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ACT

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THE PUBLIC ELECTIONS ACT, 2022

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"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;

SIGNED this 6th day of September, 2022.

DR. JULIUS MAADA BIO,
President.



No. 17



2022

The Public Elections Act, 2022

Short title.

Being an Act to repeal and replace the Public Elections Act, 2012 (Act No. 4 of 2012), to provide for supplementary provisions to sections 32 and 33 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) with respect to the Electoral Commission and to provide for other related matters.

[] Date of commencement.

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

Independence of Commission.

3. The Electoral Commission shall, pursuant to subsection (11) of section 32 of the Constitution, be an independent body.

Resignation from Commission.

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

Removal of member for gross misconduct.

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

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

Remuneration, allowances and privileges of members.

6. (1) The terms and conditions of service of the Chairman and other members of the Electoral Commission including their remuneration, allowances and privileges, shall be prescribed by Parliament under the State Salaries, Pensions, Gratuities and Other Benefits Act, 2003 (Act No. 4 of 2003).

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

Functions of Commission.

7. (1) The object of the Commission is to perform the following functions, in accordance with section 33 of the Constitution

-
- (a) the continuous registration of eligible voters for public elections and referenda;
- (b) the preparation, maintenance and regular revision of the Register of Voters;

"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 Agent" means a person appointed as polling agent by either a political party or an independent candidate to observe polling in a polling station or polling centre on their behalf;

"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;

"Polling Station" means a building or structure where polling takes place during election day;

"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, in the Western Area Rural District;

PART III - REGISTRATION OF VOTERS

Register of Voters.

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

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

- (i) Voter 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.

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.

Division of Sierra Leone into wards, etc.

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.

- (c) the delimitation of constituencies and wards in accordance with the Constitution and any other enactment;
- (d) the regulation of the process for nomination of candidates for elections;
- (e) the conduct of civic electoral education;
- (f) the facilitation of the observation, monitoring and evaluation of elections;
- (g) the promotion of sound democratic election processes; and
- (h) such other functions as may be provided for by the Constitution, this Act or any other enactment.

(2) The Electoral Commission may, utilise appropriate technology and adopt appropriate approaches in the performance of its functions under subsection (1).

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

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

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

(4) The quorum for a meeting of the Electoral Commission shall be 4.

(5) All acts, matters or things authorised or required to be done by the Electoral Commission shall be decided at a meeting and the decision shall be supported by the votes of a majority of the members.

- (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) 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;

(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;

(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 23 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 for 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 D 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) appoint 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

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

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 issueance.

(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.

- (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

(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 7 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.

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

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-

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

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 90 days before the day appointed for voting in the elections.

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.

(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.

Political
party
elections.

59. (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.

(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.

(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.

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: Declaration of election 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.

Death of candidate.

64. (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.

Final list of candidates published by Commission.

65. (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 -

- (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.

Contested election and unopposed candidates.²

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

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

(3) Where a candidate is endorsed by more than one political party, with his expressed consent 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.

60. 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 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.

61. (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-

Statutory declaration in support of political party candidates.

Objections to nominations.

- (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.

- (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

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

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

70. (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.

71. (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. Hours of voting.

(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.

Maintenance of law and order at polling stations.

77. (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.

Sealing of ballot boxes.

78. (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 -

- (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;

- (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

Cancellation
due to
violence.

85. (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.

Counting
Officer's
decision to
be final.

86. 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.

Re-count.

87. (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.

(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.

Counting
Officer's
duties at
conclusion of
counting.

88. (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.

(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;

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

(d) officials on duty.

79. (1) A candidate or, as the case may be, a political party ^{Counting agents.} 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.

Publication of result. **93.** 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.

Non-attendance of agents not to invalidate acts etc. **94.** (1) Where, in this Act, any act or thing is required or authorised to be done in the presence of the Polling Agents or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose, shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

(2) Upon the determination of any legal proceedings arising in connection with an election under this Act, the 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 bone fide performance of his duty under this Act.

Secrecy of voting. **95.** A person who has voted at an election shall not in a legal proceedings arising out of the election be required to state for whom he voted for.

Symbols and emblems of candidates. **96.** 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.

(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.

89. (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

Delivery of sealed ballot election equipment to District Returning Officer.

(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

Application of sections 58 to 96 to local council elections.

105. Sections 58 to 96 shall with the necessary modification apply to local council elections.

PART X-ELECTION OF VILLAGE OR TOWN HEAD

Head of village or town.

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

Nomination fees for village or town head.

107. 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.

Qualifications of head of village or town.

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

- (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.

Tenure of office of village or town head.

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

Regulation of village or town head elections.

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

PART XI-ELECTORAL OFFENCES

Application of this Part.

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

PART VIII - ELECTION OF PARAMOUNT CHIEF MEMBERS OF PARLIAMENT

97. (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) of section 73, sections 75, 76, 78, 79, 84, 87, 88, 89, 90, 91, 92, 93, 94 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 Chieftom 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.

98. (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 Chieftom Council at the time and place appointed by him.

Returning Officer to meet Chieftom Council and conduct polling.

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

- (a) mark numbers serially against the names of the members of that Chieftom 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;

- (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 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 knowingly aids and abates 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 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

Offences
relating to
Register of
Voters.

114. (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 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

112. 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;

- (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 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

(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 less than 10,000 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 not less than 10,000 Leones or to imprisonment for a term of 2 years.

(4) A person who makes a statutory declarations 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 Leones or to a term of imprisonment not less than 3 years or to both the fine and imprisonment.

115. (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

Offences relating to voter registration cards, etc.

Falsification
of return of
election.

120. 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 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

Infringement
of secrecy.

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

- (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 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-

118. (1) A person who-

Wrongful
voting, etc.

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

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

(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.

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

Improper
practices by
electoral
officers.

- (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) 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 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

Bribery.

125. (1) A person who-

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

- (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 Leones or to imprisonment for a term of 5 years or to both the fine and imprisonment.

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

- (a) not maintain 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 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;
- (b) communicates to another person, information obtained at the proceedings as to the number of ballot papers issued to a person;

(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.

Prohibition of interference with free political canvassing and campaigning.

131. A person who-

- (a) directly or indirectly, by the use of threat or force, violence, sexual harassment or otherwise, prevents the conduct of a political meeting, procession, demonstration or other event of a political nature or another person from attending or participating in the meeting procession, demonstration or other event;
- (b) creates a material disruption with the intention of preventing a political party from holding a public political meeting;
- (c) impedes or prevents or threatens to impede or prevent the right of a representative of a political party to gain access, in the manner and during the hours prescribed, to voters in 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

- (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 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,

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

139. (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.

(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.

140. (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;

- (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 Leones or to imprisonment for a term not less than 5 years or to both the fine and imprisonment.

132. (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. Improper use of vehicle.

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

133. 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 Leones or to imprisonment for a term not less than 6 months or to both the fine and the imprisonment. Disorderly conduct at elections.

134. 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 Leones or to imprisonment for a term not less than 12 months or to both the fine and the imprisonment. Voting by unregistered persons.

135. (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 Leones or to imprisonment for a term of 12 months or to both the fine and the imprisonment. Restriction on admission to polling centre.

(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.

Questions to be determined by Court.

144. (1) A question which may arise as to the right of a person to be or remain as-

- (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.

145. (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.

146. (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-

(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.

141. 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.

Territorial scope of offence under this Part.

142. (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-

Access to program or data in computer.

- (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

Appeal from Court.

150. (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.

(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.

151. (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.

- (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.

147. (1) In a trial of-

(a) an election offence,-

- (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;

Trial of election offences and election petition.

Code of election campaign ethics.

161. (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.

162. (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).

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

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

153. 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. Pending petitions and appeals.

PART XIV-ELECTION CAMPAIGN PERIOD

154. (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, declare fixed periods for political parties campaigns and bye-elections campaigns.

155. (1) The Electoral Commission shall, after publication of the campaign period pursuant to section 154 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.

Electoral Commission may enlarge or reduce time.

169. 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.

170. (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.

171. (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.

Repeal and savings.

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

(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.

(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

163. 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.

164. (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.

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

THE PUBLIC ELECTIONS ACT, 2022
ELECTORAL COMMISSION FOR SIERRA LEONE
REVIEW OF VOTERS REGISTER 20.....

NOTICE IS HEREBY GIVEN ACCORDANCE WITH SECTION 27 OF THE Public Elections Act, 2022, that a list of voters of each Ward has been compiled. This list contains the names of persons qualify to be registered under section 27. The lists will be exhibited at the following Centers with effect from.....to..... 20.....in the Western Area and the Provinces:-

DISTRICT.....

CHIEFDOM/WARD.....

REGISTRATION AREA NO.....

EXHIBITION AREA.....

EXHIBITION CENTER at the following addresses:-.....

1.
2.
3.
4.
5.
6.

Anyone whose name has been omitted or claims to have his/her name inserted in the List shall during the period of exhibition of such copy or part thereof apply or present himself/herself to the Electoral Commission for Sierra Leone or its designated Officer to have his/her name inserted in such copy as provided in Section 19(1) of the Act.

Any voter can object to the inclusion of any name as provided in section 19(1) of the Act.

.....
Registration Officer

SCHEDULES

FIRST SCHEDULE (Section 16 (2)(b))

PUBLIC ELECTIONS ACT, 2022

RULES AS TO THE ORDINARY RESIDENCE OF VOTERS

1. The place of ordinary residence of a person is that place where he usually lives or which has always or generally been his home, or which is the place to which he intends to return when away from it.
2. Where a person usually sleeps in one place and has his meal or is employed in another place, his place of ordinary residence will be where he sleeps.
3. For the purpose of these rules it will be assumed that a person can have only one place of ordinary residence and that it cannot be lost.
4. Temporary absence does not cause a loss and an absence of less than 6 months, or which is anticipated to be less than 6 months, will be regarded as temporary if the intention is to resume actual residence within that period.
5. Where after consideration of these rules in respect of an application for registration or objection thereto, there appears some doubt as to whether a person's ordinary residence is in one registration area or another, a Registration Officer may decide between such respective areas (and other

matters being equal may take into account the probable convenience of the applicant) and his decision shall in such case be conclusive in respect of an application for registration or objection thereto.

THIRD SCHEDULE

(Section 44(1))

PUBLIC ELECTIONS ACT, 2022

NOMINATION PAPER OF PRESIDENTIAL CANDIDATE

Date of Presidential Election:

1. I, the undersigned, am the Presidential Candidate to whom this nomination paper relates and I hereby certify that I am willing to stand for election to the office of President of the Republic of Sierra Leone.

2. I also hereby state that I am qualified and not disqualified for election to the office of President of the Republic of Sierra Leone in accordance with the statutory declaration attached hereto as Annexure 1.

3. My designated candidate for the office of Vice-President of the Republic of Sierra Leone

.....
who has subscribed his signature hereunder to indicate his consent to his being so designated. He has also made the statutory declaration attached hereto as Annexure II.

Full name of presidential candidate:.....

Occupation:.....

Date:.....

Signature of Presidential Candidate

.....

Signature of Designated Vice-President

We the undersigned, are the three executive members of the.....

.....

(State name of political party nominating candidate)

FORM E

(section 29 (1))

PUBLIC ELECTIONS ACT, 2022

Serial number.....

REGISTRATION OF VOTERS

NOTICE OF OMISSION FROM PROVISIONAL LIST

To: THE REGISTRATION OFFICER.....

I..... hereby give you notice that I object to the omission of my name from the Provisional List of voters for Registration Area No. In Chiefdom/Ward and I claim the right to have my name inserted in the said List as a voter on the following grounds and on the basis of the particulars stated below -

DATED the.....day of20.....

.....
Witness to mark

.....
Signature (or mark)

	REGISTRATION AREA	LOCALITY	
CHIEFDOM/WARD			
STREET ADDRESS			
NAME OF HOUSEHOLD HEAD/INSTITUTION/ FLOATING GROUP			
DWELLING GROUP	HOUSE HOLD	INSTITUTION	HOUSEHOLD
NUMBER	NUMBER	NUMBER	NUMBER
ID CARD FIRST NAME SURNAME	AGE	SEX	RELATIONSHIP

- (g) I am not a person disqualified from practicing a profession in terms of paragraph (g) of subsection (1) of section 76 of the Constitution.
- (h) I am not under sentence of death imposed on me by any court.
- (i) I am not disqualified to be registered as a voter under any law relating to public elections.
- (j) I am not disqualified for election by any law in force in Sierra Leone by reason of my holding or acting in any office the functions of which involve a responsibility for or in connection with the conduct of an election or any responsibility for the compilation or revision of any electoral register.
- (k) I am not a member of a commission established by the Constitution, or, member of the Armed Forces of the Republic, a public officer, or an employee of a corporate body established by an Act of Parliament or out of funds appropriated by Parliament. I have not been in any of the foregoing capacities stated above during past twelve months.
- (l) I am not a chief.
- (m) I am not otherwise disqualified from standing for the election by any law in force in Sierra Leone.

I make this solemn declaration knowing and believing it to be true.

Subscribed and solemnly declared by me.....

.....

.....
Candidate\Ward

Before me

.....

which has nominated the above presidential candidate.

Full name.....

Address:.....

Occupation:.....

Office held in above political party.....

Date.....

.....

Signature

Full name.....

Address:.....

Occupation:.....

Office held in above political party.....

Date.....

.....

Signature

Full name.....

Address:.....

Occupation:.....

Office held in above political party.....

Date.....

.....

Signature

SIXTH SCHEDULE (Section 58 (3))

ELECTION OF MEMBER OF PARLIAMENT

PUBLIC ELECTIONS ACT, 2022

NOMINATION PAPER

Constituency for which candidate seeks election.....

Date of election.....

I, the undersigned, am the candidate to whom this nomination paper relates and I hereby certify that I am willing to stand for election to Parliament as a Member for theConstituency.

I also hereby state that I am qualified, and not disqualified, for election to Parliament in accordance with the requirements of sections 75 and 76 of the Constitution.

Full Name.....

Occupation.....

Address.....

Date.....

Signature:.....

We, the undersigned, are the three nominators of the above candidate, and are voters of the constituency for which this candidate seeks election.

FIFTH SCHEDULE (Section 48 (2) (b))

FORM A

PUBLIC ELECTIONS ACT, 2022

CERTIFICATE OF ELECTION OF PRESIDENT (UNOPPOSED)

Whereas:.....
(Full name of Presidential Candidate)

of.....
(Address)

was a Presidential Candidate at the Presidential Election held on the
.....day of.....day of.....20.....

AND WHEREAS after the close of nomination.....
.....

(Name of candidate unopposed)

was the only candidate nominated for that election:

AND WHEREAS I have accordingly in pursuance of section 49 of the Act Declared
.....
(Name of person elected)

to have been elected President:.....

NOW, THEREFORE, in exercise of the powers conferred on the Returning Officer by paragraph (a) of section 53 of the Public Elections Act, 2012, I hereby certify

that.....
(Name of person elected)

REJECTED BALLOT PAPERS

No. cast for political party/candidate No. (1)

No. cast for political party/candidate No. (2)

■■■■■■■■■■

No. cast for political party/candidate No. (3)

.....

.....

Total

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

Verified by:.....

(1) Full Name.....

Occupation.....

Address.....

Date.....

Signature:.....

(2) Full Name.....

Occupation.....

Address.....

Date.....

Signature:.....

(3) Full Name.....

Occupation.....

Address.....

Date.....

Signature:.....

Certified in the presence of: Assistant Presiding Officer.....

Polling Assistant.....

Polling Agent(s).....

.....

.....

.....

NINTH SCHEDULE (Section (97 (1))

PUBLIC ELECTIONS ACT, 2022

FORM

**NOMINATION PAPER FOR PARAMOUNT CHIEF MEMBER OF
PARLIAMENT**

To: THE ELECTORAL COMMISSION

Through the: DISTRICT RETURNING OFFICER.....

DISTRICT:

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

(1) Name

Address:.....

Chiefdom Council.....

District Returning Officer.

Date

In the presence of-

(1).....Counting Agent

(2).....Counting Agent

(3).....etc.

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

EIGHT SCHEDULE

Section (88 (2))

PUBLIC ELECTIONS ACT, 2022

FORM OF STATEMENT OF RESULT OF POLL

Electoral Region.....Polling Station
No.

Name of Presiding Officer.....

(RECORD OF POLL)

Name of political party No. of ballot cast in favour

1.

2.

3.

4.

- (b) take all reasonable steps to ensure that, all their members, supporters and officials comply with the Code of Conduct in full;
- (c) make an oath or affirmation on the nomination form that they will abide by this Code of Conduct as the basis for acceptance to participate in public elections.

Political parties and independent candidates to affirm rights

3. A political party or candidate shall publicly state that every political party has the right within the limits of the law to -

- (a) freely express their political beliefs and opinions;
- (b) challenge and debate the political beliefs and opinions of others and offer alternatives to those beliefs and opinions;
- (c) publish, distribute and post campaign materials and advertisements;
- (d) erect banners, billboards, placards and posters;
- (e) canvass support for a political party or candidates;
- (f) recruit members for a political party or campaign;
- (g) hold public meetings and rallies; and
- (h) travel and attend public meetings and rallies.

.....Chiefdom

.....

Signature or Mark

(2) Name

Address:.....

Chiefdom Council.....

.....Chiefdom

.....

Signature or mark

(3) Name

Address:.....

Chiefdom Council.....

.....Chiefdom

.....

Signature or mark

Iof..... being Paramount Chief
of theChiefdom of theDistrict
do hereby certify that I am willing to stand for election by the Chiefdom Council

of any power or performance of any duty under this Act and ensure that representatives of political parties and independent candidates attend meetings or other forum convened by the Commission.

Corporation with the media

9. Under media guild lines, every political parties and every independent candidate shall-

- (a) recognise the role of the media before, during and after the elections;
- (b) not prevent access by members of the media to public political meetings, marches, demonstrations and rallies; and
- (c) take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazards, threats or physical assault by any of their representatives or supporters.

Intimidation and coercion

10. A party or an independent candidate shall not -

- (a) intimidate, a person before, during or after an public election; or
- (b) intimate a Paramount Chief or the subjects of a Paramount Chief or any other authority to deny a political party or independent candidate the right of access to a chiefdom for political functions;
- (a) raise a private force or militia or use the police or Armed Forces to intimate its or his opponents so as to gain political or electoral advantage.

4 (1) A political party or independent candidate shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enables the police to make necessary arrangement for controlling traffic and maintaining peace and order.

(2) A political party or independent candidate shall-

- (a) ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting, and;
- (b) if such orders exist, they shall be followed strictly;
- (c) if an exemption is required from such orders it shall be applied for and obtained, well in time.

(3) Organisers of a political meeting shall seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder.

(4) Organisers themselves shall not take action against such persons.

(5) Parties shall denounce violence and cooperate with the law-enforcing agencies in the recovery of weapons of violence and the arrest of persons in possession of weapons of violence.

Prohibited conduct

5. (1) A political party or independent candidate shall not do any of the following -

- (a) use language or act or behave in any way, that may provoke or promote violence during the campaign or intimidation of candidates, members of parties, representatives or supporters of political parties, candidate s or voters;
- (b) deface or unlawfully remove or destroy the posters,

D (1+1) = 2
E (1+1) = 2
F (2+0) = 2

11. In case there is only one seat remaining to be allocated, and two or more parties have the same decimal fraction, the seat will be allocated to the party with the highest elective votes. The elective votes for each of the parties concerned will be obtained by dividing the total party votes (being the total number of votes cast for each party separately) by the number of seats already allocated to the party plus one (the sum being the number of seats the party would obtain overall if one or more seat were to be allocated to it). This scenario is illustrated in the Table below, in which three parties are assumed to have competed for six district seats, with a tie (0.4) in the decimal fractions.

	TOTAL VOTES	RATIO	FIRST ALLO CATIO N	ELECTIVE VOTES IF PLUS 1 SEAT	RANK	FIRST ALLO CATION PLUS	FINAL SEATS
PARTY A	87,7224	2.4	2	29,241 (87,729 ÷ 3)	1 st	2+1	3
PARTY B	80,399	2.2	2			2+0	2
PARTY C	51,165	1.4	1	25,583 (51,165 ÷ 2)	2 nd	1+0	1
DISTRICT	219,288	6	5(1)			5+1	6

Passed in Parliament this 27th day of July, in the year of our Lord two thousand and twenty two.

PARAN UMAR TARAWALLY

Clerk of Parliament.

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

PARAN UMAR TARAWALLY

Clerk of Parliament.

Communication

11. A political party shall maintain communications with other political parties. Safety, Independence, security of electoral officials, accredited observers, etc.

12. A Political parties, their members and supporters and all independent candidates and their supporters shall -

- (a) ensure the safety and security of electoral officials, party agents, accredited observers, ballot boxes and other materials before, during and after a public election;
- (b) respect and cooperate with any election official or & accredited observer in maintaining the secrecy of the voting.

Campaigning

13. A political party or an independent candidate shall not indulge in an activity which may create or aggravate tension between gender, ethnicity, language, class or religious faith.

ELEVENTH SCHEDULE (Sections 45(1), 56(6), 102, 103, 107)

**PUBLIC ELECTIONS ACT, 2022
NOMINATION FEE FORMULAE**

OFFICE	FORMULAE
President	Minimum wage X 12 months X 5 years
Member of Parliament	Minimum wage X 6 months
Paramount Chief Member of Parliament	Minimum wage X 6 months
Mayor or Chairman	Minimum wage X 3 months
Councilor	Minimum wage
Village Head	Half of minimum wage