations.**

62. (1) A voter of the electoral area in which a candidate intends to contest an election may at any time up to 5 O'clock in the afternoon of the last appointed day for the receipt of nominations, object to the nomination of a candidate on any of the grounds set out in subsection (2), and the Returning Officer shall decide on the validity of the objection.

(2) A Returning Officer deciding the validity of an objection under subsection (1), shall be entitled to hold the nomination of a candidate invalid only on one or more of the following grounds-

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

(b) the nomination paper is not subscribed as required;

(c) either one or both of the nominators are not voters;

(d) the candidate has not paid the prescribed nomination fee; or

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

(3) A Returning Officer shall give his decision on an objection to a nomination paper as soon as practicable after it is made, but in any event before 6 o'clock in the afternoon of the last day appointed for the receipt of nominations.

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

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

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

63. (1) A candidate may withdraw his nomination by personally delivering to the Returning Officer, a written notice signed by him.

Withdrawal  
of candidate.

(2) A notice of withdrawal under subsection (1), shall take effect in the order in which it is delivered and shall have no effect if it would result in an electoral area not having a candidate to fill the vacancy.

(3) A candidate shall not withdraw his nomination during the period following the close of nomination in which the ballot for elections or referenda has been designed and the contract for the printing of the ballot has been signed.



Action on  
withdrawal.

64. Where a nominated candidate withdraws his candidature-

- (a) the number of persons remaining nominated exceeds the number of vacancies, a poll shall be taken in accordance with this Act;
- (b) the number of persons remaining nominated is the same as the number of vacancies, the Returning Officer shall forthwith declare the person or persons to be duly elected;
- (c) a person is not nominated or the number of persons remaining nominated is less than the number of vacancies, the Returning Officer shall-
  - (i) not declare the persons remaining nominated to be duly elected; and
  - (ii) notify the Electoral Commission who shall by notice published in the Gazette, appoint some other convenient day for the election to fill any vacancy which remains unfilled and all proceedings with reference to the election to fill the vacancy shall commence afresh.

Death of  
candidate.

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

(2) The Electoral Commission shall, in the event referred to in subsection (1), appoint some other convenient day or days for the election and all proceedings with reference to the election shall commence afresh.

Provided that fresh nomination shall not be necessary in the case of a candidate who stood nominated at the time when the notice of poll was countermanded.

66. (1) A Returning Officer shall, not later than 10 days before the first day appointed for an election, by notice published in the Gazette, and in any other manner, within every electoral area as he may think appropriate, cause a list containing the full names, addresses and occupations of -

Final list of  
candidates  
published by  
Commission.

- (a) the full names, addresses and occupations of the candidates; and
- (b) the full names, addresses and occupations of the persons or of the political parties by whom they were nominated.

(2) A political party shall submit an additional list to the list under subsection (1), as a substitute, in case the need arises for a candidate to be replaced.

67. Where by 6 O'clock in the afternoon of the last day appointed election and for the receipt of nominations-

Contested  
election and  
unopposed  
candidates.2

- (a) the number of persons remaining nominated exceeds the number of vacancies, a poll shall be taken and the result shall be declared in accordance with this Act;
- (b) the number of persons remaining nominated is the same as the number of vacancies, the Returning Officer shall forthwith declare the person or persons to be duly elected;
- (c) a person is not nominated or the number of persons remaining nominated is less than the number of vacancies, the Returning Officer shall-
  - (i) not declare the persons remaining nominated to be duly elected; and

- (ii) notify the Electoral Commission who shall by notice published in the Gazette, appoint some other convenient day for the election to fill any vacancy which remains unfilled and all proceedings with reference to the election to fill the vacancy shall commence afresh.

#### PART VII - PROCEDURES AND ARRANGEMENTS FOR ELECTIONS

Returning Officer.

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

(2) The Electoral Commission shall appoint -

- (a) a Regional Returning Officer for each electoral region;
- (b) a District Returning Officer for each electoral district; and
- (c) such number of Assistant Returning Officers as may be required.

Conduct of elections by Electoral Commission.

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

(2)

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

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

- (b) by notice published in the Gazette and in any other manner, not later than 15 days before the day of election, give notice specifying -

- (i) the day and hours fixed for voting;

- (ii) the full name, address and occupation of each candidate in the final list of candidates as determined by the Electoral Commission together with a description of the symbol which the Electoral Commission has accepted for each political party or candidate;

- (b) indicate the location of the polling station or stations and the persons entitled to vote at those stations;

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

- (i) the Presiding Officer, in charge of the polling station; and

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

- (d) provide each Presiding Officer at a polling station with -

- (i) ballot boxes for each polling station in the electoral area and the number of ballot papers that, in the opinion of the Presiding Officer, may be required;

- (ii) instruments for making an official mark on the ballot papers;

- (iii) copies of the Register of Voters or a part of the Register of Voters that contains the names of the persons allotted to vote at that polling station; and
- (iv) such other things as may be necessary for conducting the election in the manner provided in this Act;
- (c) cause to be published in each polling station the names of the candidates for whom a vote can be cast at that polling station together with the individual or party symbols of those candidates.

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

Polling Agents.

70. (1) A political party or independent candidate contesting an election may appoint 2 persons as Polling Agents to attend at each polling station within the electoral area, for the purpose of-

- (a) detecting personation and making representations to the Presiding Officer under paragraph (c) of subsection (1) of section 73 and subsection (1) of section 77; and
- (b) generally drawing the attention of the Presiding Officer to irregularities in the procedure at a polling station.

(2) Notice in writing of the appointment, stating the names and addresses of the Polling Agents, together with the polling stations to which they have been assigned, shall be given by each political party or independent candidate, as the case may be, to the District Returning Officer not later than 3 days before the day appointed for the election and before 4 O'clock in the afternoon of that day and the District Returning Officer shall inform the Presiding Officer accordingly.

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

(4) A Polling Agent shall not be admitted into a polling station if notice of his appointment has not been given to the Presiding Officer.

(5) A Polling Agent admitted to a polling station shall not-

- (a) interfere with the voting at that station, except as provided in this Act;
- (b) do any form of canvassing at the polling station or display anything which indicates that he is a representative of a particular political party or candidate and the Polling Agent shall be obliged to display his identification card provided to him by the Electoral Commission.

71. (1) A ballot box shall be constructed in a manner that the ballot papers can be put in by a voter but cannot be withdrawn by him. Precautions to ensure secrecy.

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

(3) The Presiding Officer at a polling station shall, immediately before the commencement of voting -

- (a) show each ballot box to observers and any other persons lawfully present so that they may confirm that the ballot box is empty;



- (b) in the presence of observers and any other persons lawfully present, close and place distinctive seals upon each ballot box in such a manner to prevent the ballot box from being opened without breaking the seal; and
- (c) keep the ballot boxes closed and sealed until voting is completed and counting is about to commence.

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

Hours  
of voting.

72. (1) The hours of voting shall be from 7 O'clock in the morning to 5 O'clock in the afternoon or such later time as the Electoral Commission may allow.

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

Manner  
of voting.

73. (1) The voting at an election shall be conducted in the following manner -

- (a) a voter desiring to record his vote shall present himself to the Presiding Officer or a Polling Assistant at the polling station at which he is entitled to vote and the Presiding Officer or Polling Assistant, after satisfying himself that -
  - (i) the name of the voter appears in the Register of Voters or part of the Register of Voters, provided for that polling station and that the voter is the same

person whose picture, voter's serial ward number, name and address, is on the voter registration card presented by the voter; and

- (ii) the voter has not already voted having regard to subparagraph (ii) of paragraph (b), the Presiding Officer or polling assistant shall deliver him a ballot paper but where a number of public elections are held on the same day, the ballot papers shall be differentiated by such colours as the Electoral Commission shall determine and shall be cast separately for each election held on the day in question;

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

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

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

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

- (iv) place a mark against the number of the Register of Voters to denote that a ballot paper or papers have been delivered;
- (c) a Polling Assistant shall, if required by a Polling Agent, put to a person requesting for a ballot paper or papers, at the time of his request, but not afterwards, the following questions-
  - (i) "are you the person whose name is on the Register of Voters as (reading the entry in the Register)"; or
  - (ii) "have you already voted at the present election at this or any other polling station?";
- (d) a person who is required by the Polling Assistant to answer these questions, or either of them, shall not 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) the voter shall then go alone to the booth or enclosure which shall be placed in open view of the public but in a manner which will conceal the identity of the candidate he voted for, put his mark against the symbol of the candidate or as the case may be, the party of his choice secretly, and then come out of the booth or enclosure with his ballot paper folded which he will then cast in full view of everyone present;
- (f) if a voter-

- (i) spoils a ballot paper inadvertently;  
or
- (ii) mistakenly marks a ballot paper by mistake for a candidate who is not of his choice;
- (g) the voter shall return the ballot paper to the Presiding Officer, who shall, if he is satisfied that the circumstances described in subparagraphs (i) and (ii) have occurred, provide the voter with another ballot paper and the Presiding Officer shall write the word "CANCELLED" across the face of the spoiled ballot paper which shall be kept separately and shall be delivered to the Returning Officer as provided by this Act;
- (h) if a voter places any writing or mark on the ballot paper by which he may be identified, the Presiding Officer shall write the word "CANCELLED" across the face of the ballot paper which shall be kept separately and shall be delivered to the Returning Officer as provided in this Act; and
- (i) a voter who is unable to read or who is incapacitated by blindness or any other physical disability and is unable to cast his vote in the manner prescribed in this Act, shall apply in person to the Presiding Officer, who shall, in the case of a voter who is -



- (i) physically disabled, allow the voter to be accompanied by another voter of his own choice excluding any staff of the Electoral Commission, who shall guarantee the faithful expression of the vote of the disabled person and who shall pledge absolute secrecy;
- (ii) unable to read or write and cannot draw a cross, inform the voter that he can vote by putting a fingerprint mark in the square corresponding to the candidate for whom he wishes to vote after dipping his finger in the ink which shall be placed for this purpose in the voting booth;
- (j) a voter shall, immediately after casting his ballot paper, submit to having his left thumb or a finger of the left hand, marked with indelible ink:

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

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

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

may, not later than 15 days before the day appointed for voting, make an application to the Returning Officer of his electoral area for a certificate of authorisation, in a form approved by the Electoral Commission, to authorise a Presiding Officer in a polling station other than the one at which the applicant is entitled to vote, to permit him to cast his vote in that polling station.

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

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

74. A ballot paper shall have a number printed on it and shall be attached to a counterfoil bearing the same number as is printed on the ballot paper. Numbering of ballot papers.

75. A 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. Voting to be without delay.

76. (1) Subject to this Act, a person shall not be permitted to vote at a polling station other than the polling station at which he is entitled to vote pursuant to paragraph (a) of subsection (1) of section 73. Admission of persons to polling stations.

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

(3) A voter shall comply with the direction of the Presiding Officer for regulating the casting of votes under subsection (2) and generally conduct himself in an orderly manner.

Prevention  
of  
personation.

77. (1) Where the Presiding Officer or a Polling Agent has reasonable cause to believe that a person attempting to vote at a polling station has committed the offence of personation, the person shall be charged with the offence.

(2) A person in respect of whom the Presiding Officer or a Polling Agent has reasonable cause to believe has committed the offence of personation under subsection (1), shall not be -

- (a) prevented from voting, but the Presiding Officer shall cause the words "protested against for personation" to be placed against his name in the Register of Voters or part of the Register of Voters; or
- (b) permitted to vote if he admits to the Presiding Officer that he is not the person he held himself out to be.

(3) Where a person in respect of whom the Presiding Officer or a Polling Agent has reasonable cause to believe has committed the offence of personation under subsection (1), has already voted, the Presiding Officer shall cause the words "protested against for personation" to be placed against his name in the Register of Voters or part of the Register of Voters.

Maintenance  
of law and  
order at  
polling  
stations.

78. (1) The Presiding Officer shall be responsible for the maintenance of law and order in the polling station.

(2) Where a person misconducts himself in a polling station or fails to obey a lawful order of the Presiding Officer, he may, -

- (a) on the order of the Presiding Officer, be removed from the polling station by a constable or other person authorised in writing by the Presiding Officer in that behalf and he shall not, without the permission of the Presiding Officer, re-enter the polling station during the day of the election; or
- (b) be charged with the commission of an offence under the Public Order Act, 1965 (Act No. 46 1965) or any other law.

79. (1) A Presiding Officer at a polling station shall, at the expiration of the hours of voting prescribed under section 72, on the day appointed for an election under section 56 -

Sealing of  
ballot boxes.

- (a) close the polling station, as soon as is practicable, in the presence of Polling Agents or observers;
- (b) package, each sealed with his own seal and arranged for the counting of votes at the polling station -
  - (i) the ballot boxes used in the polling station, unopened and sealed, so as to prevent the introduction of additional ballot papers into the ballot boxes;
  - (ii) a certificate of authorisation to permit him to cast his vote in that polling station under subsection (2) of section 73;
  - (iii) unused and spoilt ballot papers;
  - (iv) the marked copies or part of the Register of Voters; and

(v) the counterfoils of the used ballot papers.

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

- (a) number of unused ballot papers;
- (b) number of spoilt ballot papers; and
- (c) number of persons marked on the Register of Voters as having been issued with ballot papers.

Counting  
agents.

80. (1) A candidate or, as the case may be, a political party contesting the election shall appoint one person, referred to as the "Counting Agent", for each polling station to attend at the counting of the votes.

(2) A Polling Agent appointed under section 70 shall be deemed to be the Counting Agent.

(3) A Presiding Officer may refuse to admit a person purporting to be a Counting Agent to the place where the votes are counted in respect of whom the notice referred to in subsection (2) of section 70 has not been given.

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

Persons to be  
present at  
counting of  
votes.

81. Except with the consent of the District Returning Officer, a person other than the Counting Officer, Counting Assistant, polling staff, Counting Agents and observers, shall not be present at the counting of votes.



82. A Presiding Officer, in his capacity as Counting Officer, as soon as is practicable, after he has declared the polls closed in accordance with subsection (2) of section 72 and has complied with section 80, in the presence of the persons referred to in section 81, shall -

Counting  
of votes.

- (a) open each ballot box;
- (b) take out the ballot papers;
- (c) separate the ballot papers cast in respect of the election of Members of Parliament from those cast for the election of President;
- (d) count the votes separately for each election, in accordance with section 83 and 84, if more than one is held on the same day; and
- (e) ensure that the ballot papers for the candidates and those for any other election held on the same day are kept separate.

83. (1) At the counting of votes, a ballot paper shall not be counted if it -

Void ballots.

- (a) bears a number, mark or variation indicating that it was issued for use at a polling station other than that at which it was used to vote;
- (b) does not bear an official mark (if an official mark has been prescribed by the Electoral Commission);
- (c) has writing or mark by which the voter may be identified (other than a fingerprint);
- (d) casts votes for more than one candidate;
- (e) is unmarked or is impossible to determine with certainty for which candidate the ballot was cast; or

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

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

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

Rejection  
of void  
ballot  
papers.

84. A Counting Officer shall endorse the word "Rejected" on a ballot paper which, under section 83, is not counted and add the words "Rejection objected to" if an objection to his decision is made by a Counting Agent.

Cancellation  
due to over  
voting.

85. (1) Where the votes cast at an election at a polling station exceed the number of registered voters in a polling station, the result of the election for that polling station shall be declared null and void by the Electoral Commission.

(2) The Electoral Commission may, in the case of parliamentary or local council elections, where the result of the votes cast at a polling station -

- (a) exceed the number of registered voters; and
- (b) may affect the overall result in the electoral area, schedule another election at a date to be fixed by the Electoral Commission.

Cancellation  
due to  
violence.

86. (1) A Counting Officer may, where violence occurs during the counting of votes in a polling station which significantly disrupts the counting process, cancel the votes in that polling station and the Electoral Commission shall conduct another election if the outcome of votes in the affected polling station will affect the outcome of the entire result

(2) Notwithstanding subsection (1), the Electoral Commission may, if satisfied that the result of the election will not be affected by voting in the polling station where the election result is nullified, direct that a return of the election be made.

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

Counting  
Officer's  
decision to  
be final.

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

Re-count.

(2) A step shall not be taken on the completion of the counting or a re-counting of votes until the Counting Agents present at the completion of the counting have been given a reasonable opportunity to exercise the right conferred by this section.

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

Counting  
Officer's  
duties at  
conclusion of  
counting.

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

- (a) the National Returning Officer;
- (b) each Regional Returning Officer;

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

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

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

Delivery of sealed ballot election equipment to District Returning Officer.

90. (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 89 and all other documents and equipment used in the election to the District Returning

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

- (a) the statement of the result of the poll; and
- (b) the record of seal numbers to the sealed ballot box.

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

91. Where a ballot box referred to in subsection (1) of section 90 or its content is lost or destroyed, the certified copy of the statement of the result of the poll referred to in subsection (2) of section 89, 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.

92. (1) The District Returning Officer shall, upon receipt of the sealed ballot box and other election materials referred to in section 90 -

Duty of District Returning Officer regarding counting of ballots.

- (a) not open the sealed packet containing the marked copy of the Register of Voters nor the sealed packets containing the counter foils of the used ballot papers;
- (b) proceed, in the presence of the counting agents, if any, to verify the Ballot Papers Account, kept for the purpose, by comparing it with the number of ballot papers counted and rejected in accordance with sections 84 and 85 and the unused and spoil papers in his possession; and
- (c) reseal each packet after examination.

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

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



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

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

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

- (a) in the case of the election for a President held the same day, in the manner prescribed in section 51, and ensure that the statements of the result of the polls and the sealed packages containing the voting papers and all other documents relating to the election, including all forms whether used or not, are securely kept by the Electoral Commission; and
- (b) in the case of an election of the Members of Parliament, the number of votes cast for each constituency candidate.

Publication  
of result.

94. As soon as may be after the National Returning Officer has declared the result of the election or elections under subsection (4) of section 93, the Electoral Commission shall publish the results so declared in the case of an election of -

- (a) President, in the manner prescribed in section 52; and

- (b) Members of Parliament, by Government Notice and in any other manner as he may think fit.

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

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

96. A person who has voted at an election shall in a legal proceedings arising out of the election be required to state for whom he voted for. Secrecy of voting.

97. 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. Symbols and emblems of candidates.

#### PART VIII - ELECTION OF PARAMOUNT CHIEF MEMBERS OF PARLIAMENT

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

(2) Sections 69, 70, 71, paragraphs (f) and (g) of subsection (1) Chief members of section 73, sections 75, 76, 78, 79, 84, 87, 88, 89, 90, 91, 92, 93, 94 of subsection (2) of section 95, and section 96 shall apply, with the necessary modifications to the election of Paramount Chief Members of Parliament.

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

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

Returning  
Officer to  
meet  
Chiefdom  
Council and  
conduct  
polling.

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

(2) The Returning Officer shall, pursuant to subsection (1), upon meeting a Chiefdom Council -

- (a) mark numbers serially against the names of the members of that Chiefdom Council who are present in the order in which they appear in the Gazette List;
- (b) read the list of candidates remaining nominated and display the symbols allocated to the candidates;
- (c) show the ballot boxes to the electors in the manner provided in section 71;
- (d) call the name of each voter in the Gazette List and cause a Polling Assistant to issue a ballot paper to each voter in turn.

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

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

100. (1) The Returning Officer at a polling station shall, at the conclusion of the time appointed for voting under subsection (1) of section 72-

Counting of  
votes in  
election of  
Paramount  
Chief  
members.

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

(b) subject to sections 84 and 85, record the number of valid ballot papers, but the ballot cast for each candidate shall be kept separate from the ballots of any other candidate.

101. Except with the consent of the Returning Officer, a person other than the Returning Officer, his assistants, the Polling Agents, and observers may not be present at the counting of votes.

Persons who  
may be  
present  
at counting  
of votes.

102. The Returning Officer shall, upon the conclusion of the counting -

Returning  
Officer's  
duties  
at conclusion  
of counting.

(a) prepare a statement to be called the Ballot Papers Account, which shall be in Form A specified in the Seventh Schedule; seal up in separate packets the counted and the rejected ballot papers, and the ballot papers for each candidate shall be kept separate from those of any other candidate;

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



- (c) seal in separate packets the marked copy of the Gazette List and any unused ballot papers;
- (d) prepare a statement to be called the "Verification of Ballot Papers", which shall be in such form as specified in Form B in the Seventh Schedule; and
- (e) on request by a candidate or his Polling Agent, allow the candidate or Polling Agent to copy the statement.

#### PART IX-ELECTION OF MEMBERS OF LOCAL COUNCILS

Time for local council elections.

103. The local council elections shall be conducted on the first Saturday of November after the expiration of the term of the Councillor.

Nomination fee for Mayoral and Chairperson candidate.

104. A candidate for local council Mayoral or Chairperson election shall not take part in that election unless he has paid a non-refundable nomination fee based on the nomination fee prescribed by the Commission and based on the Nomination Fee Formulae specified in the Eleventh Schedule.

Nomination fees for councillors.

105. A candidate for a local council election shall not take part in that election unless he has paid a non-refundable nomination fee based on the nomination fee prescribed by the Commission and based on the Nomination Fee Formulae specified in the Eleventh Schedule.

Form of local council elections.

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

Application of sections 59 to 96 to local council elections.

107. Sections 59 to 96 shall with the necessary modification apply to local council elections.

#### PART X-ELECTION OF VILLAGE OR TOWN HEAD

108. A village or town shall have a head who shall be elected by universal suffrage by residents of the town who are voters

Head of village or town.

109. A candidate for election as town or village head shall not take part in that election unless he has paid a non-refundable nomination fee based on the nomination fee prescribed by the Commission and based on the Nomination Fee Formulae specified in the Eleventh Schedule.

Nomination fees for village or town head.

110. (1) A person qualifies to be elected as head of a village or town if that person -

Qualifications of head of village or town.

- (a) is a citizen and a voter;
- (b) is not less than 30 years of age;
- (c) has resided in the village or town for not less than 5 years immediately before seeking to be elected as a head; and
- (d) has paid all taxes and rates in the Western Area Rural District as required by law.

111. The head of a Village or Town shall hold office for a period of 4 years.

Tenure of office of village or town head.

112. The Electoral Commission may by statutory instruments make rules relating to election of village or town head.

Regulation of village or town head elections.

#### PART XI-ELECTORAL OFFENCES

113. A prosecution shall not be initiated for an offence created under this Part unless the offence is committed during the election period.

Application of this Part.

114. A person who-

Offences relating to registration to vote.

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

- (b) after demand or requisition made of him under this Act and without just cause, fails to give the information in his possession or does not give the information within the time specified;
- (c) in the name of another person, whether living, dead or fictitious, signs an application form for registration as a voter to have that other person registered as a voter;
- (d) transmits or is concerned with transmitting to a person as genuine a declaration relating to registration which is false in a material particular, knowing it to be false;
- (e) without lawful authority, destroys, mutilates, defaces or removes or makes an alteration in any notice or document required for the purpose of registration under this Act;
- (f) knowingly gives false information or makes a false statement with reference to an application for registration of his name or with reference to an objection to the retention of the name of a person in the Register of Voters;
- (g) challenges or objects to the inclusion of the name of another person in the Register of Voters on a ground he knows to be false;
- (h) offers anything of actual or prospective value to a person to induce that person not to register as a voter;
- (i) presents himself to be or does any act whereby he is by whatever name or description howsoever, included in the

- Register of Voters for an electoral area in which he is not entitled to be registered; or
- (j) having been disqualified from registering as a voter under an enactment, applies to be registered as a voter;
- (k) publishes a statement or report which he knows to be false or does not believe to be true so as to prevent persons who are qualified to register from registering as voters;
- (l) impedes or obstructs a Registration Officer or a Revision Officer in the performance of his duties; or
- (m) without lawful authority, wears the identification of a registration officer or assistant registration officer or wears any other identification purporting to be the identification of a Registration Officer or an Assistant Registration Officer;
- (n) by himself or any other person procures the registration of himself or any other person on the Register of voters knowing that he or that other person is not entitled to be registered on that Register or is already registered on it;
- (o) by himself or any other person procures the registration of a dead or fictitious person; or
- (p) carries out registration of voters or revision of the Register of Voters at a centre or place not authorised or designated by the Electoral Commission,

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

Offences relating to multiple registered as a voter.

115. (1) A person who-

- (a) being registered as a voter in a Register of registration Voters applies again to be as a voter;
- (b) registers as a voter in more than one ward or more than once in a ward for an election;
- (c) in the Register of Voters otherwise than in substitution for his subsisting registration;
- (d) in the same Register of Voters having applied to be registered in a Register of Voters in a ward and which application has not been granted or has been rejected, applies to be registered in the Register of Voters for the same ward or in the Register of Voters for another ward;
- (e) simultaneously makes 2 or more applications to be registered as a voter;
- (f) presents himself to be or does any act whereby he is by whatever name or description included in the Register of Voters for an electoral area in which he is not entitled to be registered; or
- (g) by himself or another person procure the registration of himself or any other person on the Register of Voters knowing that he or the other person is not entitled to be registered on that Register or is already registered on it,

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

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

(3) A person who aids another person to register as a voter more than once, commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

116. (1) A person who-

- (a) without lawful authority, makes, prepares, prints or is in possession of a document or paper purporting to be a Register of Voters or any part of the Register; or
- (b) without lawful authority, copies or possesses any part of a Register of Voters or any copy of the Register; or
- (c) forges, counterfeits, alters, defaces or fraudulently destroys any Register of Voters or any part of the Register; commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

Offences relating to Register of Voters.

(2) A person who hinders or obstructs a field registrar in the execution of his duties commits an offence and is liable, on conviction to a fine not exceeding 10,000,000.00 Leones or to imprisonment to a term not exceeding 2 years.



(3) A person who knowingly causes his name to be included in a provisional list while not entitled to be registered or a Registration Officer who knowingly includes the name of a person who is not entitled to be registered commits an offence and is liable, on conviction, to a fine of 10,000,000.00 Leones or to imprisonment for a term of 2 years.

(4) A person who makes a statutory declaration in the form prescribed in the Fourth Schedule, which he knows to be false in a material particular, or recklessly, whether it is true or not, commits an offence and is liable, on conviction, to a fine not less than 50,000,000.00 Leones or to a term of imprisonment not less than 3 years or to both the fine and imprisonment.

Offences  
relating to  
voter  
registration  
cards, etc.

117. (1) A person who-

- (a) forges a voter registration card; or
- (b) unlawfully retains, seizes or possesses a voter registration card, counterfoil book, registration stamp or anything in use at a registration centre; or
- (c) without lawful authority makes, prepares, or prints a document of paper purporting to be a voter registration card,
- (d) being entitled to a voter registration card, gives it to a person other than an electoral officer acting in the course of his lawful duty under this Act, for use at an election;
- (e) not being an electoral officer acting in the course of his duty under this Act, receives a voter registration card in the name of another person for use at an election and uses the card fraudulently;

- (f) without lawful authority or excuse has in his possession more than one voter registration card;
- (g) is in unlawful possession of a voter's card whether issued in the name of a voter or not; or
- (h) procures or deals with a voter registration card otherwise than as provided in this Act,

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

(2) A person who issues a duplicate voter registration card to a voter on polling day or less than 14 days before polling day commits an offence and is liable on conviction to a fine not less than 5,000,000.00 Leones or to imprisonment for a term not less than one year.

118. A person who-

- (a) sells or attempts to sell or offers to sell any voter card whether issued in the registration name of any voter or not; or
- (b) buys or offers to buy any voter registration card whether on his own behalf or on behalf of any other person,

Offences of buying and selling voter registration cards.

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

119. A person who-

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

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

- (b) delivers to another person or authority to whom nomination papers or lists of endorsed candidates of political parties are required to be delivered by this Act, a nomination paper or list of endorsed candidates of a political party knowing it to be forged;
- (c) signs a nomination paper as a candidate in more than one electoral area for the same election;
- (d) signs a nomination paper consenting to be a candidate at an election knowing that he is ineligible to be or disqualified from being a candidate at that election;
- (e) forges or counterfeits or fraudulently defaces or fraudulently destroys a ballot paper or an official stamp or mark on a ballot paper;
- (f) not being a person entitled to be in possession of a ballot paper which has been marked with an official stamp or mark has the ballot paper in his possession; without lawful authority, supplies a ballot paper to another person;
- (g) fraudulently puts into a ballot box anything other than the ballot paper which he is authorised by law to put in it;
- (h) without lawful authority, destroys, takes, opens or otherwise interferes with a ballot box or packet or ballot papers then in use for the purposes of the election;
- (i) being authorised by the Electoral Commission to print ballot papers prints more

- than the number or quantity authorised by the Commission;
- (j) without lawful authority has in his possession a ballot paper;
- (k) without authority destroys, takes, opens, disposes of or otherwise interferes with an election material in use or intended to be used for the purposes of an election;
- (l) without lawful authority prints a ballot paper or what purports to be or is capable of being used as a ballot paper;
- (m) for the purposes of an election, manufactures, constructs, imports, has in his possession, supplies or uses, or causes to be manufactured, constructed, imported, supplied or used, an appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at an election; or
- (n) not being authorised to do so under this Act, makes a mark on a ballot paper issued to a person other than to himself,

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

#### 120. (I) A person who-

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

Wrongful  
voting, etc.



- (b) votes at an election when he is not entitled to vote;
- (c) votes more than once in an election;
- (d) interferes with a voter in the casting of his vote in secret;
- (e) pretends to be unable to read or write so as to be assisted in voting; or
- (f) pretends to be visually impaired or suffering from any other disability so as to be assisted in voting;
- (g) pretends to be visually impaired or suffering from any other disability so as to be assisted in voting;

commits an offence and is liable on conviction to a fine not less than 5,000,000.00 Leones or to imprisonment for a term not less than one year.

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

Improper  
practices by  
electoral  
officers.

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

- (a) aids another person to register as a voter more than once;
- (b) wilfully or negligently fails to perform such duty in an impartial manner;

- (c) makes use of or attempts to make use of his official duties or position to influence the way in which a person votes;
- (d) knowingly subverts the process of free and fair elections;
- (e) knowingly obstructs the Electoral Commission in the discharge of its functions or otherwise interferes with the functions of the Electoral Commission;
- (f) makes an entry, which he knows or has reasonable cause to believe to be false, in a record, return or other document which he is required to keep or make under such enactment;
- (g) permits a person whom he knows or has reasonable cause to believe to be able to read or write to vote in the manner provided for persons unable to read or write;
- (g) permits a person whom he knows or has reasonable cause to believe not to be visually impaired or a person with disability to vote in the manner provided for persons who are visually impaired or persons with disability, as the case may be;
- (h) wilfully prevents a person from voting at the polling station at which he knows or has reasonable cause to believe that that person is entitled to vote;
- (i) wilfully rejects or refuses to count a ballot paper which he knows or has reasonable cause to believe is validly cast for a candidate in accordance with this Act or any other enactment;

- (j) wilfully counts a ballot paper as being cast for a candidate which he knows or has reasonable cause to believe was not validly cast for that candidate;
- (k) interferes with a voter in the casting of his vote in secret;
- (l) is required to declare the result of an election, fails to do so;
- (m) is not authorised to do so, purports to make a formal declaration or formal announcement of an election result;
- (n) without reasonable cause does or omits to do anything in breach of his official duty;
- (o) colludes with a political party or candidate for the purpose of giving an undue advantage to the political party or candidate;
- (p) wilfully contravenes the law to give undue advantage to a candidate or a political party on partisan, ethnic, religious, gender or any other unlawful consideration; or
- (q) fails to prevent or report to the Electoral Commission or any other relevant authority, the commission of an electoral malpractice or offence under this Act,

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

(2) A person who is convicted of an offence under subsection (1) shall not be eligible to hold public office for a period of 5 years following conviction.

122. A person who being a member or officer of the Electoral Commission, charged with the counting of votes or the making of a return at an election, wilfully falsifies the count of the votes or wilfully makes a false return commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

Falsification  
of return of  
election.

123. (1) An electoral officer, Polling Assistant or Polling Agent in attendance at a polling station who, -

Infringement  
of secrecy.

- (a) communicates before the poll is closed, information as to the name or serial number of the ballot paper issued to a voter at the station;
- (b) obtains or attempts to obtain, information as to the candidate for whom a voter in the station is about to vote or has voted;
- (c) interferes or attempts to interfere with a voter when casting his vote;
- (d) communicates information obtained in a polling station as to the candidate for whom a voter in the station is about to vote or has voted,

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

(2) Subsection (1) shall not apply to a procedure under this Act for recording the vote of a voter who is -

- (a) unable to read or write; or
- (b) incapacitated by -

- (i) blindness; or
- (ii) other physical cause or disability, from casting his vote himself.

(3) A person, other than a Presiding Officer or a person authorised by him, who communicates with a voter after the voter has received a ballot paper and before the voter has placed the ballot paper in a ballot box, commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

(4) An electoral officer, Polling Assistant, or Polling Agent in attendance at the counting of votes who-

- (a) maintains or aids in maintaining the secrecy of the ballot;
- (b) attempts to ascertain the counting, the serial number of a ballot paper;
- (c) communicates information obtained at the counting of the vote of a candidate,

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

(5) A person attending a proceedings relating to an election who, without lawful authority, -

- (a) communicates to another person, before the poll is closed, information obtained at the proceedings as to an official stamp or mark to be used in connection with a ballot paper;



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

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

(2) A person who induces, influences or procures another person to vote in an election knowing that the person is not entitled to vote in that election commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

(3) A person who directly or indirectly by duress or intimidation impedes, prevents or threatens to impede or prevent a voter from voting commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

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

- (a) to inform him or another person of the name of the candidate or political party for which the voter voted; or
- (b) to display the ballot paper on which the voter has marked his vote,

commits an offence and is liable on conviction to a fine not less than 1,000,000.00 Leones or to imprisonment for a term not less than 3 months.

126. A person who at an election-

Personation.

- (a) knowingly votes or attempts to vote or applies for a ballot paper in the name of another person, whether that name be that of a person living or dead or of a fictitious person;
- (b) having voted once at that election votes or attempts to vote at the same election in his own name;
- (c) votes with the knowledge that he is not entitled to vote in that election;
- (d) presents himself as an electoral officer knowing that he is not,

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

127. (1) A person who-

Bribery.

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

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

- (c) makes a gift, loan, offer, promise, procurement or agreement referred to in paragraph (b) to or for any person in order to induce the person to procure or endeavour to procure the return of a person as President or a Member of Parliament or of a local council or the vote of a person at an election under this Act;
- (d) upon or in consequence of a gift, loan, offer, promise, procurement or agreement referred to in paragraph (b), procures or engages, promises or endeavours to procure, the return of a person as President or a Member of Parliament or of a local council, or the vote of a person at an election under this Act;
- (e) advances or pays or causes to be paid any money to or for the use of any other person, with the intent, that the money or part of it shall be expended in bribery at an election under this Act; or
- (f) knowingly pays or causes to be paid money to another person in discharge of repayment of money wholly or in part expended in bribery at an election.

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

(2) A person-

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

commits an offence and is liable on conviction to a fine of not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

(3) This section shall not apply or be construed to apply 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 or political party's Polling Agent or the travelling expenses of a candidate or his Polling Agent.

128. A person who is convicted of personation, undue influence, bribery, aiding, abetting, counselling or procuring the commission of the offence of personation shall, in addition to any other punishment, be barred during a period of 5 years from the date of his conviction-

- (a) from being registered as a voter or from voting at any election; and

Disqualification for undue influence, bribery, etc.

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

Wrongful  
voting and  
false  
statements.

129. A person who -

- (a) votes or induces or procures any person to vote at an election under this Act knowing that he or the other person is prohibited by this Act or by any other enactment from voting at that election; or
- (b) before or during an election under this Act knowingly publishes a false statement of the withdrawal of a candidate at that election for the purpose of promoting or procuring the election of another candidate,

commits an offence and is liable on conviction to a fine not less than 20,000,000 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

Interference  
with election  
materials.

130. A person who-

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

commits an offence and is liable on conviction to imprisonment for a term not less than 5 years.

131. A person who, except with the authorisation of the Electoral Commission directly or indirectly, prints, manufactures or supplies or procures the printing, manufacture or supply of materials in connection with an election, commits an offence and is liable on conviction to a fine not less than 50,000,000.00 Leones or to imprisonment for a term not less than 5 years.

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

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

Interference  
with lawful  
public  
meeting.

- (a) acts or incites others to act in a disorderly manner for the purpose of preventing or interfering with the transaction of the business for which the meeting was called; or
- (b) has in his possession an offensive weapon or missile otherwise than in pursuance of a lawful duty,

commits an offence and is liable on conviction to a fine not less than 2,000,000.00 Leones or to imprisonment for a term of 6 months.

(2) A person convicted of an offence under subsection (1) is barred from voting at an election held within a period of 5 years from the date of the conviction.

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

133. A person who -

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

Prohibition of  
interference  
with free  
political  
canvassing  
and  
campaigning.



- (b) creates a material disruption with the intention of preventing a political party from holding a public political meeting;
- (c) impedes or prevents or threatens to impede or prevent the right of a representative of a political party to gain access, in the manner and during the hours prescribed, to voters in any particular centre, whether public or private, for the purposes of conducting political canvassing or campaigning and of soliciting membership and support;
- (d) impedes or threatens to impede or prevent a member of the Electoral Commission, a representative of the Electoral Commission or any other person or organisation engaged in civic electoral education to gain access, in the manner and during the hours prescribed, to eligible voters in a particular centre, whether public or private, for the purpose of conducting civic electoral education; or
- (e) conducts a political party procession along a public thoroughfare or a political party meeting or rally in a public place otherwise than on a date or at a time specified by the Electoral Commission in a campaign calendar published pursuant to this Act,

commits an offence and is liable on conviction to a fine not less than 20,000,000.00 Leones or to imprisonment for a term not less than 5 years or to both the fine and imprisonment.

Improper use  
of vehicle.

134. (1) A person shall not provide for the purpose of conveying another person to a registration centre or to a polling station a government vehicle or boat, or a vehicle or boat belonging to a public body or institution except in respect of a person who is ordinarily entitled to use that vehicle or boat or in an emergency in respect of an electoral officer.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than 500,000.00 Leones.

135. A person who at an election acts or incites others to act in a disorderly manner commits an offence and is liable on conviction to a fine not less than 2,000,000.00 Leones or to imprisonment for a term not less than 6 months. Disorderly conduct at elections.

136. A person who knowingly votes or attempts to vote in an electoral area in respect of which his name is not on the Register of Voters commits an offence and is liable on conviction to a fine not less than 5,000,000.00 Leones or to imprisonment for a term not less than 12 months. Voting by unregistered persons.

137. (1) A person who carries, wears or displays a dangerous weapon or missile in a part of a polling centre or within a distance of 300 meters of a polling centre otherwise than in pursuance of a lawful duty commits an offence and is liable on conviction to a fine not less than 5,000,000.00 Leones or to imprisonment for a term of 12 months. Restriction on admission to polling centre.

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

138. (1) A person who, on an election day, in a polling station or within a distance of 300 metres of a polling station - Offences on election day.

- (a) canvasses for votes;
- (b) solicits for the vote of a voter;
- (c) persuades a voter not to vote for a particular candidate;
- (d) persuades a voter not to vote at the election;
- (e) shouts slogans concerning the election;

- (f) is in possession of an offensive weapon or missile, wears a dress or have a facial or other decoration which is calculated to intimidate voters;
- (g) exhibits, wears or tenders a notice, symbol, photograph or party card referring to the election;
- (h) uses a vehicle bearing the symbol of a political party;
- (i) loiters without lawful excuse after voting or after being refused to vote;
- (j) snatches or destroys an election material;
- (k) unlawfully blares a siren,

commits an offence and is liable on conviction to a fine not less than 5,000,000.00 Leones or to imprisonment for a term not less than 12 months.

(2) A person who, on an election day, within the vicinity of a polling station, unit or collation centre -

- (a) convenes, holds or attends a public meeting during the hours of the election as may be prescribed by the Electoral Commission;
- (b) unless appointed under this Act to make official announcements, operates a megaphone, amplifier or public address apparatus;
- (c) wears or carries a badge, poster, banner, flag or symbol relating to a political party or to the election.

commits an offence and is liable on conviction to a fine not less than 5,000,000.00 or to imprisonment for a term not less than 12 months.

139. (1) A person who observes an election without prior accreditation from the Electoral Commission commits an offence and is liable on conviction to a fine not less than 10,000,000.00 Leones. Observing elections without accreditation.

## PART XII - OFFENCES RELATED TO INFORMATION TECHNOLOGY

140. (1) A person who knowingly and without lawful authorisation causes a computer to perform a function with intent to secure unauthorised access to a program or data held in that computer or any other computer commits an offence and is liable on conviction to imprisonment for a term of not less than 2 years. Unauthorised access to computer material.

(2) The intent required to commit an offence under subsection (1), need not be directed at-

- (a) a particular program or data;
- (b) a program or data of a particular kind; or
- (c) a program or data held in a particular computer.

141. (1) A person who commits an offence under section 140 with any other offence under this Act or with intent to facilitate intent to commit the commission of such offence whether by himself or by another person is liable on conviction to imprisonment for a term of not less than 5 years. Unauthorised access with intent to commit or facilitate commission of further offences.

(2) For the purposes of this section, it is immaterial whether the other offence under this Act is to be committed on the same occasion as the commission of an offence under section 140 or on a future occasion.

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



Unauthorised  
modification  
of computer  
material.

142. (1) A person who does an act which causes an unauthorised modification of the contents of a computer so as to

- (a) impair the operation of -
  - (i) a computer or a computer program; or
  - (ii) the reliability of data held in a computer;
- (b) prevent or hinder access to a program or data held in a computer,

commits an offence and is liable on conviction to imprisonment for a term not less than 3 years.

(2) A person commits an offence under subsection (1) even where an act which causes an unauthorised modification of the contents of a computer, is -

- (a) not directed at-
  - (i) a particular computer;
  - (ii) a particular program or data;
  - (iii) a program or data of a particular kind; or
  - (iv) a particular modification or a modification of a particular kind;
- (b) not intended to be permanent or temporary.

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

Territorial  
scope of  
offence under  
this Part.

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

Access to  
program or  
data in  
computer.

144. (1) A person secures access to a program or data held in a computer if by causing a computer to perform a function the person-

- (a) alters or erases the program or data;
- (b) copies or moves it to a storage medium other than that in which it is held or to a different location in the storage medium in which it is held;
- (c) uses it;
- (d) has it output from the computer in which it is held (whether by having it displayed or in any other manner); and
- (e) references to access to a program or data and to intent to secure such access shall be read accordingly.

(2) A person uses a program if the function he performs on the computer-

- (a) causes the program to be executed; or
- (b) is itself a function of the program.

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

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

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

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

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

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

- (a) a program or data held in that computer concerned is altered or erased; or
- (b) a program or data is added to its contents, and an act which contributes towards causing that modification shall be regarded as causing it.

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

- (a) is not himself entitled to determine whether the modification should be made; and
- (b) does not have consent to the modification from a person who is so entitled.

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

### PART XIII - ELECTION OFFENCES AND PETITIONS COURT

145. (1) There shall be, pursuant to subsection (3) of section 131 of the Constitution, an Election Offences and Petitions Court. Election Offences and Petitions

(2) The Election Offences and Petitions Court shall - Court.

- (a) sit in such places in Sierra Leone as the Chief Justice may determine;
- (b) be presided over by-
  - (i) a High Court Judge;
  - (ii) a retired Judge of the Superior Court of Judicature; or
  - (iii) a barrister or solicitor who is qualified to hold office as a High Court Judge,
- (c) be by judge alone.

(3) The Court shall have jurisdiction to try -

- (a) election offences; and
- (b) election petitions.

(4) The Court shall determine cases brought before it under subsection (3) within 4 months after the commencement of the proceedings.

(5) A defendant in a trial before the Court may be represented by the counsel of his own choice and bail shall be at the absolute discretion of the Court.

146. (1) A question which may arise as to the right of a person to be or remain as - Questions to be determined by Court.

- (a) President;
- (b) Member of Parliament;
- (c) member of a local council,

shall be referred to and determined by a Judge of the Court on a petition presented by a voter, in accordance with the procedure under section 149 for the trial of an election petition.

(2) Where the question to be decided concerns the right of a person under subsection (1), the Court shall certify its decision in writing to the Speaker and the Electoral Commission and where the Court has decided that a person is not entitled to remain as President, Member of Parliament or member of a local council, that person shall thereupon cease to be such.

Election  
valid unless  
questioned  
within 21  
days of  
publication  
of result.

147. (1) An election not called in question within 21 days after the publication of the result in the Gazette, is deemed to have been, to all intents and purposes, a good and valid election.

(2) An election petition founded on acts amounting to an offence under Part X or Part XI shall be brought unless those acts occurred between the last day appointed for the delivery of nomination papers under section 58 and the time of the day at which the result of the election is declared under section 51.

Presentation  
of petition  
result.

148. (1) A petition complaining of an undue return or undue election of a person under subsection (1) of section 146 may within 21 days from the date of the publication of the result of the election in the Gazette, be presented to a Judge of the Court by any one or more of the following persons-

- (a) a person who voted or had a right to vote at the election to which the petition relates;
- (b) a person who claims to have had a right to be returned or elected at such election; or
- (c) a person who alleges himself to have been candidate at that election.



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

149. (1) In a trial of -

(a) an election offence, -

Trial of  
election  
offences and  
election  
petition.

(i) an indictment relating to the offence shall be preferred without a previous committal for trial and it shall in all respects be deemed to have been preferred pursuant to a consent in writing by a judge granted under subsection (1) of section 136 of the Criminal Procedure Act, 1965 (Act No. 32 of 1965) and shall be proceeded with accordingly;

(ii) an extract of the findings of the police or investigators, signed by the Attorney-General, to the effect that a particular person is, or particular persons are implicated in an offence under this Act shall, without more, be sufficient authority for preferring an indictment in respect of such offence as is disclosed in or based on the report of those findings;

(iii) an indictment preferred shall be filed and served, on the accused together with the summary of the evidence of the witness or witnesses which the Attorney-General relies on for the proof of the charge contained in that indictment and the names of such witness or witnesses shall be listed on the back of the indictment;

(iv) the Attorney-General may, upon giving to the Registrar of the Court and to the accused a notice of his intention to prosecute together with a summary of the evidence to be given by the witness or witnesses, call as additional witness any person not listed on the back of the indictment who may give necessary or material evidence at the trial of an election offence, whether or not that person gave evidence during an investigation by the police or investigators;

(b) an election petition, the Court -

- (i) may order the inspection and production of rejected ballot papers, the opening of sealed packet of counterfoils of used ballot papers or the inspection of counted ballot papers;
- (ii) shall, in making and carrying into effect an order under sub-paragraph (i), ensure that the way in which the vote of a particular person has been given shall not be disclosed until it has been proved that his vote has been declared by the Court to be invalid;
- (iii) shall, determine whether a person whose return or election is complained of was duly returned or elected or whether the election was void and shall certify its determination to the Electoral Commission.

150. An election shall not be invalid by reason of non-compliance with this Act if it appears to the Court that the election was conducted in accordance with the principles laid down in this Act or that the non-compliance did not affect the result of the election.

Non-compliance with Act.

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

Privilege, certificate of indemnity.

(2) Notwithstanding, subsection (1), a witness who honestly answers questions which he is required by the Court to answer shall be entitled to receive a certificate of indemnity under the hand of the presiding Judge stating that such witness has so answered and an answer by a person to a question before the Court shall not, except in the case of a criminal proceedings for perjury in respect of such evidence, be admissible in evidence against him.

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

152. (1) An appeal shall lie to the Court of Appeal from the determination of the Court upon an election petition, or a proceeding of the Court taken under section 146 at the suit of a party to the petition or proceedings, and the decision of the Court of Appeal on the appeal shall be final to all intents and purposes.

Appeal from Court.

(2) Notwithstanding any provisions to the contrary, the Court of Appeal shall not entertain an appeal under this section unless notice of the appeal has been given within 14 days of the determination in question.

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

Effect on  
election  
return of  
notice of  
appeal.

153. (1) Where the Court determines that a candidate returned as elected was not duly elected and that the election was void, then the candidate's seat shall become vacant from the time of the notice of decision of the Court and if notice of appeal from that decision has been given within 14 days, the seat shall remain vacant for the period until the determination of the Court of Appeal is given on the appeal or the appeal is abandoned.

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

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

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

Election  
Petition Rules

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

Pending  
petitions  
and appeals.

155. A proceeding or appeal on a petition pending at the commencement of this Act, shall not be affected by this Act and may be proceeded with as if this Act had not been passed.

#### PART XIV-ELECTION CAMPAIGN PERIOD

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

Electoral  
Commission  
to declare  
election  
campaign  
period.

(2) The Commission may, in its discretion, declare fixed periods for political parties campaigns and bye-elections campaigns.

157. (1) The Electoral Commission shall, after publication of the campaign period pursuant to section 157 and in consultation with registered political parties and candidates prepare and publish in the Gazette a campaign calendar of events including public rallies, public meetings and public processions to be held by political parties and independent candidates.

Election  
campaign  
calendar.

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

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

158. (1) Candidates and political parties may, during an election campaign, in addition to activities normally associated with election campaigns-

Election  
campaign  
materials.

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



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

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

(2) An election campaign material referred to in subsection (1) shall clearly state thereon-

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

(b) the printer of the material.

(3) A person shall not post banners, posters, placards, drawings, billboards or other similar material on public buildings, national monuments, religious institutions or on any private property unless the owner of that property gives his consent.

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

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

Publishing  
information.

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

Complaints  
against  
violation of  
rights.

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

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

161. A candidate or political party shall, in an election campaign period-

(a) respect and take into account the fundamental principles of State policy set out forth in Part II of the Constitution; and

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

162. (1) A candidate or political party shall not during the campaign period-

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

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

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

(2) A candidate or political party who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding 5,000,000 Leones or to imprisonment for a term not exceeding 5 years or to both the fine and imprisonment.

Code of  
election  
campaign  
ethics.

163. (1) The Electoral Commission shall, within 30 days before the beginning of election campaigning, by notice published in the Gazette, publish a code of election campaign ethics in such form as specified in the Tenth Schedule.

(2) Where a political party or an independent candidate contravenes subsection (1), the Electoral Commission shall, in consultation with the Political Parties Regulation Commission, -

- (a) endeavour to resolve the matter with the political party or independent candidate as the case may be;
- (b) issue a warning to the party or candidate to desist from the contravention;
- (c) impose a fine that it may determine on the political party or independent candidate; or
- (d) disqualify the party or independent candidate from contesting the election.

(3) A political party or independent candidate aggrieved by a decision of the Commission under this section may appeal to the Court.

Air time  
on radio  
and  
television.

164. (1) The management of the national radio or television shall, during an election campaign period, ensure that equal air time is given to-

- (a) a political party; or
- (b) an independent candidate,

on the national radio and television.

(2) The management of the national radio or television shall, in pursuance of subsection (1), allocate a minimum airtime of 30 minutes to each candidate and political party during an election campaign period taking into account, the number of candidates and political parties making a request under subsection (3).

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

#### PART XV - MISCELLANEOUS PROVISIONS

165. There is hereby established a fund to be known as the National Elections Trust Fund which shall be managed by the Electoral Sustainability Commission for the financing of public elections and referenda. National Elections Sustainability Trust Fund

166. (1) The Electoral Commission may, at an election, accredit any group or institution to act as election observer and issue guidelines for their participation, deter fraud and promote confidence in the electoral process. Election observation.

(2) An election observer accredited by the Electoral Commission under subsection (1), shall -

- (a) provide accurate assessment of the election;
- (b) highlight specific recommendations for the verification of the accuracy of the Voters List and ways that voter registration could be improved;
- (c) demonstrate support for genuine democratic elections;
- (d) contribute significantly to promoting public confidence and calm tensions in the post-election period.

(3) An accredited observer shall submit a written report to the Electoral Commission on its observation not later than 3 months after the declaration of results of the election or such earlier date as the Electoral Commission may specify in writing.



Application  
for  
accreditation.

167. (1) A local or international organisation may apply to the Electoral Commission for accreditation to observe an election.

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

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

- (a) the accreditation of the applicant will promote conditions conducive to free and fair elections; and
- (b) the persons appointed by the applicant will-
  - (i) observe the election impartially and independently of any registered political party or candidate contesting that election;
  - (ii) be competent and professional in observing that election; and
  - (iii) subscribe to a Code of Conduct for observers issued by the Electoral Commission pursuant to this Act.

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

- (a) enter the applicant's name in a register of accredited observers; and
- (b) issue a certificate of accreditation in the applicant's name stating the period and other conditions of accreditation.

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

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

(7) A person may inspect the Register of accredited observers on payment of a as specified fee.

(8) The Chief Electoral Commissioner shall provide certified copies of extracts from the Register of Voters on payment of the specified fee.

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

169. (1) An accredited observer shall-

- (a) in relation to the election for which it is accredited, be entitled to attend at and observe all aspects of the electoral process including registration, voting, counting of votes and the determination and declaration of results;
- (b) have freedom of movement to, within and from the area or areas specified in the Certificate of Accreditation;
- (c) have a right to communicate freely with registered political parties and individual candidates contesting in the election, electoral officials, government functionaries, the media, civil society organizations and other relevant parties.

Rights and obligations of observer.

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

Obligation of impartiality.

170. 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.

Electoral Commission may enlarge or reduce time.

171. The Electoral Commission may, where the circumstances so require, by order, enlarge or reduce the time as specified in this Act for the giving of notice or for the doing of an act or thing.

Electoral Commission to prescribe forms, etc.

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

(2)

A deviation from a form as specified in the Schedules which does not affect the substance thereof, shall not invalidate the form in which the deviation occurred.

Regulations.

173. (1) The Electoral Commission may, by statutory instrument, make Regulations for giving effect to this Act.

(2) Notwithstanding the generality of subsection (1), Regulations to be made by the Electoral Commission may include Regulation to provide for -

(a) the registration of voters outside Sierra Leone;

(b) the safety and security of its staff in the performance of their duties.

174. (1) The Public Elections Act, 2012 is hereby repealed.

Repeal and savings.

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

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