The Electoral Commission and the Management of Sierra Leone’s Electoral Process: An Introduction

By
Mohamed N. Conteh
PREFACE AND ACKNOWLEDGEMENTS

The book “The Electoral Commission and the Management of Sierra Leone’s Electoral Process: An introduction”, is an introduction to the history of Sierra Leone’s Electoral Management Body (EMB) called The Electoral Commission (EC) or National Electoral Commission (NEC), the country’s experiment with electoral democracy, starting from 1951, and related matters. These include the development of political parties and their role in the electoral process, the history of Sierra Leone’s elections, the history of the institution of chieftaincy and local government structures, as “grass root” governance institutions in the country; and the aspects involved in administering credible democratic elections in general.

The book provides a detailed survey and readable account, in a single volume, on Sierra Leone’s historical, political and electoral developments from colonial days to the present day, using the most extensive research materials. This single volume thus presents the reader with the most up-to-date and authoritative information on major aspects of Sierra Leone’s electoral process.

The book is divided into two major parts: part one (1) deals with the historical context and general considerations on the country’s electoral process. It explores the historical, political and related electoral developments in Sierra Leone; particularly the development of political parties, the history of elections conducted in the country from 1951 to 2008 and the body responsible for conducting them (NEC). Traditional and Local governance structures related to the institution of Paramount Chieftaincy and Local Government, respectively, are also discussed in detail.

Part two (2) treats in detail all the major tasks connected with the actual conduct of Presidential, Parliamentary and Local government elections; staring with the demarcation of electoral boundaries (constituencies and wards), voter registration, candidate nominations, to polling day activities, including the announcement of results.

This humble piece of academic work, comprising major aspects of Sierra Leone’s experiment with electoral democracy (including the challenges) and the best practices in the administration of credible elections in a single volume, will no doubt serve as a useful guide to election managers, stakeholders in the electoral process, both international and local NGOs with interest in the conduct of credible democratic elections. Finally, it is hoped that this piece of academic work will stimulate other researchers and intellectuals to write about elections related topics and democracy in general in Sierra Leone.

Hardly any one writes a book of this kind all alone. In this regard, I owe a lot of gratitude to all those accomplished writers and institutions whose works formed the basis of research in the writing of this publication. I wish specifically to mention the following (out of many of them whose names regrettably am unable to mention here): Arthur Abraham, formally professor of African Studies Fourah Bay College, University of Sierra Leone; C. Magbaily Fyle, Professor of History, also formally of Fourah Bay College, University of Sierra Leone; Dr. Joe A.D. Alie, Associate Professor and formally Head of Department of African Studies, Fourah Bay College, University of Sierra Leone; Carl .W. Dundas, formally of the Commonwealth Secretariat; kwadwo Afari-Gyan, current Chair of the Electoral Commission of Ghana;
International Organizations like the UNDP Sierra Leone Country Office, International Foundation for Electoral Systems (IFES) and the International IDEA.

I am also grateful to the Board members, management and staff of the National Electoral Commission of Sierra Leone (especially Ansu Bangura and Michael Kamara who typed the manuscripts) and senior staff members of the Ministry in charge of Local Government and chieftaincy matters; all of them for their support and encouragement in the writing of this book. This work would indeed not have been possible without the support of the Chief Electoral Commissioner Dr. Christiana Thorpe and my Colleague Commissioners.

Special thanks go to my wife, Agnes Conteh, and children (Fatima, Aisha and Hawa Conteh), who missed my company for most of the time whilst I was busy writing in the office. Additional thanks also go to Ansu Bangura my personal Assistant; Mark Sesay, my driver and Abdulai Kargbo my Security; all of whom patiently waited whilst I spent long hours in the office after official hours.

The views expressed in this publication are solely those of the author and do not necessarily represent the policy of the National Electoral Commission of Sierra Leone (NEC/SL) or any other institution mentioned in the book. Efforts have been made to acknowledge copyright materials, but where inadvertently this is not done, the author will be willing to do so at the earliest opportunity.

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February, 2013
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He is a Sierra Leonean.

Dedication

This work is dedicated to the Board of Commissioners and staff of the Electoral Commission of Sierra Leone political parties and all other stakeholders in the electoral process.

Note

The author is in search of democratic institutions, interested individuals or other elections related INGOs, that are willing to sponsor the publication of this book; as a demonstration of their commitment to the promotion of democratic governance in Sierra Leone.

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<table>
<thead>
<tr>
<th>Acronyms</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAEA</td>
<td>Association of African Election Authorities</td>
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<tr>
<td>ADEO</td>
<td>Assistant District Electoral Officer</td>
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<td>AFRC</td>
<td>Armed Forces Revolutionary Council</td>
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<td>APC</td>
<td>All Peoples Congress</td>
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<tr>
<td>BD</td>
<td>Boundary Delimitation</td>
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<td>BEAC</td>
<td>Basic Electoral Administration Course</td>
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<td>BRIDGE</td>
<td>Building Resources In Democracy, Governance and Elections</td>
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<tr>
<td>CEC/Chair</td>
<td>Chief Electoral Commissioner and Chairperson</td>
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<td>DEO</td>
<td>District Electoral Officer</td>
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<td>DFID</td>
<td>Department for International Development (British)</td>
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<td>EC</td>
<td>Electoral Commission</td>
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<td>EC</td>
<td>European Commission</td>
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<td>ECONEC</td>
<td>ECOWAS Network of Electoral Commissions</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>ELA, 2002</td>
<td>Electoral Laws Act, 2002</td>
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<td>EMB</td>
<td>Electoral Management Body</td>
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<td>EOC</td>
<td>Elections Offences Court</td>
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<td>ERSG</td>
<td>Executive Representative of the (UN) Secretary General</td>
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<td>EU</td>
<td>European Union</td>
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<td>FVR</td>
<td>Final Voters Register</td>
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<td>GoSL</td>
<td>Government of Sierra Leone</td>
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<td>HRMO</td>
<td>Human Resource Management Office (formerly Establishment Secretary’s office)</td>
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<td>I.e.</td>
<td>id est. -“that is”</td>
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<td>Ibid</td>
<td>Ibidem i.e. ‘in the same place’/work as quoted above’</td>
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<tr>
<td>IDEA</td>
<td>Institute for Democratic Electoral Assistance</td>
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<td>IFES</td>
<td>International Foundation for Election Systems</td>
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<td>INEACE</td>
<td>Institute of Electoral Administration and Civic Education</td>
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<tr>
<td>INEC</td>
<td>Interim National Electoral Commission</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>INGO</td>
<td>International Non Governmental Organization</td>
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<td>IT</td>
<td>Information Technology</td>
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<td>JICA</td>
<td>Japan International Cooperation Agency</td>
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<td>LGA, 2004</td>
<td>Local Government Act, 2004</td>
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<td>LPA</td>
<td>Lome Peace Agreement</td>
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<td>MDAs</td>
<td>Ministries, Departments and Agencies</td>
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<td>MIALGRD</td>
<td>Ministry of Internal Affairs, Local Government and Rural Development</td>
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<td>MoFED</td>
<td>Ministry of Finance and Economic Development</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>NEC</td>
<td>National Electoral Commission</td>
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<td>NEC Act, 2002</td>
<td>National Electoral Commission Act, 2002</td>
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<td>NGO</td>
<td>Non Governmental Organization</td>
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<td>NPRC</td>
<td>National Provisional Ruling Council</td>
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<td>ONS</td>
<td>Office of National Security</td>
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<td>Op.cit</td>
<td>“Opere citato” – “in the work cited” (somewhere in this monograph)</td>
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<td>PC</td>
<td>Paramount Chieftaincy/Chief</td>
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<td>PEA-2012</td>
<td>Public Elections Act, 2012</td>
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<td>PPRC</td>
<td>Political Parties Registration Commission</td>
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<td>RUF</td>
<td>Revolutionary United Front</td>
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<td>SLP</td>
<td>Sierra Leone Police</td>
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<td>SLPP</td>
<td>Sierra Leone Peoples Party</td>
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<tr>
<td>SRSG</td>
<td>Special Representative of the (UN) Secretary General</td>
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<tr>
<td>UMANSIL</td>
<td>United Nations Mission in Sierra Leone</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>USAID</td>
<td>United States Aid</td>
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<tr>
<td>VR</td>
<td>Voter Registration</td>
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<td>WANEP</td>
<td>West Africa Network for Peace building</td>
</tr>
</tbody>
</table>
Table of Contents

<table>
<thead>
<tr>
<th>CONTENTS</th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface and acknowledgements</td>
<td>i</td>
</tr>
<tr>
<td>The Author</td>
<td>iii</td>
</tr>
<tr>
<td>Dedication</td>
<td>iii</td>
</tr>
<tr>
<td>Acronyms</td>
<td>iv</td>
</tr>
<tr>
<td><strong>PART: ONE</strong></td>
<td></td>
</tr>
<tr>
<td><strong>HISTORICAL CONTEXT AND GENERAL CONSIDERATIONS ON SIERRA LEONE’S</strong></td>
<td></td>
</tr>
<tr>
<td><strong>ELECTORAL PROCESS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Chapter 1</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Historical Context</strong></td>
<td></td>
</tr>
<tr>
<td>Overview of Historical and Political Developments</td>
<td></td>
</tr>
<tr>
<td>Introduction.</td>
<td>2</td>
</tr>
<tr>
<td>Administrative Divisions.</td>
<td>2</td>
</tr>
<tr>
<td>Ethnic groups.</td>
<td>2</td>
</tr>
<tr>
<td>Background history and major political developments.</td>
<td>3</td>
</tr>
<tr>
<td>Constitutional Developments and Democratic Experience.</td>
<td>4</td>
</tr>
<tr>
<td>Undemocratic Developments.</td>
<td>4</td>
</tr>
<tr>
<td>Military Coups: (21st March 1967 to 26th April 1968).</td>
<td>5</td>
</tr>
<tr>
<td>Conduct of fraudulent elections.</td>
<td>6</td>
</tr>
<tr>
<td>Civil war (23rd March 1991 – 18th January 2002).</td>
<td>6</td>
</tr>
<tr>
<td>Peace Accords/Agreements.</td>
<td>7</td>
</tr>
<tr>
<td>Local Councils</td>
<td>8</td>
</tr>
<tr>
<td>Districts and Chiefdoms.</td>
<td>9</td>
</tr>
<tr>
<td>Government type</td>
<td>9</td>
</tr>
<tr>
<td>The Executive</td>
<td>9</td>
</tr>
<tr>
<td>The Legislature</td>
<td>9</td>
</tr>
<tr>
<td>The Judiciary</td>
<td>10</td>
</tr>
<tr>
<td>Others</td>
<td>10</td>
</tr>
<tr>
<td>Constitution (and legal system)</td>
<td>10</td>
</tr>
</tbody>
</table>
Chapter 2
Introduction to Electoral Management Bodies

Introduction . . . . . . . . . . . . . . . 12
Models of Election Management . . . . . . . . . . . 13
Independent Model . . . . . . . . . . . . . . . 13
Government Model . . . . . . . . . . . . . . . 13
Mixed Model . . . . . . . . . . . . . . . 13
Guiding Principles of Elections Management . . . . . . . . . . . 14
Election Management Bodies (EMBs) in Sierra Leone . . . . . . 16
The Political Parties Registration Commission (PPRC) . . . . . . 16
The Electoral Commission (EC) . . . . . . . . . . . 16

Chapter 3
History of Electoral Administration and the Electoral Commission of Sierra Leone

Introduction . . . . . . . . . . . . . . . 17
History of electoral management: 1951 – 1961 . . . . . . . . . 17
Profile of the Electoral Commission (EC) . . . . . . . . . 18
Establishment . . . . . . . . . . . . . . . 18
Composition . . . . . . . . . . . . . . . 19
Appointment of Commissioners and Related Matters . . . . . . 19
Qualifications for members of the Electoral Commission . . . . 20
Disqualifications for members of the Electoral Commission . . . 20
Organizational Structure of the EC: 1961 – 2010 . . . . . . . . 21
Independence of the EC . . . . . . . . . . . 23
Functions of the Electoral Commission . . . . . . . . . . . 23
Proceedings or internal Operations of the Commission . . . . . 24
Major Activities of INEC . . . . . . . . . . . . . . 28
Creation of a new National Electoral Commission (NEC) . . . 28
Changes in the membership of the NEC: January 2004 – September, 2005 . . . . . . . . . . . . . . 30
Aftermath of the 2004 local government elections and NEC’s restructuring process . . . . . . . . . . 31
Resignation of Mr. Eugene Davies as the Chairman of NEC . . 32
Restructuring process of the Electoral Commission . . . . . 33
Christiana Thorpe Appointed Chairperson of NEC:
May 2005- May, 2010 . . . . . . . . . . . . . . . . . 36
Further Changes in the Membership of NEC (June 2006 – March 2008) and aftermath of the 2007 elections . . . . 37
Cancellation of 477 Polling Station Results in the 2007 Presidential run off elections and the Replacement of two Commissioners . . 38
Summary of Principal steps in the SLPP vs. NEC case . . . . 40
Comments on the SLPP vs. NEC case . . . . . . . . 42
Changes in the membership of the Commission:
March 2008-2011. . . . . . . . . . . . . . . . . . 42
Dr. Christiana Thorpe re-appointed as Chair of NEC for a second five year term: 5th July 2010 – 4th July 2015 . . . . 45
The Electoral Commission and electoral networking: 2005-2010 . 45
Electoral reform measures in the management of elections in Sierra Leone . . . . . . . . . . . . . . . . . 46
Conclusion on the Electoral Commission as an Independent EMB. . 47
Challenges of the restructured NEC . . . . . . . . . . . . . 48

Chapter 4

Features and Legal Framework of Sierra Leone’s Electoral Process
Provision of fundamental human rights . . . . . . . . . . . 49
Existence of two Independent Electoral Management
Chapter 5


Introduction and Background information to Political

Party formation .................................................. 56
Proposal for Constitutional Changes ......................... 57
Political Parties Are Formed:

The National Council of the Colony of Sierra Leone .......... 58
The Sierra Leone People’s Party .................................. 59

The United Front, Independence and the formation of the All Peoples Congress (APC) .................... 61

Multi-Party Referendum and the Emergence of


Registration of political parties by the Interim

National Electoral Commission (INEC) for the
1996 Presidential and Parliamentary elections . . . . 63
Legal Status of Political Parties in Sierra Leone:
Constitutional Provision for the formation of Political Parties. . 65
Requirements for the registration of political parties by the
Political Parties Registration Commission (PPRC) . . . . 66
The Functions of Political Parties in the Electoral Process . . 66
Shaping the political will of Sierra Leoneans during
political campaigning . . . . . . . . 68
Agent for the dissemination of information on national issues. . 68
Provision of leadership for national elections. . . . . 69
Observation of the Election Process. . . . . . . 69
Conclusion . . . . . . . . . . . . . . . . . . . . . . . . 70

Chapter 6
Types of Public Elections in Sierra Leone and Electoral systems
used to conduct them.
Introduction . . . . . . . . . . . . . . . . . . . . . . . 71
Types of Elections in Sierra Leone . . . . . . . . . . . 71
Presidential Election . . . . . . . . . . . . . . . . . . . 71
Parliamentary Elections (Ordinary Members of Parliament) . . 71
Parliamentary Elections: Paramount Chief Members of
Parliament Elections (PCMP) . . . . . . . . . . . . . 72
Paramount Chieftaincy Election . . . . . . . . . . . . . 72
Local Council Elections . . . . . . . . . . . . . . . . . 72
Bye–Election . . . . . . . . . . . . . . . . . . . . . . . 73
Referendum . . . . . . . . . . . . . . . . . . . . . . . 73
Other elections . . . . . . . . . . . . . . . . . . . . . . . 73
Electoral Systems:
Definition of Electoral System . . . . . . . . . . . . . 74
Types of Electoral Systems used in Sierra Leone . . . . . . . 74
First-past-the-post system . . . . . . . 74
Proportional Representation National List (PRNL) system . . 75
District Block Representation System . . . . . 75
Two–Round System for presidential elections . . . . 76

Chapter 7

History of Elections in Sierra Leone: 1951-2008

Introduction . . . . . . . . . . . . . . . . . 77
Pre – Independence Elections . . . . . . . . . 77
The 1951 General Elections . . . . . . . . . 77
The 1957 General Elections . . . . . . . . . 78
Post – Independence Elections . . . . . . . . . 78
The 1962 General Elections . . . . . . . . . 78
Analysis of the 1962 elections . . . . . . . . . 80
The 1967 General Elections . . . . . . . . . 80
Analysis of the 1967 elections . . . . . . . . . 82

Undemocratic Elections, during the period 1973-1986
(1973, 1977, 1982 and 1986 elections) . . . . . . . 83
The 1973 General elections . . . . . . . . . 83
Analysis of the 1973 General elections . . . . . . . 84
The 1977 General elections . . . . . . . . . 85
The 1982 General elections . . . . . . . . . 85
The 1986 General elections . . . . . . . . . 85
Transition elections from military to civilian rule:
The 1996 Presidential and Parliamentary Elections . . . . . 86
Introduction. . . . . . . . . . . . . . . . . . 86
Results of the 1996 elections . . . . . . . . . 86
Post – conflict elections:
Presidential and Parliamentary Elections of the 14th May 2002. . 87
Introduction . . . . . . . . . . . . . . . . . 87
Preparations for the elections . . . . . . . . . 88
Electoral Process:
Voter registration, Nominations, Campaign and
Election Day activities. . . . . . . 89
Voter Registration. . . . . . . . 89
Candidate Nomination . . . . . . . 90
Campaign . . . . . . . . . . . . 91
Special Voting day for the forces . . . . . . . 91
Elections Day . . . . . . . . . . . . 91
Results of the 2002 elections . . . . . . . 92
Results of 2002 Parliamentary Elections. . . . . . . 93
Results of the 2002 Presidential Election . . . . . . . 93
Elections for Paramount Chief Members of Parliament (PCMP’s). . 94
Nomination . . . . . . . . . . . . 94
Election / Polling day . . . . . . . . . . . . 95
Local Government Elections: 22nd May 2004 . . . . . . . 96
Introduction . . . . . . . . . . . . 96
Reintroduction of Local Government . . . . . . . 96

Presidential, Parliamentary elections of 2007 and
Local Government elections of 2008 . . . . . . . 97
Conclusion . . . . . . . . . . . . 97

Chapter 8

The Institution of Paramount Chieftaincy and its Electoral Process in Sierra Leone
History of Chieftaincy in Sierra Leone . . . . . . . . . . . . . 105

Political hierarchy in the institution of chieftaincy and restraints on the
misuse of powers by pre-colonial chiefs . . . . . . . . . . . . . 106
Political hierarchy . . . . . . . . . . . . 106
Checks and balances in Pre-colonial political systems . . . . . . . 107
Chieftaincy under colonial rule and the introduction of
the title paramount chief . . . . . . . . . . . . . . 108
paramount chieftaincy is guaranteed under colonial rule and
changes in chiefdom administration . . . . . . 110
Decline in the authority and powers of Paramount Chiefs . . . 112
Colonial Treaties of Friendship . . . . . . 113
The Proclamation of the Protectorate and its effects: 31st August 1896. . 114
The rise of Protectorate Enlightened Elites and misuse of power by
some Paramount Chiefs. . . . . . . . 115
The Introduction of Party Politics in the Colony and Protectorate
and Its Effects on Paramount Chiefs. . . . . . . 117
Power Struggle between Paramount Chiefs and Other
Personnel in the Locality . . . . . . . 118
Legal Framework for the Institution of Paramount Chiefthaincy. . . . 120
The Constitution of Sierra Leone 1991 . . . . . . 120
The Chieftaincy Act 2009 (Act No. 10 of 2009). . . . . . 120
Other legislation . . . . . . . . . . 121
The Provinces Act (Cap. 60 of the Laws of Sierra Leone). . . . . 121
Chiefdom Council Act of 1st January 1938 (Act No. 20 of 1938,
Cap. 61 of the Laws of Sierra Leone). . . . . . . 121
Stages in the Election of a Paramount Chief . . . . . . 122
Date for the Election of Paramount Chief (section 2 of
The Chieftaincy Act, 2009). . . . . . . . 122
Traditional and customary practices preceding the conduct of
paramount chieftaincy election. . . . . . . . 123
Revision of Chiefdom Councillors List (Section 4
of the Chieftaincy Act, 2009). . . . . . . . 123
Composition of the Chiefdom Councillors List . . . . . . 123
Office holders in the Chiefdom. . . . . . . 124
Selected or elected Chiefdom Councillors. . . . . . 124
Functions of Chiefdom Councillors . . . . . . . . 124
Appointment of Assessor chiefs (Section 11 of the Chieftaincy Act 2009). . 125
Functions of Assessor Chiefs (Section 12 of the Chieftaincy Act, 2009). . 126
Process of candidate selection or Declaration of Rights
(Sections 5 and 13 of the Chieftaincy Act, 2009). . . . . . 127
Qualifications of the Candidates (Section 8 of the Chieftaincy Act 2009). . 127
Disqualifications (Section 9 of the Chieftaincy Act, 2009). . . . . 127
Determination of eligible candidates . . . . . . . . 128
Objections (Section 13 (2) and (3) of the Chieftaincy Act, 2009). . . . 129
Aspirant and Candidature Fees: (Sections 13(1) and
14 of the Chieftaincy Act, 2009). . . . . . . . . 129
Selection of Symbols (Section 14(2) of the Chieftaincy Act 2009). . . . 129

Electoral System and Procedures for Paramount Chieftaincy

Election (Section 15 of the Chieftaincy Act, 2009). . . . . 130
Conduct of the PC Election(s) . . . . . . . . . 131
Manner of Voting. . . . . . . . . . . . . . . 131
Counting of the Votes and the Declaration of Results at the Polling Station. . 132

Election Offences in a Paramount Chieftaincy Election. . . . . 133

Election Offences. . . . . . . . . . . . . . . 133

Other Offences (sections 30 & 31 of the Chieftaincy Act, 2009). . . . 134

Penalty for offences. . . . . . . . . . . . . . . 134

Challenging the Validity of a Paramount Chieftaincy Election

(Section 18 of the Chieftaincy Act, 2009). . . . . . . . 134
Post Election Activities and Chiefdom Administration. . . . . 135

Signing of a Declaration and Recognition of the New Paramount Chief. . 135

Crowning or installation ceremonies of the new Paramount Chief. . . . 136

Chiefdom Administration. . . . . . . . . . . . . . . 137

Duties/Functions of Paramount Chiefs. . . . . . . . . 138

Court Chairmen. . . . . . . . . . . . . . . 140

Paramount Chief Members of Parliament Election and General

Conclusion on Chieftaincy. . . . . . . . . . . . . . . 140

Introduction. . . . . . . . . . . . . . . . 140

General Conclusions on chieftaincy. . . . . . . . . . 141
Chapter 9

Decentralization and Local Government in Sierra Leone

Some General Considerations

Meaning and types of Decentralization. . . . . 141
Administrative Decentralization. . . . . . . . . 141
Political Devolution.. . . . . . . . . . . . . . . 141
Meaning of Local Government. . . . . . . . . 142
Reasons/Importance of Local Government. . . . . 142

History and Structure of Local Government in Sierra Leone. . . . . 143
Origin of Local Government . . . . . . . . . . 144
Local Government Structure (Colonial Era upto 2004). . . . . 146
The Current Structure of Local Government (2004 - 2012). . . . . 147

General Composition of Local Councils. . . . . . . . 148
Local Government in the Western Area. . . . . . . . 148
Freetown City Council (FCC) . . . . . . . . . . . . 148
Composition . . . . . . . . . . . . . . . . . . . . . 148
Functions / Duties. . . . . . . . . . . . . . . . . . . . . 149
The Western Area Rural District Council. . . . . . . . 150

Overview of Local Government in the Provinces. . . . . . . . 151
City Councils. . . . . . . . . . . . . . . . . . . . . 151
District Councils: Historical Development. . . . . . 151
Changes in District Councils and their Composition. . . . . 152

Functions of District Councils. . . . . . . . . . . . 152

Town Councils: Historical Development (Town Councils
(now transformed into City Councils). . . . . . . . . . . 152
Composition. . . . . . . . . . . . . . . . . . . . . 152
Chiefdom Administration. . . . . . . . . . . . . . . 153
Membership and Functions. . . . . . . . . . . . . . . 154

Evolution of the Legal Framework for Local government. . . . . 154
Re-Introduction of Representative Local Government Bodies 2004 . . 156
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task Force on Decentralization and Local Governance.</td>
<td>157</td>
</tr>
<tr>
<td>Consultation Issues.</td>
<td>158</td>
</tr>
<tr>
<td>Local Government Electoral Process.</td>
<td>160</td>
</tr>
<tr>
<td>Historical Background.</td>
<td>160</td>
</tr>
<tr>
<td>General Considerations on the mode of local Government Election Systems/Choices.</td>
<td>161</td>
</tr>
<tr>
<td>Conduct of Local Council Elections in Sierra Leone.</td>
<td>162</td>
</tr>
<tr>
<td>Institutional Structures and Number of Elections.</td>
<td>163</td>
</tr>
<tr>
<td>Western Area (2 Localities).</td>
<td>163</td>
</tr>
<tr>
<td>Eastern Province (5 Localities).</td>
<td>163</td>
</tr>
<tr>
<td>Northern Province (6 Localities).</td>
<td>164</td>
</tr>
<tr>
<td>Southern Province (6 Localities).</td>
<td>164</td>
</tr>
<tr>
<td>Qualifications for local council elections are.</td>
<td>166</td>
</tr>
<tr>
<td>Disqualifications.</td>
<td>166</td>
</tr>
<tr>
<td>Selected Issues on Elected Local Councils.</td>
<td>167</td>
</tr>
<tr>
<td>Local Government Finance.</td>
<td>167</td>
</tr>
<tr>
<td>Transferred Resources.</td>
<td>167</td>
</tr>
<tr>
<td>Local Own Revenues.</td>
<td>167</td>
</tr>
<tr>
<td>Revenue Sources for Local Councils.</td>
<td>168</td>
</tr>
<tr>
<td>Revenue Sources for District Councils.</td>
<td>169</td>
</tr>
<tr>
<td>Revenue Sources Available to Chiefdom Administrations.</td>
<td>169</td>
</tr>
<tr>
<td>The Committee System in Local Government.</td>
<td>169</td>
</tr>
<tr>
<td>Staffing of Local Councils.</td>
<td>170</td>
</tr>
<tr>
<td>Control of Local Government.</td>
<td>171</td>
</tr>
<tr>
<td>Legislative Control.</td>
<td>171</td>
</tr>
<tr>
<td>Financial Control.</td>
<td>171</td>
</tr>
<tr>
<td>Administrative Control.</td>
<td>172</td>
</tr>
<tr>
<td>Judicial Control.</td>
<td>172</td>
</tr>
<tr>
<td>Conclusion.</td>
<td>173</td>
</tr>
</tbody>
</table>
PART TWO: MAJOR ASPECTS OR PHASES OF THE ELECTORAL PROCESS.

Chapter 10

Electoral Boundaries delimitation

Introduction (Some General Considerations) 175
Definitions 175
Criteria to be considered in the delimitation of electoral boundaries: constituencies, wards, etc. 176
Guiding principles for good electoral boundary delimitation 177
Overview of the delimitation process 178
Boundary Delimitation Authority 178
Legal framework for the delimitation of constituencies 178
Justification for dividing the country into constituencies for the 2007 parliamentary elections 179
Legal Framework for Delimiting Ward Boundaries 180
Justification for drawing new wards prior to the 2008 Local Government elections 180
Government elections 180
Stages in the electoral boundary delimitation process 181
Action by Parliament 181
Establish a methodology and collect necessary information for delimiting electoral boundaries 182
The actual delimitation of electoral boundaries 184
Public consultations with stakeholders on the delimited electoral Boundaries 185
Parliamentary approval of electoral boundaries 186
Publication of approved electoral districts 186
Chapter 11
Franchise and voter Registration Process

Meaning and types of franchise. 190

Historical Background to the Development of the Franchise in Sierra Leone. 191

Electoral Changes: The Keith-Lucas Commission. 191

Overview of Voters Registration. 192

Legal framework for voter registration. 193

Meaning of, and guiding principles for, Voters Registration. 194

Purposes of voter registration/ Importance of the voters register. 195

Prevent electoral/voter fraud. 195

To identify all qualified voters and enable them to vote at an election. 196

To support other functions of the electoral system. 196

Voter registration systems and methods. 196

Voter Registration Systems. 196

Voters’ registers are prepared using any one of the following systems. 197

The following are some of the advantages of the periodic registration system. 197

The system is not without disadvantages. Amongst such disadvantages. 198

Continuous registration has the following merits. 199

Methods of voters registration. 204
Compilation of provisional voters register (PVR).  213

Exhibition of the Provisional Voters’ Register (PVR).  213

Rejections, Objections and Revision procedures.  214

Final voters register (FVR).  216

Structure of the Final Voters Register (FVR) and its maintenance.  216

**Chapter 12**

**Candidate Nominations Process**

Introduction.  217

Date and Time for Nomination of Candidates.  217

Overview of the Nomination Process for Parliamentary and Local Council Elections.  217

Publication of List of Provisionally nominated Candidates.  218

Objections to Nomination of Candidates.  218

Nomination procedures for candidates for members of Parliament.  219

Eligibility Criteria For Parliamentary Elections.  219

Process of Nomination.  219

Nomination Steps.  220

Independent parliamentary candidates.  221

Posting of Provisionally Nominated Candidates.  221

Objections and appeals.  221

Common Grounds for Objections.  222

Decision of an Objection.  222
Publication of the Final List of Candidates. . . . . . . . . 222
Death of a Nominated Candidate. . . . . . . . . . 223
Withdrawal of Nominated Candidate. . . . . . . . . . 223

Chapter 13
Polling Process

Introduction. . . . . . . . . . . . . . . . . . . 234
Preparations for Polling Day Activities. . . . . . . . 234
Preparation of Election Budget, And the Procurement of Election Materials and Supplies. . . . . . . . . 235
Recruitment of Elections Personnel. . . . . . . . . 236
Training of Elections Personnel. . . . . . . . . . 237
Functions of the Various Polling Day Staff. . . . . . . 237
Returning Officer. . . . . . . . . . . . . . . . . . . 237
Assistant Returning Officer (A.R.O). . . . . . . . . 237
Presiding Officer (P.O). . . . . . . . . . . . . . 237
Polling Assistant (P.A.). . . . . . . . . . . . . . 238
Counting Officer (C.O). . . . . . . . . . . . . . 238
Polling Agent (P.A.). . . . . . . . . . . . . . . 238
Selection of Polling Stations. . . . . . . . . . . . . 238
Voter Education. . . . . . . . . . . . . . . . . . . 240
Preparation and Distribution of Polling Day Logistics. . . . . . . . . 240
Election Campaign. . . . . . . . . . . . . . . . . . 241
Polling Day Activities. . . . . . . . . . . . . . . . 241
Opening of the Polling Station. . . . . . . . . . . . . 242
Voting Process. 243
Manner of Voting. 243
Closing of the Poll. 245
Counting, Tabulation of Votes and Announcement of Results. 245
Procedure for Counting Of Votes. 245
Rejection of Void Ballot Papers. 245
Duties of the Counting Officer after the Counting of Votes. 247
Certification and Publication of Election Results. 248

Chapter 14

Introduction 250
Background. 250
Objectives and strategies. 250
Legal and organizational framework. 252
Legal Framework. 252
Regulations. 252
Candidate Eligibility. 252
President 252
Parliament. 252
Presidential election. 253
Members of Parliament elections. 253
Constituencies. 253
Organizational Framework. 253
The National Electoral Commission. 253
Board of commissioners. 253
Administrative Division. 254
Administration. 254
Operations. 254
Field Coordination. 254
District Electoral Offices. 254
Constituency Election Monitors. 255
Polling Staff. 255
Recruitment of NEC Staff, including women candidates. 255
Persona non-grata. 255
International Electoral Assistance. 256
UN Electoral Assistance Team. 256
UN District Electoral Advisers. 256
Voter Registration. 256
Operational Overview. 256
Registration Overview. 256
Purpose of Voter Registration. 256
Summary of voter registration. 257
Exhibition. 257
Inquiry process. 257
Preparations of Electoral Participants. 257
Involvement of Stakeholders. 257
Voter Education and strategy. 257
Staffing. 258
Key Messages. 258
Target Audience. 258
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political Parties, Independent candidates and the nomination process</td>
<td>258</td>
</tr>
<tr>
<td>Electoral observers</td>
<td>259</td>
</tr>
<tr>
<td>Media</td>
<td>259</td>
</tr>
<tr>
<td>Women</td>
<td>259</td>
</tr>
<tr>
<td>Political Campaign period and code of election campaign ethics</td>
<td>259</td>
</tr>
<tr>
<td>Polling and Counting Preparations</td>
<td>260</td>
</tr>
<tr>
<td>Voting Overview</td>
<td>260</td>
</tr>
<tr>
<td>Preparations</td>
<td>261</td>
</tr>
<tr>
<td>Nomination of Candidates</td>
<td>261</td>
</tr>
<tr>
<td>Presidential and Parliamentary Nominations</td>
<td>261</td>
</tr>
<tr>
<td>Submission of Nominations</td>
<td>261</td>
</tr>
<tr>
<td>Nomination Procedures</td>
<td>261</td>
</tr>
<tr>
<td>Key dates in the nomination process</td>
<td>262</td>
</tr>
<tr>
<td>Definition and Procurement of Materials</td>
<td>262</td>
</tr>
<tr>
<td>Material Requirements</td>
<td>262</td>
</tr>
<tr>
<td>Sensitive and Non-sensitive Materials</td>
<td>263</td>
</tr>
<tr>
<td>Support Materials</td>
<td>263</td>
</tr>
<tr>
<td>Sensitive Materials</td>
<td>263</td>
</tr>
<tr>
<td>Ballot Boxes</td>
<td>263</td>
</tr>
<tr>
<td>Final Voters Roll</td>
<td>263</td>
</tr>
<tr>
<td>Polling station kits</td>
<td>264</td>
</tr>
<tr>
<td>Polling Center Kits</td>
<td>264</td>
</tr>
<tr>
<td>Ballot Papers</td>
<td>264</td>
</tr>
<tr>
<td>Non-Sensitive Materials</td>
<td>264</td>
</tr>
<tr>
<td>Voting screens</td>
<td>265</td>
</tr>
</tbody>
</table>
Training Kits.. . . . . . . . . . . . . . . 265
Voter Information Materials. . . . . . . . . . . . . . 265
Preparation, Receipt and Storage of Materials. . . . . . . 265
Storage Facilities. . . . . . . . . . . . . . . 265
Security. . . . . . . . . . . . . . . . . . . . . . 265
Receipt of Materials. . . . . . . . . . . . . . . 265
Packaging of Materials. . . . . . . . . . . . . . . 266
Packing Plan. . . . . . . . . . . . . . . . . . . . . . 266
Polling Center Kits. . . . . . . . . . . . . . . . . . 266
Polling station kits. . . . . . . . . . . . . . . . . . 266
Labeling of Materials. . . . . . . . . . . . . . . . . . 266
District-level Storage. . . . . . . . . . . . . . . . . . 267
Constituency Storage. . . . . . . . . . . . . . . . . . 267
Storage at Polling Centers. . . . . . . . . . . . . . . . . 267
Checking kits at district. . . . . . . . . . . . . . . . . . 267
Materials to be Stored. . . . . . . . . . . . . . . . . . 267
Movement of Materials. . . . . . . . . . . . . . . . . . 268
Movements. . . . . . . . . . . . . . . . . . . . . . . . 268
Movement Planning. . . . . . . . . . . . . . . . . . . . 268
Movement Plans. . . . . . . . . . . . . . . . . . . . . . 268
Movement Guideline. . . . . . . . . . . . . . . . . . . . 268
District Movement Plans. . . . . . . . . . . . . . . . . . 268
Resource Requirements. . . . . . . . . . . . . . . . . . 269
Trucks. . . . . . . . . . . . . . . . . . . . . . . . . . . . . 269
4x 4 Vehicles. . . . . . . . . . . . . . . . . . . . . . . . 269
Air Support

Finalization of Requirements

Security

Polling and Counting Materials Movement Schedule

Unscheduled Movements

Preparation of NEC Facilities

Operations Center

Data Processing Center

Tally Center

Media Center

Preparation of Polling Centers

Polling Centers and polling stations

Voters per Polling Center

Consolidation of Voter Registration Centers

Additional polling locations

Satellite polling centers

Polling centers per district

Confirmation of polling center locations

Polling Center Coding

Communications Planning

Definition of Communications Requirements

Communications Plan

Communications Prior to Polling

Communications for Polling

Communications for Counting

xxvii
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communications Equipment</td>
<td>275</td>
</tr>
<tr>
<td>Definition of Procedures, Guidelines and Plans</td>
<td>275</td>
</tr>
<tr>
<td>Procedures Development</td>
<td>275</td>
</tr>
<tr>
<td>Polling and Counting Procedures Manuals</td>
<td>275</td>
</tr>
<tr>
<td>Guidelines and Plans</td>
<td>276</td>
</tr>
<tr>
<td>Definition of Polling Staff Responsibilities</td>
<td>276</td>
</tr>
<tr>
<td>Polling Station Staff Structure.</td>
<td>276</td>
</tr>
<tr>
<td>Counting Staff</td>
<td>276</td>
</tr>
<tr>
<td>Polling Center Staff Structure</td>
<td>277</td>
</tr>
<tr>
<td>Polling center staff responsibilities</td>
<td>277</td>
</tr>
<tr>
<td>Recruitment and Payment of Polling Staff</td>
<td>278</td>
</tr>
<tr>
<td>Overall Polling Staff Levels</td>
<td>278</td>
</tr>
<tr>
<td>Recruitment of Polling Staff</td>
<td>278</td>
</tr>
<tr>
<td>Assignment</td>
<td>278</td>
</tr>
<tr>
<td>Women applicants</td>
<td>279</td>
</tr>
<tr>
<td>Contract dates</td>
<td>279</td>
</tr>
<tr>
<td>Payment of Polling Staff</td>
<td>279</td>
</tr>
<tr>
<td>Training of Polling Staff</td>
<td>279</td>
</tr>
<tr>
<td>Training Strategy</td>
<td>279</td>
</tr>
<tr>
<td>HQ Training</td>
<td>279</td>
</tr>
<tr>
<td>District Training</td>
<td>280</td>
</tr>
<tr>
<td>Polling Staff Training</td>
<td>280</td>
</tr>
<tr>
<td>Training Schedule</td>
<td>280</td>
</tr>
<tr>
<td>Training materials</td>
<td>281</td>
</tr>
<tr>
<td>Staff Deployment</td>
<td>281</td>
</tr>
<tr>
<td>Voter Information Campaign</td>
<td>281</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Voter Information.</td>
<td>281</td>
</tr>
<tr>
<td>Key Messages.</td>
<td>281</td>
</tr>
<tr>
<td>Preparations for Counting and Tallying of Results</td>
<td>281</td>
</tr>
<tr>
<td>Counting</td>
<td>281</td>
</tr>
<tr>
<td>Tallying</td>
<td>282</td>
</tr>
<tr>
<td>Polling Operations</td>
<td>282</td>
</tr>
<tr>
<td>Preparations prior to polling.</td>
<td>282</td>
</tr>
<tr>
<td>Overview of Polling Process</td>
<td>282</td>
</tr>
<tr>
<td>Commencement of Polling</td>
<td>282</td>
</tr>
<tr>
<td>Voting</td>
<td>283</td>
</tr>
<tr>
<td>Exceptional Cases</td>
<td>283</td>
</tr>
<tr>
<td>Security at Polling Centers</td>
<td>283</td>
</tr>
<tr>
<td>Suspension of Polling</td>
<td>283</td>
</tr>
<tr>
<td>Counting, Tallying and Announcement of Results</td>
<td>284</td>
</tr>
<tr>
<td>Preparations for Counting</td>
<td>284</td>
</tr>
<tr>
<td>Overview of the Counting Process</td>
<td>284</td>
</tr>
<tr>
<td>Transmission of Results</td>
<td>284</td>
</tr>
<tr>
<td>Tallying and Announcement of Results</td>
<td>285</td>
</tr>
<tr>
<td>Retrieval of Materials</td>
<td>285</td>
</tr>
<tr>
<td>Electoral Security</td>
<td>285</td>
</tr>
<tr>
<td>Security Coordination</td>
<td>285</td>
</tr>
<tr>
<td>Security Planning</td>
<td>286</td>
</tr>
<tr>
<td>Security Assessments</td>
<td>286</td>
</tr>
<tr>
<td>NEC Facilities.</td>
<td>286</td>
</tr>
<tr>
<td>Field Activities</td>
<td>286</td>
</tr>
<tr>
<td>Polling Center Security</td>
<td>286</td>
</tr>
</tbody>
</table>
PART ONE
HISTORICAL CONTEXT AND GENERAL CONSIDERATIONS ON SIERRA LEONE’S ELECTORAL PROCESS
CHAPTER 1

HISTORICAL CONTEXT

Overview of Historical and Political Developments

Introduction: This chapter provides only the basic, but important general information on major aspects of Sierra Leone’s development from a Colony to an independent and sovereign state (e.g. its history, social, political and economic developments).

Location/Geography: Sierra Leone is situated on the west coast of Africa (between 6th and 10th degree north latitude, and 10° and 14° west longitude) and is bordered on the south and south – east by the Republic of Liberia, the Republic of Guinea on the north and the Atlantic ocean on the south-west. The total land area is nearly 74,000 square kilometers (or 27,925 square miles).

Capital: The capital is Freetown, located on the Sierra Leone peninsula. It was founded in 1787 as a settlement for freed slaves. It has a beautiful natural harbour through which most imports and exports pass.

Administrative Divisions

Sierra Leone is divided into four administrative regions: three provinces (North, East, and South) and the Western Area where Freetown, the capital is located. The Resident Minister (who is the political head) and a Provincial Secretary (who serves as the regional administrative head) perform the work of the central government in running each of the provinces. A District Officer (D.O), appointed by the central government, ran the district administration from colonial days to 2004. However, following the 2004 Local Government elections, the office of the DO was abolished and replaced with the elective office of the District Council Chairperson. The All People’s Congress (APC) administration, led by the President Dr. Ernest Bai Koroma, brought back the office of the DO in each of the provincial Districts on the 10th June, 2011.

Ethnic groups

Sierra Leone has up to 17 ethnic groups: Mende, Temne, Limba and Kono being the largest. Others are Creole, Bullom, Sherbro, Madingo, Krim, Susu, Vai, Kissy, Yalunka, Fullah, Koranko, Loko, and Gola.
Background history and major political developments

In 1462 Pedro Da Cintra, who was a Portuguese navigator, named the area around the coast (Freetown Peninsula) Serra Lyoa. Thus, the name Sierra Leone comes from a mixture of Portuguese and Italian words “Serra Lyoa”, meaning “Lion Mountains”. This was an apparent reflection of the shape of the mountain ranges on the peninsula as seen then by the early explorers.

The Sierra Leone Colony (Freetown) was later founded in 1787 as a “Province of Freedom”, on the Sierra Leone peninsula by Christian philanthropists. It was established for mostly freed slaves from Britain commonly called “the Black Poor” ex-service men of the British Crown in the American War of independence; and later “recaptured” slaves from slave traders along the Bay of Guinea.

In the words of Arthur Porter, the Colony of Sierra Leone.

“Was conceived as a home for Negroes whose ancestors had been forcibly transported to Europe and the New World for one reason or another, primarily as slaves to work in the plantations, cotton fields and big houses of their masters”.

Thus, different groups of freed slaves (including the aforementioned ex-servicemen of the British Crown in the American war of Independence) were sent to Sierra Leone starting from 1787. Of these, the following were of immense importance to the later development of the Colony (Porter, 1963):

- The “Black Poor” who arrived in 1787, were a group of ex-slaves, among others, who had lived in and around London.
- The Nova Scotians, who arrived in 1792, were former American slaves who, having sided with Britain in the American War of Independence, were first sent to Nova Scotia in Canada and later to Sierra Leone following the defeat of Britain in the said war.
- The Maroons arrived in 1800. These were former slaves who had revolted against their British masters in Jamaica, and were forcibly sent to Nova Scotia by the British government.
- The Recaptives were a group of captured Africans who, while on their way to slavery in the “New world”, were recaptured and set free in Freetown, following the passing of the Anti-slave Trade Act of 1807.

---

The first form of British administration in the Sierra Leone Colony (after the failure of the first settlement at Granville town, called Province of Freedom) was company rule by the "Sierra Leone Company". In other words, control of the Colony was vested by a Royal Charter in the hands of the Board of Directors of the Sierra Leone Company, which was founded in London in 1791 to trade with the Sierra Leone Colony. This was after the failure of the first settlement at Granville Town, called Province of Freedom, and the British government's refusal to re-fund the province. The Board of Directors appointed a Governor with legislative powers and an advisory council to administer the Colony.

As a result of difficulties faced by the Sierra Leone Company (i.e. inadequate finance, insecurity due to, among others, frequent classes with the neighbouring Temne), the settlement was declared a Crown Colony in 1808 and its inhabitants were given the status of British subjects. Britain declared the Sierra Leone hinterland (i.e. the greater part of the country) a Protectorate in 1896. Both the Crown Colony and the Protectorate constitute what is called Sierra Leone today.

**Constitutional Developments and Democratic Experience**

Constitutional developments took place from 1863 until the country gained independence on 27th April 1961 and a Republican status on 19th April 1971. Sierra Leone was declared a one party state in 1978 under the All People's Congress (APC) party, following a referendum which approved a one-party constitution. Another referendum held in August 1991 approved a new constitution, which became the 1991 multi-party constitution.

Sierra Leone’s experience with western democracy (that is, electoral democracy and political party pluralism) goes back to 1951, with the formation of true political parties and the holding of the first general elections under the tutelage of the colonial power, Britain. General and Local Government elections have since been conducted from 1951 to 2008; some “free and fair”, while others were not “free and fair” (especially elections conducted during the period 1973–1986).

**Undemocratic Developments**

Sierra Leone’s democratic experience had been intermittently halted by military coups and other undemocratic developments, as follows:
Military Coups: (21st March 1967 to 26th April 1968)

Following the 1967 elections, which were won by the APC, the Army led by Brigadier David Lansana took over power through a military coup. This military action prevented Siaka Stevens (leader of the APC) from initially taking power. Following his defeat in the said elections, the incumbent, Sir Albert Margai and other Sierra Leone People’s Party (SLPP) leaders, to use the words of Jimmy D Kandeh, “prevailed upon the army commander at the time to seize power and declare martial law. This military intervention prevented a smooth transfer of power from one political party to the other and represented a major reversal in the country’s nascent democratic fortunes.” An Army mutiny by senior officers ousted Brigadier Lansana on the 23rd March 1967 and formed the National Reformation Council (NRC). A group of Warrant Officers of the Army again overthrew the NRC on the 18th April 1968. After investigations by the Dove Edwin Commission of Inquiry into the conduct of the 1967 elections, power was restored to Siaka P. Stevens and the APC on the 26th April 1968.

National Provisional Ruling Council (NPRC): 29th April 1992 to 29th March 1996

The introduction of the 1991 multi-party Constitution and multi-party politics by President Joseph Saidu Momoh, who replaced President Siaka P. Stevens in January 1986, was shortlived. The Army, led by Captain Valentine E. M. Strasser, on 29th April 1992 overthrew the APC administration of Joseph Saidu Momoh and formed the National Provisional Ruling Council (NPRC). Captain Strasser was also overthrown in a “palace coup” on 16th January 1996 and replaced by his former deputy, Brigadier Maada Bio. Both internal and external pressures (by civil society and the international donor community, respectively) for a return to multi-party democracy forced the NPRC to hold elections and relinquish power in 1996. Brigadier Maada Bio handed over power to a democratically-elected government led by President Ahmad Tejan Kabbah of the SLPP, on the 29th March 1996.

Armed Forces Revolutionary Council (25th May 1997 to 10th March 1998)

On 25th May 1997, President Ahmad Tejan Kabbah, who had won the 1996 elections under the SLPP, was overthrown by the Army, which formed the Armed Forces Revolutionary Council (AFRC) led by Major Johnny Paul Koroma. This was a coalition of the Military and the Revolutionary United Front (RUF) rebels, who had invaded the country since 23rd March 1991. This was the most violent coup in the country’s history.

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President Kabbah was reinstated on 10th March 1998 after the military intervention by a “stabilisation” force, formed by the Economic Community of West African States (ECOWAS), called ECOMOG (i.e. Economic Community of West African States Ceasefire Monitoring Group).


As already stated, Sierra Leone became a one party state under the APC from 14th June 1978 to 30th September 1991. The declaration of a one party state no doubt adversely affected the country’s initial democratic experience.

**Conduct of fraudulent elections**

In addition to the above, the introduction of undemocratic elements in the conduct of elections was also another drawback in the democratic process; as the elections conducted between 1973 – 1986 were not credible, to say the least. Elections conducted by the APC during the period under review, have been described as “fraudulent rituals whose outcomes were never in doubt”. They were “characterised by electoral violence, fraud and substantial numbers of unopposed candidates” (Hayward and Kandeh, 1987).

**Civil war (23rd March 1991 – 18th January 2002)**

This was an armed conflict between the RUF and successive governments. It began on the 23rd March 1991, when a group of armed persons of the RUF, comprising discontented “radical youths and itinerant diamond diggers” among others, “led by a British-trained former army corporal, Foday Saybana Sankoh, who had been imprisoned by President Stevens in the 1970,s,” attacked the town of Bomaru in Upper Bambara chiefdom, Kailahun district. The formation of this armed rebellion could be traced back to the mass expulsion of radical students from Fourah Bay College in 1985. Using their Libyan connections, the expelled students recruited disaffected Sierra Leoneans to undergo military training in Benghazi, Libya and waged war against the APC government and innocent Sierra Leoneans (Kandeh, 1998). This was the most violent armed conflict with devastating social, political and economic consequences in the country’s post independence history. Of significance, the rebellion temporarily halted the momentum towards multi-party elections, as it led to the overthrow of the APC and ushered in the military in 1992 (Kandeh, 1998).
Peace Accords/Agreements

Two major peace accords were signed, first between the SLPP led government and the RUF; and later between the SLPP led government (in exile) and the Military/RUF alliance\(^4\). However, both accords failed to either stop the war or restore the democratically elected government back to power. As already stated, ECOMOG, a peace keeping/intervention force formed by member states of the Economic Community of West African States (ECOWAS) forcefully removed the AFRC government from power and restored the ousted democratically elected government of President Kabbah to power on 10\(^{th}\) March 1998. The restoration of the government was followed by the escalation of the war between the SLPP led government (backed by ECOMOG) and the dual alliance between the AFRC and RUF.

A peace treaty was later renegotiated and signed by all the major stakeholders in the Sierra Leone conflict on the 7\(^{th}\) of July 1999 in Lome, the capital of the West African State of Togo. Among the provisions contained in the Lome Peace Accord were:

- the formation of a government of national unity, which was to be inclusive of the AFRC and the RUF;
- the deployment of United Nations Peace Keeping Forces in Sierra Leone;
- and the holding of general elections after the successful completion of the tenure of office of the democratically elected government.

The Lome Accord, however, faced many problems, to put it mildly. For instance, in May 2000, the RUF held as hostages around 500 members of the United Nations Peace Keeping Force, called UNAMSIL, in Makeni in the North and Kailahun in the East. This was later followed by mass demonstration by Sierra Leoneans in Freetown resulting in the death of at least 19 people.

Another peace meeting between the Government of Sierra Leone (GoSL) and the RUF was scheduled to be held in Abuja, Nigeria on the 9\(^{th}\) of November 2000 (the meeting was actually held on the 10\(^{th}\) of November 2000 because of the late arrival to the Abuja

\(^4\) The first peace agreement was signed in Abidjan on the 30\(^{th}\) of November 1996 between the elected SLPP government and the RUF. Peace was not achieved because of the AFRC coup of May 25\(^{th}\) 1997. In an effort to encourage the military to hand over power to the ousted democratically elected government, member states of the Economic Community of West African States (ECOWAS) arranged for the signing of the second peace agreement in Conakry, Republic of Guinea, on the 23\(^{rd}\) October 1997 between the AFRC and the SLPP government. But the AFRC did not hand over power. This resulted to the removal of the military from power in February 1998 by an intervention force called ECOMOG.
talks of the RUF delegation). Both the GoSL and the RUF agreed to a month’s ceasefire, among other things. Two more peace talks were later held in Abuja, Nigeria, which led to, inter alia, the deployment of forces of the United Nations Mission in Sierra Leone (UNAMSIL) in RUF controlled territories and the start of disarmament process by March 2001. The war was officially declared over on 18th January 2002, after the completion of the disarmament process of over 50,000 ex-combatants by the National Commission for Disarmament, Demobilization and Reintegration (NCDDR). This was followed by Presidential and Parliamentary elections on the 14th May 2002. President Kabbah and the SLPP were returned to power after winning the 2002 elections.

The NCDDR was officially dissolved on 3rd February 2004, following the completion of the Government’s programme of disarmament, demobilisation and reintegration. The Government of Sierra Leone and the UN jointly set up a Special Court for Sierra Leone, with mandate “to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30th November 1996”\(^5\).

Like the aforementioned developments, the civil war was a disaster, for democracy in Sierra Leone.

**Local Councils**

There are various forms of local council administrations. Nineteen (19) local councils currently exist in the country. They are as follows:

- five (5) City Councils (one in the Freetown Municipality called Freetown City Council, one each in Bo, Makeni, Koidu-New Sembehun and Kenema);
- one (1) Municipal Council (in the municipality of Bonthe,); and
- 13 District Councils, one in each of the 12 provincial districts and one in the western area rural district.

Each local council serves as the highest political authority in its respective locality (i.e. District or City) with legislative and executive powers, which it exercises in accordance with the Local Government Act, 2004.

A total of 394 wards nationwide were used to conduct the 2004 and 2008 Local Government elections. While the City Councils have, Mayors as heads, the Municipal and District Councils have Chairpersons.

There is in addition, a local administration system of “Tribal Heads” in the whole of the Western Area urban and Heads of Villages and towns for the Western Area Rural District specifically. The latter, like Councillors and Chairpersons of the above councils, are elected by universal adult suffrage by electors of their respective villages, towns or localities.

**Districts and Chiefdoms**

The Provinces are sub-divided into 12 districts (Kailahun, Kenema Kono in the East; Bo, Bonthe, Moyamba, Pujehun in the South; Bombali, Koinadugu, Tonkolili, Port Loko and Kambia in the North), made up of 149 chiefdoms. A traditional leader called Paramount Chief, who is elected by Chiefdom Councillors for life, heads each Chiefdom. Only members from established ruling houses are allowed to contest (see chapter 8 for more details).

**Government type**

Sierra Leone is a unitary republic with a presidential system of government, as provided for in the 1991 Constitution. The President has executive powers. The Vice President and the Cabinet members are drawn outside of Parliament i.e. separation of powers.

**The Executive:**

The term limit for the President is five (5) years, but can hold office for a second 5-year term {section 46(1)} of The 1991 Constitution (Act No. 6 of 1991). Ex-President Alhaji Ahmad Tejan Kabbah’s second term of office, which began in May 2002, ended in 2007.

Following an amendment, a subsection was added to section 43 of the Constitution, which makes provision for the extension of the president’s tenure of office for four (4) months in “exceptional circumstances” (“as if parliament has granted an extension” of the term under section 49(2), once the election date is set. Under section 49(2) ex-president Kabbah’s term was extended due to the war for two six month periods in 2002, paving the way for the President to continue in office until the 14th May 2002 elections.

**The Legislature:**

Parliament comprises the President, the Speaker and Members of Parliament (MPs). There are two categories of Members of Parliament:

- 12 Paramount Chief Members; each of whom is elected by an electoral college called Chiefdom Councillors to represent each district in the provinces.
112 Ordinary Members directly elected by secret ballot and universal adult suffrage system (One Member of Parliament per constituency).

The total number of both categories of Members of Parliament must not be less than sixty (60). There are currently 124 Members of Parliament elected for a five-year term.

**The Judiciary:**
The Judiciary is made up of:

a) Superior Courts of judicature, which consist of the Supreme Court, the Appeal Court and the High Court;

b) Lower courts, consisting of Magistrates Court, with jurisdiction on both civil and criminal matters; Local Courts.

The powers to interpret and apply the laws of Sierra Leone, including the Constitution, resolve conflicts and punish offenders are vested in the Judiciary. The head of the judiciary is the Chief Justice. The judiciary has jurisdiction over criminal and civil matters, and those matters which relate to the Constitution. In other words, judicial powers cover all criminal, civil and constitutional matters. The judiciary may also deal with other matters which Parliament confers jurisdiction on it. Members of the judiciary include: justices of the Supreme Court, High Court judges, Administrator and Registrar General, Registrars and Deputy Registrars of the Supreme Court, Court of Appeal, Master and Registrar of the High Court, Magistrates of all levels, State Counsels, Customary Law Officers.

Others

- There is also a **Judicial and Legal Service Commission** with power to “appoint, promote, transfer and discipline Judicial and Legal Officers”\(^6\); and

- an **Attorney – General and Minister of Justice**; a political appointee of the President, “under whose suit all offences are prosecuted in the name of the Republic”\(^7\).

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\(^6\) Peter L. Tucker: *The Sierra Leone Constitution for Lay Persons* p 79

\(^7\) The Handbook of Sierra Leone: p21
The Solicitor – General is the principal assistant to the Attorney – General and Minister of Justice.

The Director of Public Prosecution has power to “institute and undertake criminal proceedings against any person before any court in respect of any offence against the law...”\(^8\), among others.

There is a Rules of Court Committee with power, inter-alia, to make rules of court, which regularises the practice and procedure of all courts in Sierra Leone. The Chairman of the Committee is the Chief Justice.

The judiciary is independent. Put differently, the judiciary is free to exercise its authority in both judicial and administrative matters, without the direction or control of any person or authority. The extent to which this is in practice is a different question.

**Constitution (and legal system)**

The 1991 Constitution (Act no. 6 of 1991), introduced after 13 years of one party rule, is the national constitution. There were plans to review some aspects of the constitution e.g. citizenship, and to introduce a bi-cameral legislature. It is based on the American model of “separation of powers”. Some salient features include a chapter on fundamental human rights and the representation of the people (franchise).

\(^8\) Ibid p21
Chapter 2

Introduction to Electoral Management Bodies

Introduction

This chapter is a brief introduction to the “body or bodies” responsible for managing “some or all” of the essential elements for the conduct of elections or referendum (i.e. election management). The term “Electoral Management Bodies” or “EMBs” has been coined as generic name for them. Such bodies may be called different names in different countries, such as: Electoral (or Election) Commission and National Electoral Commission as they are called in Liberia and Sierra Leone, respectively; “Department of Elections”, “Electoral Council’, “Election Unit” or Electoral Body.”

The following is a summary of the key tasks or activities which are essential for the conduct of an election:

- Determining whether a candidate or elector is eligible to vote or contest (as per the existing legislation);
- The demarcation of electoral constituencies or wards;
- The registration of voters and the compilation of a voters register;
- The registration of Political Parties;
- The nomination of candidates;
- Electoral education;
- Recruitment and training of election personnel;
- Accreditation of national and international election observers;
- Conduct of poll;
- Counting and tabulation of votes;
- Declaration of the results and winners;
- Electoral dispute resolution;
- Any other post election activities e.g. retrieval of election materials, post election assessment, election report writing.

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10 Association of African Election Authorities (AAEA): Basic Course on Election Administration (A guide for the facilitator) p35; (also International. IDEA handbook p5)
It is necessary to point out the following:

- All the above mentioned activities may not have to be done every time an election has to be conducted.

- Depending on the country and the existing legislation, a single EMB maybe empowered to carry out all those activities connected with the execution of an election; while in other countries, a separate body may carry out each (or a combination) of the key election activities. For instance, in Sierra Leone the Political Parties Registration Commission, inter-alia, is responsible to register and supervise the conduct of Political Parties; while the National Electoral Commission (NEC) performs all the other key activities (excluding the registration of Political Parties), connected with the conduct of elections (including the demarcation of electoral constituency and ward boundaries).

In Botswana there is a Boundaries Commission that is responsible to demarcate constituencies, while its Electoral Commission performs all the other activities.

**Models of Election Management**

Elections Management Bodies can be constituted on the basis of several different models. Depending on the existing legislation, they maybe made up of civil servants, judges or representatives of Political Parties. Using the professional or independent model, the EMB may comprise experts or professional election administrators with proven reputation for neutrality and integrity.

International IDEA has categorised election management into three broad models as follows:

- **Independent Model**: This model exists in a country where the organisation and conduct of an election is placed legally in an EMB that is “institutionally independent and autonomous from the executive branch of government”. Such a body may not be accountable to a government ministry or department (like the Ministry of Internal Affairs) for its own budget; instead it may manage its own budget using a financial mechanism called “Self-Accounting Status”. The NEC of Sierra Leone falls under this model of election management.

- **Government Model**: Using this model of election management, the EMB is part and parcel of the executive arm of government, and thus accountable to it. In other words, elections are organised and conducted “by the executive branch through a Ministry (such as the Ministry of the Interior) and/or through local authorities”. In such cases, the EMB may be “led by a Minister or civil servant” and thus answerable to the executive. Consequently, its budget falls within the respective Ministry (or local authority) responsible for it. EMB’s in Denmark, New Zealand, Singapore, Tunisia and Francophone countries in Africa fall under the government model of election management.

- **Mixed Model**: Two types of EMB’s exist in this model of election management: (a) an independent EMB (i.e. independent of the executive arm of government) with only
“policy”, “monitoring” or “supervising” powers; and (b) a “governmental EMB” with responsibility for the implementation of the election process. In short, using the mixed model “elections are organised by the component governmental EMB”; while the component independent EMB provides policy and oversight to the electoral process.

It is important to note that each of the above models has its advantages and disadvantages, which cannot be discussed in this book

**Guiding Principles of Elections Management**

The following is a summary of the guiding principles on which the management of transparent and credible democratic elections is founded\(^\text{11}\). These principles should be provided for in the legislation.

- **Impartiality/Neutrality:** An EMB must be always non-partisan and fair in all its programmes and activities. It should treat all its key stakeholders equally and fairly without giving due advantages to any one or group of individuals. This principle relates to the attitude and behaviour of the EMB and its staff to its stakeholders.

- **Integrity:** The principle of electoral integrity refers to the EMB’s attempts to execute its activities in an honest and truthful manner, also without giving due advantages to any person, group, political party or cause. This principle also implies that the EMB will take reasonable measures to prevent wilful wrongdoing by its officials or agents. It also refers to the integrity of the process connected with the conduct of an election.

- **Transparency:** The EMB should be easily accessible and open at all times in dealing with all its stakeholders in the electoral process. It also means:
  - openness in the electoral process;
  - easy accessibility and openness of the EMB to all stakeholders in the electoral process;
  - openness in operational and financial management;
  - elections observers (national and international) must be allowed to observe all stages in the electoral process;
  - The EMB must be open to public scrutiny by stakeholders.

- **Efficiency:** An EMB of what ever model, should be efficient not only in the delivery of election services to the stakeholders and the general public, but must also use public funds wisely.

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\(^{11}\) International IDEA Handbook on Electoral Management Design (chapter1) Optcit, (and AAEA’S Basic Course in Election Administration p4)
- **Professionalism:** Professionalism as a principle of election management refers to the EMB’s capability to deliver quality electoral services to all stakeholders by a well-trained and highly dedicated election staff. In order to achieve that, an EMB must therefore ensure that its entire staff (both permanent and ad-hoc or temporary) are well trained, dedicated and capable in delivering quality election services using the required skills and professional standards. Continuous training and capacity development programmes are, therefore, the substrata of professional electoral management.

- **Independence:** The principle of electoral independence involves two aspects:

  (a) Institutional or “structural” independence, as the one described earlier under the independent model of election management; and

  (b) Independence of decision and action (also called “fearless independence”). This implies that an EMB should be free from political or other interference and must not take directives from or being controlled by any person or authority. In other words, an EMB must not “bend to governmental, political or other partisan influences on (its) decisions”.

- **Service-mindedness:** As a public institution, an EMB must provide efficiently the basic electoral and other related services for which it is established under the law. In order to achieve this, the electoral legal framework must provide for basic service delivery standard like the inclusion of time bound standard mechanisms: such as time frames for the delimitation of electoral constituency boundaries, the registration of voters, candidate nominations and deadlines for results announcement.

- **Credibility:** Given that the stakeholder perception of the EMB’s efficiency and quality election service delivery is critical to the results, it should endeavour to win the confidence and trust of its stakeholders and the international community.

- **Accountability:** An EMB should be ready to take full responsibility for all its actions and be accountable to its people and the donor partners, where necessary.

- **Respect for the law:** Given that election activities are founded in law, and the EMB being a corporate entity, which can sue and be sued, it is imperative on members and staff of an EMB to strictly follow “the laws relating to elections as well as other laws of the country.”

- **Welfare:** Because the delivery of quality election services to its stakeholders depends on, inter-alia, the quality of its staff, it is advisable that an EMB should “actively pursue the welfare and improve the working conditions of its staff” (AAEA: Basic Course in Election Administration p14).

To conclude, the extent to which an EMB adheres to the above guiding principles, inter-alia, goes a long way in improving its stakeholder perception and capability to deliver quality electoral services to the people, and to electoral justice in general.
Election Management Bodies (EMBs) in Sierra Leone

Sierra Leone has two organizations that are responsible for managing the essential elements for the conduct of elections and referenda; they are:

1. The Political Parties Registration Commission (PPRC);
2. The Electoral Commission (EC).

- The Political Parties Registration Commission (PPRC) was established in December, 2005 by the Political Parties Act of 2002, in accordance with Sections 34 and 35 of the 1991 Constitution of Sierra Leone. The PPRC has the general responsibility to register and supervise the conduct of Political Parties, and monitor their “accountability to their membership and to the electorate of Sierra Leone”. It also has the responsibility, among others, to receive the statements of the sources of income, the audited accounts, assets and liabilities of each registered political Party, for action, in accordance with the Constitution of Sierra Leone and the Political Parties Act, 2002. The PPRC has restructured itself and recruited its own staff, who are not part of the county’s unified civil service.

- The Electoral Commission (EC), also called National Electoral Commission (NEC) under the repealed National Electoral Commission Act, 2002, is the sole authority with the constitutional mandate (under section 33 of the 1991 Constitution, Act No. 6 of 1991) to prepare and conduct all public elections and referenda i.e. presidential, Parliamentary and Local Government elections.
Chapter 3

HISTORY OF ELECTORAL ADMINISTRATION AND THE ELECTORAL COMMISSION OF SIERRA LEONE

Introduction:

This chapter is an introduction to the history of elections management in Sierra Leone, the body responsible for conducting elections and related matters and developments within it since 1961-2010.

History of electoral management: 1951 - 1961

The administration and management of elections in Sierra Leone began in 1951 under the supervision of the British Colonial administration. The latter established an elections office contained within a government department (i.e. Ministry of Interior/Internal Affairs), headed by an Elections Officer who was assisted by a sizeable number of staff (civil servants) to run elections. The Elections Officer and his/her assistants were responsible to the executive (i.e. the Ministry of Interior).

As part of the colonial legacy, the incorporation of election management into the country’s central administration or civil service continued at Independence in 1961, when the Independence Constitution established the Electoral Commission (EC), and even thereafter unto August, 2005.

The “civil service based institutional arrangement”\(^\text{12}\) for elections management in Sierra Leone posed a serious challenge to the independence, impartiality and neutrality of the EC established under both the 1961 and 1991 Constitutions; as the Civil Servants who staffed the Election Management Body(EMB) had no loyalty to it but to the ruling government.

History of the Electoral Commission: 1961 - 2004

Beginning with the 1961 Constitution up to the current 1991 Constitution, the Electoral Commission was provided for in every post-independence Constitution, including the 1978 One-Party Constitution. For instance, section 37 of the then 1961 Independence Constitution provided for the establishment of:

...an Electoral Commission, the membership of which were the Chief Electoral Commissioner, as Chairman, and not less than two nor more than four other members, who were appointed by the Governor General on the advice of the Prime Minister

Profile of the Electoral Commission (EC)

Establishment

The Electoral Commission (also called, the National Electoral Commission under the Lome Peace Agreement signed between the Government and the RUF, and the repealed NEC Act, 2002) is one of the country’s independent governance institutions provided for in Section 32 of the Constitution of Sierra Leone, 1991 (Act No 6 of 1991). It was set up purposely to manage the essential elements (besides the registration and supervision of the conduct of political parties and related matters) directly related to the conduct of public elections and referenda in the country (i.e. Presidential, Parliamentary, Local Government elections, Referendum and, with the passage of the Chieftaincy Act, 2009, Paramount Chieftaincy elections). The terms Electoral Commission (EC) and National Electoral Commission (NEC), or the Commission are used interchangeably in this book.

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13Quoted from J.H. Price: Political Institutions of West Africa (Second edition page 80)
Composition

The Commission is made up of five (5) members: a Chief Electoral Commissioner, who serves as Chair,\(^{14}\) and four others, called Electoral Commissioners; each one having oversight responsibility (amongst others) for each of the four administrative regions into which Sierra Leone is divided i.e. East, West, North, and Southern regions). There is, however, no mention of regional representation in the 1991 Constitution as a condition for appointment to the Commission.

Between 1961 and August 2005, NEC (in addition to being part of the central administration of the Executive and Civil service structure) was a decentralized (quasi-managerial) body, with each Electoral Commissioner residing in his/her respective regional headquarter town (Freetown, Bo, Kenema and Makeni) and overseeing provincial/regional electoral operations; with the Chairman regularly calling Commission meetings to make policy. Following the reconstruction process in September 2005, the NEC became a central (quasi-judicial) executive body meeting regularly to make policy for implementation on a day-to-day basis and overseeing the broad direction of the EMB. The Commission has administrative and regulatory powers. With the passage in May, 2012 of the Public Elections Act, 2012 into law, the Commission became a corporate body.

Appointee of Commissioners and related matters.

The President of Sierra Leone appoints all the members of the Commission, after consultation with leaders of all the registered Political Parties, subject to the Presidential nominees being interviewed by the Parliamentary Appointments Committee (PAC) and followed by the approval of Parliament (i.e. by a vote of majority of all Members of Parliament present, including members of the PAC).

The tenure of office of the Commissioners (including the Chair) is five years, and must by law take an oath before assuming office. The President may remove a member of the Commission from office, only on grounds of inability to discharge

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\(^{14}\) Justice Johann Kriegler in his “Assessment on Sierra Leone Local Government elections” report, December, 2004 maintains that “the chairman of the NEC is not merely the first among equals”. In law his position is superior to those of his fellow Commissioners.
his/her functions (whether due to mental disorder, infirmity of body or any other cause) or for gross misconduct\textsuperscript{15}.

The terms and conditions of service of Commissioners shall be prescribed by Parliament, in accordance with the State Salaries, Pension, Gratuities and other benefits Act, 2003 (Act No. 4 of 2003).

**Qualifications for members of the Electoral Commission.**

There is apparently no academic qualification to become an Electoral Commissioner; but only persons of proven integrity who are qualified to be Members of Parliament (MPs), and not over 65 years old, shall be eligible for appointment as members of the Electoral Commission. The qualifications for MP’s are contained in Section 75 of the 1991 Constitution.

**Disqualifications for members of the Electoral Commission.**

The following persons are disqualified from being members of the Electoral Commission.

- a person who is disqualified to be elected as an MP;

- a Minister of government;

- a Deputy Minister;

- a public officer;

- a person who is 65 years old or above.

\textsuperscript{15} The removal Procedure of Election Commissioners is provided for in section 5 of the Public Elections Act, 2012 and section 32 subsections 8 and 9 of the 1991 constitution.
Organizational Structure of the EC: 1961 – 2010

It has been stated that between 1961 and August, 2005 the staff members of the Electoral Commission were civil servants, recruited through the Public Service Commission (PSC). The head of the Civil Service staff of the Electoral Commission, who served as Secretary (later Executive Secretary) to the Commission, was a serving senior Civil Servant posted from the open Civil Service structure. As Secretary to the Commission, he also served as the Chief Elections Officer.

The Civil Service staff members of the Commission were placed into two functional categories, namely: the administrative staff and the professional (or elections staff). The administrative staff members were responsible for the day-to-day affairs of the Commission, including taking down minutes during Commission’s meetings, finance and logistics matters, and recommendation for promotions. Members of the administrative arm of the Commission belonged to the “open service” of the Sierra Leone Civil Service.

The administrative staff comprised, in order of seniority;

- the Secretary to the Commission;
- the Deputy Secretary (who was the principal assistant to the Secretary);
- Assistant Secretary;
- the Staff Superintendent (who as Chief Clerk, was the intermediary between the senior staff cadre and the lower staff cadre); and
- the general support staff (who comprised the clerical and minor grades, including drivers, messengers and cleaners).

The professional arm of the Electoral Commission, which was mostly made up of elections officials, consisted of the following:

- Principal Elections Officer (PEO);
- Senior Elections Officers (SEOs);
- Elections Officers (EOs);
- Assistant Elections Officers (AEOs);
- Publicity Officer (PO);
- Utility Officer and Supervisors.

Besides the central office of the Electoral Commission in Freetown, the capital of Sierra Leone, there is a District Elections Office in each of the 12 provincial administrative districts into which Sierra Leone is divided, and two in the Western Area: one in Freetown and one at Waterloo to serve the rural District of the Western Area. Each District Office was under the general supervision of the central office. Each of the District Elections Offices was headed by a professional civil servant designated as Elections Officer, supported by a sizable number of permanent staff of civil servants. A Senior Elections Officer was based in each of the three provincial regional elections offices in Bo, Makeni, and Kenema, and one in Freetown for the Western Area, with responsibility for the supervision of the District Elections Offices assigned to each region. Temporary election workers may be recruited and trained at district level, to carry out election exercises like voter registration and polling day activities anytime each exercise was due. But such temporary workers were relieved of their duties immediately after the completion of the election exercise for which they were recruited. As already stated, an Electoral Commissioner was assigned to each of the regions of the country, with responsibility for policy formulation and the supervision of the operations of the District Election Offices within the region.

By January 2010 the restructured NEC, which began as a “lean and mean” public institution in September 2005, had expanded from its initial three Departments and 7 units, to one with seven Directorates.
Independence of the EC

The Constitutional and statutory independence of the EC from the executive is clearly stated in section 32 (11) of the 1991 Constitution of Sierra Leone (Act no. 6 of 1991) as follows:

“In the exercise of any functions vested in it by this Constitution, the Electoral Commission shall not be subject to the direction or control of any person or authority”

The independence of the Commission is further guaranteed in section 3 of the Public Elections Act, 2012.

Functions of the Electoral Commission

The functions or responsibilities of the Electoral Commission are clearly stated in Chapter 4 section 33 of the 1991 Constitution of Sierra Leone. Under this section:

…. The Electoral Commission shall be responsible for the conduct and supervision of the registration of voters for, and of, all public elections and referenda; and for that purpose shall have power to make regulations by statutory instrument for the registration of voters, the conduct of Presidential, Parliamentary or Local Government elections and referenda, and other matters connected therewith, including regulations for voting by proxy.

In practice nearly all aspects of electoral matters are vested in the Electoral Commission of Sierra Leone. The only exceptions are those functions connected with the registration and regulation of the conduct of political parties, performed by the PPRC. The constitutional functions of the Electoral Commission are summarized broadly as follows:

- Organization and conduct of public elections;
- Voter registration;
- Making of regulations;
- Delimitation and revision of constituencies;
The following are the functions of the Commission, provided in the Public Elections Act, 2012, (section 7 sub sections 1 and 2);

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

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

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

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

(e) The conduct of civic electoral education;

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

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

(h) (Performance of) such other functions as maybe provided for by the Constitution (or any other subsidiary legislation).

In accordance with the Act, the Commission may utilize appropriate technology and adopt appropriate approaches in the performance of its functions.

**Proceedings or internal operations of the Commission**

The proceedings of the Commission, including the regulation of the conduct of its staff, are provided for in the Public Elections Act, 2012, and its Standing Orders A, B, and C. Members of the Commission meet regularly to make policy and take broad direction of the operations of the EMB. Commission meetings are generally called by the Chief Electoral Commissioner.

The quorum for any Commission meeting shall be any three members. The Chief Electoral Commissioner (CEC) shall preside over Commission meetings at which he/she is present; while a member who is elected by the members present from
among themselves shall preside over any meeting at which the substantive Chair is absent.

The time and venue of Commission meetings are determined by the Chair of the Commission, with each member having one vote. However, where there is a tie of votes on any issue, the Chair (or any other member presiding) shall have a casting (or better still, a second) vote.

Commission decisions in respect of “all acts, matters or things authorised or required to be done by the Commission” must be supported by simple “majority” of votes of the members present and voting. In most cases, after a lengthy debate, decisions are reached by a consensus.

Under the Public Elections Act, 2012, the Executive Secretary of the Commission shall attend Commission meetings to, inter-alia, record and keep minutes. Where necessary, staff of the Commission may be requested to attend Commission meetings to clarify matters being discussed.

In addition to making regulations, by statutory instrument, the Commission may issue standing orders for the internal regulation of its business and general conduct of its staff, but such regulations and standing orders must be consistent with the 1991 Constitution of Sierra Leone and any other existing legislation.

**Status and developments in the Electoral Commission: 1961 – 2010**

The Electoral Commission (EC) at independence (with the various changes in membership) successfully conducted the immediately post independence elections of 1962 and 1967. The Commission was, indeed, a credible institution that efficiently managed the country’s electoral process, especially from the period 1962 to 1968. However, the position was to change gradually for the worse, especially starting from the period 1973 up to 1986. Thus, as stated earlier, elections conducted in 1973, 1977, and 1986 have been described as “fraudulent rituals whose outcomes were never in doubt”, as they were “characterized by electoral violence, fraud and substantial numbers of unopposed candidates (Hayward and Kandeh, 1987). During this period (1973–1986), the
credibility of the Commission was seriously damaged, as it was politicized and used as a “dumping ground” by the then governments of the day. The result of the above situation was that many, if not most, Sierra Leoneans lost confidence in the political system, and thus became apathetic to all aspects of the electoral process. The public’s perception of the Electoral Commission then, especially the period under review, was that it was not independent; but looked rather like an “agency of the ruling party” established to maintain it in power through elections that were neither free nor fair. Worst still, the facilities under which the Electoral Commission and its staff worked were poor and totally inadequate. For example, the wooden building which at that time housed the headquarters of the Commission and its staff at Tower Hill in Freetown was dilapidated and a total write off. The said building has been demolished and a modern building constructed as the Commission’s headquarters. Besides, the Electoral Commission then hardly had any equipment.

The same was true for the provincial offices of the EC. They were merely “cubicle”-like offices attached to the offices of the District Officers (DOs) of the Ministry of Interior.

Changes in the membership of the Electoral Commission: 1986-1992

In an apparent bid to improve the image of the Electoral Commission, the membership of the Commission was constituted immediately after the 1986 general elections. The reconstituted Commission was led by Mr. Max A. Bailor, who was then a retired principal of the Albert Academy (a secondary school in Freetown). The public’s perception of Mr. Max A. Bailor was that he was “a man of integrity, and a man who would remain neutral in the exercise of his election duties.”

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The Commission under Max Bailor began improvements in the electoral process of the country; leading to the conduct of the 1991 referendum, which saw the replacement of the 1978 One-Party Constitution with the current Constitution of Sierra Leone, 1991 (Act No 6 of the 1991). This move was indeed by then a seemingly impossible task.

The leadership of the Electoral Commission again changed after the 1991 multi-party referendum. Max A. Bailor was replaced as Chair of the Electoral Commission in 1992 by Mr. Willie Pratt, another retired principal of the Collegiate Secondary School in Freetown. The Pratt led Commission was, however, short lived and inactive due to the aforementioned 29th April 1992 National Provisional Ruling Council (NPRC) military coup led by Captain Valentine E.M. Strasser.

The NPRC military junta, after deposing President Joseph Saidu Momoh and his All Peoples Congress (APC) led government in the 1992 coup, suspended the new 1991 multi-party constitution and banned all Political Parties and activities. This action of the NPRC, coupled with the already mentioned armed RUF rebellion against the APC, temporarily halted the earlier momentum towards the democratization process, through multi-party elections, scheduled to have taken place in May 1992. This action thus made the Electoral Commission temporarily ineffective and redundant. The Electoral Commission remained redundant until it was replaced in 1994 by the Interim National Electoral Commission (INEC).


Internal pressures (i.e. an intractable civil war and the inability of the NPRC to end it, urban protests by Civil Society and University Students, all of which had rekindled popular demands for democratic multi party elections) coupled with pressures from the international donor partners, “convinced the junta to announce a democratic transition programme in November 1993”. 17

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The NPRC’s democratization programme, amongst others, provided for:
- the lifting of the ban on Political parties and activities;
- the establishment of an EMB called Interim National Electoral Commission (INEC);
- the holding of democratic presidential and parliamentary elections (by end of 1995) and;

**Major Activities of INEC:**
Under the leadership of Dr. James O.C. Jonah, a retired UN under Secretary-General for political affairs, INEC undertook the following activities in preparations for the 1996 elections:
- Attempts to restructure INEC;
- Establishment of Electoral laws (NPRC Decrees Nos. 14, 15, 16, and 17);
- Registration of 16 Political Parties;
- National Consultative Conferences: Bintumani 1 and 2; and
- INEC conducted the 1996 Presidential and Parliamentary elections, which were meant to end the rebel war.

**Creation of a new National Electoral Commission (NEC).**
The 1996 Presidential and Parliamentary elections did not end the civil war between the RUF and government; as Freetown was invaded on 6th January 1999 by a combination of “renegade soldiers and RUF rebels”. This invasion forced the government into signing the 1999 Lome Peace (Agreement) with the RUF (Kandeh, 1998) on 7th July, 1999. It has been argued that bad governance (due to the strangle – hold on power by the central government, as a result of years of one party rule, 14th June 1978–30th September 1991, through the conduct of fraudulent elections during the same period) was, among others, a major cause of the civil war. Accordingly, the Lome Peace Agreement (LPA), made specific provisions for the creation and strengthening of local government (as a
mechanism for the devolution of political power to local communities), and the creation of a new body to manage elections. The LPA expressly stipulated that:

“(a) new National Electoral Commission ... shall be set up by the Government (of Sierra Leone) not later than three months after the signing of the present Agreement” 18.

The above provision of the LPA was given substance when the democratically elected SLPP led government, under Ahmad Tejan Kabbah, dissolved the then INEC and appointed a new National Electoral Commission (NEC) in March 2000, under the Chairmanship of Mr. Walter Nicol, a former Inspector General of Police. The new NEC was made pursuant to Section 32 of the 1991 Constitution of Sierra Leone.

Two years after the creation of the new NEC, Parliament passed the National Electoral Commission Act, 2002. The (NEC) Act made detailed provisions for the structure and functioning of the NEC. Of significance, section 9 of the said Act formally empowers the Commission to “hire and fire its own staff and to interface with the National Treasury for funding directly from the consolidated Revenue Fund” (Kriegler, December 2004). Therefore, to use the words of Justice Kriegler, “according to the letter of the law” (i.e. section 32 of the 1991 Constitution of Sierra Leone and provisions in the NEC Act, 2002) the NEC became fully empowered to function satisfactorily as an independent election management body free from political control19.

The new NEC conducted the 2002 Presidential and Parliamentary elections; using a new electoral system called the District Block Representation List System (DBRLS), which replaced the Proportional Representation National list System (PRNLS) used in the 1996 Parliamentary elections20. Like the 1996 elections, the SLPP led by President Ahmad Tejan Kabbah won the 2002 elections.

19 Justice Johann Kriegler, ibid
20 For details on types of electoral systems used in Sierra Leone see chapter 6 of this book.
Inspite of the fact that the 2002 Presidential and Parliamentary elections were successfully conducted by the NEC and accepted by the international community, the NEC as an EMB faced a lot of difficulties. Of importance, notwithstanding its legal status, the reconstituted NEC was unable to conduct the next elections in 2002 all by itself, without international assistance. Following the official declaration of the end of the war on the 18th January 2002, there was substantial assistance by the international community (both financial and technical) in the planning and organisation of the 2002 Presidential and Parliamentary elections, which it was hoped to bring sustainable peace to Sierra Leone. Besides the aforementioned perceived inability of the NEC to conduct the 2002 elections all by itself, there was “little capacity building within and transfer of skills to the NEC in the course of the 2002” elections (Kriegler, December 2004).

Prior to the 2002 elections, the International Foundation for Election Systems (IFES) carried out extensive review of the EMB and produced a comprehensive report (containing a set of detailed prioritised and cost recommendations), with a view of restructuring and organisational streamlining the Commission. Inspite of this, the then NEC failed to take the opportunity after the 2002 elections to “enhance the skills and increase the capacity of the Commissioners and staff of the (organisation)”\(^{21}\).

**Changes in the membership of the NEC: January 2004 – September, 2005**

In January 2004 all the Commissioners and the Executive secretary of the NEC were replaced. Their removal from office and replacement was apparently as a result of “... rumours and press report” (followed by “enquiries from donors”) “suggesting financial corruption at a high level within the NEC.”\(^{22}\)

The newly reconstituted NEC was led (i.e. Chaired) by Mr. Eugene Davies, a former Civil Servant who retired as Establishment Secretary in Sierra Leone’s Civil Service.

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\(^{21}\) Justice Johann Kriegler, opcit. See also IFES report on the restructuring of NEC.

\(^{22}\) Justice Johann Kriegler Report p3 opcit.
The democratically elected parliament, which followed the 2002 elections, adopted the Local Government Act, 2004 (LGA, 2004), with a view of strengthening local government as a mechanism for the devolution of political power to local communities. The passage of this Act, and the conduct of local government elections, re-introduced elected local councils in 2004 (after elected local councils were abolished in 1972). The reconstituted Eugene Davies led NEC was faced with the task of conducting the 2004 Local government elections. The conduct of the said elections was beset by a number of difficulties; ranging from the general lack of operations of elected local councils (as already stated, elected local councils having been abolished in 1972), to the limited timeframe available for the conduct of the elections due to the belated appointment of all the Commissioners and the adoption of the Local Government Act, 2004. These problems were compounded by the lack of professional skills and capacity of the newly appointed Commissioners and staff of NEC to conduct elections (especially local government elections, after 32 years of the abolition of elected local councils). Nonetheless, the 22nd May, 2004 local government elections (again conducted with significant technical and financial input from the international community) “were characterised as substantially free and fair by the Political role players, the international community, the media and the Sierra Leonean civil society generally” (Kriegler 2004 p3). Later indications of irregularities, however, as a result of an elections audit by NEC and IFES, tarnished the above impression.

Aftermath of the 2004 local government elections and NEC’s restructuring process.

The 22nd May, 2004 local government elections have been described as a “political success”, and “a major step forward in the devolution of power to the people of Sierra Leone; which, in turn, is a step along the road to sustainable democracy in the country” (Kriegler, 2004). Shortly after the conduct of the elections, NEC and IFES, as already stated, jointly conducted a “forensic audit” of

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23 The Chief Commissioner and his four colleague Commissioners were appointed in January 2004, the Local Government Act (LGA), 2004 was passed on 24th February, 2004; while the elections were conducted on the 22nd May 2004.
selected samples of polling stations nation-wide. Put differently, it was a step-by-step inspection of the electoral materials which related to selected polling stations used for the local government elections.

The result of the said audit indicated, among others, “widespread and blatant ballot stuffing either by or with the connivance of electoral staff.” Put another way, the report of the audit revealed “compelling evidence of widespread systemic fraud” in the 2004 local government elections.24

Against the backdrop of the aforementioned lack of capacity within NEC to conduct credible elections all by itself, compounded by electoral fraud, all previous missions and studies relating to NEC and Sierra Leone’s democratic electoral process (including the 2002 IFES report and reports by Ron Gould, 17th -24th May 2004, and the aforementioned Kriegler reports of December 2004 and March 2005) recommended, inter-alia, a compelling need for the “transformation of the NEC into a professionally (independent) equipped body”; the “training and capacity building of both Commissioners and staff of NEC”.

Given the numerous studies recommending the restructuring of the NEC since 1996, the NEC Commissioners, led by the chair Eugene Davies, and senior staff continued the efforts started by INEC in 1994 to restructure the Commission after the 2004 local government elections. The NEC received maximum cooperation and collaboration from the Government of Sierra Leone (GoSL), the international partners (especially, UNDP, DFID, EU, IFES and UNAMSIL) in its reconstruction process.

Resignation of Mr. Eugene Davies as the Chairman of NEC

However, as an aftermath of the local government elections, the Chairman of the NEC, Mr. Eugene Davies, resigned his position in September 2004 (after 9 months in office, and nearly 4 months after conducting the elections), due to political interference.

Prior to the official announcement of the local government elections results, the NEC had dismissed eighty appeals it had received against a variety of electoral complaints. Only one appeal was upheld by the Commission. As a result of ballot stuffing, provisional results indicated that the SLPP candidate in ward 3, Koya Chiefdom, Port Loko District (Mr Sultan Abdul Karim Kamara) was winner. This was immediately followed by an appeal from the APC candidate (Mr. Mohamed Koroma). After investigation at the NEC data centre, followed by a recount of all polling station results in the ward, the NEC confirmed ballot stuffing in favour of the SLPP candidate (100 ballots were illegally introduced in the ballot box in favour of the SLPP candidate Mr. Sultan Abdul Karim Kamara). The NEC then reversed the provisional results and declared the APC candidate winner of the elections conducted in the said ward.

However, “acting on the advice of the (then) Attorney General” (and Minister of Justice, Mr. F. M. Carew), the NEC’s “decision was reversed”. The NEC Chairman, Mr. Eugene Davies, consequently “resigned, citing as one of the precipitating reasons for his resignation this decision by the Attorney General (AG)”. The NEC Chair regarded the AG’s decision “as governmental interference with the NEC’s independence” (Kriegler, 2004); quite contrary to Section 32 (11) of the Constitution of Sierra Leone, 1991. It is, however, fair to state poor conditions of service for both Commissioners and staff may be additional reasons for the Chairman’s resignation. The former AG’s decision to reverse the NEC’s decision on the Koya ward 3 electoral fraud was only the last straw that broke the camel’s back.

**Restructuring process of the Electoral Commission**

As already indicated, efforts to actually restructure the Electoral Commission into a professionally equipped EMB, functioning independently of government, dates back to 1994, under the Interim National Electoral Commission (INEC). When INEC was established in 1994, it inherited a dilapidated and ill equipped office structure nationally, and a staff with very little capacity to conduct credible democratic elections.
Under NPRC Decree No. 1 of 1994, INEC had “a free hand to restructure itself” and “was under no compulsion to retain the old staff” it inherited. In keeping with its independence and in pursuance of its restructuring exercise (as provided for in the aforementioned Decree) the INEC took the following initial challenges:

- The acquisition of suitable staffing and office accommodation;
- The commissioning of a personnel audit of the organisation it had inherited, undertaken by the Institute of Public Administration and Management (IPAM);
- INEC wrote a proposal for a “new (staff) structure of salaries and allowances attached to the respective offices” (INEC report, 1994-1996, December 1996).

In pursuance of its restructuring exercise for the Commission, INEC submitted to the NPRC military regime a scheme containing the following:

- A new staff structure;
- A new salary structure and conditions of service; and
- A self accounting status, with payments made on a quarterly basis to INEC’s operational account to reduce the bureaucratic and red tape which existed in the Civil Service.

INEC’s proposed structure allowed for growth, especially professional growth, thereby ensuring that “a person who chose elections as a career had the opportunity to grow from Assistant District Election Officer to Executive Secretary…”

However, when it received the above proposal, the NPRC military regime rejected INEC’s plan to restructure itself. Consequently in order to meet its mandate, INEC resorted to obtaining, through bi-lateral assistance, the required component of professional staff as consultants in the various fields to assist its work in conducting the 1996 elections.

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26 INEC Report p6 ibid.
27 INEC Report p5 ibid.
Notwithstanding the junta’s refusal of plans to restructure the EMB, INEC in its 1996 report (page 7) made the following recommendations:

The Commission:

- Must be given self accounting status;
- Should have an independent staff over which it has power to hire and fire;
- Must be allowed to develop its own staff structure with conditions of service quite separate from that obtainable within the (Sierra Leone) Civil Service;
- Should develop its own training scheme which would give every trainable staff the opportunity to progress in the elections service to the highest level of professionalism.

Notwithstanding the aforementioned resignation of the NEC Chair, Mr. Eugene Davies, some of the other members of the NEC and a few senior staff members continued the reconstruction process of the EMB, under the guidance and assistance of the United Nations Mission in Sierra Leone (UNAMSIL) Electoral Adviser (Adrian Maurice). It is important to mention the names of one Commissioner and two senior staff members whose efforts in NEC’s restructuring process were invaluable. In his March 2005 aforementioned Interim Assessment Report on Sierra Leone’s National Electoral Commission, Justice Johann Kriegler, United Nations Development Programme (UNDP) hired Special Electoral Adviser to the Special Representative to the United Nation’s Secretary General (SRSG), specifically mentioned the invaluable efforts of Commissioner Algassim S. Jarr (Electoral Commissioner North), Stephen Aiah Mattia (the then Principal Electoral Officer) and Mohamed N’fah – Alie Conteh (the then Senior Electoral Officer, Western Area, who incidentally is the author of this book) in the restructuring process of NEC. In his words:

**Despite their lacking a Chairman and notwithstanding (the Commission’s) grossly inadequate human and material resources, Commissioner A.S. Jarr**
and two senior staff members, Messers S.A. Mattia and M.N. Conteh, have shown remarkable dedication in the face of daunting odds..."  

With the support of the GoSL and the International Community, the NEC completed on 15 December 2004 a plan for a comprehensive electoral reform programme and the reconstruction of the Commission, called Electoral Reform Matrix, based on 7 intervention areas (commonly called 7steps). The NEC organised a restructuring retreat from 16-17th February 2005. It was attended by stakeholders and representatives of the International Community. It was, at this stage that pressure was put on the GoSL (by the donor Community) to appoint a new Chair for NEC.

As part of its restructuring process in August 2005, the civil servants of the NEC, recruited through the Public Service Commission (PSC) were transferred to the Establishment Secretary’s Office for new postings within the country’s open Civil Service. The Commission thereafter recruited its own staff as per the NEC Act, 2002.

Thus since 2005, the management of elections in Sierra Leone has witnessed a major shift from an Elections Office staffed by civil servants contained within a central government department, to the establishment of an “independent statutory Commission” with power to conduct all public elections and to recruit its own staff.

Christiana Thorpe Appointed Chairperson of NEC: May 2005- May, 2010

In the place of the resigned Chair of the Commission, the President of the Republic of Sierra Leone appointed in May 2005, Christiana A.M Thorpe (later Dr), to serve as Chief Electoral Commissioner and Chairperson (CEC/Chair). The process of appointment was completed on the 16th May 2005 and Dr. Christiana Thorpe assumed office on the same day, thereby making her the first female to become CEC/Chair of NEC in Sierra Leone’s electoral history.

28 Justice Johan Kriegler opcit (Mr Eugene Davies was only replaced on the 16th May 2005 by Christiana A.M. Thorpe (later Dr), the country’s first female Chair of NEC).
Beginning in September 2005, Dr. Christiana Thorpe and her team of Commissioners (in collaboration with the GoSL and international partners) began the implementation of a comprehensive electoral reform programme, called the 7 steps Electoral Reform Matrix and the reconstruction of NEC. By 2010, the team successfully completed, among others:

- The transformation of the NEC into a comparatively professionally equipped EMB with trained and qualified staff;
- Delimited 112 electoral constituencies and 394 ward boundaries in 2006 and 2008, respectively;
- Conducted the 2007 Presidential and Parliamentary elections (which resulted to the peaceful handing over of power to the opposition APC Party for the first time since the 1967 elections) and the 2008 local government elections.

With support from the GoSL, the international partners (UNDP, DFID, Irish Aid, Japan, Germany) and a dedicated staff, the Christiana Thorpe’s led team succeeded in transforming Sierra Leone’s system of administering elections from its chequered state between the 1970’s and 1990’s to a model in Africa. By 2010, as stated by the European Observation Mission to the 2007 elections, “in 2007, the NEC (led by Dr Christiana Thorpe) proved to be one of the most important factors behind the success of the (2007) elections”.29

**Further Changes in the Membership of NEC (June 2006 – March 2008) and aftermath of the 2007 elections**

Changes were continued to be made in the membership of the Commission. On the 13th June 2006 the then Electoral Commissioner for the Western Area, Mr. Freddie C. Bright, was replaced by Mrs. Daphne Olu-Williams. The replacement was apparently due to the former’s poor attitude to work and alleged unprofessional conduct, contrary to NEC’s guiding principles of impartiality and

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29 Magnus Oman (2008) Article titled “The 2007 Presidential and Parliamentary elections in Sierra Leone” in electoral Studies 27 (The words in brackets are those of the author)
integrity. In an earlier mission report on Sierra Leone before the 2004 local elections, Ron Gould had this to say:

“The partisan actions of the NEC Commissioner of the Western Region, which were reported in the press, had the potential of damaging the perception of the NEC as a whole, as being politically independent, neutral and non-partisan. Fortunately the Chairman (Eugene Davies) acted quickly and affectively to resolve this problem…”

Effective from the 13th June 2006 to March 2008 Daphne Olu-Williams was part of Christiana Thorpe’s team and thus played major role in that team’s success.

**Cancellation of 477 Polling Station Results in the 2007 Presidential run off elections and the Replacement of two Commissioners**

As already stated, the Christiana Thorpe led Commission conducted the 2007 elections; which were won by the opposition APC led by Ernest Bai Koroma. In accordance with “regulations” or better still minutes of Commission meeting, which had earlier been signed by all members of the Christiana Thorpe’s led Commission (regarding “over voting” at Polling Stations), 477 Polling Stations results (out of 6,157 Polling Stations), which had recorded a turn out higher than the registered number of voters, in the Presidential run-off elections, were invalidated by the Commission. The NEC later released the invalidated results, but claimed that the inclusion of the invalidated results in the officially released results would not have altered the outcome. Though the cancelled polling stations were nationwide, some analysts believe that majority of the invalidated polling station results were found in the strong holds of the then incumbent SLPP (see table). An unsuccessful injunction was filed by the SLPP to stop NEC Chair from announcing the results.

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30 Ron Gould, Electoral Consultant: Report on Mission to Sierra Leone (Local Elections) 17th -24th May 2004 (p 9). The above comments referred apparently to Freddie C. Bright who was the then Electoral Commissioner, Western Region with Eugene Davies as Chairman NEC.
In an apparent refusal to accept the decision to cancel the 477 Polling station results, two of the Commissioners (i.e. the Eastern and Southern Regional Commissioners, Messrs Edward Nyaley and Winston B. Minah, respectively) out of a membership of five, “dissociated” themselves and walked out of the British Council hall in full view of the press and observers (national and international) on the day of the announcement of the results (17th September, 2007). With the official quorum of three Commissioners, the NEC Chair, Dr Christiana Thorpe, announced the results.

It has been argued by one school of thought that the decision of the said Commissioners was not only unprofessional but was contrary to the principle of collective responsibility; moreso when they had signed the aforementioned minutes and they did not resign their positions, but continued to go to work even after the results were announced. Another school of thought has argued though, that notwithstanding NEC’s power, in accordance with Sections 33 and 127 of the Constitution and the then Electoral Laws Act 2002, respectively, to make regulations by statutory instruments, the aforementioned rules lacked the force of law; as they were not placed before Parliament for the required 21 day period, as per section 170, subsection 7 A, B and C of the Constitution of Sierra Leone (Act No 6 of 1991), which is quoted here for ease of reference:

**Source: NEC Sierra Leone**

### NATIONAL ELECTORAL COMMISSION (NEC)

<table>
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<tr>
<th>SRL NO</th>
<th>DISTRICT</th>
<th>TOTAL STATIONS</th>
<th>NO. OF STATIONS REPORTED</th>
<th>NO. OF STATIONS AFFECTED</th>
<th>Registered Voters</th>
<th>Total Ballots Cast</th>
<th>% Turn Out</th>
<th>Total Valid Votes</th>
<th>Total Votes</th>
<th>Invalid Votes</th>
<th>APC</th>
<th>SLPP</th>
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<td>332</td>
<td>90</td>
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<td>39,843</td>
<td>102%</td>
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<td>977</td>
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<td>630</td>
<td>565</td>
<td>65</td>
<td>27,078</td>
<td>28,584</td>
<td>106%</td>
<td>28,049</td>
<td>535</td>
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<td>408</td>
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<td>3,301</td>
<td>3,465</td>
<td>105%</td>
<td>3,413</td>
<td>52</td>
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<td>BOMBAYI</td>
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<td>495</td>
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<td>6,956</td>
<td>7,106</td>
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<td>6,970</td>
<td>136</td>
<td>6,605</td>
<td>365</td>
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<td>BARKA</td>
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<td>314</td>
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<td>3,573</td>
<td>46</td>
<td>3,537</td>
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<td>KONADUGU</td>
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<td>111</td>
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<td>PORT Loko</td>
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<td>526</td>
<td>2</td>
<td>850</td>
<td>871</td>
<td>102%</td>
<td>857</td>
<td>14</td>
<td>606</td>
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<td>BONJOLU</td>
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<td>405</td>
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<td>2,437</td>
<td>2,468</td>
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<td>2,450</td>
<td>16</td>
<td>2,393</td>
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<td>BANGA</td>
<td>567</td>
<td>444</td>
<td>123</td>
<td>49,868</td>
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<td>1,302</td>
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<td>782</td>
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<td>80</td>
<td>675</td>
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<td>MUKAMBEB</td>
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<td>8,656</td>
<td>106%</td>
<td>8,569</td>
<td>88</td>
<td>598</td>
<td>7,970</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>POLONIA</td>
<td>354</td>
<td>141</td>
<td>113</td>
<td>45,189</td>
<td>46,854</td>
<td>104%</td>
<td>46,714</td>
<td>740</td>
<td>2,956</td>
<td>43,158</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>BAKO BAHUL</td>
<td>252</td>
<td>251</td>
<td>1</td>
<td>402</td>
<td>434</td>
<td>108%</td>
<td>425</td>
<td>9</td>
<td>208</td>
<td>217</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>MAYA URAN</td>
<td>955</td>
<td>993</td>
<td>5</td>
<td>2,419</td>
<td>2,624</td>
<td>108%</td>
<td>2,568</td>
<td>56</td>
<td>948</td>
<td>1,620</td>
<td></td>
</tr>
</tbody>
</table>

6,156 | 5,679 | 477 | 193,631 | 201,670 | 104% | 198,058 | 3,612 | 29,004 | 169,054 |

**Source: NEC Sierra Leone**
“Any orders, rules or regulations made by any person or authority pursuant to a power conferred in that behalf by this Constitution or any other law-

(a) Shall be laid before Parliament;

(b) Shall be published in the Gazette on or before the day they are so laid before Parliament;

(c) Shall come into force at the expiration of a period of twenty-one days of being so laid unless Parliament, before the expiration of the said period of twenty-one days, annuls any such orders, rules or regulations by the votes of not less than two-thirds of the Members of Parliament.”

The SLPP presidential flag bearer and candidate Solomon Berewa, conceded defeat, but the SLPP remained critical of the elections and took NEC to court regarding the 477 invalidated polling station results (Oman, 2008).

**Summary of Principal steps in the SLPP vs. NEC case**

Following the declaration of the presidential run-off elections results on 17th September 2007 (which the SLPP’s Solomon Berewa lost to the APC’s Ernest Bai Koroma), the SLPP on the 13th December 2007 filed the above case to the High Court asking, inter-alia, for the following:

- High Court Order requiring NEC to produce data relating to the invalidated 477 polling station results;
- Declaration that the presidential run-off results are null and void;
- Declaration that NEC had no power to nullify results.

NEC in reply to the above filed a preliminary objection on the ground that the SLPP had filed the case in the wrong court (i.e. The High Court instead of the Supreme Court, which has jurisdiction to deal with matters relating to presidential elections). The High Court (presided by Hon. M. Sey J.) on 13th February 2008 agreed with NEC’s position that the case had been filed in the wrong court, and thus dismissed the case. The SLPP appealed in the Court of Appeal on 7th March 2008 against the above ruling. The Court of Appeal gave
The Electoral Commission And The Management of Sierra Leone’s Electoral Process: by M.N. Conteh

judgment endorsing the aforementioned High Court ruling and dismissed the Appeal on the 8th January 2009.

The SLPP, which was still not satisfied with the judgment made by the Court of Appeal, filed an application on 30th April 2009 in the Supreme Court asking for the following:

- An order granting leave and enlargement of time within which to appeal; or
- An order granting enlargement of time within which application for leave may be made.

The NEC took preliminary objections to the above on grounds that, inter-alia, the motion has been filed out of the time limited for the filing of such a motion and as such it should be dismissed. On perusal of the motion, the Supreme Court reserved its ruling on the 10th June 2009.

On the 2nd May 2011, the Supreme Court pursuant to section 126 of the 1991 constitution “... granted leave (to the SLPP) for an enlargement of time within which to appeal to the Supreme Court from a decision of the Court of Appeal” in the aforementioned matter.

Though the SLPP on 3rd May 2011 filed the Notice of Appeal at the Supreme Court Registry, yet “the copy of the said Notice of Appeal was not served on the respondents”; contrary to Supreme Court rule 35(1), which requires that (paraphrased) every appellant shall, within 7 days after filing a Notice of Appeal, serve a copy of such notice on the respondent(s). Given the non compliance with the 7 days provision of the above rule, and having considered the prevailing circumstances and evidence in the said matter, the Supreme Court ruled against the applicant i.e. the SLPP. (Note that though the above mentioned Supreme Court order was made on the 2nd May 2011, yet the application came before the court only on 17th November 2011).
Comments on the SLPP vs. NEC case:

It must be noted that the above Supreme Court (and other Courts rulings) were not on the original case (or motion) filed by the SLPP asking the High Court for the earlier mentioned orders; but rather on lapses on the legal procedures by which the case was brought to court by the SLPP. In short, the argument on issues which were originally brought by the SLPP were not argued in any of the aforementioned courts (i.e. High Court, Court of Appeal, and Supreme Court); instead only the procedures by which such issues were brought to court were litigated on (Reginald Sydney Fynn Jnr, 2009).

The SLPP vs. NEC matter is dealt with in some detail in this book because of its importance not only to the 2007 presidential and parliamentary elections, but to the electoral history of Sierra Leone and NEC as an independent EMB.

Changes in the membership of the Commission: March 2008-2011

An apparent consequence of the aforementioned actions of the Eastern and Southern Regional Electoral Commissioners was their replacement. Mr. Sylvanus Torto replaced Edward A. Nyaley as Electoral Commissioner, Eastern Region in March 2008; while Mrs Florence Kulla Kebbie replaced Winston B. Minah as Electoral Commissioner, Southern Region, also in March 2008.

Commissioner Torto resigned as NEC Commissioner in October 2009 to contest Paramount Chieftaincy election in Nimikoro Chiefdom, Kono District. He was subsequently replaced on 30th March 2010 by Mr. Stephen Aiah Mattia, who resigned as the Commission’s Executive Secretary to become Electoral Commissioner.

Also on 12th March 2008, Commissioner Daphne Olu-Williams was replaced by Mrs. Hannah Kawaley as Electoral Commissioner for the Western Area. As she turned 65, on 3rd September, 2010 Commissioner Hannah Kawaley resigned from the Commission on the 7th October, 2010, as per section 32(4) of the 1991 Constitution. She was replaced by Commissioner Miatta French on 13th January, 2011, who until her appointment was Director of Operations in the
NEC. She is also a professional elections administrator, who joined the Commission as staff on the 1st of September, 2005.

The circumstances which led to the replacement of Commissioner Daphne Olu-Williams were unclear and thus were shrouded in mystery. It was understood that she had been appointed to serve as “Chairman of an Insurance Board,” a position she did not accept. However, it has been argued that Daphne Olu-Williams replacement may not be unconnected with “familiar happenings which were internal to the Commission” (Olu-Williams, 2010). It is not certain what the “familiar happenings, which were internal to the Electoral Commission” were. But in her book “Through The Storms of life: From Test to Testimony”, Daphne Olu-Williams made clear reference to the following:

- the relocation of the “Office of the Commissioner, Western Area to the Freetown centre, at Adelaid Street … on instructions from Madam Chair” (Page 41);

- the alleged “unauthorised use of (her) signature” on the Boundary Delimitation document, “describing the act as fraudulent” (Page 42).

Commissioner Algassimu S. Jarr, Electoral Commissioner Northern Region, was replaced on 21st May 2009 by Mr. Mohamed N’fah-Alie Conteh as a result of age (retiring age for Commissioners is 65 years) and end of tenure of office (Commissioners serve for a 5 year term, though renewable). Both Commissioner M.N. Conteh (the writer of this book) and Commissioner Mattia have been Elections Administrators attached to NEC since 1990, where they had risen, through the ranks, from Elections Officers to the positions of Director of Operations and Executive Secretary, respectively. As already stated elsewhere in this chapter, they played an invaluable role in the reconstruction of NEC from its previous stage of being an appendage of the Ministry of Interior to its present status as an example of an independent EMB in Africa. As officers (and later

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31 Daphne Olu-Williams had this to say in her book “The Circumstances leading to my replacement had not been made clear even to me, how much more to the public” Olu-Williams 2010, p 53.
Commissioners) of the NEC, the two gentlemen served as the “institutional and human memories” of the restructured NEC.

Thus, Johann Kriegler, special Electoral Adviser to the then SRSG again stated in his March 2005 report:

“…only Commissioner Jarr is punctilious in his NEC duties and only he was willing to have a meeting with the writer (of the report) on Easter Monday. Of the senior staff only Messers Mattia and Conteh appear to take their duties seriously” (Kriegler, March 2005).

Without doubt on their appointment as Electoral Commissioners, Commissioners Conteh, Mattia, Kebbie and later Miatta French brought to the Commission a wealth of professional practical experience in election administration.

These ladies and two gentlemen, indeed, witnessed and made invaluable contributions to the transformation of the NEC, from its former status as an appendage to the Ministry of Interior and staffed by civil servants, to its model status as a professional EMB that is capable of conducting transparent and credible democratic elections.

It is only but fair to state that the restructured Commission led by Dr. Christiana Thorpe, with support from the staff, GoSL and the international community, was very instrumental in the transformation of the system of administration of elections in Sierra Leone from its worst state in the 1970’s and 80’ to its current model system in the African Continent.

Whatever criticism levied against Christiana as Chair of NEC, in fairness, by 2010 Christiana Thorpe’s achievements included the receipts of the following honours:

- Star of Sierra Leone Award 2007, for services to Humanity;
- Honouring Women 2007- Award for outstanding role in promoting women’s issues, the empowerment of women in their communities and in national development;

- 2nd Runner Up African of the year 2008- Award by Media Trust Nigeria;
- Award of honor for outstanding contribution towards national development, God’s conquering Army Ministry (Sierra Leone) 2nd August, 2009;
- 2009 German African Award – from the German Africa Foundation;
- Officier d’I’ordre National, December 2009- Award from the Government of Ivory Coast.

Finally, by 2010, Dr. Thorpe was a member of the Board of the Electoral Institute for the Sustainability of Democracy in Africa (EISA) and an Executive Committee member of the ECOWAS Network of Electoral Commissions (ECONEC). She became president of ECONEC in 2012.

**Dr. Christiana Thorpe re-appointed as Chair of NEC for a second five year term: 5th July 2010 – 4th July 2015**

Following the end of her first 5 year tenure with NEC on 16th May, 2010, Dr. Christiana Thorpe was reappointed and confirmed by Parliament on 17th June 2010 for a second 5 year term as CEC/Chair of NEC, amidst opposition from the leading opposition SLPP32. Her second five year tenure formally started on the 5th July, 2010, after taking the oath of office before His Excellency the President of Sierra Leone, Dr. Ernest Bai Koroma, at State House in Freetown.

**The Electoral Commission and electoral networking: 2005-2010**

Electoral networking with EMB’s (including INGO’s and other election administrators), as a key component of institutional capacity building measures, was a major feature of NEC’s election administration policies since its restructuring in 2005.

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32 The SLPP MPs in parliament unanimously staged a peaceful walk out of parliament on 17th June, 2010 in protest against the reappointment of Dr. Christiana Thorpe. SLPP Deputy Minority Leader, Hon. Emmanuel Tommy, had earlier quoted Parliamentary Standing Order 32 subsection (6) against the reappointment, among others; which is quoted as “Reference shall not be made to any matter on which a judicial decision is pending” –an apparent reference to the NEC versus SLPP court matter over the results cancellation in the 2007 elections.
Between 2005 and 2010 NEC networked with other EMB’s, INGO’s both at regional and global levels. NEC’s electoral networks were, and still are, however, constrained by inadequate resources to participate in regional networking activities. NEC had therefore only mostly attended activities paid for by either from the then Electoral basket fund or by the organisation sending the invitation.

**Electoral reform measures in the management of elections in Sierra Leone**

By electoral reform is meant, changes (or improvements) targeted at improving the management of elections (or electoral administration) in a given country. It may be targeted at “…the electoral legal framework (including the …EMB), the administrative and technical processes of electoral management, and the political context for Electoral Activities” (International IDEA 2006). Electoral reform, or better still, improvements in election administration may be due to a number of factors, inter-alia:–

- growing national dissatisfaction in the system of administering elections due to failure to deliver transparent and credible elections;
- a “package of general democratization initiatives” due to conflict;
- response to national and international pressures.

It is important to note that the EMB, with support from the Government, the international community and stakeholders, can play a major role in reforming a country’s electoral process.

As already stated, Sierra Leone’s enviable experiment with democratic elections (began in 1951, under the supervision of the British Colonial Administration, and continued immediately after independence) reached its climax with the 1967 elections. However, the immediate post 1967 period, unto the 1986 elections (especially the One-party era), marked a gradual and systematic decline in the system of election administration in Sierra Leone. There was failure, during the period under review, on the part of both the central government and the

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33 International IDEA Handbook (Opcit).
respective Electoral Commissions to deliver competitive, transparent and credible democratic elections. This was due to, amongst others, the absence of internationally accepted structural and procedural measures in the way elections were conducted, and the lack of Political will to conduct competitive transparent elections. Little wonder then that, as already stated, elections conducted in 1973, 1977, 1982 and 1986 have been described as “fraudulent rituals whose outcomes were never in doubt”; as they were “characterized by electoral violence, fraud and substantial numbers of unopposed candidates” (Hayward and Kandeh, 1987).

With the passage of time (especially with the “internationalization of electoral frameworks” and the system of administering elections around the world, particularly after the mid 1980’s) Sierra Leone, like many other countries in the Commonwealth and UN system, came under pressure to introduce electoral reform measures. Thus, between 1996 and 2008, there was gradual but systematic structural and procedural changes in the way public elections were conducted in Sierra Leone. It is evident that the process of electoral reform in Sierra Leone during this period, though gradual, had been systematic since the 1996 elections. Not withstanding the AFRC Military coup of 1997, there has been, since the 1996 conflict elections, commendable progress in the democratic developments of Sierra Leone, especially in the system of administering credible democratic elections. Thus, since the end of the civil war in 2002 the international community had provided significant assistance required for the conduct of all the elections held since then, including the transformation of NEC as a professional independent EMB.

**Conclusion on the Electoral Commission as an Independent EMB**

The restructured NEC has indeed contributed immensely to the strengthening of democratic governance in Sierra Leone, with an increased capacity to deliver professional, transparent and credible election services all by itself to stakeholders and the electorate in general. This has thus resulted to an improved public perception of the Commission as an independent and professional EMB.
Challenges of the restructured NEC

- Funding of logistical support, maintenance services, and the entire electoral process;
- Sustainability of the restructured NEC and its independence;
- Retention of the services of the professional election administrators vis-à-vis international competition and staff remuneration;
- Issues of electoral fraud, the acceptance of final results by losers and elections violence;
- Provision of convenient district offices and storage facilities.
CHAPTER 4
FEATURES AND LEGAL FRAMEWORK OF SIERRA LEONE’S ELECTORAL PROCESS

In this chapter the term electoral process refer to the entire set of a country’s electoral arrangements, as prescribed in its electoral legislation. These include, the electoral legal framework, electoral system, the EMB, issues related to strategic planning, funding and organization of core electoral activities, recruitment and training of electoral staff and public sensitization.

The following are the basic characteristics of our electoral process. They are the underlying guiding principles, found in the 1991 Constitution and other electoral legislation.

**Provision of fundamental human rights.**
The provision of fundamental human rights and freedoms (especially elections related rights) in the Constitution of Sierra Leone, 1991 (Act no 6 of 1991) and the rule of law are core principles of the country’s electoral system. These rights include:

- Freedom of speech (expression) and a free press;
- Freedom of association for political purposes (including the establishment of political parties);
- Secrecy of the ballot.

It must be noted that transparent and credible elections are impossible without adherence to the rule of law and respect for human rights.

**Existence of two Independent Electoral Management Bodies (EMB’s)**
It has been stated that Sierra Leone has two Electoral Management Bodies that are responsible for managing the essential elements for the conduct of elections and referenda; they are:

- The Political Parties Registration Commission (PPRC);
- The National Electoral Commission (NEC).

Universal Adult Suffrage.

The principle of Universal Adult Suffrage (UAS) means that the right to vote and be voted for is given to all qualified adults, both male and female, on equal terms and without qualifications, except those stated in the Constitution and other election related legislation. This right is, however, subject to certain conditions under the law, such as: age, nationality and residential requirements. In other words, the right to vote and to be elected in Sierra Leone is restricted to minimum age, nationality and habitual resident requirements. The eligibility criteria to register, vote and to be elected for President and Parliament are contained in the 1991 Constitution of Sierra Leone and other subsidiary Electoral Laws. A person must be a Sierra Leonean, at least 18 years old and of sound mind in order to register. In order to run for the position of president, a candidate must be a Sierra Leonean of not less than 40 years of age, must belong to, and nominated by, a registered political Party with the PPRC; while candidates for parliamentary election must be Sierra Leoneans, aged at least 21 years. Residence requirement means habitual or ordinary residence.

Deprivation of the right to vote and be elected may occur only as provided for in the law. e.g. conviction by a court of competent jurisdiction of certain election offences.

Equal Suffrage

Equal suffrage refers to equal voting rights to all eligible persons. Put differently, each registered voter has in principle one vote, and one vote only. Voting is individual based. Thus, multiple registration and voting, and any other form of control by one voter over the voting of any other are therefore contrary to the electoral laws of Sierra Leone.

Equal suffrage may also be interpreted to mean equal voting power to constituents of the various (112) constituencies in the country. Thus, constituency seats must be evenly distributed between the country’s existing 14 administrative districts, with a view of giving equal voting power to all. As a way of guaranteeing this principle of equal voting power to all the 112 constituencies,
the Constitution allows NEC to review constituency boundaries at an interval of at least 5 years and not more than 7 years.

**Secret (and free) Suffrage**

Section 36 of the aforementioned 1991 Constitution, makes provision for secret ballot at all public elections, by stating that “at any public elections or referenda voting shall be by secret ballot”. Secrecy of ballot is an aspect of the elector’s freedom. It involves the freedom of the voters to form their opinion and to express their wishes on the ballot in secret in either a voting booth or some enclosed place. The purpose of secret suffrage or ballot is to shield voters from pressures they might face if others knew how they voted.

**Partisan Politics**

Politics and elections in Sierra Leone, both at national and local levels, are based primarily on parties. The creation of Political Parties with a view to “sponsor candidates for Presidential, Parliamentary or local government elections” is a feature of our Constitution. Section 35 of the 1991 Constitution provides that:

1. *Political parties may be established to participate in shaping the political will of the people, to disseminate information on political ideas, and social and economic programmes of a national character, and to sponsor candidates for presidential, parliamentary or Local Government elections.*

2. *The internal organization of a political party shall conform to democratic principles, and its aims, objectives, purposes and programmes shall not contravene, or be inconsistent with, any provisions of this Constitution.*

However, independent candidates are also free to contest parliamentary and local council elections; but not presidential election. Candidates for presidential election must belong to and be sponsored by Political Parties. Paramount Chieftaincy (PC) elections are, however, not based on political party basis, but on the principle that candidates must belong to ruling houses.

Political Parties are corporate bodies with the capacity to acquire and own property and to sue and to be sued.
Electoral Systems

The First-Past-The-Post electoral system (FPTP) is used for parliamentary elections and local government elections; while the Two – Round electoral system (TRS) is used for Presidential and Paramount Chieftaincy elections (see chapter 6 for more details on electoral systems used in Sierra Leone).

No minimum voter turnout needed

There is no minimum voter turn out required as a prerequisite to win presidential, parliamentary, local council or paramount chieftaincy elections. However, for an issue to be approved in any referendum, such issue shall be approved by the “votes of not less than one-half” of persons voting “or by not less than two-thirds of all the valid votes cast” (Section 37(1) of the 1991 Constitution).

Voluntary Participation in Voter Registration and Polling

Participation in voter registration and polling processes is voluntary and not compulsory. However, the existence of one’s name on the voters register is a prerequisite for parliamentary approval of presidential nominees for public positions; such as Ministers, members of public corporations and Commissions established under the Constitution, Ambassadorial Positions.

Other legal and procedural characteristics

The following are procedural features of Sierra Leone’s electoral process.

- The compilation or update of the voters register prior to a Presidential, Parliamentary or local government elections;

- Use of fixed registration centres to register eligible voters; which will later serve as polling centres i.e. “where you register is where you vote”;

- Use of a voter identity card issued by NEC to establish a voter’s identity at the polling station to prevent impersonation;

- Use of indelible ink (i.e. an electoral stain) to prevent multiple registrations and voting;

- Votes cast are counted immediately at the polling stations and provisional results published at polling stations;
Accredited national and international organizations, Embassies may observe all aspects of the electoral process;

Accredited Party and candidates’ agents may also observe the Polling and counting processes on behalf of their respective parties and candidates;

The NEC is a corporate public institution with the capacity to acquire and own property and to sue and be sued.

**Phases of the electoral process**

The following are the major phases of the electoral process:

- Delimitation of electoral boundaries and their review between 5 and 7 years by the NEC (and not by a separate Boundaries delimitation Commission);
- Voter registration process;
- Candidate nominations;
- Political campaign;
- Recruitment and training of Polling Staff;
- Polling;
- Counting and announcement of results;
- Post-election activities.

**Electoral Legal framework**

The following are part of Sierra Leone’s electoral legal framework for public elections i.e. Presidential, Parliamentary, Local Government and Paramount Chieftaincy elections:

- The Constitution of Sierra Leone, 1991 (Act No. 6 of 1991); including amendments;
- The Public Elections Act, 2012 (PEA, 2012)34;
- The Political Parties Act, 2002 (Act No. 3 of 2002), including amendments;

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34 This Act was passed on 1st May 2012. It received presidential assent on 7th May 2012, thus repealing the National Electoral Commission Act, 2002 and the Electoral Laws Act, 2002.
The Local Government Act, 2004 (Act No.1 of 2004);


Other elections related legislation include the following:

- The Independent Media Commission Act, 2000 (Act No. 12 of 2000);
- The Sierra Leone Citizenship Act, 1973, including all the amendments;

Regulations adopted by the National Electoral Commission (NEC) also form part of the electoral Legal framework e.g.

- Constitutional Instrument No. 2 of 2008: the Wards (Boundaries) Regulations, 2008;

International legal instruments

Sierra Leone has signed/ratified elections related international legal instruments (both regional and international) on human and political rights. The most prominent amongst them include:

- International Covenant on Civil and Political Rights (ICCPR) 1966;
- International Convention on the Elimination of Racial Discrimination (ICER), 1965;
- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979;
- The Convention of the Political Rights of Women (CPRW), 1952.
Regional legal instruments include:

- The African Charter on Human and Peoples’ Rights (ACHPR), 1981;
- The Declaration of Political Principles of the Economic Community of West Africa States (ECOWAS), 1991;
- The ECOWAS Protocol on Democracy and Good Governance, 2001;
- The New Partnership for Africa’s Development (NEPAD), 2002; and
CHAPTER 5


Introduction and Background information to Political Party formation

This chapter is a survey of the development of political parties in Sierra Leone from colonial days to 2012, their role in the electoral process and related matters.

The formation, organization and role of political parties in any democratic country constitute a core element of its electoral process. Political parties, as used in this book, refer to all registered groups of Sierra Leonean citizens whose main objective is to “attain, maintain and exercise” political power through constitutional means.

The establishment of advisory (and later representative) institutions by the British in both the then Colony and Protectorate of Sierra Leone, and the introduction of constitutional reforms (which later gave representation to indigenous Sierra Leoneans) have been regarded as, amongst others, the factors which led to the emergence of political parties in the real sense of the word (Joe A.D Alie, 1985, 1990). Examples of institutions that Britain established were:

- the Advisory Council of Sierra Leone, which was constituted as Executive and Legislative Councils in 1863;
- the Municipality of Freetown established in 1799, and later by the Municipality Ordinance of 1893;
- the Protectorate Assembly which came into being in 1946 and;
- District Councils also established in 1946.
The establishment of the above institutions first led to the emergence of pressure groups or quasi-political organizations in both the Colony and the Protectorate. Among these quasi-political organizations were:

- the **Sierra Leone Mercantile Association** (established in the late 1850’s);
- the **Rate Payer’s Association** (1895);
- the **National Congress of British West Africa** (NCBWA) Sierra Leone branch, which was formed in 1920;
- the **Protectorate Educational Progressive Union** (PEPU) which was revived in 1946 and sought to advance the interest of Chiefs; and
- the **Sierra Leone Organization Society** (SOS), which was formed in June 1946 by the Protectorate educated elite as an “educational and improvement” association.

It should, however, be noted that the above organizations were not political parties in the true sense of the word. It is necessary to further point out that the Creoles of what was then the Colony, though in the minority, had enjoyed a long-standing dominant or privileged position in Sierra Leone politics over the majority of the people in what was then called the Protectorate (now provinces). This was much to the displeasure of the latter group (the protectorate people). This was due to, among other factors, the early contacts of the Creoles with western education. It was thus the conflict over power distribution that acted as the political catalyst that led to the formation of true political parties in the country (i.e. the Creoles wanting to maintain their long-standing political dominance over the people of the protectorate, and the latter group desirous to change the status quo).

**Proposal for Constitutional Changes**
It is important to note that, as part of its decolonization strategy, the colonial government’s proposal for constitutional changes influenced the development of political parties in Sierra Leone after World War II (1939–1945). In 1947 a new constitution was proposed; which will give more representation in the Legislative Council to the Protectorate people over the Colony people (i.e. 10 of its unofficial members were to be elected from the Protectorate and 4 from the Colony; with no qualification for the Protectorate representatives). This proposal, if put into effect, would certainly give more political space to the people of the protectorate by transferring power from the Colony to the Protectorate; and thereby constitute a threat to Creole hegemony in the Colony politics. There was a disagreement over the proposal between the groups that existed in the Colony and the Protectorate. This disagreement over representation formed the basis of the two major post war nationalist parties. The 1947 proposal came into effect in the 1951 Constitution. The 1951 Constitution provided, amongst other things, for fourteen members to be indirectly elected from the Protectorate and seven members directly elected from the Colony.

Political Parties Are Formed:

The National Council of the Colony of Sierra Leone

The above provision appeared in the draft of the 1951 Constitution. In protest, nearly all the Creole colony groups or organizations merged together to form in August 1950 a single political party called the National Council of the Colony of Sierra Leone (NCCSL) or National Council of Sierra Leone (NCSL) to champion the political interest of the Creoles. It was led by Dr. H. C Bankole-Bright, and was certainly Sierra Leone’s first political party in the real sense. It was an alliance of nearly twelve political or semi political associations that were either predominantly Creole in membership and leadership, or were Creole in leadership but composed largely of protectorate people resident in Freetown. The major aim of the NCCSL was to resist any challenge by the protectorate people to the long-standing Creole hegemony or dominance in the politics of Sierra Leone before independence. It demanded that the Colony should be equally
represented (as the Protectorate in the proposed constitution of 1951) in the Legislative Council.

The Sierra Leone People’s Party

As a counter force, in April 1951 the Protectorate people formed the Sierra Leone People’s Party (SLPP) “to contest Creole hegemony” in Sierra Leone’s politics of colonial era. It was a coalition of three bodies or groups which were only partly political:

- One of these groups was the **Protectorate Educational Progressive Union (PEPU)**, which had earlier been formed by several chiefs to raise money to finance the education of boys from the protectorate,

- The second group was the **Sierra Leone Organization Society**, a group mainly founded by teachers and other educated people.

- The third group which joined in the formation of the SLPP was the small radical Colony based Mr. Lamina Sankoh’s **Peoples Party** (founded in 1949 by a Creole Minister of Religion, Rev. E.N. Jones, who adopted the African name Lamina Sankoh).

The SLPP initially aimed at putting an end to the long-standing Creole dominance in the politics of Sierra Leone. Protectorate people predominantly dominated the leadership of the party. The first nation-wide elections held in 1951 were won by the SLPP led by Dr. M.A.S Margai. The SLPP in alliance with the traditional elite (the Chiefs) and some Independent candidates played a dominant role in the political activities of Sierra Leone from 1951-1967. The SLPP was also virtually unchallenged in the 1957 elections. The NCCSL did not win any seat in the 1957 elections and therefore disappeared from the centre of Sierra Leone’s Politics.

The **United Progressive Party (UPP)**, which had also been formed by Creoles and led by a Freetown based barrister, C.B. Rogers- Wright
succeeded the NCCSL in 1954. The UPP became the main opposition party after the 1957 elections, as it provided a rallying platform for all dissent and opposition to chiefs and protectorate rule.

The **Kono Progressive Movement (KPM)** was formed in 1955 and led by a druggist, Tamba S. Briwa. It was a minority party dedicated to the advancement of the interests of the Kono people, who were dissatisfied with the way the district’s diamond resources were managed. As a Kono based party, the KPM dominated the politics of the Kono district during this period. In 1959 the KPM merged with the **Sierra Leone Independence Movement (SLIM)**; a party with limited popular support, which had been launched in 1956 by Edward Wilmot Blyden III. This was apparently in order to broaden its political base from Kono district to the Colony of Sierra Leone. The new party, which emerged from the merger, the **Sierra Leone Progressive Independence Movement (SLPIM)**, was short-lived as it was forced into a political merger with the SLPP after independence. As already stated, the SLPP defeated all its opponents in the 1957 elections. As noted by Mary Louise Clifford in her book **The Land and People of Sierra Leone**:

“...The alliances forged in opposition to the SLPP were very fluid, depended largely on the leadership abilities of the men who wielded them together, and failed to achieve the cohesion necessary to threaten Dr. Margai’s supremacy. All of these parties jockeyed with each other in an attempt to gain control of the leadership positions, but none of them provided any outlet for lower class discontents that were just beginning to surface in the 1950’s”\(^{35}\)

In September 1958 the **People’s National Party (PNP)** was formed when a number of liberal or radical members within the S.L.P.P (led by Albert Margai), became dissatisfied with the conservative leadership of Sir Milton Margai. The PNP was thus formed as a result of ideological differences and struggle for leadership in the SLPP, between the older and conservative members of the party and the younger, better-educated and radical

\(^{35}\) Mary Louis Clifford: The Land and People of Sierra Leone (Printed in the USA, 1974 edition P. 80)
members of the party. The former (who included the chiefs) were satisfied with Milton Margai’s cautious leadership and his commitment to a “slow but sure” pace of decolonization and development in Sierra Leone; whereas the latter (the radicals or liberals amongst whom were Albert Margai as head, Siaka Stevens, Maigore Kallon, S.T Navo and A. J. Massally) wanted a more dynamic leadership and a faster rate of changes in the country. The PNP was short lived, as by 1960 most of its members had rejoined the SLPP.

The United Front, Independence and the formation of the All Peoples Congress (APC)

By 1960, it had become apparent that the proliferation of political parties, with varying ideologies, will threaten the SLPP’s leadership in Sierra Leone politics. By this time (1960), therefore, Sir Milton Margai (leader of the SLPP) had convinced the main political parties and other prominent politicians to form a United Front (UF), to discuss arrangements with the British government for Sierra Leone’s independence. Sir Milton Margai led the UF. However, a few PNP members (led by Siaka Stevens, who were outside the legislature) wanted elections to be held before independence. This idea was refused by the UF. It was at this stage that Siaka Stevens and other dissatisfied former members of the PNP defected from the UF to form in July 1960 the Elections Before Independence Movement (EBIM), which two months later became the All Peoples Congress (APC). The APC became a rallying platform for all sorts of discontented groups in the country, to the extent that it won the Freetown City Council elections two months after its formation. It became the most organized opposition to the SLPP after the 1962 elections (1962-1967), which were won by the SLPP.

Constitutional talks between the UF and the British government, however, took place in London. These talks led Sierra Leone to independence on 27th April 1961, under the SLPP led by Sir Milton Margai. The SLPP ruled Sierra Leone until 1967, when they were defeated by the APC in the 1967 elections. The APC continuously ruled Sierra Leone from 26th April 1968 –
29th April 1992, when it was overthrown by the army under the already mentioned National Provisional Ruling Council led by Captain Valentine E. M. Strasser.

Another political party called the United Democratic Party (UDP) was formed on the 21st of September 1970, following the resignation from the APC of two prominent government Ministers in the persons of Dr. John Karefa-Smart and Dr. M.S. Fornah. They resigned in protest against the proposed introduction of a republican constitution. The UDP was banned on the 8th of October 1970. Inspite of threats to its rule, the APC succeeded in introducing a republic on the 19th April 1971 (with Stevens as Executive President) and a one-party state in 1978. As already stated, the APC ruled Sierra Leone until 29th April 1992, when the APC government was overthrown by the military under the National Provisional Ruling Council (NPRC)


President Joseph Saidu Momoh, who had replaced President Siaka Stevens in 1985, re-introduced multi-party politics in 1991 after a referendum. The electorate overwhelmingly supported Sierra Leone’s return to multi-party politics in the referendum. A new constitution that has provision, among others, for the establishment of more than one political party was introduced on 1st October 1991. After the introduction of the 1991 Constitution, more political parties were formed; in addition to the existing All Peoples Congress headed by Joseph Saidu Momoh and the SLPP (which was revived) with Dr. Salia Jusu Sheriff as head. Among the new political parties were -

1. Democratic People’s Party (DPP), with Gibril A. Koroma as its leader;
2. National Action Party (NAP), with Dr. Shaka Kanu as head;
3. National Democratic Party (NDP), with Ahmed Morie Banya as head;
5. Peoples Democratic Party (PDP), with Thaimu Bangura as leader;
6. Unity Party (UP), with Mohamed Amadu Deen as leader;

The desire of the people of Sierra Leone, to once again, participate in multi-party politics was, however, dashed when the APC government of President Joseph Saidu Momoh was overthrown on the 29th April 1992 by the aforementioned military junta. All political parties and political activities were banned.

Registration of political parties by the Interim National Electoral Commission (INEC) for the 1996 Presidential and Parliamentary elections

It has been stated in chapter 2 of this book that following the lifting of the ban on political activities by NPRC Decree No. 7 of 1995, which was preceded by the establishment of the Interim National Electoral Commission (INEC), 16 political parties were registered by INEC.

Registration of political parties by the reconstituted National Electoral Commission.

The replacement of the INEC with a newly reconstituted National Electoral Commission (NEC) in March 2000 saw the registration of more political parties, as the following:

1. Citizens United for Peace and Progress (CUPP), with Alfred Musa Conteh as interim Chairman;
2. Democratic Party (DP) with Henry Baio as Acting Chairman;
3. The Grand Alliance Party (GAP), with Dr. Idris M. Fofanah as interim Chairman;
4. Movement for Progress Party (MOP), with Mrs. Zainab Bangura as leader;
5. Peoples Democratic Alliance (PDA) with Abdul R. Kamara as leader;
6. Peace and Liberation Party (PLP) with Darlington Morison as interim Chairman;

36 See Chapter 4 of “A short history of the Electoral Commission of Sierra Leone” by M.N. Conteh (Unpublished, July, 2012), for list of political parties registered by INEC.
7. Young People’s Party (YPP) with Cornelius Deveaux as Interim Chairman.

In accordance with the Lome’ Peace Accord, the already mentioned Revolutionary United Front of Sierra Leone led then by Cpl. Foday Saybana Sankoh (which had fought a guerilla war with successive governments of Sierra Leone from 23rd March 1991 to 18th January 2002), applied to INEC to transform itself from a guerilla movement into a political party, called the Revolutionary United Front Party (RUFP). A piece of electoral legislation titled “The Revolutionary United Front of Sierra Leone Act (participation in political and democratic process, Act No 4 of 1999)” enabled the RUF to register as a political party on the 22nd November 1999, thus enabling it to henceforth function as a political party in Sierra Leone. The RUFP was among the parties that received final certificates of registration for the 2002 presidential and parliamentary elections.

It is important to note that (besides the SLPP, which, as we already know, was established in 1951, and the APC established in 1960) nearly all the political parties that mushroomed after independence lacked continuity and thus were short-lived. Among the reasons for this, were: the then one party system, and consequently, the desire to suppress other political parties and freedom of speech by the government of the day; and the fact that some of these new parties had no strong political power bases, resulting in their limited support. Besides, nearly all the political parties that had emerged in Sierra Leone since the 1950s were either ethnically or regionally based. Thus, they failed to make any significant political breakthrough in areas outside their ethnic or regional political footholds. Finally, they were parties that depended largely on the leadership abilities and finances of their founders (with the exception of the SLPP and the APC).
LEGAL STATUS OF POLITICAL PARTIES IN SIERRA LEONE

1. Constitutional Provision for the formation of Political Parties

- Political parties are firmly entrenched in Sierra Leone. They are recognized in the constitution. Chapter iv Section 35 of The 1991 Constitution, for example, make provision not only for the establishment of political parties, their internal organization and democratic principles, but also confers specific roles on them.

Subsections (1) & (2) of the above-mentioned section provides that;

(1) “Political parties may be established to participate in shaping the political will of the people, to disseminate information on political ideas, and social and economic programmes of a national character, and to sponsor candidates for presidential, parliamentary or Local Government elections.”

(2) “The internal organization of a political party shall conform to democratic principles, and its aims, objectives, purposes and programmes shall not contravene, or be inconsistent with, any provisions of this constitution”.

- Another area of recognition accorded to political parties in the constitution is in the nomination of presidential candidates for presidential elections. Chapter v Section 42 (1) provides that “a presidential candidate shall be nominated by a political party”. As stated above, parties may also sponsor candidates for other public elections.

The introduction of the then District Block Representation (list) System (DBRS) in the 1991 Constitution (Section 38 amended), ensured the need for political party affiliation to parliamentary elections. Under the DBRS used in the 2002 elections, candidates for elections for Ordinary Members
of Parliament were nominated in a list drawn up by a political party (not under the constituency FPTP system anyway). Voters voted for lists of candidates drawn by political parties and not for individual candidates.

2. Requirements for the registration of political parties by the Political Parties Registration Commission (PPRC)

For political parties to function in Sierra Leone, their registration by the Political Parties Registration Commission is a legal requirement. The 1991 Constitution (Section 34 (1) establishes the already mentioned independent Political Parties Registration Commission (PPRC) responsible, among other things, for the registration of all political parties.

The PPRC shall refuse registration of a political party if it is satisfied, inter-alia, that:

- the membership or leadership of the party is restricted to members of a particular tribe, ethnic group or religious faith; or
- if its leadership include non-citizens and other people who are not qualified to be Members of Parliament; or
- the party is formed to promote the interest and welfare of a particular group, community, geographical area;
- a political party shall also be refused registration if it does not have registered offices in each of the provincial regional headquarter towns and the Western Area;
- each political party is required to submit a statement of the sources of its income and its audited accounts, together with a statement of its assets and liabilities, to the Political Parties Registration Commission.

However, any association aggrieved by the decision of the PPRC in refusing its application for registration, has the right to appeal to the Supreme Court of Sierra Leone, whose decision shall be final.
Since its establishment in December 2005 (up to the time of writing this book) the PPRC has registered the following new political parties, in addition to some of the aforementioned ones:

1. Peoples Movement for Democratic Change (PMDC) led by a lawyer, Charles F. Margai.
2. Convention Peoples Party (CPP) led by Mr. Andrew Turay;
3. Citizens Democratic Party (CDP) (2012);
4. United Democratic Movement (UDM) (2012), led by Mr. Mohamed Bangura.

The PPRC, in collaboration with political parties and other stakeholders, has since 20th October 2006 established a political party’s code of conduct. The Commission in 2012 applied to the Supreme Court to de-register political parties that were not fulfilling their responsibilities as per the law. Upto the 17th November 2012 election’s, only 10 political parties were registered (or better still, have regularized their documentations) with the PPRC. They were as follows:

1. All Peoples Congress (APC);
2. Citizen Democratic Party (CDP);
3. National Democratic Alliance (NDA);
4. Peoples Democratic Party (PDP);
5. Peoples Movement for Democratic Change (PMDC);
6. Peace and Liberation Party (PLP);
7. United National People’s Party (UNPP);
8. United Democratic Movement (UDM);
9. Revolutionary United Front Party (RUFP);
10. Sierra Leone Peoples Party (SLPP);
THE FUNCTIONS OF POLITICAL PARTIES IN THE ELECTORAL PROCESS

Under The 1991 Constitution, political parties may be formed:

- to shape the political will of Sierra Leoneans;
- to act as the chief mechanism of informing Sierra Leoneans about social, political and economic issues that deal with the whole country and;
- to produce and sponsor candidates for all public elections.

Let us briefly explain the above-mentioned functions of political parties in the country’s electoral process.

1. **Shaping the political will of Sierra Leoneans during political campaigning**

During political campaigns (which will officially begin after candidate nominations, followed by a proclamation by the Electoral Commission to that effect), political parties in Sierra Leone, like in many democratic Commonwealth countries, must help the voters to form their opinions through the presentation of political manifestos or programmes. By this, Parties may help to mould public opinion. By helping the people to form and mould their opinions, political parties participate in shaping their political will.

2. **Agent for the dissemination of information on national issues**

Political parties are expected to be a medium of informing (and influencing) voters about political, social and economic issues or programmes affecting the entire country. For example, political parties may help to inform voters about the electoral process in general, and their civic responsibilities as electors in particular. Any relevant information received on any of the above issues, should be passed by political parties unto their supporters.

3. **Provision of leadership for national elections**
As already stated, under the 1991 Constitution political parties are the only source for providing executive (political) leadership. Any person who intends to contest as a candidate for Presidential election shall have to be nominated by a political party. In other words, no person shall attain the office of the President of Sierra Leone, democratically, without being sponsored by a registered political party. Political parties may also sponsor candidates for Parliamentary and Local Council elections. Moreover, as already stated, under the then National List Proportional Representation and District Block Representation Systems (DBRS), as used for the 1996 and 2002 elections respectively, candidates for the elections for Ordinary Members of Parliament were included in party lists of candidates presented by each registered political party. Under the First-Past-the-Post (FPTP) system, however, qualified citizens may contest as Independent candidates (except for the Presidency). This is also true for Local Government elections.

4. Observation of the Election Process

For the electoral process to be meaningful in any emerging democratic state, the Election Management Body has to make the issue of transparency a fundamental component of its electoral policy. Political Parties are allowed to observe the electoral process, through the following ways:

- they may be permitted to observe the voter registration exercise in the field (or any other electoral tasks) and to report on any abnormal or irregular act. However, political parties should not be allowed to interfere with the actual functions of the field officers. In May 2012, registered political parties monitored in Brussels, Belgium, the deduplication process (or matching) of the biometric voter registration data collected by NEC for the voters register for the 2012 elections.
- there is a provision in the electoral laws of Sierra Leone allowing each political party to nominate two agents who will be present at polling stations and results collation centres on election day. Such
agents may report on any suspected irregularity or fraud to their political parties, or polling or counting officers; or even to the National Electoral Commission. However, the National Electoral Commission (NEC) must accredit party agents like national and international Observers, before they are allowed to observe the electoral process.

**Conclusion**

It is, however sad to note that in practice many political parties in Sierra Leone do not perform most of the above functions. Some political parties technically cease to exist barely a few months after they have lost an election. This is because, inter-alia, they find it difficult to maintain their infrastructures and even membership. Political Parties in Sierra Leone have also been viewed by some analysts as encouraging “tribalism” and ‘religionalism’ in politics. They “centre their activities almost exclusively on personalities” rather than on ideologies. There is thus the need for Political Parties in Sierra Leone to, inter-alia, reform themselves along national and ideological lines, establish sustainable national structures, practice internal democracy, develop and practice a sound gender based policy, and include youths and persons with disabilities in their executive positions. One other disturbing feature in the politics of Sierra Leone is the frequent “cross carpeting” of party members from one party to the other, especially to the party in power, there by leaving smaller parties in a weak position.

In spite of all their shortcomings, political parties are important in the electoral process of Sierra Leone. In the words of (Dr) Abu Bakarr Kargbo

“*without any doubt, Political Parties constitute the centre stage for political socialization. They are the intermediaries between the people and the state. They play a crucial role in the democratic process of any state*”\(^{37}\)

\(^{37}\) Dr Abubakarr Kargbo: Political Parties and the Democratic Process In Sierra Leone, 1952-2004 (Article in Sierra News, October edition 2004) The author was a Lecturer at N’jala University, Sierra Leone. He is currently (2012) Chairman of the National Commission for Democracy in Sierra Leone.
CHAPTER 6

TYPES OF PUBLIC ELECTIONS IN SIERRA LEONE AND ELECTORAL SYSTEMS USED TO CONDUCT THEM

Introduction
This chapter briefly examines the types of public elections in Sierra Leone and the electoral systems used to conduct them since 1951.

Types of Elections in Sierra Leone:
In Sierra Leone Public elections are the following:

1. Presidential Election:
   It is held every 5 years to choose the chief executive or leader of the country. In other words, a presidential election is conducted to choose the President and his/her Vice President. Only candidates who are members of a registered political party, nominated by that party and are qualified to be members of parliament can contest.

   These are elections conducted to choose representatives to parliament after every 5 years. Parliament (or the Legislature) is unicameral in nature and currently has 124 members: of these, 112 are directly elected by universal adult suffrage; while 12 seats are reserved for Paramount Chiefs (one to represent each of the 12 provincial districts). There is a National Council of Paramount Chiefs, but not part of Parliament.

   Elections for Ordinary Members of Parliament (MPs) are based on simple majority; meaning that the candidate who obtains the highest number of votes cast in the constituency is elected. Candidates for Ordinary MPs can be nominated by registered political parties or contest as Independent Candidates. A person can only be nominated in one constituency, and each party can only nominate one person per constituency.

These are elections to choose paramount chief district representatives to parliament. Paramount Chief Members of Parliament are elected indirectly through a limited franchise exercised by Chiefdom Councillors. In other words, voters in these elections belong to an electoral college, called Chiefdom Councillors (which is a group of selected taxpayers who are given the mandate to elect PC representatives on behalf of the people). Councillors are selected on the ratio of 1 Councillor to 20 tax payers (including the Councilor himself) in each chiefdom. Put another way, one Chiefdom Councilor is selected out of every 20 Local tax payers. Thus, the total number of Councillors in every chiefdom shall correspond with the estimated number of taxpayers. For instance, in a chiefdom with 1,000 Councillors, the corresponding number of taxpayers in such chiefdom shall be 20,000. Only substantive paramount chiefs shall contest this election.

4. Paramount Chieftaincy Election:

This is an election to choose a Paramount Chief to lead a chiefdom. A Paramount Chief is a traditional leader who heads the chiefdom authority. Only chiefdom councillors are allowed to vote; while only members from recognised ruling houses are allowed to contest. Once elected a Paramount Chief rules for life.\(^{38}\)

5. Local Council Elections:

These are elections to choose heads and councillors of a local council authority. They are held every 4 years. As stated in elsewhere in this book, Local Government in Sierra Leone comprises both the modern/western component (comprising city, municipal and District Councils), and a traditional component of chiefdom administration system.\(^{39}\)

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\(^{38}\) For the details on the process of electing a paramount chief, see chapter 8 of this book or M.N. Conteh: “The institution of paramount chieftaincy in Sierra Leone – An introduction to its history and electoral process (unpublished).

\(^{39}\) Andrew Nickson: of the International Development Department School of Public Policy University of Birmingham, England, in a paper titled: Report of Visit to Sierra Leone. 4 – 13 February 2003
6. **Bye-Election:**
A bye-election is an election conducted to replace an elected representative who has either died, resigned (or lost his or her seat in a petition through court ruling), and whose seat either in Parliament or in a local council becomes vacant as a result. For a local council, a bye-election shall be held within 90 days from the occurrence of the vacancy; and within 6 months for a parliamentary vacancy.

7. **Referendum:**
It is an election in which voters express their opinion on an issue. Two referenda had been held in Sierra Leone since 1978. The 1978 referendum was to decide on the issue of the adoption of a one party constitution or not; while the 1991 referendum was to decide on the issue of adopting the 1991 multi party constitution or not.

8. **Other elections**
Other elections include town/village heads elections in the Western Area and sub chiefs’ elections at chiefdom level (i.e. elections for town and section chiefs). Like the presidential, parliamentary, local government and bye-elections, Town and Village heads elections in the provinces and the Western Area Rural District, respectively, are conducted by universal suffrage.

**Electoral Systems**

**Definition of Electoral System**
In this book, the definition of an electoral system is restricted to “seats-votes” relationship, and not the entire set of electoral arrangements in a country. Put simply, an electoral system means a set of rules according to which the votes cast in a public election (whether parliamentary or local council elections) by qualified citizens are translated or converted into seats won by political parties/candidates.
One or more of the following factors (or a combination of factors) may influence the choice of an electoral system for a country; namely:

- Historical factors e.g. the impact of colonialism;
- Political factors: e.g. politicians may want to select a particular electoral system that will work to their advantage;
- Social factors (e.g. resulting from a conflict);
- Cultural and religious factors, such as to allow representation of women and other groups in a divided society.

Types of Electoral Systems used in Sierra Leone
Different electoral systems have been used to conduct House of Parliament elections in Sierra Leone.

1. First-past-the-post system
The first-past-the-post single-member constituency (FPTP) electoral system, which is prescribed by the constitution (section 38 of The 1991 Constitution), was inherited from the colonial power (Britain). Under this system (FPTP), elections for the Ordinary Members of Parliament are based on simple majority. This means that the candidate who obtains the highest number of valid votes cast in the constituency is elected. There are currently 112 single-member constituencies. The National Electoral Commission (NEC) has mandate to delimit electoral constituency boundaries and review them at intervals of 5–7 years.

2. Proportional Representation National List (PRNL) system
The basic principle of Proportional Representation (PR) is to create a fair relationship between votes cast in a general election and seats won by political parties in parliament or local councils. In other words, in PR systems parliamentary/local council seats are allocated to political parties in proportion to their overall share of the national votes. Unlike plurality–majority systems, PR systems do not use single–member electoral districts.
For example, in the PR National List, as was used in Sierra Leone for the 1996 elections, the entire country was used as a national constituency.

The Proportional Representation National List (PRNL) found its application in Sierra Leone in the 1996 parliamentary elections. It had its legal basis in the repealed Act No. 16 of 1995 and Act No 2 of 1996. The distinguishing feature of this system was that political parties submitted ranked lists of parliamentary candidates to the electors/voters, who voted for a party list and not for individual candidates contained in each list. Each party received seats in proportion to its overall share of the national votes. For a political party to gain a seat (in the then Parliament), it should obtain a minimum number of votes equivalent to 5% (i.e. the electoral threshold), below which no party will be eligible to share the allocation of parliamentary seats.

3. District Block Representation System

Section 38 of The 1991 Constitution, which mandates the use of the constituency system, was, however, amended in 2002 to add the option for a District Block Representation System (DBRS). This system can be used only when constituencies have not been demarcated, then the president (after consulting with the National Electoral Commission) shall direct the use of the DBR system. It was based on the country’s 14 districts (12 in the provinces and 2 in the Western Area); with each district considered to be a constituency. Each party submits a list of candidates in order of preference, with voters voting for a party list and not individuals. Political parties contested for a block of 8 seats in each district. Seats were allocated based on each party’s proportional share of the total district votes. The threshold for gaining seat(s) in parliament was 12.5% of total valid votes cast, below which, political parties will not be eligible to win seat(s) in parliament.

Like the Proportional Representation National List System (PRNL), the next available (unsuccessful) candidate on the party’s list fills each
vacancy under the DBR system. (i.e., there are no bye-elections). The DBR system was used for the 2002 elections, while as already stated, a Proportional Representation National List system was used for the 1996 elections. Inaccessibility to most areas of the country by the National Electoral Commission due to the then rebel war, and lack of reliable population figures for the demarcation of constituencies in post war Sierra Leone were among the reasons for using both the PRNL and DBR systems for the 1996 and 2002 elections, respectively.

Under the PRNL and DBR Systems, independent candidates are not allowed to contest.

4. **Two–Round System for presidential elections:**

Under this system, a presidential candidate in a presidential election must poll at least fifty–five percent (55%) of the valid votes cast to be duly elected. If no candidate polls this percentage of valid votes, then there will be a “run off” or re–run election, within fourteen days (14) after the official announcement of the results of the first round of voting, between the two candidates with the highest votes in the first election (section 42(2) of the 1991 Constitution). The winner of the “run-off” election will be the candidate who gets more of the valid votes cast, as it happened in the 1996 and 2007 presidential run-off elections, which were won by Ahmad Tejan Kabbah and Ernest Bai Koroma, respectively.

This system is also used to elect Paramount Chiefs at chiefdom level.
CHAPTER 7

HISTORY OF ELECTIONS IN SIERRA LEONE: 1951-2008

Introduction
This chapter briefly examines the country’s practical experience with elections, both of a democratic (i.e. free, fair, transparent and credible) and undemocratic nature.

A. Pre – Independence Elections

1. The 1951 General Elections
As already stated, the history of elections (i.e. political pluralism and electoral democracy) dates as far back as in 1951, when the first general elections were held (though on a limited scale) under the control of the British colonial administration. The 1951 general elections were preceded by the formation of “indigenously constituted” political parties in the true sense of the word i.e. the NCCSL and SLPP.

Two main Political Parties and a number of independent candidates contested the 1951 general elections on a limited and mostly indirect franchise:

- The National Council of Sierra Leone (NCSL), which was then a Creole based colony party;
- The Sierra Leone People’s Party (SLPP), which was widely representative.
- Independent candidates also contested the elections.

The elections were won by the SLPP (led by Sir Milton Margai), which got six (6) seats (2 from the Colony and 4 from the Protectorate);

- while the NCSL won five (5) seats (all from the Colony).
- Ten (10) Independent Candidates from the Protectorate also won seats.
• All the Independent Candidates crossed over to the SLPP, thus giving the latter an absolute majority in the Legislative Assembly.

2. The 1957 General Elections
The second general elections were held in 1957 on a much extended and direct franchise (based on the recommendation of the 1954 Keith-Lucas Commission). The 1957 general elections were more pluralistic and open than the 1951 elections, because more parties contested. They were as follows:

- The SLPP;
- The NCSL;
- The United Progressive Party (UPP);
- The Sierra Leone Progressive Independence Movement (SLPIM);
- The Sierra Leone Labour Party (SLLP).

A total of 121 candidates contested the elections, 47 of whom were Independents.

- The SLPP won the elections with 21 contested seats and 4 unopposed (or uncontested) seats,
- the UPP won 9 seats (7 from the Protectorate and 2 from the Colony),
- the SLPIM won 1 seat in Kono district,
- 12 seats went to Independent Candidates.
- 12 Paramount Chief Members of Parliament were also elected.
- All Independents and Paramount Chiefs crossed over to the SLPP.
- The Legislative Council was renamed House of Representatives.

B. Post – Independence Elections
1. The 1962 General Elections
Sierra Leone’s third general elections (the first after Independence) were held on the 23rd May 1962. They have been rated as the
“freest and fairest elections” held “during the (immediate) post colonial period”. 40

Before the holding of the 1962 elections, Parliament had passed the Electoral Provisions Act No. 14 of 1962. It was a comprehensive piece of legislation which provided for all aspects of a national election, be it general elections for Ordinary Members of Parliament, elections for Paramount Chief Members of Parliament or Local Government Elections. Indeed the 1962 Electoral Provisions Act has since served as Sierra Leone’s parent electoral statute (with some amendments, of course).

Four (4) major parties contested:

- The SLPP;
- The APC (which was formed, as already stated, as a result of a split within the SLPP; over, among other reasons, disagreement over whether general elections were to be held either before independence or after independence);
- The UPP;
- The SLPIM (which had succeeded the Kono Progressive Movement);
- Independent Candidates also contested.

The results were as follows:

- The SLPP returned 28 members,
- the APC 20 members (4 of whom were as a result of a merger with the SLPIM),
- Independents 14,
- 12 Paramount Chief Members of Parliament.
- As with the previous elections, Independent candidates and Paramount Chiefs aligned themselves with the SLPP, which formed the government.

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40 IFES: Sierra Leone: A pre-election Assessment Report, December 1991 p7 (The word in brackets is that of the author of this book).
Analysis of the 1962 elections
While the 1962 General elections may be regarded as being one of Sierra Leone’s “freest and fairest” elections, yet the results of the elections indicated that the country’s political parties were either regionally or ethnically based. This is confirmed by the following; while most of the SLPP’s 28 seats were won in the South and East, all of the 16 seats won by the APC were from the Northern Province and the Western Area, which was formally called Colony. In addition, the SLPIM, which was a Kono based party won its 4 seats in the Kono area. Besides, the emergence of a new regional division between the north and southeast was to become more serious than the one between the Colony and the Protectorate that had hitherto existed. One could perhaps be tempted to say that the seeds of regional or ethnic polarization in the provinces had begun to sprout. Moreover, since the political parties that contested the elections were not totally national in outlook and character, the electorate therefore assessed the candidates not much because of their political affiliation but "pretty much on their own personal performance and position". Finally no one political party was able to attain a clear majority of the seats in the House of Representatives. However, it should be emphasized that even after independence Sierra Leone continued her experiment with electoral democracy, an experiment started under British tutelage in 1951.

2. The 1967 General Elections
The next general elections were held on the 17th March 1967 for Ordinary Members of Parliament and on the 21st March 1967 for Paramount Chief Members of Parliament. These elections were witnessed by tense election campaign between the two (2) major parties, the SLPP and APC.

The elections, which were violent in some parts of the country, also saw the introduction of undemocratic elements in the country’s electoral history.

For example, by the close of nominations 6 SLPP candidates were declared “unopposed”; “although the APC had indicated its intention of opposing if permitted to do so”\(^\text{42}\). They were as follows:

- Sir Albert Margai (the incumbent Prime Minister) of Moyamba South Constituency;
- Mr. Samuel Margai of Bonthe South Constituency;
- Mr. S. Y. Kpakiwa of Kono North-East Constituency;
- Mr. R. G. O. King of Koya Rural District;
- Mr. Maigor Kallon of Kailahun Central constituency, and;
- Dr. Hadj Momo Conteh of Tonkolili-East Constituency;
- One Paramount Chief also went unopposed.

The 1967 elections were contested by two main political parties: the SLPP (which put up candidates to run for all the remaining 60 contested seats) and the APC (which registered at least 50 candidates in the contested seats for Ordinary Members of Parliament). A total of 61 Independent candidates also contested in at least 37 out of 60 contested constituencies. The election contest was closely fought between the SLPP and the APC. However, a great deal of confusion surrounded the whole electoral process, especially the nomination and vote counting processes.

The APC, however, gained a majority of seats in the 1967 elections; but its leader, Siaka P. Stevens, was prevented from taking power by the already mentioned military coup of 1967.

\(^\text{42}\) Robert S. Jordan: Government and power in West Africa (Faber and Faber, London 1969 p269)
The results of the elections (though, were not officially declared) were as follows:\textsuperscript{43}

- "APC: 32 contested seats and non-unopposed"
- "SLPP: 22 contested seats and 6 unopposed"
- "Independents: 6," (these were previously SLPP members)

Confusion over the election results led to the already mentioned first Military intervention in the Politics of Sierra Leone on the 21\textsuperscript{st} March 1967. This was followed by the declaration of a state of emergency by the Force Commander, Brigadier David Lansana; who was later deposed by his Officers and the National Reformation Council (NRC) was formed with Lieutenant-Colonel Andrew T. Juxon-Smith as head of state.

After intense internal power struggle (which led to the overthrow of the NRC by Warrant Officers of the military and later headed by John Bangura) and a lengthy investigation into the conduct of the 1967 elections, government was returned to civilian control under Siaka P. Stevens and the APC on the 26\textsuperscript{th} April 1968.

**Analysis of the 1967 elections**

The results of the 1967 general elections exposed further the continued polarization of Sierra Leone, along ethnic and regional lines. As already indicated, the confusion over the results of the said elections gave the first taste of political power to the Military in Sierra Leone; a phenomenon which regrettably continued up to 1997. However, the 1967 elections were significant for the following reasons:

\textsuperscript{43} Section 122 of the Dove-Edwin Commission of Inquiry.
They showed that democracy was still at work inspite of attempts to introduce undemocratic elements in the electoral process.

The 1967 general elections showed further how determined the electorate was, by then, to have a change of government through the ballot box, despite the alleged malpractices of the then government in power headed by the late Sir Albert Margai.

Finally, the elections were unique in the sense that they gave the opportunity to the APC to become “the first opposition party to win a general election in independent Black Africa”\(^{44}\).


Sierra Leone’s experiment with democratic elections reached its climax with the 1967 elections. It is unfortunate to note that the period beginning with the 1967 elections, unto the 1986 elections, was marked by a gradual and systematic decline in the experiment of electoral democracy and political pluralism, began under colonial rule. Nearly all elections conducted under this period (i.e. 1973 – 1986) were not “free and fair”; or, better still, credible to say the least. They were characterised by violence, intimidation and electoral manipulation, which led to a large number of “unopposed” candidates and uncontested seats.

1. The 1973 General elections

The next general elections were held on the 15\(^{th}\) May 1973, under a state of emergency. The 1973 elections were characterized by “a large measure of violence along with voting irregularities” initiated mostly by the ruling APC, thus allowing it to control every single seat in Parliament (Deveneaux, Gustav). There were nation-wide violent clashes between the SLPP and APC supporters (other political parties like the United Democratic Party remained banned) during what was a very tense election campaign. The SLPP complained of APC violation of nomination procedures and organized interference in the nomination process, thereby preventing SLPP

\(^{44}\) The Rising Sun – APC Secretariat (1982) p66
candidates from reaching nomination centres. There were, for instance, allegations of the deliberate and forceful prevention of prospective SLPP candidates from reaching nomination centres; and the deliberate refusal to accept nomination papers of many SLPP prospective candidates by Returning Officers using flimsy excuses. Thus, by close of nominations 46 APC candidates were declared unopposed, out of 85 elective seats. The SLPP thus withdrew from the elections, apparently because of intimidation and violence against its supporters by the incumbent APC. The SLPP withdrawal made the results of the elections a foregone conclusion (i.e. victory for the APC).

The results of the 1973 elections were as follows:

- APC 4 contested seats and 80 unopposed;
- SLPP Nil;
- 12 Paramount Chief Members of Parliament;
- Independent 1 (but later declared support for the APC).

**Analysis of the 1973 General elections**

The results of the 1973 general elections indicated, among other things, that:

- Sierra Leone’s political experiment with genuine multi-party politics and democratic electoral process had been literally assassinated;
- The country now became a de facto one party state, with a Parliament “whose members owed their positions to the party rather than to their constituency electorates…..”\(^{45}\)
- The withdrawal of the SLPP from the 1973 general elections gave the APC the opportunity to be the only political party in the nation’s law making body (parliament).

- This paved the way for the passing of legislation without any organized opposition.

• The results also indicated that Sierra Leone was to, henceforth, experience continued election manipulation and violence under a one party system.

2. The 1977 General elections
After violent nation-wide student demonstrations in opposition to the APC government, the next general elections were held on 5th May 1977 earlier that expected. The elections were contested by the APC, SLPP and a new party called the National Democratic Party. The 1977 elections, which were won by the APC, were not only “widely regarded as unfair” but the “most violent in the country’s history” (Deveneaux, Gustav). Thus, Sierra Leone became a de-facto one party state after the 1977 elections and a de-jure one party state on the 14th June 1978.

3. The 1982 General elections
The 1982 general elections were the first to be held under the one-party system. They were also characterized by allegations of fraud and electoral violence. The elections were contested under the APC.
• Seventeen (17) candidates were returned unopposed, out of 85 elective seats.
• All the 12 Paramount Chief Members of Parliament were returned unopposed.

President Siaka P. Stevens retired in 1985 and was replaced by his hand picked successor, President Joseph Saidu Momoh, an ex-Major General of the Sierra Leone Army.

4. The 1986 General elections
The second general elections under the one-party system were held in 1986. They were, however, characterized not only by a comparatively lack of violence, but also for multiple candidates competing for each seat in each constituency where the elections were contested. Nine (9) candidates, out of the 105 seats for Ordinary Members of Parliament, were declared unopposed.
D. Transition elections from military to civilian rule:
The 1996 Presidential and Parliamentary Elections

Introduction
In an attempt to “liberalize” the one-party state, because of both internal and external pressures (i.e. by civil society and principal aid donors, respectively), the government established a Constitutional Review Commission, which later recommended a return to multi-party politics. President Momoh, therefore, re-introduced multi party politics following the introduction of the 1991 Constitution. But as already stated, the Army again seized power on the 29th April 1992 the National Provisional Ruling Council (NPRC), which seized power, set up the Interim National Electoral Commission (INEC) in 1994. INEC conducted Presidential and Parliamentary elections on the 26th and 27th February 1996, using the Proportional Representation National List System (PR) for the latter.46 Fifteen (15) Political Parties (including the APC and SLPP) contested the elections (See chapter 3 for other pre-elections preparations by INEC). Political campaign was peaceful. The elections were observed, for the first time in the electoral history of Sierra Leone, both by International and Local elections observers. They were largely regarded as free and fair, though some armed elements tried to prevent the conduct of the elections in some places e.g. Freetown and Kenema. Also, the elections were not conducted in areas under the control of the RUF.

Results of the 1996 elections
The results of the Parliamentary elections were as follows:

- Sierra Leone Peoples Party (SLPP) = 27 Seats (35.9%)
- United National Peoples Party (UNPP) = 17 Seats (21.5%)
- Peoples Democratic Party (PDP-Sorbeh) = 12 Seats (15.2%)
- All Peoples Congress (APC) = 06 Seats (5.7%)
- National Unity Party (NUP) = 04 Seats (5.2%)

• Democratic Centre Party (DCP) = 03 Seats (4.8%)\(^{47}\)
• 12 Paramount Chief Members of Parliament were also elected (5 of whom were returned unopposed).

With regards the Presidential election, no candidate was able to score 55% as required by the law during the first election. A second presidential election was held on the 15\(^{th}\) March 1996 between Alhaji Ahmad Tejan Kabbah of the SLPP and Dr. John Karefa-Smart of the UNPP, with each candidate polling 603,008 (59%) and 419,099 (41%) respectively. Alhaji Ahmad Tejan Kabbah of the SLPP thus won the elections, even though the UNPP leader, Dr John Karefa-Smart complained of irregularities. For example, many polling stations in the east of the country, especially in Kenema and Kailahun Districts, recorded a voter turnout higher than the registered number of voters. The same is true of polling stations in Pujehun and Bonthe districts. Those polling station results were not invalidated by the then INEC. Instead, it only deducted the excess votes of 570,000; thus leaving the percentage turn out of most of those polling stations at 100%. This situation is hardly possible and thus not in conformity with international electoral standards.

**E. Post – conflict elections:**

1. **Presidential and Parliamentary Elections of 14\(^{th}\) May 2002**

**Introduction**

The National Electoral Commission (NEC), which replaced the INEC on the 20\(^{th}\) March 2000, conducted the next presidential and parliamentary elections held on the 14\(^{th}\) May 2002\(^{48}\). As stated earlier, the period 23\(^{rd}\) March 1991 to 18\(^{th}\) January 2002 was characterised by a brutal civil war. The war was declared over on 18\(^{th}\) January 2002, through the collaborative efforts of the UN, ECOWAS and the International Community. The end of the war was preceded by the disarmament of over 50,000 combatants.

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\(^{47}\) Because of a rounding up principle used by INEC the DCP got 3 seats in parliament, though it did not receive the 5% threshold.

President Kabbah’s first five-year term expired in March 2001. It was extended for two six-month term to allow time for the completion of the disarmament process and prepare for the elections.

Preparations for the elections

The NEC began preparing for the elections as early as possible:

- It registered political parties within the law, in the absence of the Political Parties Registration Commission (PPRC); which had not yet been established.
- As already stated, a strategic plan was formulated and published by the NEC in February 2001. The plan, which was the first ever to be produced by an election management body in Sierra Leone, was a technical document which focused primarily on the process of conducting the elections. It also contained the Commission’s goal, objectives and a timeline for the elections;
- A process of consultations on the electoral process with political parties (including the RUFP) and civil society representatives was begun at a Roundtable Conference on 18th April 2000. This culminated into the formation of a National Consultative Committee (NCC) and Regional Consultative Committees (RCC), comprising representatives of registered political parties and civil society groups;
- The Electoral Laws Act, 2002, which consolidated the electoral legislation contained in the NPRC Decrees, was passed by parliament;
- An election budget (including, a possible run-off) to the tune of Le20,973,034,700.00 (US $11,417,000) was prepared by the NEC. But given the country’s difficult financial state as a result of the war, it became difficult for the Government of Sierra Leone to fund the elections process alone without donor assistance.
- The 1991 Constitution (section 38) was amended, to introduce the aforementioned District Block Electoral System to replace the
proportional representation system used in the 1996 Parliamentary elections.

Electoral Process:

Voter registration, Nominations, Campaign and Election Day activities

1. Voter Registration

From the outset, the NEC recognized the need to prepare a fresh voter register if the 2002 presidential and parliamentary elections were to be credible to Sierra Leoneans and the international community. This was a result of the fact that the previous voter register used to conduct the 1996 elections had become obsolete due to the mass displacement of people (both as internally displaced persons and as refugees in neighbouring countries). Moreover, the names of eligible people who were then behind rebel line were not included. The preparation of a new voters register posed a tremendous challenge for the NEC. This was due to the lack of adequate funds, and the fact that the disarmament of the warring factions was officially declared completed by the United Nations Mission in Sierra Leone (UNAMSIL) on the 17th January 2002, and thus making the country fully accessible to all stakeholders in the electoral process.

With funds provided by the Government of Sierra Leone (GoSL), the British Department for International Development (DFID) and USAID, the NEC conducted the voter registration exercise from the 24th January to the 13th February 2002 (the exercise was extended for 3 days). The fixed centre registration method (instead of the house-to-house method used in previous voter registration exercises) and a computerized system using OMR (Optical Mark Reader) technology for data compilation were used for the exercise. The exercise was also supported with a voter identity card.

A total of 5,400 registration centres were identified, most of them were later used as polling stations. A total of 2,348,657 eligible voters were registered to vote in the elections, including some returnee refugees. However, political parties criticized the NEC for its handling of the voter registration
exercise. There were complaints, for instance, of shortage of registration materials like registration forms, films and laminates in some areas; the exclusion of certain eligible voters and multiple registrations.

However (given that the disarmament process officially came to the end on the 17th January 2002, and the start of the exercise on the 24th January 2002, etc) the NEC must be commended for going closer to its original target of registering 2.7 million voters. As indicated above refugees who returned from neighbouring countries were also registered a few weeks to the elections.

2. Candidate Nomination

The nomination of candidates for the presidential and parliamentary elections took place on the 2nd and 3rd April 2002. Since the election process was considered as a “conflict management tool”\(^{49}\), the Commission adopted a flexible approach to certain aspects of the electoral process. Like the voters registration exercise, the period for nomination of candidates was extended by one day, to the 3rd April 2002, in order to allow the Revolutionary United Front Party (RUFP) meet the nomination requirements. The participation of the RUFP in the 2002 post-conflict presidential and parliamentary elections (unlike the 1996 elections, in which the RUF did not contest) was considered by NEC to be more crucial to the overall success of the exercise than strict adherence to deadlines (Jimmy D. Kandeh, 2003). The nomination process was peaceful, free and fair. Nine candidates were nominated for the presidential election, while 10 parties sent in list of candidates for the parliamentary elections. The District Block Representation PR list system was used for 2002 elections.

3. Campaign

The period for political campaigning, as declared by the National Electoral Commission, was 2nd April to 11th May 2002. Following the nomination process, was the signing of a code of conduct by leaders of all registered political parties that contested the elections. The campaign by all political parties was relatively peaceful, except for an ugly incident in the centre of Freetown on the 11th May 2002; when supporters of the Sierra Leone People’s Party (SLPP) and those of the Revolutionary United Front Party (RUFP) clashed and threw stones at each other. But for the timely intervention of the Sierra Leone Police and UNAMSIL peacekeeping force, such a clash could have disrupted the election day activities on the 14th May 2002. However, as stated above, the whole campaign exercise was generally peaceful. Given the difficult circumstances following the end of the war, the NEC was widely credited for successfully handling the 2002 electoral process.

4. Special Voting day for the forces

For the first time in the electoral history of Sierra Leone a special day, called “Special Voting Day”, was set aside on the 10th May 2002; during which members of the Sierra Leone Police and the Sierra Leone Army, who would be on duty during election day, were allowed to vote prior to the elections. The “special voting day” was later criticised as it violated the secrecy of the votes of the forces.

5. Elections Day

Over 2 million voters voted on the 14th May 2002 to elect a president and 112 directly elected Members of Parliament. As stated earlier in this chapter, the District Block Representation System (DBRS) was used to conduct the parliamentary elections; using the country’s 14 electoral districts (12 in the provinces and 2 in the Western Area), with each district returning 8 Members to parliament.
Twelve (12) Paramount Chiefs (six of whom went unopposed) were indirectly elected on the 10th of June 2002 to represent 12 provincial districts.

Nine parties contested the presidential elections, while ten parties contested the parliamentary elections. The following political parties contested the presidential elections:

- All Peoples Congress (APC);
- Citizens United for Peace and Progress (CUPP);
- Grand Alliance Party (GAP);
- Movement for Progress Party (MOP);
- Peace and Liberation Party (PLP);
- Revolutionary United Front Party (RUPP);
- Sierra Leone Peoples Party (SLPP);
- United National Peoples Party (UNPP);
- Young Peoples Party (YPP).

In addition to the above parties (besides the CUPP), the Peoples Democratic Party (PDP-Sorbeh) and the National Democratic Alliance (NDA) contested the parliamentary elections. The PDP and NDA did not contest the presidential race.

**Results of the 2002 elections**

The presidential elections were won by President Alhaji Ahmad Tejan Kabbah of the SLPP, whose party also won 83 seats out of the 112 directly elected seats in parliament. The APC won 27 seats, while the PLP won 2 seats in the Western Area. Parliament held its first sitting on 25th June 2002.

The elections were quite peaceful, and were observed by both International and Local election observers. They were said to be largely free and fair though with some irregularities e.g. under age voting and double voting. International and domestic observers complained of inadequate voter education. However, it was widely agreed that the elections were peaceful, transparent and fair. International and domestic observers and the UN
Special Representative to Sierra Leone praised the organization of the elections and the behaviour of voters on polling day.

**Table 1:**

**Results of 2002 Parliamentary Elections**

<table>
<thead>
<tr>
<th>Name of party</th>
<th>Votes</th>
<th>% votes</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>SLPP</td>
<td>1,293,401</td>
<td>67.6</td>
<td>83</td>
</tr>
<tr>
<td>APC</td>
<td>409,313</td>
<td>21.4</td>
<td>27</td>
</tr>
<tr>
<td>PLP</td>
<td>69,765</td>
<td>3.6</td>
<td>2</td>
</tr>
<tr>
<td>RUFP</td>
<td>41,997</td>
<td>2.1</td>
<td>-</td>
</tr>
<tr>
<td>GAP</td>
<td>25,436</td>
<td>1.3</td>
<td>-</td>
</tr>
<tr>
<td>UNPP</td>
<td>24,907</td>
<td>1.3</td>
<td>-</td>
</tr>
<tr>
<td>PDP</td>
<td>19,941</td>
<td>1.0</td>
<td>-</td>
</tr>
<tr>
<td>MOP</td>
<td>15,036</td>
<td>0.7</td>
<td>-</td>
</tr>
<tr>
<td>NDA</td>
<td>6,467</td>
<td>0.3</td>
<td>-</td>
</tr>
<tr>
<td>YPP</td>
<td>5,083</td>
<td>0.2</td>
<td>-</td>
</tr>
<tr>
<td>Total valid votes for Parliamentary Elections</td>
<td>1,911,346</td>
<td></td>
<td>112</td>
</tr>
</tbody>
</table>

Source: NEC Sierra Leone

**Table 2:**

**Results of the 2002 Presidential Election**

<table>
<thead>
<tr>
<th>Name of Candidates</th>
<th>Party</th>
<th>Votes</th>
<th>% Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ernest Bai Koroma</td>
<td>APC</td>
<td>426,405</td>
<td>22.35</td>
</tr>
<tr>
<td>Raymond Bamidele Thompson</td>
<td>CUPP</td>
<td>9,028</td>
<td>0.40</td>
</tr>
<tr>
<td>Raymond Kamara</td>
<td>GAP</td>
<td>11,181</td>
<td>0.59</td>
</tr>
<tr>
<td>Zainab Bangura</td>
<td>MOP</td>
<td>10,406</td>
<td>0.55</td>
</tr>
<tr>
<td>Johnny Paul Koroma</td>
<td>PLP</td>
<td>57,233</td>
<td>3.00</td>
</tr>
<tr>
<td>Alimamy Pallo Bangura</td>
<td>RUFP</td>
<td>33,074</td>
<td>1.73</td>
</tr>
<tr>
<td>Ahmad Tejan Kabbah</td>
<td>SLPP</td>
<td>1,336,423</td>
<td>70.06</td>
</tr>
<tr>
<td>John Karefa- Smart</td>
<td>UNPP</td>
<td>19,847</td>
<td>1.04</td>
</tr>
<tr>
<td>John Andrew Turay</td>
<td>YPP</td>
<td>3,859</td>
<td>0.20</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>(rounded)</td>
<td>1,907,456</td>
</tr>
</tbody>
</table>
Elections for Paramount Chief Members of Parliament (PCMP’s)

Elections for Paramount Chief Members of Parliament (PCMP’s) were conducted on 10th June 2002 to elect 12 Paramount Chiefs, one per provincial district.

Nomination

Following the nominations, six (6) candidates went unopposed in 6 districts as follows:

Table 1:

<table>
<thead>
<tr>
<th>Region</th>
<th>District</th>
<th>Un-opposed PCMP Candidates</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Port Loko</td>
<td>Paramount Chief Bai Sama Lamina Sam III of Loko Masama Chiefdom</td>
</tr>
<tr>
<td>South</td>
<td>Bo</td>
<td>Paramount Chief Samba Bindi Hindowa of Badjia Chiefdom</td>
</tr>
<tr>
<td>South</td>
<td>Pujehun</td>
<td>Paramount Chief Brima Victor Sidi Kebbie III of Malen Chiefdom</td>
</tr>
<tr>
<td>South</td>
<td>Moyamba</td>
<td>Paramount Chief Charles Caulker of Bumpeh Chiefdom</td>
</tr>
<tr>
<td>East</td>
<td>Kono</td>
<td>Paramount Chief Abu Ndawa Kongoba II of Mafindor Chiefdom</td>
</tr>
<tr>
<td>East</td>
<td>Kailahun</td>
<td>Paramount Chief Sahr Francis Kabba-Sei II of Penguia Chiefdom</td>
</tr>
</tbody>
</table>

Source: NEC
**Election / Polling day**

Following the conduct of elections for Paramount Chief MP’s on the 10th June 2002, six (6) more candidates were elected to parliament as shown below:

**Table 2:**

<table>
<thead>
<tr>
<th>Region</th>
<th>District</th>
<th>Candidate</th>
<th>Votes</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Kambia</td>
<td>P.C. Bai Sebora Somanoh “Kapen” III</td>
<td>1,141</td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Kambia</td>
<td>P.C. Bai Kelfa Sankoh II</td>
<td>1,262</td>
<td>Elected</td>
</tr>
<tr>
<td>North</td>
<td>Bombali</td>
<td>P.C. Kandeh Luseni III</td>
<td>2,338</td>
<td>Elected</td>
</tr>
<tr>
<td>North</td>
<td>Bombali</td>
<td>P.C. Masa Yeli Tham II</td>
<td>1,009</td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Koinadugu</td>
<td>P.C. Sheku Magba III</td>
<td>924</td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Koinadugu</td>
<td>P.C. Alimamy Lahai Mansaray</td>
<td>2,031</td>
<td>Elected</td>
</tr>
<tr>
<td>East</td>
<td>Kenema</td>
<td>P.C. Madam Mamie G. Gamanga</td>
<td>3,465</td>
<td>Elected</td>
</tr>
<tr>
<td>East</td>
<td>Kenema</td>
<td>P.C. Sally Satta Gendemeh</td>
<td>2,672</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>Kenema</td>
<td>P.C. Alhaji Amara Jobo Goway-Sama V</td>
<td>1,168</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>Bonthe</td>
<td>P.C. Samuel Murana Koroma</td>
<td>396</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>Bonthe</td>
<td>P.C. Madam Margaret Thompson Seibureh</td>
<td>1,130</td>
<td>Elected</td>
</tr>
<tr>
<td>North</td>
<td>Tonkolili</td>
<td>P.C. Bai Sinthuba Osara III</td>
<td>2,379</td>
<td>Elected</td>
</tr>
<tr>
<td>North</td>
<td>Tonkolili</td>
<td>P.C. Bai kURR Kanagbaro Sanka III</td>
<td>966</td>
<td></td>
</tr>
</tbody>
</table>

**Source:** NEC
2. Local Government Elections: 22nd May 2004

Introduction

Sierra Leone's experiment with elections is not only centred on Presidential and Parliamentary elections. The country also had experimented with Local Government elections. Historically, Local Council elections were conducted on a partisan basis (though Independent Candidates also contested) beginning with District Councils elections in 1966.

However, the elective aspect of local government in Sierra Leone was frequently suspended in the past and replaced with appointed Management Committees. Given that the members of such Management Committees were appointed, they were therefore apparently not accountable to the electorate (the voters), but to those politicians who appointed them. District Councils were abolished in January 1972, while the elective aspect of Municipal Council (i.e. The Freetown City Council) and the then Town Councils (in Bo, Kenema, Makeni, Sherbro Urban and Koidu-New Sembehun Town Councils) was replaced by the appointment of Management Committees.

Reintroduction of Local Government

But after the 1996 and 2002 Presidential and Parliamentary elections, the Government of Sierra Leone (GoSL), under the SLPP leadership committed itself to the policy of decentralization and to re-introduce elected local government bodies through out the country. The government set up a Task Force on Decentralization and Local Governance. The work of the first task force, which was set up in February 1997 was disrupted by the military coup of 15th May 1997. Another Task Force was set up in October 2002 to oversee the decentralization process and the re-introduction of a revamped local government system. Series of discussions held between the Task Force and other stakeholders showed popular request by Sierra Leoneans to bring back representative local government.
Among others, the Task Force was mandated to review the local government system and consolidate the then existing local government laws into a new Local Government Act. The consolidated Local Government bill went through Parliament and became known as The Local Government Act, 2004. (See chapter 3 for details on NEC and the 2004 elections).

After a period of 32 years (1972 – 2004, since the abolition of the elective aspect of local government), NEC conducted elections for 19 local councils on the 22nd May 2004. This led to the election, for a 4-year term, of 475 Councillors (including 6 Mayors and 13 chairpersons) by universal adult suffrage, and 34 Paramount Chief Councillors who were either nominated or indirectly elected by other Paramount Chiefs. The results are shown over leaf.


Presidential, Parliamentary elections and Local Government elections were also conducted by the NEC in 2007 and 2008, respectively. But these elections are not the subject for detailed discussion in this book.

Conclusion

It is evident therefore that Sierra Leone has a long experience with electoral democracy and political pluralism, dating as far back as 1951. The experience is indeed both of a democratic and non-democratic nature.

**RESULTS OF THE 2004 LOCAL GOVERNMENT ELECTIONS**

<table>
<thead>
<tr>
<th>Region</th>
<th>District</th>
<th>Name of Local Council</th>
<th>No of Wards</th>
<th>SLP certified winners</th>
<th>APC certified winners</th>
<th>PLP</th>
<th>PDP</th>
<th>GAP</th>
<th>Independent certified winners</th>
<th>Total certified winners</th>
<th>Certified women candidates</th>
<th>No. Paramount Chiefs</th>
</tr>
</thead>
<tbody>
<tr>
<td>East</td>
<td>Kailahun</td>
<td>Kailahun District Council</td>
<td>33</td>
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* There was a dispute over the winner of a seat (ward 3 in Koya), between SLPP and APC. NEC declared the APC candidate winner, but the decision was overturned by the Attorney General. This led to the resignation of the NEC boss Eugene Davies as Chief Electoral Commissioner due to political interference, among others. See Chapter 3 for more details (Source: National Electoral Commission (2004))
### Results of 2007 Parliamentary and Presidential Elections

**Table 1:**

<table>
<thead>
<tr>
<th>Party</th>
<th>Votes (%)</th>
<th>Seats</th>
<th>Change since 2002 Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Peoples Congress (APC)</td>
<td>40.8%</td>
<td>59</td>
<td>+32 seats</td>
</tr>
<tr>
<td>Sierra Leone Peoples Party (SLPP)</td>
<td>39.5%</td>
<td>43</td>
<td>-40 seats</td>
</tr>
<tr>
<td>Peoples Movement for Democratic Change (PMDC)</td>
<td>15.4%</td>
<td>10</td>
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<tr>
<td>National Democratic Alliance (NDA)</td>
<td>1.8%</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Convention Peoples Party (CPP)</td>
<td>0.9%</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>United National Peoples Party (UNPP)</td>
<td>0.8%</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Independent Candidates</td>
<td>0.6%</td>
<td>0</td>
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<tr>
<td>Peace and Liberation Party (PLP)</td>
<td>0.4%</td>
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<tr>
<td>Valid votes</td>
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<tr>
<td>Total votes</td>
<td>1,972,198</td>
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<tr>
<td>Turnout (of registered voters)</td>
<td>75.3%</td>
<td></td>
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*Source: NEC (2007)*
Table 2

Results of presidential elections in Sierra Leone, 11\textsuperscript{th} August and 8\textsuperscript{th} September, 2007

<table>
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<tr>
<th>Candidate</th>
<th>Vote share</th>
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<td></td>
<td></td>
<td>First round</td>
<td>Second round</td>
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<tr>
<td>Ernest Bai Koroma (APC)</td>
<td>44.3%</td>
<td>54.6%</td>
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<tr>
<td>Solomon Berewa (SLPP)</td>
<td>38.3%</td>
<td>45.4%</td>
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<tr>
<td>Andrew Turay (CPP)</td>
<td>1.6%</td>
<td></td>
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<tr>
<td>Alhaji Amadu Jalloh (NDA)</td>
<td>1.0%</td>
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<tr>
<td>Kandeh Baba Conteh (PLP)</td>
<td>0.6%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charles F Margai (PMDC)</td>
<td>13.9%</td>
<td></td>
<td></td>
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<tr>
<td>Abdul Kady Karim (UNPP)</td>
<td>0.4%</td>
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<tr>
<td>Valid votes</td>
<td>1,839,208</td>
<td>1,740,058</td>
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<tr>
<td>Total votes</td>
<td>1,984,106</td>
<td>1,783,851</td>
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<tr>
<td>Turnout (of registered voters)</td>
<td>75.8%</td>
<td>68.1%</td>
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</table>

Source: NEC (2007)
### Results Summary of 2008 Local Government Elections

#### Table 1:

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<tr>
<th>Locality</th>
<th>APC</th>
<th>IND</th>
<th>NDA</th>
<th>PMDC</th>
<th>SLPP</th>
<th>Total</th>
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<td>3. Kenema City Council</td>
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<td>4. Koidu/New Sembehun City Council</td>
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<tr>
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<td>18. W A Rural District Council</td>
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<td>19. Freetown City Council</td>
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<td><strong>8</strong></td>
<td><strong>19</strong></td>
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</table>

Percentage of Male Mayor/Chair: 100.00%

Percentage of Female Mayor/Chair: 0.00%

**Source: (NEC)**
Results Summary of 2008 Local Government Elections

Table 2:

Councillor Elections - Seats by Political Party / Independent Candidates

<table>
<thead>
<tr>
<th>Locality</th>
<th>APC</th>
<th>IND</th>
<th>NDA</th>
<th>PMDC</th>
<th>SLPP</th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
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<tr>
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<td>4</td>
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<td>24</td>
<td>23</td>
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Percentage of Male Councillors: 81.10%
Percentage of Female Councillors: 18.90%

Source: NEC
**Table 3:**

<table>
<thead>
<tr>
<th>Region</th>
<th>District</th>
<th>Name of Local Council</th>
<th>No. of wards</th>
<th>APC certified winners</th>
<th>SLPP certified winners</th>
<th>PMDC certified winners</th>
<th>NDA certified winners</th>
<th>Independent certified winners</th>
<th>Total certified winners*</th>
<th>Certificated women candidates</th>
<th>No. of Paramount Chiefs</th>
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<tbody>
<tr>
<td>East</td>
<td>Kailahun</td>
<td>Kailahun District Council</td>
<td>29</td>
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<td>27 1</td>
<td>0 0</td>
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<td>32 1</td>
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<td>12 1</td>
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<td>0 0</td>
<td>13 3</td>
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*Source: NEC*

*19 Chairpersons/Mayors + 456 Councillors = 475 Certified winners.*
CHAPTER 8

THE INSTITUTION OF PARAMOUNT CHIEFTAINCY AND ITS ELECTORAL PROCESS IN SIERRA LEONE

HISTORY OF CHIEFTAINCY IN SIERRA LEONE

This chapter discusses in detail the history of chieftaincy as a traditional institution of governance, the various stages in the election of a Paramount Chief and related matters.

Chieftaincy in the Pre-Colonial era

Chieftaincy, as a traditional institution of governance in Sierra Leone, dates back to pre-colonial days. During those days, there were many kingdoms founded and governed by either famous warriors, farmers or hunters, some of whom were called “Kings” or “Queens”. In other words, chieftaincy existed in our country well before the first contact with Europeans in the 15th century.

Arthur Abraham has classified chieftaincy in Sierra Leone into two broad categories: i.e. “ritual” and “secular” chieftaincies. In his words;

‘ritual chieftaincies’, also called ‘Divine Kingships’, are chieftaincies in which the person and conduct of the chief are governed by complex rituals and a whole order of taboos placed on chief and people, generically termed ‘Medicine’ (‘Mesm’ in Temne); while in ‘secular chieftaincies’ the office and person of the chief are not integrated into a religious regime.” (The chief) is “in practice mostly free to act and make decisions in concert with the secular authorities.”

While the Temne and Sherbro-Bullom people have “ritual” chieftaincies, the Mende have “secular” chieftaincies.

Before the “imposition of colonial rule” in Sierra Leone, the “state” was a collection of villages and towns, which were grouped into sections. There were many of such “states” called kingdoms. The Temne had states like Yoni, Maforki, Marampa, Konike, Tane, Masimera, Koya and Kholifa (Fyle 1981); while, “the Mende people had six states – Kpaa-Mende, Bumpeh, Kpanguma, Tikongoh, Gaura and Luawa”51.

51 A. Abraham, Ibid
The Yalunka had the **Solima Yalunka** state, while the Limba had the **Biriwa Limba** state in the north of present day Sierra Leone. The rulers of such pre-colonial polities were called **“Kings”**, while their subordinate rulers (section and town chiefs, speakers) should be referred to as chiefs (Abraham 2002). The “King” (later called by the British Colonial administrators, “Paramount Chief”), Speaker and Section Chiefs formed the political hierarchy of the state. Town Chiefs and Village Heads assisted the Section Chiefs. The rule of patrilineal inheritance generally formed the basis of succession. However, Abraham maintains that “matrilineage” was also “politically important”. According to him, among the Temne for example, titled chiefs called “**Kaprs**” were selected from among the “maternal uncles” and “maternal cross-cousins of the Chief elect” all of whom do not belong to his patrilineage; while among the Mende, a nephew may succeed his uncle as chief. The attainment of the highest level of political authority (i.e. Kingship) in pre- colonial polities was largely achievement oriented. Put differently, the founders of the above states, as already stated, were famous warriors, farmers or hunters. Arthur Abraham thus maintains that “chiefs... were selected from lineages claiming descent from a founder, or some ancestor who performed a remarkable deed for the community and was rewarded with power” (Abraham, 2002).

Pre- colonial chiefs therefore wielded much power, authority and influence. They were the focal point of the political, social, and economic activities of their people. Though there is a relative decline in the functions and authority of present day Paramount Chiefs, yet they have legal authority over all persons within their respective chiefdoms.

**Political Hierarchy in the Institution of Chieftaincy and Restraints on the Misuse of Powers by Pre-Colonial Chiefs**

### Political hierarchy

Pre-colonial political institutions in Sierra Leone were mainly centralized with the “King” being the principal focus of authority. This is especially true for the Mende, Temne, and Limba people, amongst others. Put in another way, the state, which later became under colonial rule the “Chiefdom”, had a single identifiable ruler; who as already stated, was previously called King or Queen, but later called by the British Colonial Administration as “Paramount Chief”. It has also been noted earlier that, besides the King or Paramount Chief (called “**Ndomahet**” by the Mende; “**Obai**” by the

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The Electoral Commission And The Management of Sierra Leone’s Electoral Process: by M.N. Conteh

Temne and Bullom; “Mansa” by the Madingo, Kono and Koranko; “Manga” by the Yalunka and Soso; and “Gbaku” by the Limba (Fyle 1981 and Abraham 2002), the other important political offices in the political hierarchy were the “Speaker”, “Section Chiefs”, “Town” and “village” Chiefs. There was also a “Council of elders” to assist the King in his duties. Among the Temne for example, the “Obai” (or King) was aided by a hierarchy of officials in the state or Chiefdom called “Kaprs”, who were akin to present day Ministers. According to Magbaily Fyle, the hierarchy of officials among the Temne was as follows:

- The ‘Kapr Masm’ was next to the ‘Obai’ and became Regent (Pa Rok) when the king died. He was the chief priest or keeper of the scared regalia of the kingdom;
- The ‘Kapr Kabin’ was the speaker who directed the ‘Obai’;
- The ‘Kapr Loya’ was the chief prosecutor or spokesperson of the ‘Obai’;
- The ‘Kapr Soya’ was the chief warrior or Defence Minister who ensured the security of the Kingdom. He usually accompanied the ‘Obai’ to whatever place he went;
- The ‘Kapr Kuma’ was the keeper of articles connected with the office of the ‘Obai’;
- ‘Kapr Fenthe’ was the Minister responsible for health;
- There were also some female members connected with the ruling family who carried important titles, but whose functions were purely ceremonial. They were: the ‘Man Kapr Kama’ who was the first wife of the ‘Obai’ and the ‘Man Kapr Gbere’ who was the daughter of the ‘Obai’s sister (Fyle, 1981).

Today, the Chiefdom Council (comprising the Paramount Chief and the Chiefdom Councillors) and a Chiefdom Committee carry out the administration of each chiefdom. There is a chiefdom treasury and local court presided over by local court chairman.

**Checks and balances in Pre-colonial political systems**

Pr-colonial political systems had checks and balances to deal with despotism or misuse of power. Arthur Abraham maintains that in ritual chieftaincies (e.g. among the Temne and Bullom), secret societies like the “Poro” and the “Ra-gbenle”, were the most important sanctions against misuse of power by a bad chief. Pre-colonial rulers depended largely on the support of secret societies for the maintenance of customary law and behaviour. A despotic or bad chief could be ‘delegitimised’ by a secret society by refusing to perform needed traditional ceremonies. Oath taking or “swearing
medicines” was also another sanction against the misuse of power by pre-colonial chiefs. It was a general belief that going against an oath or ‘swearing medicines” could ‘cause disaster to generations of a bad chief’s lineage”\(^{53}\).

Other checks included:

- consultations with the Council of elders by a chief before taking major decisions;
- the right of “every citizen to appeal to a neighbouring chief of equal status against the decisions or actions of his own chief”;  
- and, in the extreme case, revolts or desertion by the subjects of a bad chief. Or in the words of Abraham”... in serious cases of oppression and misuse of power, the chief could be poisoned or otherwise murdered at the slightest sign of illness.” (Abraham, 2002).

**Chieftaincy under colonial rule and the introduction of the title paramount chief**

It has been stated that the institution of chieftaincy was firmly established in pre-colonial Sierra Leone long before the imposition of colonial rule. Thus, following the establishment of the Colony and subsequently the declaration of a Protectorate over the interior in 1787 and 1896 respectively, the British colonial administrators saw chieftaincy as the main medium through which they could operate for the implementation of their colonial policy (a system called Indirect Rule). The British colonial administrators, however, with time firmly established their administration in the Protectorate by means sometimes peaceful and in some cases by violent means.

Even though the British colonial administration found the institution of chieftaincy to be a convenient agency of its rule, yet its policies were not always implemented without problems. The 1898 war of resistance, commonly called Hut/House Tax War, was a case in point. The war began in the North in February 1898 and extended to the South and all of Mende land as a mass uprising on 27\(^{th}\) April 1898. It started because of accumulated grievances against British colonial Policies. These grievances culminated into open resistance against the imposition of “a tax of five shillings (fifty cents) on every house”, effective January 1898. However, in spite of the strong

\(^{53}\) A. Abraham, opcit.
resistance put up by most of the chiefs, the British colonial government (through the aid of “friendly local rulers”, better-called “collaborators”) was able to regain control of the entire Protectorate by November 1898.

Following the end of the 1898 war of resistance, the British colonial administration, which had eventually regained firm control over the Protectorate, adopted a policy whereby the then existing aforementioned hinterland kingdoms were divided into “over two hundred smaller units called chiefdoms, each headed by an approved Paramount Chief” (Roselyn Adele Walter 1991). In other words, the most important traditional rulers (until then called “Kings” or “Queens”) were officially designated or called “Paramount Chiefs” by the British colonial administration. Put another way, the larger areas or states controlled by these chiefs were later fragmented or balkanised into smaller areas which became known as “Chiefdoms”; each with, as already stated, a Paramount Chief as its head. The chiefdoms were initially grouped by the British colonial administration into five administrative districts (Bandajuma, Ronietta, Panguma, Karene and Falaba), named after their headquarter towns, except Ronietta. Each district was controlled by a District Commissioner (DC), who became the supervisor over the activities of the Paramount Chiefs. Each of the newly designated Paramount Chiefs was officially presented with a symbol of authority called “staff”54. Thus from then onwards the symbol of authority for Paramount Chiefs has been the “staff”. There are at present 149 chiefdoms in the country, with each being ruled by a Paramount Chief and his/her sub-chiefs. Contemporary Paramount Chiefs can only be removed from office in accordance with the law, otherwise they rule for life. Only individuals from designated and “recognised” “ruling houses” of families of a chieftaincy are eligible to contest and become paramount chiefs.

The institution of Paramount Chieftaincy (PC) in what is today provincial Sierra Leone, thus received “official legal recognition in 1896”55; when the British colonial administration declared a Protectorate, on the 31st August 1896, over the hinterland (or territories outside) of the then Sierra Leone colony. By the Protectorate Ordinance of 1896, as already noted elsewhere, the term “Paramount Chief” replaced the title... 

54 The initial British staff was a long stick topped with a brass knob which had the British coat of arm’s. It was replaced in Bo with the Sierra Leone coat of arms by the APC administration of Dr. Ernest Bai Koroma on the 19th April 2011. The APC administration, in addition, presented each Paramount Chief with a medal at the durbar of chiefs in Bo, Southern Sierra Leone.

“King or Queen”, by which the pre-colonial indigenous rulers of the then territories which constituted the Protectorate (now Provinces) were called. A Paramount Chief is defined in the Protectorate Ordinance of 1896 (as amended in 1897) as “a chief who is not subordinate in his ordinary jurisdiction to any other chief”. A Paramount Chief is thus any eligible person from a recognized ruling house and lineage elected, in accordance with the relevant customary law and usage, by the Chiefdom Councillors of the respective chiefdom, and recognized by the appropriate authorities. Arthur Abraham maintains that chiefs were traditionally “selected”, but British Colonial Officials introduced the principle of “election” of chiefs (Abraham, 2002).

PARAMOUNT CHIEFTAINCY IS GUARANTEED UNDER COLONIAL RULE AND CHANGES IN CHIEFDOM ADMINISTRATION

In a bid to establish firm grip over the Protectorate and maintain law and order, the colonial government deposed some so called recalcitrant chiefs and installed chiefs in some areas who were considered to be loyal to the colonial government. While some chiefs were recruited from hereditary ruling houses, there were instances wherein the District Commissioners appointed some chiefs regardless of ruling house background. However, because the institution of chieftaincy was found to be a “convenient agency” of British rule in Sierra Leone (and indeed other parts of British West Africa), the colonial government later realized the need to uphold the authority of chiefs, “so as to prevent the institution of chieftaincy from collapsing” (Fyle, 1981). Thus, according to Fyle, by 1907 the colonial government experimented with the imposition of “fines for lesser offences rather than deposition, except in cases where it could be proved that chiefs had disobeyed government instructions or had been very oppressive”56. This experiment became a success and thus led to considerable decrease in the deposition of chiefs after 1910.

The administration of the chiefdoms improved with time, as each chiefdom became a Native Administration (NA) unit, following the implementation of the Native Administration system by the colonial government in 1937. The features of the NA system were, among others:

55 C. M. Fyle: The History of Sierra Leone p115.
• The transformation of a Chiefdom into a “Tribal Authority” (TA); comprising the Paramount Chief, Chiefdom Councillors and other office holders in the Chiefdom; all of whom were elected by the Chiefdom people, subject to the approval of the Governor. Members of each TA were responsible for the enactment of by-laws and to issue orders for social services and matters relating to the development of the Chiefdom;

• The introduction of Native Courts, which included the Court of the Native Chiefs, the Native Appeal Court and the Combined Court;

• The introduction of Chiefdom Treasuries, which maintained a record of each chiefdom’s revenues and expenditure and an inventory of NA property;

• The payment of a fixed salary to each Paramount Chief.  

As the economic viability of Chiefdoms was necessary to the success of the system of “Native Administration”, the colonial administration later introduced the policy of amalgamation of Chiefdoms. This means, Chiefdoms that were too small and not financially viable to constitute viable Native Administration units were grouped into larger ones. This is why there are presently many amalgamated chiefdoms in Sierra Leone e.g. Malegohun chiefdom in the East, TMS (Tinkatupa, Makama, Safroko), Kalansogoia, BKM (Bure, Kasse, Makonte) Masungbala and Mongo chiefdoms in the North; YKK (Yakemo Kpukumu Krim) amd Kwamebai Krim in the South, to name a few. Some chiefdoms were later de-amalgamated by post independence governments (e.g. Marampa and Masimera are now two separate chiefdoms; also Dibia, formerly part of Tinkatupa-Makama-Safroko and Dibia chiefdom-commonly called TMSD - is now a chiefdom on its own). Some of the inhabitants of amalgamated chiefdoms entered into certain agreements between the hitherto independent chiefdoms. Such agreements include:

• agreement on the rotation of the office of Paramount Chieftaincy between the components of the amalgamated chiefdom; and

• agreement on the position of Chiefdom Speaker – i.e. the Speaker and Paramount Chief should be elected from different areas of the amalgamated

56 A. Abraham, opcit
chiefdom.
The policy of amalgamation and de-amalgamation continued until eventually there are presently 149 chiefdoms, where there had been over 200 chiefdoms before 1925\textsuperscript{58}.

Beginning with the 1924 Constitution (which allowed three Paramount Chiefs to sit in the Legislative Council) unto 1961, when the country gained independence from Britain, and beyond, every Constitution introduced in Sierra Leone made provision for Paramount Chiefs. All successive post-independence governments continued this practice of recognizing Paramount Chieftaincy as a traditional institution. Arthur Abraham regards the institution of Chieftaincy as “almost natural and strongly embedded in the traditions of the people of Provincial Sierra Leone”\textsuperscript{59}. The leaders of this traditional institution of chieftaincy (i.e. Paramount Chiefs and their sub chiefs) have since then been considered as intermediaries between their subjects and successive governments. Against this background, provisions were made for the representation of Paramount Chiefs in Parliament in all post independence constitutions introduced in the country. Thus, beginning from pre-colonial era to the declaration of a Protectorate in 1896, up to post-independence period, Paramount Chieftaincy has survived as a resilient traditional institution. The institution of chieftaincy has shown a remarkable resilience, with its leaders (Paramount Chiefs and their subordinate chiefs) acting as intermediaries between the provincial people and successive governments. Today, unlike pre-colonial polities, the institution of Paramount Chieftaincy is not based on might (or achievement oriented), but as already stated on the ruling house concept; with only candidates from ruling houses allowed to contest. Once elected, a Paramount Chief rules till death, except for circumstances within the law leading to deposition.

**DECLINE IN THE AUTHORITY AND POWERS OF PARAMOUNT CHIEFS**

It is worth noting even though chieftaincy is an integral part of the “traditions of the people of provincial Sierra Leone”, yet the old customs and traditions surrounding the

\textsuperscript{57} The Chieftaincy Act of 2009 provides that the conduct of a Paramount Chieftaincy election in any amalgamated Chiefdom shall be done on “a rotational crowning basis”. The Provincial Secretary must ensure that this provision of the Act is complied with (i.e. section 6 (I) of The Chieftaincy Act, 2009)

\textsuperscript{58} Arthur Abraham *“History of Chieftaincy in Sierra Leone”,* opcit p 2
institution of chieftaincy have been watered down over the years. This, among other factors, has resulted to the weakening of the institution of chieftaincy and undermining the authority and position of present-day Paramount Chiefs. In fact, present-day chiefs no longer enjoy the considerable powers of their pre-colonial counterparts. A lot of factors (before and after independence) were responsible for undermining the authority and position of Paramount Chiefs. Some of the major factors responsible for this gradual decline in the institution of chieftaincy are summarised broadly below:

1. **Colonial Treaties of Friendship**

The 1880s and 1890s witnessed the ‘scramble’, by European nations, for territories in Africa. The dislodgment of Samory Toure⁶⁰ from Falaba in present day Koinadugu District, by France, thus posed a threat to Britain in the Sierra Leone Colony and its hinterland. Therefore, under the guise of securing a conducive environment for European trade, by bringing to an end the rampant wars of the late 19th century, the British colonial administration, beginning in 1888, hurriedly entered into new “Treaties of Friendship” with various chiefs in the hinterland of present day provincial Sierra Leone. Abraham maintains that in many cases these “treaties were signed not only with the senior chiefs, but with subordinate chiefs as well” (Abraham). The signing of Treaties of Friendship began as early as 1800. These so called “Treaties of Friendship” required the hinterland rulers who had signed the treaties with the British not to, among others, sign any other treaty with any other colonial power (ie France, Germany or Portugal), “except through and with the consent” of the colonial government of Britain. Thus, it became illegal for any hinterland chief (who had entered into a treaty with the British administration) to enter into any negotiation with any other foreign power without the consent of the government of Her Majesty, the Queen of England. In fact, the British authorities wrongly regarded these treaties of friendship as agreements whereby the hinterland rulers had given over their states to the British⁶¹. In return, “co-operative” rulers received stipends from the British administration for keeping the terms of the treaties.

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⁶⁰ Samory Toure was a Muslim Mandingo military ruler with a vast commercial pre-colonial empire, which included areas covering parts of modern Republics of Guinea, Sierra Leone and the Ivory Coast. With the aid of his Sofa warriors, he resisted many attempts by the French to conquer his empire (Alie, Joe .AD 1990).

⁶¹ C. M. Fyle *The History of Sierra Leone*, Op cit
Among others, chiefs that signed the “Treaties of Friendship” with the British were rewarded with greater security by sending the newly formed “Frontier Police” (by an Ordinance in 1890) to their chiefdoms. The rulers who proved to be “recalcitrant” were “browbeaten” and punished with execution or exile (Abraham 2002), while “influential persons who assisted the government were rewarded with chieftaincies”62. The making of D.F Wilberforce as Paramount Chief of Imperri Chiefdom, following the death of the substantive chief in prison, and the confirmation of Madam Nancy Tucker as Paramount Chief of present day Bagrua chiefdom63 (who was not connected with the chieftaincy) were examples of chieftaincy awards after the House tax war of 1898. This was indeed the beginning of the decline in the authority and powers of chiefs. Hitherto, chiefs were at liberty to enter into any negotiation with any other state (chiefdom) or outside power. The “Kailahun Treaty” signed between the British administration and Chief Kai Lundo (who controlled “a large tract of land extending into Liberian territory”64) is a classical example of one of the “treaties of friendship”.

2. THE PROCLAMATION OF THE PROTECTORATE AND ITS EFFECTS: 31ST AUGUST 1896

We have stated that colonial rule led to the declaration of a Protectorate over the hinterland of Sierra Leone on the 31st August 1896. We have also noted that the 1896 Protectorate Ordinance replaced the title of “King” with “Paramount Chief”; while large pre-colonial territories were divided into powerless little “chiefdoms”.

Colonial rule therefore practically “robbed” the former Kings “of their supremacy and independent status”(Abraham,2002); as they ceased to be independent rulers of their people. They were now placed under the supervision of the colonial District Commissioners. Again, as already noted, the Protectorate Ordinance of 1896 (as amended in 1897) gave certain powers to the Governor. Amongst such powers were: the powers to approve the election of a Paramount Chief; depose a Paramount Chief

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61 A Abraham: History of Chieftaincy in Sierra Leone, opcit p6

62 C. M. Fyle The History of Sierra Leone, opcit53

and appoint another who, in his opinion, is a “fit and proper person”. This saw the introduction of the phenomenon of deposition in the institution of chieftaincy in Sierra Leone. The already mentioned administrative and judicial systems introduced, following the declaration of the Protectorate, meant in effect that real power was transferred from the former pre-colonial hinterland “Kings” to the colonial authorities, who were represented by the Governor and District Commissioners. Thus, practically the position of these former kings, henceforth, depended on the pleasure of the Governor or the District Commissioner, and not on any former traditional rule of acceptance by their subjects. With time, chiefs actually became “colonial civil servants”. This meant that these former “kings” (now called Paramount Chiefs) had thus lost most of their pre-colonial powers.

3. **The rise of Protectorate Enlightened Elites and misuse of power by some Paramount Chiefs**

The increased interaction between the Sierra Leone Colony and the Protectorate; the impact of educated people in the Protectorate, who had received some exposure through Western education; and bad governance on the side of some Paramount Chiefs were factors, which also contributed to the decline in the authority of chiefs.

The declaration of a Protectorate over the hinterland led to an increased socio-economic interaction between the Colony people and the Protectorate people, especially through trade, education and religion. Moreover, the post-war period saw the rise and exposure of educated people in the Protectorate “via education, serving during the war or as wage-earners in the modern economy”. These Protectorate elites began opposing their exclusion from the local political system, which was, by then, dominated by the chiefs. This situation was worsened by the abuse of power by some local authorities (chiefs), who were engaged in extortion of their subjects, through excessive taxation, forced labour, and other corrupt practices. Such a situation resulted to genuine grievances against bad administration and extortion by some Paramount Chiefs. In some cases, the abuse of power and the extortion tendencies of some
Paramount Chiefs led to complaints being made to the colonial authorities, followed by rioting or disturbances in some cases. An example was the November 1955 – March 1956 widespread disturbances, which resulted in many casualties and loss of property. Commissions of inquiries were held, following the disturbances, to find out the causes of the riots. The Commissions of inquiries concluded that some of the chiefs had abused their powers, and that much of the trouble resulted from laxity of control over the chiefs.

The 1955/1956 rebellion marked a turning point in the history of chieftaincy in Sierra Leone. Following the Commissions of inquiries “two chiefs were suspended and four deposed, while five had to resign their offices”. Among the chiefs forced to resign were: P.C Bai Farma Tass II, Minister without Portfolio and member of the Executive Council, and P.C Alikali Modu III of Port Loko. The 1955/1956 riots seriously undermined the power and authority of chiefs. For example, their subjects, who had hitherto considered their chiefs as “life monarchs”, suddenly realized that they were not extraordinary, as they could be deposed. However, it must be pointed out that the aforementioned disturbances were not “populist movement”; but rather “genuine grievances against bad administrations and extortion, compounded by dynastistic rivalries and other conflicting interests” (Abraham 2002). In the words of Tangri the disturbances were thus “concerned with changing specific rulers and policies, rather than with the whole scale restructuring of chiefdom authority”65. In short, the riots and grievances were directed against the attitude and misrule of some chiefs and not the institution of chieftaincy in provincial Sierra Leone.

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64 Tangri, Roger, “Conflict and Violence in Contemporary Sierra Leone Chiefdoms” quoted by A. Abraham in History of Chieftaincy in Sierra Leone” op cit p11.
4. The Introduction of Party Politics in the Colony and Protectorate and Its Effects on Paramount Chiefs

As agents of the colonial administration, Paramount Chiefs faced the ‘permanent dilemma of serving two masters’ (Abraham, 2002) i.e. the British colonial administration and the indigenous people. This dilemma of chiefs was worsened by the introduction of party politics in 1951, in both the Colony and Protectorate. Party politics contributed to the decline in the authority and powers of Paramount Chiefs in the country. By 1951, as already stated two indigenous political parties had been formed; they were the National Council of Sierra Leone (which was formed to counter Protectorate challenge to Creole supremacy in Sierra Leone’s Politics of colonial era) and the Sierra Leone Peoples Party (formed by protectorate elites “to contest Creole hegemony during the terminal colonial period” Kandeh 2003).

The introduction of party politics brought Paramount Chiefs directly into the arena of party politics. They were now looked upon as ‘vote-catching’ agents that can win the support of the electorate for political parties at local level. Moreover, following independence, each ruling party demanded the political allegiance and support which chiefs had given to the colonial administration or the previous indigenous government. Chiefs were therefore subjected to strong pressures whenever one party replaced another at the national level (i.e. when one party was stronger at the national level); while another party (the opposition) was stronger at local level.

The phenomenon of deposition (i.e. the policy of replacing so called recalcitrant chiefs with so called co-operative ones), began by the colonial administration, continued even after independence. This was because each ruling party needed chiefly backing both at local and national levels. Against the above background, nearly all governments that have assumed the reins of power in post-independence Sierra Leone have demanded the political support of chiefs; failing which they had either deposed or harassed one or more Paramount Chiefs who did not support them, and in some cases replaced them with Paramount Chiefs of their choice. For example, following the assumption to power by the APC under Siaka Stevens in 1968, Judicial/Commissions of Inquiries were set up to investigate the activities of some Paramount Chiefs. The inquiries resulted in the deposition of nine Paramount Chiefs who were apparently staunch
supporters of the former SLPP government. Among the deposed Paramount Chiefs were:

- Paramount Chief (PC) Madam Ella Koblo Gulama of Kaiyamba Chiefdom, Moyamba District;
- P.C. Bai Kompa Yek II of Koya Chiefdom, Port Loko District;
- P.C. Alikali Modu III of Maforki Chiefdom, Port Loko District;
- P.C. V. V. Kallon of Jawe Chiefdom, Kailahun District;
- P.C. Bai Sebora Yumkella of Samu Chiefdom, Kambia District.

Moreover, after the 1968 bye-elections (which followed the 1967 general elections), “most chiefs and other traditional rulers in Kailahun and Kenema districts” were sent to the Mafanta prisons at Magburaka for 6 months by the Stevens led government (Abraham, 2002). Thus, the phenomena of browbeaten, harassment, deposition of chiefs and the forceful imposition of persons to serve as chiefs (sometimes with no established chiefly background) watered down the eligibility criteria for becoming Paramount Chiefs i.e. the traditional concepts of belonging to a “ruling House” and traditional legitimacy of their subjects. This, no doubt, led to a decline in the powers of chiefs and eventually weakening the institution.

5. **Power Struggle between Paramount Chiefs and Other Personnel in the Locality**

The above state of affairs was compounded by the increased competition for power between Paramount Chiefs and other formidable sources of power at the local level. There were, for example, Chairmen of District Councils, Court Chairmen, Members of Parliament (MPs), Government Ministers, and local ruling party functionaries, all of whom have since independence apparently carved for themselves an image of superiority over their traditional rulers. There were also various officials of government like Provincial Secretaries and District Officers, who had replaced the colonial Commissioners and were technically charged with the supervision of chiefs. The personnel mentioned above have in the past (especially during the one party era, 1978 – 1991, and the periods of military regimes), posed not only as superior forces to

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64 West Africa Magazine of November 1985 (pp 23 to 68)
reckon with, but interfered considerably with chieftaincy. This resulted to the weakening of the institution of chieftaincy. It later became apparent that a Paramount Chief’s continued stay in office depended on the pleasure of the government of the day, as represented by the Member of Parliament of the area. The above situation, no doubt, made the eligibility criteria of “ruling house” concept and traditional allegiance of chiefs to their subjects (who technically elect them), which characterized chieftaincy, became apparently irrelevant. Abraham and Tangri have cited the dispute between the APC Member of Parliament (MP) and the then Paramount Chief of Koya Chiefdom, in the Port Loko District, as a classical example of competition for power and harassment. S. A. T. Koroma, the then APC Parliamentarian, was “repeatedly harassed” “during his electoral campaigns of 1962 and 1967” by the then Paramount Chief of Koya Chiefdom, Port Loko District, Bai Kompa Yek II. As already stated, following the assumption to power of the APC, a “judicial inquiry was set up and Bai Kompa Yek was deposed…”

According to Abraham, cognisant of the fact that “the institution of chieftaincy has been subject to a lot of pressure leading to a gradual decline in the institution and thereby making it less effective”, the first conference of PCs was organised in Makeni in May 1985. During the conference, Paramount Chiefs requested the central government “to set up a Commission of Inquiry to investigate the institution of chieftaincy with a view not only to “strengthen” it, but also to “modernise” it” (Abraham 2002). However, the above initiative at reform did not yield positive results.

The factors explained above were thus the major causes that led not only to the weakening of the traditions connected with the institution of chieftaincy (especially those surrounding the election of Paramount Chiefs), but also to the comparative decline in their authority. As already noted, contemporary Paramount Chiefs are traditional rulers who are paid salaries and supervised by Officials of the Ministry in charge of Chieftaincy, quite unlike their pre-colonial predecessors.

67 A. Abraham “History of Chieftaincy in Sierra Leone” opcit p 17 and Roger Tangri, opcit.
68 Roger Tangri “Conflict and violence in contemporary Sierra Leone Chiefdom” Quoted in A. Abraham’s “History of Chieftaincy in Sierra Leone” opcit
LEGAL FRAMEWORK FOR THE INSTITUTION OF PARAMOUNT CHIEFTAINCY

The following are the legislation which deal with the institution of Paramount Chieftaincy and related matters

1. The Constitution of Sierra Leone 1991
The legal framework for the institution of Paramount Chieftaincy, as “established by customary law and usage”, is based principally on the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991, section 72, subsections 1 to 5). Subsections 1 & 5 are specifically reproduced here, respectively:

72 (1) The institution of chieftaincy as established by customary law and usage and its non abolition by legislation is hereby guaranteed and preserved.

(5) Parliament shall make laws for the qualifications, elections, powers, functions, removal and other matters connected with chieftaincy.

Besides securing the institution of chieftaincy, the 1991 Constitution (section 74 subsection 1a) makes provision for the representation of Paramount Chiefs in Parliament (1 per District). This section is also reproduced below:

74 (1) Members of Parliament shall comprise the following—

(a) one member of Parliament for each District who shall, subject to the provisions of this Constitution, be elected in such a manner as may be prescribed by or under any law from among the persons who, under any law are for the time being Paramount Chiefs; and ...

2. The Chieftaincy Act 2009 (Act No. 10 of 2009)

The Chieftaincy Bill, 2008 was submitted to Parliament by the then Ministry of Internal Affairs, Local Government and Rural Development (MIALGRD) by October 2008. After going through all the Parliamentary stages, with some amendments, it received Parliamentary approval on 18th June, 2009. The Act received Presidential assent on 10th September, 2009.

The said Act, among others, makes provisions for the qualifications and
disqualifications of a candidate for the office of a Paramount Chief, the vacancy, the various stages in the electoral process, the functions and roles of the relevant stakeholders and other matters connected with the institution of Chieftaincy in Sierra Leone. Of significance is the fact that the Act empowers the National Electoral Commission (NEC) to conduct Paramount Chieftaincy elections in collaboration with officials of the Ministry in charge of chieftaincy.

The Chieftaincy Act, 2009 is, therefore, the only legal document which transformed into law made by Parliament (with the appropriate modifications), the then existing guidelines for the election of Paramount Chiefs and related Public Notices.

**Other legislation**, which govern the institution of Paramount Chieftaincy, and other related matters, are as follows:

3. **The Provinces Act (Cap. 60 of the Laws of Sierra Leone)**
   This is the Act which empowers the Chiefdom Council of a chiefdom to elect a chief to fill any vacancy which may arise in a chiefdom by death or otherwise.

4. **Chiefdom Council Act of 1st January 1938 (Act No. 20 of 1938, Cap. 61 of the Laws of Sierra Leone)**
   This Act establishes the institution of the Chiefdom Council or Tribal Authority. A Chiefdom Council means the Paramount Chief, the Chiefs, the Councillors and “men of note” elected by the people according to native law and custom, approved by the Chiefdom Council for the area concerned. Every Chiefdom Council has got jurisdiction over the chiefdom.

   The Principal duty of the Chiefdom Council in accordance with section 4 of the Act is:

   *to generally maintain order and good government in the area over which its authority extends, and for the accomplishment of this duty, the Tribal Authority shall have authority to exercise the power conferred by the Act and those powers vested in it by native law or custom. All citizens in the particular chiefdom shall be subject to the jurisdiction of the Tribal Authority.*

The citizens of the chiefdom are therefore duty bound to carry out the duties imposed
upon them by the Tribal Authority or by any law or custom then applicable.

STAGES IN THE ELECTION OF A PARAMOUNT CHIEF

We have noted earlier in this chapter that Abraham maintains that pre-colonial chiefs were traditionally “selected”, but the principle of “election” of chiefs was introduced by the British colonial administration (Abraham, 2002). The process of electing a Paramount Chief (PC) at chiefdom level is thus now well established by customary law, usage and by legislation. The election process is two fold:

- In accordance with The Chieftaincy Act, 2009, all the traditional and customary practices preceding the conduct of the election shall be performed by officials of the Ministry in charge of chieftaincy (through the Provincial and District Administrations, in collaboration with the Electoral Commission); while,
- the Electoral Commission (EC) shall conduct the elections (through the respective Electoral Commissioners and District Electoral Officers).

DATE FOR THE ELECTION OF PARAMOUNT CHIEF (SECTION 2 OF THE CHIEFTAINCY ACT, 2009)

The date for Paramount Chieftaincy election shall be announced “not later than twelve months” following the occurrence of a vacancy in the office of a Paramount Chief in a chiefdom. It shall be fixed by the Ministry in charge of chieftaincy, represented by the Provincial Secretaries of the respective regions, in collaboration with the NEC. Three separate dates will be appointed for each exercise involved:

- one separate date(s) for the revision of Chiefdom Councillors lists;
- a separate date for declaration of rights by intending candidates; and
- another date for polling.

The Chiefdom Councillors (better called chiefdom electors) of the chiefdom where the vacancy occurs shall elect the Paramount Chief in accordance with the customary law of the chiefdom.
TRADITIONAL AND CUSTOMARY PRACTICES PRECEDING THE CONDUCT OF PARAMOUNT CHIEFTAINCY ELECTION

Amongst the traditional and customary practices preceding the actual conduct of a Paramount Chieftaincy election, are the following:

1. **REVISION OF CHIEFDOM COUNCILLORS LIST (SECTION 4 OF THE CHIEFTAINCY ACT, 2009)**

   The revision of the gazette list of Chiefdom Councillors by the respective Provincial Administration, in collaboration with the EC, is the start of the process of electing a Paramount Chief in a chiefdom. The revision exercise is preceded by an assessment of the Local tax payers in the concerned chiefdom by a “Local tax assessment committee”. Unlike the Presidential and Parliamentary elections, the elections for a PC at chieftain level and Paramount Chief Member of Parliament (PCMP) at district level are not based on the principle of universal adult suffrage, but conducted by an electoral college called Chiefdom Councillors. The Councillors list, (i.e. Gazette list, or Tribal Authority list) is prepared (and publicized in the Gazette) by the respective Provincial (or District) Administration on the basis of electors (i.e. Councillors) representing a certain number of tax payers on a ratio of 1:20. In other words, one Chiefdom Councillor shall be appointed (or elected) out of every twenty tax payers. Thus, the number of Councillors in a chiefdom will correspond with the total number of taxpayers, using the ‘1’ Councillor to 20 tax payers’ formula. For instance, in the case where there are one hundred tax payers in a chiefdom, the Councillors list will consist of five Councillors. (i.e. divide 20 tax payers by the total number of tax payers in a chiefdom).

   The gazette list of the Chiefdom Councillors shall be revised every three years, but shall specifically be revised prior to the election of a Paramount Chief. Thus the estimated total number of tax payers in each chiefdom must be determined every three years, followed by the revision of the gazette list of Chiefdom Councillors.

   **Composition of the Chiefdom Councillors List**

   The composition of the revised Councillors list is as follows:

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69 The Chieftaincy Act, 2009 Section 4 (1 and 2).
(a) Office holders in the Chiefdom

- Regent Chief (i.e. Acting Paramount Chief);
- Chiefdom Speaker(s);
- Section Chief(s);
- Court Chairman;
- Ceremonial Chief (where the Paramount Chieftaincy in the chiefdom is by customary law linked with secret societies);
- Member of Parliament (MP) for the constituency in which the chiefdom is situated;

(b) Selected or elected Chiefdom Councillors

- A number of Councillors based on the ratio of 1 Councillor appointed (or elected) out of 20 tax payers.

In theory, besides certain position holders (“men of note”) in the chiefdom, as the aforementioned office-holders, who automatically shall become Chiefdom Councillors, the selection of other tax payers as Councillors must be by some form of “election” by universal adult suffrage of tax payers (including adult women). However, in practice, the reality was different before (and even after) the passage of the Chieftaincy Act, 2009. This was because Chiefdom Councillors were either appointed or the position acquired by well-to-do people, who paid the taxes of less privileged family members, and practically by some form of hereditary succession.

Following the existence of a vacancy in the office of a Paramount Chief in a Chiefdom, as already stated, the gazetted Chiefdom Councillors list will be revised and published in the Gazette “on three consecutive occasions” before the conduct of the Paramount Chieftaincy election in the concerned chiefdom. The publication of the list allows Councillors to cross check their names and other details, or make objections to the inclusion of the name of any Councillor on the basis of the eligibility criteria.

**Functions of Chiefdom Councillors**

Chiefdom Councillors perform the following functions:

- They elect the Paramount Chief;
• They assist the Paramount Chief in the administration of the chiefdom and thus serve as channels of communication (and development) between the Paramount Chief and his/her subjects;

• As members of the Chiefdom Council, Chiefdom Councillors perform all the functions of the Council; especially the making and implementation of bye-laws and regulations for the good governance and effective administration of their respective Chiefdoms;

• They perform the functions of chiefs in their absence.

Because of the important roles of Chiefdom Councillors, it is advisable that qualified persons who reside in their respective chiefdoms or sections are elected as Chiefdom Councillors. The practice of making people who reside far away from the Chiefdom (e.g. in Freetown or out of Sierra Leone), and who may not be easily accessible to perform their functions, as Chiefdom Councillors, needs to be discouraged. This is because; the appointment of “absentee Chiefdom Councillors” defeats the whole purpose of having Chiefdom Councillors. Of course, the situation is different with certain office holders like MP’s, etc.

2. Appointment of Assessor chiefs (Section 11 of the Chieftaincy Act 2009)

The appointment of Assessor Chiefs, to identify eligible or qualified candidates for the election, follows the revision of the Councillors list and the declaration of dates for the Declaration of rights meeting and the Paramount Chieftaincy election. Assessor chiefs are appointed by the Minister responsible for Local Government and Chieftaincy matters, after consultation with the Provincial Administration, in accordance with traditional and customary practice. In practice, two Assessor Chiefs (who must be substantive Paramount Chiefs) will be appointed; one from a chiefdom in the district where the election is to be conducted, and the other from a chiefdom with similar traditions and customs in a neighbouring district.

**FUNCTIONS OF ASSESSOR CHIEFS (SECTION 12 OF THE CHIEFTAINCY ACT, 2009)**

As repository of traditions and customs of chieftaincy, Assessor Chiefs are appointed to:
advise the Provincial Secretary (PS) of the region (who serves as the Declaration Officer during the Declaration of rights meeting) on customary and traditional matters, and to ensure that they are respected and followed during the process of candidate selection;

advise and assist the PS in the process of selecting eligible aspiring candidates for the Paramount Chieftaincy election;

advise the Chiefdom Councillors on general behavior in accordance with traditional customs and usage and on the significance of their choice of who becomes a Paramount Chief;

endorse the “Attestation document” immediately after the election of a new Paramount Chief;

advise and assist the PS in the PC election process.

3. PROCESS OF CANDIDATE SELECTION OR DECLARATION OF RIGHTS BY CANDIDATES 
(SECTIONS 5 AND 13 OF THE CHIEFTAINCY ACT, 2009)

a. Declaration of Rights meeting

The identification of persons who are qualified to become candidates for the PC election is an important stage in the Paramount Chieftaincy election process. This process is called Declaration of Rights Meeting. This meeting has the following objectives:

- to identify the Chiefdom Councillors who are eligible to vote in the election;
- to serve as a forum for the PS and Assessor chiefs to explain to all stakeholders about their rights and duties in accordance with The Chieftaincy Act, 2009 or any relevant legislation, customs and traditions in the Chiefdom;
- to serve as a forum for aspirants (i.e. intending candidates) to establish their eligibility to contest the election.
- to allow Councillors or aspirants to object to other aspirants who they think are not qualified to contest.
During the “Declaration of Rights meeting” and the election, each Councillor (i.e. elector) shall be identified by anyone of the following office holders in the Section, Town or Village of the Chiefdom: Section/Town Chief or Village head. In addition, every Councillor shall produce his/her current local tax receipt which shall be “endorsed” by the appropriate Chiefdom Authority and stamped with the official stamp of the respective Chiefdom Administration (section 6, subsection 1 of The Chieftaincy Act, 2009).

### B. Qualifications of the Candidates (Section 8 of the Chieftaincy Act 2009)

The qualifications to be considered in the process of identifying eligible candidates for the election include the following:

- Only persons who hail from recognized ruling houses, established prior to Independence in 1961 (i.e. descendants of ruling houses), in the chiefdom in question shall be allowed to contest the elections. These include:
  
  i. Persons born in wedlock to a rightful claimant in any recognized ruling house in the chiefdom in question; and,
  
  ii. depending on the traditions of the Chiefdom, any one who may be born outside wedlock, but with “direct paternal or maternal lineage” to a bona fide member of a ruling house, i.e whether born outside of wedlock or not. Adopted children are, however, not included in any of the above.

- Also, persons who are descendants of the original signatories to the aforementioned colonial “treaties of friendship”, may stand as candidates in a Paramount Chieftaincy election. This will only happen provided they are able to establish such claim (i.e. descendants of Treaty Chiefs) and must belong to a “recognized” ruling house established before 27th April 1961.

### C. Disqualifications (Section 9 of the Chieftaincy Act, 2009)

The following persons are disqualified from contesting Paramount Chieftaincy election:

- Persons not belonging to a recognised ruling house;
- a Regent Chief in the chiefdom in question;
• adopted children;
• Previously deposed chiefs, or those who resigned after being found guilty of “conduct inconsistent with good governance”, and five years have not elapsed since their deposition or resignation;
• Finally, persons found guilty and convicted by a court of competent jurisdiction for offences ranging from “fraud, dishonesty, theft, violence or rape” are also disqualified to contest, except such persons had received “presidential pardon”.

d. Determination of eligible candidates

During the process of determining those candidates that are qualified to contest the Paramount Chieftaincy election, much emphasis is placed on the existing traditions and customary practices in the chiefdom in question. Such traditions and customary practices differ from chiefdom to chiefdom and from one region to the other. In the Southern region, for e.g., both male and female candidates can, and have, been elected as Paramount Chiefs. The situation is completely different in the Northern region and some chiefdoms in the East (e.g. chiefdoms in Kono District and the three Kissi Chiefdoms in Kailahun District (i.e. Kissi Kama, Kisi Teng, and Kissi Tongi), where female candidates are not allowed by custom to contest Paramount Chieftaincy elections. An important tradition in many (if not most) chiefdoms is that candidates must trace their lineage from the male or paternal line. However, depending on the tradition in the Chiefdom, aspirants may also trace their lineage maternally to a rightful claimant in a recognised ruling house.

Each aspirant will be allowed to present his/her claims or membership to the ruling house (or the Chieftaincy) in the chiefdom in question. Such presentation is done openly in the presence of the Assessor Chiefs, Chiefdom Councillors, other intending candidates and officials of the Provincial (or District) Administration. It must be noted that, candidates eligibility to belong to a ruling family may at times be contested or objected to by either candidates, other family members or chiefdom councillors. This is due to the lack of “written birth certificates or other definitive methods of proving their legitimacy” (Reed and Robinson 2002). An objection to a candidate’s eligibility shall be resolved by secret ballot of the chiefdom councillors present (see objections below).

70 As a result of court order, a female candidate (Sia Iye Bandabla) contested a PC election in one of the Kissi Chiefdoms (i.e. Kissi Teng) on 13th December 2010.
4. OBJECTIONS (SECTION 13 (2) AND (3) OF THE CHIEFTAINCY ACT, 2009)

- As stated above, any chiefdom Councillor or aspirant in the concerned chiefdom may file an objection openly to the Provincial Secretary (i.e. Declaration Officer,) during the declaration of rights meeting, against the candidacy of any aspirant.
- The common grounds for objection are based on the aforementioned qualifications, disqualifications and existing traditions and customs for Paramount Chief elections in the concerned chiefdom.
- When an objection to any intending candidate’s eligibility is rejected by two thirds of the Chiefdom Councillors present, the objected candidate shall be deemed qualified and therefore shall be allowed to contest.
- On the other hand, where an objection to the eligibility of a candidate is upheld (i.e. endorsed, also by two thirds majority), such candidate shall be disqualified from contesting the election.
- As already stated above, the decision of the Chiefdom Councillors, whether to support or reject an objection, shall be reached by voting by secret ballot (section 13 subsection 3 of The Chieftaincy Act, 2009).
- The Assessor Chiefs and the Provincial Secretary (i.e. Declaration Officer) will settle such objections, following the result of the secret ballot.

5. PAYMENT OF ASPIRANT AND CANDIDATURE FEES: (SECTIONS 13(1) AND 14 OF THE CHIEFTAINCY ACT, 2009)

The whole process leading to the conduct of the elections involves the payment of non-refundable fees to the Chiefdom Treasury at some stage. The following are the approved fees in The Chieftaincy Act, 2009:

- **Le150, 000** (One hundred and fifty thousand Leones) per aspirant;
- **Le250, 000** (Two hundred and fifty thousand Leones) per candidate.

6. SELECTION OF SYMBOLS (SECTION 14(2) OF THE CHIEFTAINCY ACT 2009)

Following the declaration of rights, each qualified candidate for the election shall select a symbol, from a list of approved symbols by the EC. Each qualified candidate is also expected to submit to the EC his/her recent post card photograph. The Commission will then print the selected symbol and photograph of each candidate on
the notice of poll for public display. The ballot paper shall take the same form as the notice of poll.

It is evident from the above discussion that the conduct of Paramount Chieftaincy election in a Chiefdom is a process comprising different stages, each of which is linked to the other.

**Electoral System and Procedures for Paramount Chieftaincy Election (Section 15 of the Chieftaincy Act, 2009)**

**a. Meaning of Electoral System**

An Electoral system means: “the rules and procedures through which voters express their political preference in an election, and according to which it is possible to convert these votes into a winner or winners in a public office” e.g. the office of a Paramount Chief. In simple terms therefore, an electoral system or election formula “refers to the rules under which a winner or several winners are chosen”.

The electoral system used in the election of approved candidates to the office of a Paramount Chief is similar to that used for the presidential election. It is called **Two Round System** (TRS). Under the TRS, a winning candidate must poll at least fifty five percent (55%) of total valid votes cast in the first round. If no candidate polls the required 55% votes cast in the first round, then a second round of election is held between the two candidates with the highest votes in the first round. In this round, the candidates with the least votes shall be eliminated leaving only the first two candidates with the highest votes in the first election. The second ballot, which usually takes place immediately after the first ballot, is conducted on the basis of a simple majority i.e. the candidate polling the higher number of valid votes cast in the run-off election is declared the elected Paramount Chief.

But where there are only two candidates contesting a Paramount Chieftaincy election, the results shall be determined on the basis of simple majority. In the same way, where there is only one candidate nominated for a Paramount Chieftaincy election, an election shall still be held, and the result determined by a simple majority of valid votes cast.
B. Conduct of PC Election(s)

Following the completion of the aforementioned preliminary traditional, customary and procedural practices, the EC shall take over the conduct of the Paramount Chieftaincy election in the headquarter town of the chieftdom where the vacancy exists.

- The Commission will make all the necessary arrangements for polling, including the printing of ballot papers, which will be used to conduct the election, provision of election materials, recruitment, training and payment of election staff.

- Voting shall be by secret ballot. The election will be conducted by polling officials (i.e. Voter Identification officer, Ballot paper issuer and Ballot box controller) under the supervision of a Presiding Officer (PO).

- The revised and publicised gazette Chiefdom Councillors list of the chieftdom in question shall serve as the voters register.

- Every candidate may be represented at each polling station by his/her appointed polling Agent.

- The provisions in the Public Elections Act, 2012, or any other law in force, shall apply, with such modifications necessary, for the conduct of a paramount chieftaincy election at chieftdom level.

C. MANNER OF VOTING

For the purpose of voting, each Councillor will go through the following steps at the Polling Station:

- Each Councillor will present him/herself to the Presiding Officer (PO) at the Polling Station with an authentic tax receipt. (i.e. Councillors receipt bearing the stamp of the Chiefdom Administration and endorsed/signed by a competent authority). In the event where a Councillor has lost his/her receipt, he/she will be identified by the appropriate authorities (e.g. the Section, Town or Village Chief) in the section, town or village under which his/her name was written in the gazette (Section 6 of The Chieftaincy Act, 2009).

- The Voter Identification Officer will then look for the name of each Councillor in the Chiefdom Councillor’s list and tick it to prevent multiple voting.
The Ballot Paper Issuer will issue a ballot paper to each Councillor (whose name is on the list and has physically presented him/her self for the purpose of voting). The Councillor will be directed to a booth or voting screen where he/she is expected to choose the candidate of his/her choice.

The Councillor must then go alone to the voting screen or booth and choose the candidate of his/her choice by marking (either with a thumb print or a tick with a pen in the space provided in secret). Each ballot paper shall bear each candidate’s photo and symbol selected by him/her self.

The Councillor will then leave the voting screen with the ballot paper folded to prevent the public knowing the person for whom the vote is cast. He/she will then place the folded ballot paper in the ballot box, which will be placed in the open, in full view of every one present.

The Ballot Box Controller shall ink the left index finger of the Councillor.

The Councillor will then leave the Polling station and go home, or wait somewhere till the time for counting the ballots.

D. Counting of the Votes and the Declaration of Results at the Polling Station

The votes polled by each candidate will be counted at the polling station, in full view of all concerned, soon after the last available Councillor has voted and all closing formalities completed.

Valid votes cast for each candidate are carefully separated from void or invalid votes cast. The latter are not counted in favour of any candidate.

After the votes have been counted, the PO will record the number of valid votes polled by each candidate on the form provided and sign it. The respective polling Agents of each candidate may also sign the result form.

After recording the votes of each candidate, the PO will hand over the signed copy (or copies) of the certified results to the Electoral Commissioner or Senior Election Official present as evidence of the official Paramount Chieftaincy election results of the chiefdom in question.

The Electoral Commissioner or Senior Election Official present will then
publicly announce the results and hand them over to the Provincial Secretary (PS) or Declaration Officer. The PS will then declare the winner as Paramount Chief, subject to the recognition of the newly elected chief by the appropriate authority (usually the President of Sierra Leone or his designated Minister) at a latter date.

**ELECTION OFFENCES IN A PARAMOUNT CHIEFTAINCY ELECTION**

**ELECTION OFFENCES**

Election Offences are breaches or violations of the 1991 Constitution, The Public Elections Act, 2012, The Chieftaincy Act, 2009 and any other related legislation, including rules and regulations. They could be committed not only by candidates and their supporters, but also by election officials or polling staff.

The actions below constitute an offence in connection with polling and counting procedures; which can, if convicted, result in fines and/or imprisonment (the list is not exhaustive):

- Printing and distribution of fake Local Tax receipts;
- Altering information on Local Tax receipts;
- To forge, print or be in possession of a ballot paper or Local tax receipt without lawful authority;
- Including names of unqualified persons on the Chiefdom Councillors list;
- Prevention of election by force;
- Impersonating a Councillor when applying to vote;
- Voting or attempting to vote more than once;
- To obstruct, or interfere with the work of a polling staff in the execution of his/her duties;
- To obstruct or forcefully prevent a Councillor from voting;
- To force a Councillor to vote in a particular way against his/her wish;
- Infringement of secrecy of the Councillor’s ballot;
- Improper practice by election officials e.g. partiality and undue influence by polling staff;
- To administer an oath, inflict or threaten to inflict physical or spiritual injury or harm on a Councillor;
To force an aspirant or candidate to withdraw from contesting the election;

Interference with voting materials by unauthorised persons;

Falsification of the elections results to give undue advantage to a particular candidate;

Bribery and other forms of corrupt practices e.g. give or receive money, food or other valuable items as a means of inducing a Councillor to vote, or not to vote, in a certain way (a practice commonly called treating);

Campaigning within 400 yards of the polling centres/stations in support of a particular candidate.

**Other Offences (Sections 30 & 31 of the Chieftaincy Act, 2009)**

- Refusal or failure by any person to handover the “Staff of Office” to the Provincial Secretary (or his representative) without any “reasonable cause”;
- To obstruct the PS (or his representative) in the performance of his/her function(s); especially while retrieving the “Staff of Office” from the family of the deceased Paramount Chief, or from him/ herself, as the case may be;
- Making of false statement in respect of belonging to a ruling house or claiming to have “direct paternal or maternal lineage to a rightful claimant in a recognised ruling house”.

**Penalty for offences**

A person found guilty of committing any of the above offences (under sections 30 & 31) shall be punished by “a fine not exceeding Le 5,000,000 (five million Leone’s) or by a term of imprisonment not exceeding two years.”

**Challenging the Validity of a Paramount Chieftaincy Election (Section 18 of the Chieftaincy Act, 2009).**

Any candidate in the Paramount Chieftaincy election or any Councillor of the Chiefdom Council may challenge the validity of the election of the new Paramount Chief by a petition in the High Court of Sierra Leone within seven (7) days following the declaration of the election result.
The following are the **common grounds for petition** of the election result in accordance with The Chieftaincy Act, 2009; that,

- the elected Paramount Chief is not qualified in accordance with The Chieftaincy Act;
- he/she was allowed to contest the election (and subsequently elected), based on a false claim that is inconsistent with the said Act e.g. elected on the basis of a false claim of belonging to a ruling house or having direct paternal or maternal lineage to a rightful claimant in a recognised ruling house;
- the Paramount Chieftaincy election was “improper” e.g. election was fraudulent or conducted outside the existing electoral legal framework.
- However, any irregularity relating to revision of chiefdom councillors list shall not invalidate the election of a Paramount chief (section 4 subsection of The Chieftaincy Act, 2009).

**Post Election Activities and Chiefdom Administration**

1. **SIGNING OF A DECLARATION AND RECOGNITION OF THE NEW PARAMOUNT CHIEF**

Following the conclusion of the election proceedings, the Chiefdom Councillors present must sign a declaration called “attestation document”, recognizing the declared winner of the election as their legitimate Paramount Chief. In practice, however, while each Councillor signs the voters register (or places his/her right thumb print against his/her name), he/she also simultaneously attests to the fact that he/she would recognize the winner of the election as the elected Paramount Chief of the chiefdom in question.

The signed declaration document must be witnessed or endorsed by the Assessor Chiefs and the Provincial Secretary. The “staff” of office will be formerly handed over to the newly crowned Paramount Chief by the appropriate authority (usually His Excellency the President of Sierra Leone, or his authorized representative) after the submission of a joint written report on the whole process by the Provincial Secretary of the region and officials of the Electoral Commission.
2. CROWNING OR INSTALLATION CEREMONIES OF THE NEW PARAMOUNT CHIEF

It has been stated that an important traditional and customary practice in the election of a Paramount Chief, is that a candidate must hail from the appropriate lineage and recognized ruling house. The crowning or installation of the newly elected and recognized Paramount Chief is another important traditional and customary practice that follows the official recognition of the new chief. In most, if not all the chieftdoms, the new Paramount Chief would be crowned or installed in an important public ceremony. Of course, different patterns of crowning or installation ceremonies exist among the various ethnic groups. They range from an elaborate crowning ceremony among “ritual chieftaincies” or “divine kingships” (e.g. the Temne and Sherbro), to simply presenting the new chief to his/her subjects among “secular chieftaincies”. The latter is the custom presently practiced in some chieftdoms in the South and East. On the other hand, however, among the Temne, for example, the new chief must be taken to a secluded place called “Kantha” for some period (usually about a year or more), where he will be groomed as a ruler, the “Obai”. In other words, the new chief is taught the art of becoming a good ruler during the confinement period. According to Fyle, following the end of the “Kantha” (or seclusion) ceremonies, the “Obai” would “buy the country”, in a traditional ceremony, “from all the major industrial groups like fishermen, carpenters and shoemakers by given them presents”, in return for customary gifts later (Fyle, 1981). This practice, and indeed other “Kantha” ceremonies, were practised more in the Pre-colonial period than the colonial and post independence eras. However, the passage of time has watered down some of these traditions and customary practices. In fact, the confinement period (i.e. period of seclusion) is comparatively shorter now than before.

The installation of the newly elected Paramount Chief, in accordance with the traditions and customs of the chieftdom, marks the end of the process leading to the election of a Paramount Chief. After installation, the new chief will administer his/her chiefdom, using a Chiefdom Council, a Chiefdom Committee and Sub-chiefs.
3. **Chiefdom Administration**

As already stated, there are currently a total of 149 Chiefdoms, divided among the 12 Provincial Districts of Sierra Leone as follows:

- **Northern Province**, 5 Districts (Bombali, Port Loko, Kambia, Koinadugu and Tonkolili) with 53 Chiefdoms;

- **Eastern Province**, 3 Districts (Kenema, Kono and Kailahun) with 44 Chiefdoms;

- **Southern Province**, 4 Districts (Bo, Bonthe Moyamba and Pujehun) with 52 Chiefdoms.

Each chiefdom is headed by a Paramount Chief; who, once elected by the Chiefdom Councillors, rules for life (except in exceptional circumstances; for example, a Paramount Chief may be lawfully deposed or asked to resign from office for subversive or other conduct which is inimical to good governance). See Chieftaincy Act, 2009 for details on the lawful removal of a Paramount Chief.

It has further been noted that the institution of Paramount Chieftaincy is based on, inter-alia, the ruling-house concept. That is to say, only candidates who hail from recognised and established ruling houses before 1961 are allowed to contest Paramount Chieftaincy elections.

As an “integral part of the traditions of the people of provincial Sierra Leone”, the institution of chieftaincy is highly respected in the country. In fact, as already stated, the institution of Paramount Chieftaincy, as established by customary law and usage, is guaranteed under Section 72, sub-sections 1-5 of the Constitution of Sierra Leone (Act No.6 of 1991).

The administration of each chiefdom is carried by a **Chiefdom Council**, comprising the Paramount Chief, the sub-chiefs, Councillors and “other office holders” elected by their people according to the “native law and custom”. A **chiefdom treasury** manages the finances of each chiefdom, while Local Courts settle minor disputes and dispense justice.

Furthermore, for effective administration, each Chiefdom Council is empowered (under Section 3(3) of the Chiefdom Councils (Amendment) Act 1964, Act No. 13 of 1964) to appoint a **Chiefdom Committee** headed by the Paramount Chief. Under the said Act, Chiefdom Committees perform the following duties:
✓ Prepare every year, draft Chiefdom estimates for consideration by the Chiefdom Council;
✓ Negotiate and supervise the execution of any contracts lawfully entered into by the Chiefdom Council;
✓ Supervise and check all expenditure in the estimates, approved in accordance with Section 2 of the Chiefdom Treasury Act (1962);
✓ Ensure and assist in the proper collection of revenue;
✓ Inspect the chiefdom books of account on a monthly basis;
✓ Appoint and control staff;
✓ Advise the Chiefdom Administration generally in the administration of chiefdom affairs;
✓ Initiate chiefdom bye-laws for consideration by Chiefdom Councils;
✓ Perform such other duties as may be delegated to them by the Chiefdom Councils with approval from the Minister.

4. DUTIES/FUNCTIONS OF PARAMOUNT CHIEFS

According to Abraham,

“The traditional functions of the chief were to protect the lives and property of his subjects, maintain law and order, and make laws for the social and economic well-being of his people. He was also to defend the integrity of the ‘country’, and dispense justice as the chief judge... The chief was expected to be kind and generous, fair and just... He sat court as the supreme judge, and was supposed to dispense justice without fear or favour...”

Paramount Chiefs thus play an important role in their respective chiefdoms and the country as a whole, as the following:

- As traditional rulers, Paramount Chiefs uphold the traditions and customary practices of their respective chiefdoms.
- They are the custodians of the land, for land owning families, in their respective chiefdoms.

71 A. Abraham, opcit P5
They maintain law and order in their chiefdoms.

Paramount Chiefs serve as agents of administration for the Central Government.

Chieftaincy institution thus serves as a convenient agency of the central government; or better still, “instrument of transmission belt” through which the central government can pass information on government policies to the people. Also, the wishes and reactions of the people on certain government policies can reach the central government through the chiefs.

The following are the functions of a Paramount Chief, in accordance with the Chieftaincy Act of 2009 (section 29, sub section 1 of the Chieftaincy Act 2009):

- Supervise the collection of local tax and assist the appropriate authority in the collection of other lawful taxes to which the members of his chiefdom are subject;
- Use his best ability to prevent the commission of offences within his chiefdom and to maintain order and good government within his chiefdom;
- Preserve or promote, as appropriate, and serve as, the guardian of the customs and traditions of his chiefdom;
- To all intents and purposes to serve as an agent of development in his chiefdom; and,
- To supervise the election of sub-chiefs in his chiefdom.

In order to effectively perform his functions, the Chiefdom Council shall pass the relevant bye-laws.

It must, however, be pointed out that Paramount Chiefs (who are regarded as natural rulers, symbols of unity and fountain of honour of their people) are normally, not expected to take part in active partisan politics. By this is meant, a substantive Paramount Chief cannot present him/herself to the electorate as a candidate for election for Ordinary Member of Parliament (except as a candidate for Paramount Chief Member of Parliament). Moreover, a Paramount Chief is not expected to hold an official position in a political party or in any way campaign for or against a candidate or political party in his/her chiefdom. It must be stated, however, that the 1991 Constitution is silent over the idea of Paramount Chiefs taking part in active politics. Little wonder that this principle of chiefs’ not taking part in active politics (i.e. being
apolitical) has often been abused in one way or the other in the past. In fact, in practice, over the years Paramount Chiefs have identified themselves and supported the government of the day.

5. **COURT CHAIRMEN**

The Local Courts Act of 1963 (Act No. 20 of 1963) makes provision for Local Courts presided by court chairmen, who are duly appointed by Chiefdom Councillors. By settling minor disputes, local courts chairmen ensure that justice is properly administered in the local courts without any influence or interference from the Paramount Chief.

**PARAMOUNT CHIEF MEMBERS OF PARLIAMENT ELECTION AND GENERAL CONCLUSION ON CHIEFTAINCY**

**Introduction**

Paramount Chief Members of Parliament (PCMP) election is one of the public elections conducted by the National Electoral Commission (NEC). As already mentioned, twelve Paramount Chiefs shall be elected to sit in Parliament, one representing each of the country’s twelve provincial districts. Sierra Leone’s Parliament currently has 124 members: i.e.112 are directly elected by universal adult suffrage, while 12 PCMPs are indirectly elected by Chiefdom Councillors.

The election of the 12 Paramount Chief MPs differs in a number of ways from that of the Ordinary Members of Parliament (MPs). Like the election of a Paramount Chief at chiefdom level, PCMPs are elected on the basis of an electoral college formed by Chiefdom Councillors. As already stated, each Councillor represents 20 tax payers in a chiefdom (including him/herself). In the election for PCMPs, only substantive Paramount Chiefs (according to the Constitution) from the country’s 149 chiefdoms are eligible to stand for the 12 seats reserved for Paramount Chiefs in Parliament.

The specific date(s) for the election of Paramount Chief Members of Parliament will be fixed by NEC. The manner of voting is as prescribed in the Public Elections Act, 2012, except that the gazetted chiefdom councilors list serves as the register of voters.
GENERAL CONCLUSIONS ON CHIEFTAINCY

- The 1991 Constitution of Sierra Leone gives an indication of the importance it attaches to the institution of chieftaincy;
- It safeguards the institution as established by customary law and usage;
- The institution has survived as a resilient provincial institution from pre-colonial era to successive governments in post independent Sierra Leone;
- Customary laws and traditions differ from chiefdom to chiefdom and from region to region;
- Parliament has power to make laws which provide for, among others, “the qualifications, elections, functions, removal and other matters connected with chieftaincy”;
- No person or authority has the power to abolish the institution of chieftaincy by legislation;
- Given the importance of the institution of Paramount Chieftaincy (by customary law, usage and by the Constitution of Sierra Leone), there is need for major aspects of the institution to be modernized. One such aspect is the denial of female candidates from contesting Paramount chieftaincy elections in some districts, on the flimsy grounds of customs, especially in the North of Sierra Leone and some chiefdoms in Kono and Kailahun Districts.
- There is also the need to revisit the Chieftaincy Act 2009, and amend it in line with democratic standards.
- Finally, in order for contemporary Paramount Chiefs and their sub-chiefs to play a major role in good governance and the decentralisation process and to deepen democracy at grass root level, their chiefdoms should be provided with basic infrastructure and their institutions (like the Chiefdom treasuries, the Chiefdom police and local courts) modernised and equipped.
CHAPTER 9

DECENTRALIZATION AND LOCAL GOVERNMENT IN SIERRA LEONE

SOME GENERAL CONSIDERATIONS

Meaning and types of Decentralization

Popular participation in government is a core element of democracy. The need to involve local people in decision-making is an essential aspect of decentralization. In this book decentralization refers to the “process of transferring power from the centre to sub-national levels, either to officials of the central government in the field or to elected local governments”. Two types of transfer of power are indicated in this definition:

- **Administrative Decentralization**: This means the transfer or delegation of governmental authority or power by the central government, through one of its ministries or departments, to central government officials in the field (i.e. to officials in the branch office of the ministry or department concerned). The central authority has direct control over the department or branch ministry to which power has been delegated. This can also be referred to as the “deconcentration of administrative authority”.

- **Political Devolution**: This type of decentralization refers to the transfer of power (i.e. political authority) and resources by the central government to elected local councils, responsible for service delivery at local level; namely, City, Municipal, Town and District Councils, subject to minimum control within the law. Some form of national legislation usually does this type of transfer of power and resources to a local authority. In this type of decentralization, the elected local councils are primarily accountable to the people who elected them. The reasons for this type of decentralization (i.e. political devolution) therefore, include to:

  i. improve the capacity of each elected local council to deliver services to the rural areas (such services, hitherto, were either a function, or under the control, of a central government ministry).

  ii. Promote the continual expansion of democracy at the “grass roots” level. In such, it is an important aspect of a participatory democracy;

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iii. give opportunity to “grass roots” people to manage their own affairs, through planning and the implementation of development projects in the rural areas.

**Meaning of Local Government**

Local government became a core element of the politics and administration of Sierra Leone well before independence. It has been defined as:

“government for local people by local people”. Local Government is thus a body of individuals set up by law to provide certain basic services for their local communities. In democratic countries, local government bodies consists of democratically elected councillors who are elected by, and accountable to, their respective local communities. In short, local government is representative government.

**Reasons/Importance of Local Government**

Generally, local government bodies are established for the following reasons:

- Traditionally, local government bodies are established to cater for and protect local interests, within the broader framework of the national government. Because the needs of the various local communities differ across the country, local government authorities can take into account local circumstances and needs in the provision of services for their subjects. Local control of local affairs by councillors elected by the communities they serve can thus lead to a more effective handling of local affairs.

- To relieve the work burden of the central government. Because of the complexity and large volume of work performed by central governments, local authorities are established to administer certain services at local level.

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74 R. M. Punnet: British Government and Politics (fourth Edition p389)
Local government bodies can serve as “political and administrative training ground for central government”75. People wishing to take part in national politics may first get their experiences as councillors of a City, Municipal, Town or District Council. John Major, ex Prime Minister of Great Britain had his first taste of political office as a councillor in Lambeth, South London. Also Siaka Stevens (late), ex-President of Sierra Leone served as Mayor of the Freetown City Council in 1964 before becoming Prime Minister in 1968.

Local government bodies may be established to bridge any gap between the central government and far away communities. The establishment of representative local government will allow citizens in a particular local community, far away from the central government, to come into closer contact with the details of government; thus increasing their political consciousness.

Elective local government is thus important in a democratic political system.

History and Structure of Local Government in Sierra Leone

Origin of Local Government

Local government in Sierra Leone comprises both the western (or modern) component of the aforementioned 19 councils (i.e. 5 City councils, 1 Municipal council and 13 District councils) and a traditional component of Chiefdom administration system76 (i.e. 149 chiefdoms) see chapter 8.

The western component can be traced back to the British colonial period. During the period of colonial rule, the British established local government bodies through Ordinances and by various Acts of Parliament. As already stated, the modern component of local government bodies established by the British colonial administration were: the Freetown City Council (established in 1799 by Royal Charter and turned into a modern municipality in 1893), Town Councils

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75 R. M. Punnet ibid
established in Bo (Bo town became a township in 1954 under the Bo town Council Ordinance), Makeni, Kenema and Koidu/New Sembehun, and the various District Councils which were set up in 1946. Rural District Councils were also established in the Western Area, while The Sherbro Urban District Council was established in Bonthe in the 1950’s.

As in other Commonwealth countries, these local government bodies later became representative institutions, whose Councillors were elected by universal adult suffrage, and were accountable to their respective local communities. This practice of making local government to be representative government continued well into the country’s post-independence period. However, elected local government bodies were frequently suspended (sometimes for a considerable length of time) by past central governments, replacing them with “Management Committees” in some cases. For example, following investigations of rampant corruption and mismanagement in 1962, most District Councils remained suspended by the then SLPP government up to 1965. They were restored in 1966 only to be suspended again in 1967 by the National Reformation Council (NRC) military government. The APC government in 1972 suspended District Councils, only to be revived by the SLPP government after the 22nd May 2004 Local Government elections.

Thus, beginning practically from 1972 (up to the period of the one party state and the re-introduction of multi-party system in 1991) onto 2004, there was a shift in emphasis, by successive central governments in Sierra Leone, from elective local government to barely non - functional local administration. By this we mean, central government exercised much
control over the Management Committees set up in some cases to replace elected local government. In fact, there was no elected local government in the country from 1972 to the period after the 22\textsuperscript{nd} May 2004 local government elections.(see the re-introduction of representative local governance further in this chapter).

**Local Government Structure (Colonial Era upto 2004)**

Local government in Sierra Leone, as it then existed starting from the colonial era up to the 1970’s, revolved around the two components mentioned earlier in this chapter i.e.

- The Western/modern component comprising the aforementioned 19 councils and;
- a traditional component comprising what was formally called Tribal Authority/Native Administration units; now called Chiefdom administrations or Chiefdom Council (see chapter 8 for more details).

Prior to the dissolution of the elective aspect of local government in 1972, local government structure in the country consisted of:

- the Freetown City Council;
- 4 Town Councils, one each in Bo, Kenema, Makeni and Koidu/New Sembehun;
- 1 Urban District Council in Bonthe, called Sherbro Urban District Council;
- 4 Western Area Rural District Councils, comprising Waterloo, Koya, Mountain and York;
- 1 Rural Area Council which served as the umbrella organization for the Western Area Rural District Councils;
- 12 Provincial District Councils and;
- 149 Chiefdom Councils in the 12 provincial districts.

Each rural district was made up of village areas, and each village area has village units.

The dual administrative system, introduced by the British during the colonial era gave rise to two different units of local governance; one for the
Western Area (formally called Colony) and one for the provinces (formally called Protectorate).

The above local government structure has changed slightly.


The current local government structure, after the 2004 and 2008 elections, continues to revolve around the aforementioned two major systems:

- A western or modern component of **5 City Councils, 1 Municipal and 13 District Councils**; i.e. a system comprising 19 localities with their respective Councils, whose members are elected by universal adult suffrage;

- A traditional component of 149 chiefdom administrations in twelve provincial districts, called **Chiefdom Councils**, with a Paramount Chief as head in each. The paramount chief, in addition to forming the basis of traditional rule within the chiefdom, is also eligible to be elected, if nominated, as Paramount Chief Member of Parliament.

- There continues to be, in addition, a local administration system of **“Tribal head men” and town/village heads** in the Western Area. The latter, like the Councillors and Chairpersons/Mayors of the nineteen local councils, are elected by universal adult suffrage by residents of the respective villages or towns, who are electors.

- The Local Government Act 2004 (sections 95-96) empowers each local council to establish a **Ward Committee** in the locality. The purpose is not only to assist the council in performing its duties, but also to bring local government to the people as close as practicable. This is in order to facilitate their involvement and participation in local administration and development of their locality. A Ward Committee is therefore the lowest tier of the local government system.

The composition and functions of the ward committees are contained in the above sections of the Act. A majority of the members of each Ward Committee (10), who shall be resident in the ward, shall be elected in a public meeting by residents of the ward. Other members of the Ward Committee are: the Councillor(s) elected from the ward and the Paramount Chief, in the case of localities with a system of Paramount Chieftaincy.

There are thus various forms of local council administrations in Sierra Leone. As already noted, a total of 19 local councils currently exist in the
country: [Five (5) City Councils (one in the Freetown Municipality called Freetown City Council, and one each in Bo, Makeni, Koidu-New Sembehun and Kenema cities77); one (1) Municipal Council (in the municipality of Bonthe); and 13 District Councils, one in each of the 12 provincial districts and western area rural district]. A total of 394 wards nationwide were used to conduct the 2004 and 2008 Local Government elections.

While the City Councils and the Bonthe Municipal Council have Mayors as heads, District Councils have Chairpersons.

**General Composition of Local Councils**

Each local council shall comprise of at least 12 members {section 4(3) of the Local Government Act 2004}.

A local council shall consist of the following members:

- A Chairperson/Mayor elected by universal adult suffrage by electors of the locality (i.e. cities or municipalities with city or municipal councils);

- A designated number of elected representatives (Councillors) from each ward (electoral area) in each City, District and Municipal Councils, elected by universal adult suffrage by electors of the ward;

- A prescribed number of selected Paramount Chiefs (as specified under the Local Government Act 2004) to represent the interests of Paramount Chiefs in localities having a system of Paramount Chieftaincy. Paramount Chiefs are selected by the Paramount Chiefs in the localities that have a system of Paramount Chieftaincy.

**OVERVIEW OF LOCAL GOVERNMENT IN THE WESTERN AREA**

The basic local government units in the Western Area are:

1. **Freetown City Council (FCC)**

77 Statutory Instruments Nos 6-9 of 2006 (published 15th June 2006) declared Koidu New-Sembehun, Bo, Kenema and Makeni into cities, respectively; Statutory Instrument No. 19 of 2006 declared Bonthe a Municipality and called its Council the Bonthe Municipal Council. All of the Statutory Instruments have now been repealed and replaced
The Freetown City Council exists in the municipality of Freetown (the capital city of Sierra Leone). It was originally established by Royal Charter in 1799 and turned into a modern municipality in 1893; thus making it the oldest local government body in West Africa. With time the municipality has grown to cover a wider area than originally intended. Thus with the coming into being of the Greater Freetown Area in July 1973, the Freetown City Council now cover the original area of the Municipality of Freetown, Kissy, Wellington and Tasso Areas (the previously named Kissy Rural District) in the East; Murray Town, Aberdeen, Wilberforce, Hill Station, Lumley (the area previously called Wilberforce Rural District), and Juba in the West (making a total area of 261.4 square miles\textsuperscript{78}). The Greater Freetown Area is currently divided into 49 single-member electoral wards, with each ward returning one elected Councillor (i.e. after the 2008 ward boundaries delimitation process by the NEC).

**Composition**

As a representative local government body, the Freetown City Council shall consist of:

- A Mayor, who is directly elected by universal adult suffrage as head of the council;

- A prescribed number (49) of Councillors directly elected by universal adult suffrage (i.e. one councillor elected from each ward in the city).

\textsuperscript{78} The Handbook of Sierra Leone published in March 1980 by the Ministry of Information and Broadcasting
Functions / Duties

The Freetown City Council provides basic services for the residents of the city of Freetown. Amongst others, the Council provides recreational facilities like town halls and fields for sports; provides educational services by building schools, provides markets, cemeteries, street naming and numbering of houses.

2. The Western Area Rural District Council

As a representative local government, the Western Area Rural District Council (AWRDC) is composed of a Chairman as head and prescribed number (20) of directly elected councillors by universal adult suffrage, one from each ward in the district. (i.e. Waterloo, Koya, York and Mountain areas).

Like the Freetown City Council, the Western Area Rural District Council has responsibility to perform local government functions, under the law, at rural district level e.g. providing educational services, building markets and providing cemeteries.

There is in addition a local administration system of “Tribal head men” and town/village heads in the Western Area. As already stated, the Town or Village heads, (like the Councillors and Chairpersons/Mayors of the nineteen local councils), are elected by universal adult suffrage by registered electors of the respective villages or towns.

OVERVIEW OF LOCAL GOVERNMENT IN THE PROVINCES

The provinces of Sierra Leone (formally called Protectorate) comprise three major areas. These are:

- **Eastern Province**, with headquarters at Kenema.
- **The Northern Province**, with Makeni as the headquarters.
- **Southern Province**, with headquarters at Bo city.
Each province has within it a number of districts (3, 5, 4, districts, respectively), which are further subdivided into chiefdoms (149 chiefdoms in all).

We already know that Local government structure in the provinces is a combination of the Western or modern component (comprising District, City and Town councils) and a traditional component of chiefdom administration.

**City Councils**

By statutory instruments (of Nos 6-9 and 19 of 2006) the former towns of Bo, Kenema, Makeni, Koidu-New Sembehun and Bonthe became cities; while their Town Councils became City councils and Bonthe became a Municipality.

**District Councils: Historical Development**

District Councils (DC's) were established in 1946 by the British colonial administration “to advise the administration and assist in providing some necessary services”\(^79\). They became local government bodies through the Legislative Ordinance number 17 of 1950. The composition of District Councils was originally narrow and included non-elected members (with Paramount Chiefs as ex-officio members and a representative of the masses in each district).

**Changes in District Councils and their Composition**

A number of changes, however, have taken place in the District Councils during their existence, as follows:

- The 1950 Ordinance amended the composition of the District Councils. It allowed the District Commissioner who was the Chairman, to appoint or nominate three more members in each council. These additional members had to be literate in English and “could be either native to or residence in the district”\(^80\).
- District Councils became elective bodies after the passing of the 1956 Ordinance, i.e. their members were elected. However, Paramount Chiefs remained as ex-officio members.

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\(^79\) C. Magbaily Fyle in *The History of Sierra Leone* (1981) p117

\(^80\) C. M. Fyle, ibid (p118)
The position of the President (now Chairman) of each District Council (formally filled through nomination by the Governor) became elective in 1957.

- District Council elections were first conducted on political party basis in 1966, which were won by the Sierra Leone People’s Party.
- Complaints of corruption, mismanagement of District Council funds were among the reasons cited for the dissolution of elected District Councils by successive central governments. As already stated, they were first dissolved by the SLPP from 1962–1965. They were restored in 1966, only to be suspended again by the NRC military regime in 1967. District Councils (and elective local government) were abolished in January 1972 by the APC government, Dissolved councils were replaced, in some cases with Management Committees. Elective aspect of District Councils and other local councils was resuscitated following the 2004 Local Government elections.

Each District Council now comprises a District Chairman, elected Councillors corresponding to the number of seats in each delimited ward and a number of pre-determined Paramount Chiefs. The Chairman and Councillors are elected by universal adult suffrage, while the Paramount Chiefs are nominated.

**Functions of District Councils**

District Councils were set up to provide the primary needs/services of their respective districts e.g. to construct and maintain feeder roads, the provision of basic educational services, and community development projects, such as child welfare and primary health care services and sanitation. In short, each District Council was charged with the responsibility for the overall development of its district. In addition, each District Council (like all other Local Councils) should provide opportunities for the political participation of local people at local government level, thereby serving as channels for both decision-making and communication between the central government and the people at grass roots level.

3. **Town Councils: Historical Development (Town Councils now transformed into City Councils)**

The British colonial administration (and later central governments after independence) also established local government bodies called Town Councils in the then townships of Bo, Kenema, Makeni, the Sherbro Urban District (Bonthe) and Koidu/New Sembehun to take care of the activities of the respective townships. The establishment of Town Councils became necessary following the growth in the populations of Headquarter Provincial Towns and the diamondiferous town of Koidu in the Kono District. With time the populations of these towns grew so large to the extent that they went
beyond the control of their respective Chiefdom Administrations. Thus Bo Town became a township in 1954 under the Bo Town Council Act Cap. 80 of the Laws of Sierra Leone, while Kenema, Makeni and Koidu/New Sembehun became townships under the Township Act Cap 295 of the Laws of Sierra Leone.

As already stated Bo, Kenema, Makeni and Koidu/New-Sembehun became cities and their councils transformed into city councils in 2006 (See Statutory Instruments Nos. 6,7,8,9 and 19 of 2006).

Composition

The membership of each council comprises:

- A Mayor elected by universal adult suffrage of all registered electors in the locality.
- Elected Councillors representing the various wards (electoral areas) into which each township (now city) is divided.
- The Paramount Chief (s) of the chiefdom(s) where each council is located.

Like other local government bodies, the provincial City Councils perform various duties, which include the provision of Parks, markets and cemeteries in the cities, and the naming and numbering of streets.

4. Chiefdom Administration

Local government in the 149 chiefdoms in the provinces revolves around chiefdom administration. As already stated, each chiefdom became a “Native Administration Unit” (or NA, as it was commonly called), following the implementation of the “Native Administration” system by the colonial government in 1937. The basic local government unit in the chiefdom is the Chiefdom Council previously called “Tribal Authority” (defined, under the Tribal Authority Ordinance of 1938, as “the Paramount Chief, the Chiefs, Councillors and men of note elected by the people according to the native law and custom”). Each chiefdom (or Tribal Authority area) has a chiefdom treasury which controls the finances of the chiefdom. In addition, there is a Local Court system in each chiefdom for the settlement of minor disputes and the dispensation of justice within their jurisdiction. This system of “Native Administration”, began under the
colonial administration, was continued by successive governments up to today.

The Chiefdom Council carries out the administration of each chiefdom. A smaller body called Chiefdom Committee (See Chapter 8) assists each council.

**Membership and Functions**

The composition of each Chiefdom Council includes the Paramount Chief, Chiefdom Speaker, Councillors, other Chiefs, and important chiefdom personalities.

The Chiefdom Council has responsibility, among others, for the preparation of the chiefdom budget and the collection and checking of local taxes, and making of bye-laws.

Being subordinate bodies to the Chiefdom Councils, the Chiefdom Committees have the following responsibilities, among others: advise the council, assist in the tax collection, and suggest bye-laws for the effective administration of the chiefdom (see chapter 8).

**EVOLUTION OF THE LEGAL FRAMEWORK FOR LOCAL GOVERNMENT**

A series of local government legislation pre-dates the 1991 Constitution of Sierra Leone (which in itself has very little on local government), the Public Elections Act 2012 and the Local Government Act 2004. As already stated, local government bodies in Sierra Leone were legally established by colonial Ordinances, and by various Acts of parliament passed before and after independence in 1961.

The following are of importance:

- The Rural Areas Act, Cap. 75;
- The Sherbro Urban District Council Act, Cap. 76;
- The District Councils Act, Cap. 79;
- The Bo Town Council Act, Cap. 80;
- The Townships Act, Cap. 295;
- The Chiefdom Councils Act (Cap. 61);
- Local Authorities (Audit), Act No. 29 of 1964;
- Local Authorities (Miscellaneous Provisions), Act No. 50 of 1965;
- Local Authorities (Warrants for Rates), Act No. 4 of 1966;
The Freetown Municipality Act, No. 20 of 1973;

The Tribal Administration (Western Area) Act (Cap. 78),

Thus, for a long period of time, the Legal framework for Local Government in Sierra Leone comprised several Ordinances, Acts and other legal instruments which marked the evolution of the system of Local Government in the country.

As a result of Central Government’s plans after the 1996 elections to decentralize some of its authority to revitalized elected local government bodies in the country, and effect reform in the Local Government system, a Task Force was set up with the mandate, inter-alia, to provide a comprehensive legal framework for the operation of Local Government Administration in Sierra Leone. Thus a Local Government Act was enacted called the Local Government Act 2004. With the exception of the Chiefdom Councils Act (Cap. 61) and the Tribal Administration (Western Area) Act (Cap. 78), nearly all the aforementioned legal instrument on Local Government Administration were repealed following the passing of the new Local Government Act 2004.

The current legislation, which form the basis of Local Government elections, are the following:

- The 1991 Constitution of Sierra Leone, 1991 (Act No. 6 of 1991);


- The Local Government Act, 2004 (Act No. 1 of 2004);

\(^{81}\) The repealed Electoral Laws Act 2002 had little or no provision for the conduct of Local Government elections like it has for general elections of Members of Parliament, Presidential elections and Paramount Chief Members of Parliament elections e.g. nomination polling and counting procedures. The Local Government Act 2004, however, makes reference to the election of councillors by universal adult suffrage in accordance with the repealed Electoral Law Act (“such number of elected councillors from the locality, elected by universal adult suffrage in accordance with the Electoral Laws Act, 2002” section 4(b)). In preparation therefore, for the 5\(^{th}\) July 2008 Local Government elections, three regulations were passed into law:

(i) The Electoral Laws (Boundary Delimitation Localities and wards) Regulations 2007;


Rules and regulations made by NEC or the Minister in charge of the responsibility for Local Government, by Statutory Instrument. (These included, the repealed Statutory Instruments Numbers 15 – 33 of 2005. These were legal instruments made pursuant to the Local Government Act 2004. They specifically deal with details regarding the declaration or establishment of 19 localities and their respective councils, and other matters connected therewith e.g. composition, functions and a description of the wards in each council). They were revoked and replaced with the Constitutional Instruments and demarcated wards prior to the 5th July 2008 Local Government elections.

The Local Government Act 2004 addresses such issues, among others, as:

- the establishment of Local Councils, their corporate nature and perpetual successions
- their composition;
- the qualifications and disqualifications of candidates;
- manner in which Councillors and Chairpersons of Local Councils are to be elected
- period of elections;
- tenure of Office of Councillors;
- the powers of Local Councils (Legislative and Executive).

Elected local councils are empowered, under the Local Government Act, to delegate responsibility to any other body or body of persons, and to make bye – laws for the effective administration of their respective localities. However, such delegated powers and legislation must neither be inconsistent with the parent Act nor with the national constitution.

RE-INTRODUCTION OF REPRESENTATIVE LOCAL GOVERNMENT BODIES 2004

Like many Anglophone/Commonwealth countries, Sierra Leone, after independence, adopted the English model type of representative local government introduced during the colonial administration; making the changes which post-independence leaders thought were needed. Thus, as already stated, elected local governments were suspended, as the situation demanded, replacing them with Management Committees in some cases. The full operation of representative local government, as it then existed from the colonial period well into post-independence period, was suspended from 1972 until 2004. We have noted that District Councils were abolished in
1972, while Management Committees replaced Municipal and Town
Councils. This brought to an end the meaningful participation of
“grassroots” people in governance at local level. It also brought to an end the
involvement of elected local government bodies in district and chieftdom level
development. Representative local government was therefore replaced with
local administration, with central government exercising tighter control over
local government authorities. This is especially true of the one-party period

It has been stated elsewhere that the introduction of one party rule,
following the approval of a one party constitution in a referendum in June
1978, gave the central government in Freetown a strangle hold on power.
This, among others, has been considered as having caused the already
mentioned 11 year civil war (23\textsuperscript{rd} March 1991 – 18\textsuperscript{th} January 2002) between
the Revolutionary United Front and successive governments. Consequently,
the Lome Peace Agreement (which was concluded in Togo on 7\textsuperscript{th} July 1999
and thus initiated a protracted process of disarmament, demobilization and
re-integration of combatants) made specific recommendations for the
devolution of political power to local communities through elected local
government. As already stated in chapter three (3), this recommendation
was given substance by the passing of the Local Government Act in 2004,
which re-established 19 Local Councils (i.e. 13 District Councils, 5 Town
Councils by then and a City Council in the municipality of Freetown).

**Task Force on Decentralization and Local Governance**

In an effort to re-introduce a revamped local government system that will be
more responsive to the current realities of Sierra Leone (and whose
councillors will again be elected by universal adult suffrage), the then
Government of Sierra Leone (GoSL) under the Sierra Leone People’s
Party(SLPP) set up a Task Force on decentralization and local Government.
The Task Force was “to guide, monitor and oversee the process leading to
the re-introduction of a revamped local government system”\textsuperscript{82}. This first
Task Force was set up in February 1977, but its efforts were disrupted by
the 25\textsuperscript{th} May 1977 military coup. Following the disruption of the work of the

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\textsuperscript{82} Dr. M. M. Ndubiwa (Consultant) in a paper titled “Decentralization and Local Government project Sierra
first Task Force by the said coup, a second Task Force was established in October 2002 which over saw the decentralization process.

The Terms of Reference (TOR) of the Task Force (TF) included the following:

- review and analyze in totality the then Local government system in Sierra Leone;
- to review the draft legislation on Local Government Reform and decentralization;
- identify any gaps in the Draft Local Government Bill and make recommendations for the preparation of a second draft;
- hold consultations and public sensitization on the second draft with various stakeholders and the public at regional and national levels;
- to consolidate the recommendations of the consultations into a final draft bill on Decentralization and Local Government;
- to assess capacity building requirements for effective decentralization and;
- to work out the time and implementation strategy for decentralization.

The second Task Force held series of weekly meetings between 22nd October 2002 to February 2003, when it was agreed that nationwide consultations on decentralized governance, through the revitalization of elected local councils that were abolished in 1972, were to be held. There was also a political commitment to conduct local council elections after the consultations and the end of the work of the Task Force. A comprehensive and consolidated Local Government Act was passed by Parliament in February 2004, while Local Government elections were conducted on 22 May 2004. A Decentralization Secretariat was set up to coordinate the devolution process and to provide logistical support and training to local councils.

Consultation Issues

The countrywide consultations were based on the following issues, among others:

- Whether local council elections were to be conducted on a partisan or non-partisan basis;
- The mode of election of the heads of the local councils (Chairpersons and Mayors of District Councils and City/Town Councils, respectively): i.e. whether the heads were to be indirectly elected by elected Councillors.
from among themselves; or directly elected, by universal adult suffrage, by all eligible voters in the respective electoral wards/districts or localities, as appropriate.

- Tenure of office of the elected councils;

- The representation of Paramount Chiefs (traditional rulers) in the councils;

- whether there should be quotas or special seats as a means of improving the participation/representation of women and other groups like the youths (i.e. young persons between the ages of 18 – 35 years) and persons with disabilities;
- Which services/functions to be decentralized or better still, devolved to local councils;
- Sources of revenue of local councils, particularly whether the rate of local tax (which was then five hundred Leones per year per tax payer) should be reviewed upwards (e.g. five thousand Leones);

- and any other related issues.

District based consultations (and focused group meetings in selected chiefdoms) were held in the month of March 2003, in all the 12 provincial districts and in the Western Area. Following the consultations, the Task Force on decentralization and local governance wrote its final report, which was later presented to the government. The results of the discussions showed an overwhelming support among the population for decentralized governance through revitalized elected local councils. The specific outcomes of the consultations include the following:

- Local Council elections to be conducted on a non-partisan basis;

- Heads of Councils to be directly elected by universal adult suffrage;

- The current rate of local tax to be reviewed upwards;

- Paramount Chiefs to be represented in local councils as ex-officio members (the number of Paramount Chiefs to differ from one district to the other);
• Special seats to be reserved in local councils for women, youths and persons with disabilities, as this will enhance their representation in the local councils.

The results of the consultations however, were not binding on the Government, as parliament will be the ultimate decision-maker. The Government, however, apparently committed itself to accept the results of the aforementioned discussions.

However, it was observed that, despite the Government’s commitment to return the country to decentralized local governance, “the policy does not seem to have been formally articulated and adopted by Government”. There was thus the need for Government, through cabinet, to adopt formally the policy, state its objectives, implications and implementation strategy, after which it should be launched and publicized. This will be followed by extensive sensitization of the population and stakeholders on “decentralization Policy”84. The district based discussions mentioned earlier, were however launched in Bo by the then Vice President on the 3rd March 2003. Again, Government in September 2003 formally put its thought on the decentralization process on paper in a Policy Paper titled “Decentralization and Local Government Policy Paper for the Government of the Republic of Sierra Leone”. Elections for the revitalized local government bodies were conducted in May 2004.

LOCAL GOVERNMENT ELECTORAL PROCESS

• Historical Background
In Sierra Leone, as already indicated Local Government is representative government (except for the period when Management Committees were set up to oversee the affairs of local councils), whose councillors are elected by universal adult suffrage and are accountable to their respective communities. Beginning from 1966 up to 1972, when the full operation of local government system was abolished, local government elections were conducted on political party basis, with political parties putting up candidates in the respective wards into which the country was divided. Independent candidates were however also free to contest.

• General Considerations on the mode of local Government

Election Systems/Choices

Three choices are usually available in the conduct of Local Council elections:

i. Pure Partisan Election: only candidates sponsored by political parties are allowed to contest.

Pure Non-Partisan: Political parties are prohibited from endorsing, sponsoring, offering a platform for campaigning for or against a candidate. A candidate must present him or herself to the electorate as an individual and must not use any symbol associated with a political party. This means an aspiring candidate for election to local council (City, Municipal or District Council) must present himself or herself to the voters of the respective ward or locality in which he or she intends to stand as an individual. He or she must not use any of the symbols associated with the registered political parties. Political parties are therefore not allowed to put up candidates in such elections or offer a political platform to campaign for or against any candidate. The pure non-party system has the following implications:

Since political parties are prohibited from sponsoring candidates and organizing campaign platforms for aspiring candidates, practically the Election Management Body has to organize “political platforms” at regional, district and ward levels for all the candidates. This will provide the opportunity for the electorate to meet candidates and assess them. This is a traditional function of registered political parties. This process is both time consuming and expensive.

In addition to the cost associated with the actual conduct of the elections, the central government (through the Election Management Body) will practically finance the campaign platforms mentioned above.

ii. Mixed System: Independent candidates as well as candidates sponsored by political parties are allowed to contest. This is the system which operates in Sierra Leone.
• **Conduct of Local Council Elections in Sierra Leone**

Local Council elections in Sierra Leone are conducted on a partisan basis, using the first-past-the-post system. Councillors and Chairpersons/Mayors of councils shall be elected directly by universal adult suffrage, by simple majority vote. Independent candidates are, however, free to contest. This is to say that a candidate for a local council election may either present him/herself to the electorate as a political party member (in which case may use the symbol associated with the party, and endorsed and sponsored by the party) or present him/herself to the voters as an individual or Independent Candidate. An Independent candidate must not use any political party symbol but shall select a symbol from all range of symbols presented by NEC.

In brief, each elector will be given two ballot papers i.e. the first ballot paper is to elect the Mayor/Chairperson of the local council; while the second ballot paper is for the election of the ward councillor(s). It must be noted that, in the single-member District Council wards, an elector shall select only one candidate; while in multi-member wards, an elector shall select a number of candidates equal to the number of seats in that ward. All votes cast in each election (i.e. Mayor/Chairperson and Councillors elections) shall be aggregated (across all wards in the locality for the Mayor/Chairperson; and across each ward in the case of the Councillor). The candidate(s) with the highest votes casts in the locality or ward would be elected Mayor/Chairperson or Councillor(s), respectively.

We have noted that the current structure of local government revolves around a system comprising 19 localities, with their respective representative bodies called Local Councils. The term local council is used as a generic name comprising the 5 City Councils, a Municipal Council and 13 District councils. A local council is the highest political authority in each
locality (i.e. Municipality, City or District) of the country; and it has deliberative, legislative and executive powers exercised in accordance with the Local Government Act 2004. Its functions generally include: the promotion of the general development of the locality and the welfare of its inhabitants.

Institutional Structures and Number of Elections

1. Western Area (2 Localities)
   (i) Freetown City Council (2 elections: 1 to elect the Mayor, who is directly elected by universal adult suffrage; and the other election to elect 49 Councillors, directly elected by universal adult suffrage (i.e. 1 per ward).
   (ii) Western Area Rural District Council (2 elections: 1 to elect the Chairperson by universal adult suffrage, and the other to elect 20 Councillors (1 per ward).

2. Eastern Province (5 Localities)
   (i) Kenema City Council (2 elections: 1 to elect the Mayor, who is directly elected by universal adult suffrage; and the other election to directly elect 12 Councillors, by universal adult suffrage (4 from each ward into which the city is divided i.e. wards 30, 31, 32)- see table 2.
   (ii) Koidu-New Sembehun City Council (2 elections: 1 to elect the Mayor who is directly elected by universal adult suffrage; and the other election to directly elect 15 Councillors by universal adult suffrage (ward 62 = 3 Councillors, ward 63 = 4 Councillors and ward 64 = 8 Councillors)- see table 2.
   (iii) Three (3) District Councils (2 elections per District Council: 1 election to directly elect the Chairperson of the District Council by universal adult suffrage; and another to elect 1 councillor per ward by universal suffrage) in the Kailahun (29 wards), Kenema (24 wards) and Kono (24 wards) District councils.
   (iv) Kenema District Council has a mixture of 24 single member wards (24 Councillors, 1 per ward) and 5 multi-member wards (2 councillors per ward from wards 34, 38, 48, 55 and 58). Thus a total of 34 Councillors shall be elected in the 29 wards in the Kenema District Council- (see tables 1 and 2).
3. Northern Province (6 Localities)

(i) **Makeni City Council** (2 elections: 1 to directly elect the Mayor by universal adult suffrage; and the other election to directly elect 15 Councillors by universal adult suffrage (ward 89 = 7 Councillors, ward 90 = 4 Councillors and ward 91 = 4 Councillors)- see table 2.

(ii) **Five (5) District Councils** (2 elections per District Council: 1 election to directly elect the Chairperson of the District Council by universal adult suffrage; and another to elect 1 councillor per ward by universal suffrage); in the Bombali (27 wards), Kambia (25 wards), Port Loko (34 wards), Koinadugu (24 wards) and Tonkolili (28 wards) District Councils (see table 1).

4. Southern Province (6 Localities)

(i) **Bo City Council** (2 elections: 1 to directly elect the Mayor by universal adult suffrage; and the other election to elect 18 Councillors by universal adult suffrage (Ward 230 = 8 Councillors, Ward 231 = 5 Councillors and Ward 232 = 5 Councillors) - see table 2.

(ii) **Bonthe Municipal Council** (2 elections: 1 to directly elect the Mayor by universal adult suffrage; and the other election to elect 12 Councillors by universal adult suffrage (ward 259 = 3 Councillors, ward 260 = 5 Councillors and ward 261 = 4 Councillors)- see table 2.

(iii) **Four (4) District Councils** (2 elections per District Council: 1 election to directly elect the Chairperson of the District Council by universal adult suffrage; and another to elect 1 councillor per ward by universal suffrage) in the Bo(26 wards), Bonthe(18 wards), Moyamba (24 wards) and Pujehun (22 wards) District Councils (see table 2)

The day-to-day administration of each council is carried out by its staff headed by the Chief Administrator.
**Table: 1**

<table>
<thead>
<tr>
<th>Single-Member Ward Councils</th>
<th>Total number of single-member wards</th>
<th>Total number of councillors to be elected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kailahun District Council</td>
<td>29</td>
<td>29</td>
</tr>
<tr>
<td>Kenema District Council</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Kono District Council</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Bombali District Council</td>
<td>27</td>
<td>27</td>
</tr>
<tr>
<td>Kambia District Council</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Koinadugu District Council</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Port Loko District Council</td>
<td>34</td>
<td>34</td>
</tr>
<tr>
<td>Tonkolili District Council</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>Bo district Council</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>Bonthe District Council</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>Moyamba District Council</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Koinadugu District Council</td>
<td>24</td>
<td>24</td>
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<tr>
<td>Western Area Rural District Council</td>
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<td>20</td>
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<tr>
<td>Freetown City Council</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>374</strong></td>
<td><strong>374</strong></td>
</tr>
</tbody>
</table>

**Source:** NEC

**Table: 2**

<table>
<thead>
<tr>
<th>Multi-Member ward Councils</th>
<th>Number of multi-member wards</th>
<th>Total number of councillors to be elected</th>
<th>Allocation of seats by wards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenema City Council</td>
<td>3</td>
<td>12</td>
<td>Ward 30-4 seats</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>Ward 31-4 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 32-4 seats</td>
</tr>
<tr>
<td>Kenema District Council*</td>
<td>5</td>
<td>10</td>
<td>Ward 34-2 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 38-2 seats</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 48-2 seat</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 55-2 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 58-2 seats</td>
</tr>
<tr>
<td>Koidu/ New Sembehun City Council</td>
<td>3</td>
<td>15</td>
<td>Ward 62-3 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 63-4 seats</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 64-8 seats</td>
</tr>
<tr>
<td>Makeni City Council</td>
<td>3</td>
<td>15</td>
<td>Ward 69-7 seats</td>
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<td>Ward 90-4 seats</td>
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<td></td>
<td>Ward 91-4 seats</td>
</tr>
<tr>
<td>Bo City Council</td>
<td>3</td>
<td>18</td>
<td>Ward 230-8 seats</td>
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<td>Ward 232-5 seats</td>
</tr>
<tr>
<td>Bonthe Municipality Council</td>
<td>3</td>
<td>12</td>
<td>Ward 259-3 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 260-5 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 261-4 seats</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>20</strong></td>
<td><strong>82</strong></td>
<td></td>
</tr>
</tbody>
</table>
Source: NEC

Qualifications for local council elections are:

(See also chapter 12)

- Citizenship: i.e. Sierra Leoneans of sound mind;
- Age: 18 years or over for voters (and 21 years for prospective candidates)
- A candidate for local council elections must not be subject to any legal incapacity, like imprisonment or conviction for corruption or election malpractice.
- Residence: potential candidates must be “ordinarily resident” in the ward in which the election is being held.
- Payment of all taxes and rates in the locality as required by law.

Disqualifications

In order that unsuitable people do not contest the election, a number of disqualifications are prescribed. These include:

- People whose names do not appear in the current national voters register;

- People convicted of election fraud;

- Convicted criminals serving current sentence;

- A person is disqualified from standing if he/she is a Member of:
  - Parliament;
  - Armed Forces;
  - The Sierra Leone Police;
  - The Judiciary;
  - The National Electoral Commission or the;
  - Civil Service and
  - Employee of the Local Council
- Paramount Chiefs, Chiefdom Speakers and Ministers are also not permitted to stand.

Note: Only an authentic evidence of resignation is required should members of the above institutions wish to contest Local Council elections. It does not matter when they resign i.e. one year or less.
SELECTED ISSUES ON ELECTED LOCAL COUNCILS

This topic entails a brief discussion on selected aspects of elected local governance in general, and how they relate to Local Councils in Sierra Leone.

LOCAL GOVERNMENT FINANCE

Here only the sources of revenue available to local authorities in Sierra Leone are treated. It is important to quickly point out that the economic viability of local councils is critical to their successful operation.

Two major sources of revenue are open to local councils in Sierra Leone. These are:

Transferred Resources:
These refer to all revenue resources transferred from the central government to each local council, be it City, Municipal, Town or District Council. Nearly all systems of decentralized local government, the world over, involve transfer of revenue resources from the central government to local governments, especially where the latter are expected to carry out important functions. Transfers from the central government are mainly in the form of grants to local councils.

Central government grant to local authorities may take three forms: 85

- **Block Grants**: These are paid in lump sum to local councils to cover part of their basic costs of operations. Block grants are not connected with the provision of specific services. The percentage of block grant would depend on the basic functions the local councils are expected to perform. Block grants are paid quarterly.

- **Specific Grants**: These are service related grants given by the central government to local councils for major decentralized services. In other words, specific grants are given for each major central government function decentralized to local authorities.

85 Nick Devas, consultant to DFID from the International Development Department, University of Birmingham in a paper titled “Sierra Leone: Decentralization and Local Government Finances for Local Councils: An outline of the Possibilities, 19th May 2003”.

Page 167 of 303
councils e.g. Agricultural extension and related services, Primary health care services, maintenance of feeder roads. A local council receives a fixed percentage of the amount it will spend on the provision of a particular service (as one of those mentioned above).

- **Development Grants**: These are grants given to local councils for development purposes e.g. the improvement of community infrastructure.

The system of transfer of revenue sources from the centre, in the form of government grants, is necessary to prevent disparities in the levels of service delivered by each local council. This is more so because of the uneven sizes of local authorities and their resource endowments. In other words, because the areas covered by each local authority differ greatly not only in size but also in the available resources (affluence), central government grants are given to prevent variations in the levels of service provision from one local council to the next; otherwise poorer councils will suffer disproportionately.86

However, in order not to defeat the purpose of decentralized local governance, through elected local councils, local government bodies must not be set up with a view of making them wholly dependent on government grants.

**Local Own Revenues**

Besides central government grants, local councils in Sierra Leone also have their independent sources of revenue, under the law, to finance their services. The following are lists of local own revenues available to local councils and chiefdom administrations in Sierra Leone. The lists are not exhaustive.

**Revenue Sources for Local Councils:**

**City Councils**

- Urban property rates;
- Business Licenses (Restaurants, Guest Houses etc.);
- Market dues and Lorry Park dues;

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86 page 10 of Local Government in Britain (Opcit)
- Revenue received from charges for services rendered or amenities provided, such as leisure facilities or parks;
- Miscellaneous sources.

**Revenue Sources for District Councils**

- Precepts (a percentage of local tax collected by the chieftom councils and paid to District Councils);
- Licenses (stores, produce buyers licenses and licenses for producing locally distilled rum);
- Mining receipts and royalties;
- Fees and charges;
- Charges for direct service provision;
- Miscellaneous.

**Revenue Sources Available to Chiefdom Administrations**

- Local Tax;
- Court receipts;
- Mining receipts;
- Fees;
- Market dues;
- Miscellaneous sources.

### 2. THE COMMITTEE SYSTEM IN LOCAL GOVERNMENT

The business and functions of local councils are wide and many to be adequately and effectively conducted through full council meetings. Instead, some of the functions of the council are delegated to council committees; each dealing with a particular aspect of the council’s business, subject to the approval of the full council. A local council committee comprise a group of persons (Councillors) appointed to perform specific function(s). Committee members meet at specific times and report to full council. Committees may also delegate some of their powers and functions to sub-committees.

There may be different types of committees, as the following:

- **Statutory Committee:** This Committee is stated in the law. It is mandatory for the local authority to set up this committee. Examples of statutory committees are, the Finance Committee and General purpose Committee.
- **Permanent Committee:** Such a committee, as the name suggests, is permanent

- **Ad-Hoc Committee:** This is a temporary committee, and thus is appointed for a specific purpose. Such a committee will be disbanded following the completion of its task.

The committee system in local government is important for the following reasons:

- It allows the use of technical expertise (i.e. specialists) in the performance of certain council functions that needs technical consideration e.g. health and engineering.
- Since it would be impossible to conduct all the business of a local council through a full council meeting, the committee system allows detailed consideration to be given to specific problems or issues and then make recommendations.
- The committee system allows for flexibility and for speedy decisions to be taken.

There is however the possibility for the misuse of the committee system, through corrupt practices and the patronage system.

### 3. STAFFING OF LOCAL COUNCILS

Staffing of local councils is another critical area for the delivery of essential services and the sustenance of the overall system of elected local governance. A whole range of skills and expertise are essential for sound administration and performance focussed elected local councils.

Historically, the sources of staffing for local councils in Sierra Leone are:

- **Central Government** i.e. the secondment of personnel from the central government. It must be pointed, however, that transferred staff members from the public/civil service (i.e. Central Government) must enjoy the same conditions of service as their colleagues in the public/civil service.

- **Open recruitment** i.e. recruitment of experienced personnel (especially retired civil servants) and intake from secondary school and college graduates by the Local Government Service Commission.
However, staffing is a problem for local councils in Sierra Leone, especially when experienced and competent professional and technical staff could not be paid adequate remuneration. Local Councils in Sierra Leone have the responsibility to determine the size, recruitment and deployment of their staff. There is a Local Government Service Commission whose establishment, composition, functions and powers are determined under the Local Government Act 2004. The Commission is responsible for the development of “policy guidelines for the recruitment, training, promotion, remuneration and discipline of staff of Local Councils”.

4. CONTROL OF LOCAL GOVERNMENT

Local government authorities in Sierra Leone, like in many Commonwealth Countries, are body corporate with perpetual succession. In other words, local councils have the power, under the law, to acquire and hold property, to dispose of such property and to enter into any contractual agreement or transaction with any other local council or body. Each local council can sue and be sued in its own corporate name.

However, for effective administration and proper functioning of the entire local government system, the central government must exercise, at least minimum, control over local councils.

The following are generally the types of controls:

- **Legislative Control**
  This is the control exercised by parliament. Local councils are established through parliament. They are therefore required to exercise powers and functions within the framework laid down by statute i.e. the Local Government Act 2004. Local Councils have no powers other than those conferred on them by parliament in the Local Government Act 2004 or any other subsidiary legislation.

- **Financial Control**
  It has been stated in this chapter that local councils in Sierra Leone receive financial assistance from the central government in the form of grants. Since the grant received is taxpayers’ money and as local councils are also empowered to collect revenue from the public in the
form of rates, licenses etc, there is need for some financial control from the centre. For example, draft estimates prepared by local councils are sent to the appropriate authorities for either information or approval. Grants may be withheld if a local council is inefficient, or falls below standards of service provision. External auditors may also be sent by the central government to audit the accounts of local councils.

- **Administrative Control**
  This may be referred to as administrative supervision by officials from the ministry in charge of local councils. This control or supervision is not meant to cripple the operations of local councils, but to ensure the effective operation of local government system and to ensure that local councils act within their powers and responsibilities.

- **Judicial Control**
  This is the control exercised by the courts of law. We have stated that local councils are corporate bodies, which can sue and be sued, or start legal proceedings to enforce payment of rates. Local councils, are also subject to the ordinary laws of the country. They could only exercise those powers given to them under the law. When a local council acts outside the powers contained in the original statute, the courts can declare such acts “ultra vires”.

It must be stated, however, that for elected local councils to work efficiently, central government must not exercise tighter control over local councils. Decentralization (especially political devolution) will be meaningless if elected local councils are prevented from exercising the responsibilities devolved to them through tighter controls from the centre. Thus, a way of preventing excessive government interference in, and control of, local councils is to provide them with legal protection, either through constitutional provisions (as the case in Nigeria in 1979) or through legal framework (e.g. The Local Government Act 2004).
Conclusion

The Government of Sierra Leone (GOSL) after the 1996 elections committed itself to the reactivation of elected local councils as they existed prior to their abolition (effective 1st January 1972 by Public Notices Nos.: 2-22 published on 6th January 1972), and replacement with Management Committees in some cases.

It is clear from the foregoing discussion that representative local government was introduced during the colonial era and continued well into independence. However, local government in post-independence Sierra Leone was marked by, among others, lack of qualified personnel, frequent changes in their democratic nature, corruption, inefficiency, personality conflict between the elected Councillors, Paramount Chiefs and politicians. This resulted to representative local government being abolished and replaced in some cases by Management Committees. Of course this did not augur well for “grass root” democracy in the country for at least 30 years. Thus, a clear lesson to learn from the past is that if the reactivated local councils are to play an important role in our democracy, and in the development of their respective communities, they must be elective with minimum central government control, and empowered both in terms of personnel and financial resources.
PART TWO:—MAJOR ASPECTS OR PHASES OF THE ELECTORAL PROCESS
CHAPTER 10

ELECTORAL BOUNDARIES DELIMITATION

Introduction (Some General Considerations)

Boundary delimitation (or demarcation) of constituencies, wards or voting areas is an important aspect of the election process. The periodic change of the boundaries of electoral districts (constituencies, wards, etc.) is necessary to accommodate changes in population. This chapter deals with the concept of electoral boundary delimitation generally, and specifically with constituency and ward boundaries delimitation process in Sierra Leone.

Definitions

The term delimitation of electoral boundaries is usually used to refer to the process of drawing boundaries of electoral areas (constituencies or wards, as the case may be), usually of roughly equal population, for the purpose of electing representatives to Parliament (or a local council).

By constituency and ward, we mean the basic electoral division, under the law, within an electoral district and a local council area (locality), which serves as the unit or area of representation for a Member of Parliament (MP) and a Councillor, respectively. There may be either a single member constituency or ward (in which case only one member is returned to parliament/local council), or a multi-member constituency or ward (in which case two or more members are returned to Parliament/local council).

It is necessary to note that the delimitation of electoral boundaries is a complicated and controversial exercise than is usually expected. In other words, the delimitation process of constituencies and wards is a “complex, time consuming and expensive process.” In order, therefore, to enhance the credibility of the body responsible for the delimitation exercise and create a level playing field for all the stakeholders in the electoral process, the task of drawing electoral boundaries should be done in a transparent, fair and professional manner. For example, constituency or ward boundaries must not be deliberately drawn to give political advantage to a particular party or candidate, a practice referred to as “gerrymandering”. 
Criteria to be considered in the delimitation of electoral boundaries: constituencies, wards, etc.

As already stated, the process of delimiting electoral boundaries (constituencies or wards) is an arduous, highly technical, time-consuming and financially expensive venture. This is true especially for an emerging democratic country like Sierra Leone; which emerged from civil conflict in 2002. Constituency and ward boundaries were delimited in 2006 and 2008 (for the Parliamentary and Local Councils elections in 2007 and 2008, respectively). The purpose of delimiting electoral boundaries is to ensure a fair distribution of constituencies or wards, as the case may be, based on, among other factors, a country's population. In order, therefore, to have an equitable distribution of electoral districts, the following criteria are worthy of note. The list is not exhaustive.

- **Equity of population**: Constituencies or wards must have as nearly equal population as is reasonably practicable. However, variations in population (inequality of population) may be allowed in some countries (like Sierra Leone) in order to take care of certain factors; such as topography, means of communication, administrative boundaries, population density, etc.

- **Contiguity of electoral districts**: The body responsible for the delimitation exercise must ensure that constituencies or wards have well defined and uncontroversial boundaries. Such boundaries must be contiguous. (i.e. all portions of a constituency/ward must touch another portion of an electoral district). Each constituency or ward must have a continuous territory.

- **Administrative convenience**: Effort must be made to ensure that boundaries of electoral districts conform to local administrative or political boundaries. In Sierra Leone, for instance, whilst it is possible for constituencies to cut across chiefdom boundaries, effort must be made to ensure that they do not cut across district boundaries.

- **Geographical size**: Where possible, electoral districts must have equal geographical sizes. This may, however, not be possible in all cases. Constituencies in densely populated urban areas may be smaller compared to rural area constituencies that are sparsely populated.

- **Other factors**: The geographical features of an area (e.g. mountainous and riverine areas), remoteness of a district or chiefdom, the historical, social and cultural concerns, the means of communication and transportation are other factors, which may be taken into consideration in the boundary delimitation exercise.
Guiding principles for good electoral boundary delimitation

Because the process of delimiting electoral boundaries is a politically tricky exercise, the boundary delimitation authority may be guided by the following universal principles, as suggested by Dr. Lisa Handley: “Representative ness, equality of voting strength and reciprocity.”

- **Representativeness**: The electorate of an electoral district must have an opportunity to elect candidates of their choice.

- **Equality of voting strength**: Electoral districts (constituencies or wards) must be drawn so that they have a relatively equal population as far as possible.

- **Reciprocity**: The rules and procedures (or methodology) regulating the boundary delimitation process (e.g. whether the delimitation process must be non-partisan or partisan) must be clearly spelled out in the boundary delimitation legal framework. Such rules must be clearly understood and accepted by all stakeholders in the delimitation process. They must be applied impartially.

Other guiding principles: of equal importance are briefly explained below:

- **Accuracy**: As far as possible, the delimitation process must be done accurately using the agreed rules, regulations and methodology.

- **Timeliness**: The boundary delimitation exercise must be done in a timely manner (i.e. well ahead of the elections for which the delimitation exercise is carried out).

- **Participation of stakeholders**: There is the need to involve major stakeholders in the delimitation process through consultations and feedback.

- **Transparency**: The delimitation process must be done in a transparent manner.

- **Publicity**: The exercise must also be adequately publicized.

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87 Administration and Cost of Elections (ACE) Project and International IDEA: International Electoral Standards – Guidelines for reviewing the legal framework of elections
Legality: The boundary delimitation process must be done within the stipulated legal framework.

Overview of the delimitation process

Boundary Delimitation Authority

The structure, composition and degree of independence of the authority or body with the task of dividing the country into electoral districts may vary from country to country. In some countries like Sierra Leone and Ghana the Elections Management Body (e.g. the National Electoral Commission and Electoral Commission, respectively) performs the task of dividing the country into electoral constituencies and wards. In other countries (like Botswana) there is a separate authority called Boundary Commission.

The task of boundary delimitation may be either “political” or “non-political”; centralized (i.e. the task of dividing the country into electoral districts/wards is done by a single boundary delimitation authority), or decentralized (i.e. States, Provinces, or Regions draw their own electoral district boundaries). Furthermore, the task of deciding which electoral district boundaries should be implemented may rest within either (a) the boundary delimitation authority or (b) the Legislature. In Sierra Leone, for example, all constituency and ward boundaries demarcated by the Electoral Commission (EC) must be approved by Parliament prior to their coming into effect.

Legal framework for the delimitation of constituencies

A legal framework is necessary for the delimitation of electoral boundaries. The legal framework for the delimitation and review of constituencies is contained in section 38 sub-sections 1-7 of the 1991 Constitution of Sierra Leone (Act No. 6 of 991). The Electoral Commission (EC) has responsibility not only to conduct all public elections and referenda, but also the division and review of constituencies and wards. It has been stated that the periodic delimitation and review of electoral boundaries is necessary, otherwise population differences may develop across boundaries. Thus, the periodic delimitation or review of electoral boundaries will ensure that electoral areas are roughly of the same size and population.
The relevant constitutional provisions on the demarcation of constituencies in Sierra Leone are paraphrased below:

- That Sierra Leone shall be divided into single member constituencies (section 38 (2));

- Constituencies must have as nearly equal population to the population quota as is reasonably practicable (section 38(3));

- Variations in the population quota are permissible to take account of the following factors: means of communication; geographical features, density of population, the distribution of different communities, the areas and boundaries of chiefdoms; and other administrative or traditional areas (section 38(3)).

- NEC shall review the division of the country into constituencies at intervals of not less than five years and not more than seven years (section 38(4));

- The population quota for dividing the country into constituencies is to be obtained by dividing the country’s total population by the prescribed number of Members of Parliament (section 38(6)).

- The country’s total population is ascertained either by (a) reference to the latest census or (b) any available information that, in the opinion of the Commission, gives a more reliable indication than figures of the last census (section 38(7)).

**Justification for dividing the country into constituencies for the 2007 Parliamentary elections**

Electoral boundary delimitation (of constituencies and ward boundaries) for the 2007 Parliamentary and 2008 Local Government elections was the ‘sixth step’ in the National Electoral Commission’s (NEC) “seven steps” electoral reform package, approved on 17th May 2005. Between August and 30th November 2006, NEC successfully completed the delimitation process of 112 constituencies used to conduct the 11th August 2007 Parliamentary elections. Also, between January and 8th April 2008 the Commission completed the process of delimiting 394 ward boundaries used to conduct the 5th July 2008 Local Government elections for 19 Local Councils.
The last review of constituencies before the 2007 national elections took place in 1985, when the total number of constituencies was increased from 85 to 105. From 2005-2007 the then existing constituencies were neither reviewed to take care of population differences, nor used to conduct single member competitive elections based on the first-past the post (FPTP) system. The 1996 and 2002 Parliamentary elections were conducted using the Proportional Representation (PR) List system and District Block Representation System (DBR), respectively. There was thus the need to redraw constituency and ward boundaries prior to the conduct of the 2007 Parliamentary and 2008 Local government elections.

**Legal Framework for Delimiting Ward Boundaries**

The Public Elections Act 2012 (which replaces electoral Laws Act, 2002) assigns the task of drawing ward boundaries to the NEC\textsuperscript{88}. The Local Government Act 2004 (Act No. 1 of 2004) also assigns the task of drawing local council ward boundaries to the NEC\textsuperscript{89}. However, quite unlike the 1991 Constitution (section 38(1-7)) which gives details as to how NEC shall delimit constituencies (e.g. the use of population quota and the timeframe for the review of such boundaries), both the Public Election Act, 2012 and the Local Government Act 2004 are lacking in this aspect. In other words, there are no such details in the 1991 Constitution, the Public Elections Act, 2012 or the Local Government Act, 2004 for the demarcation of ward boundaries. In preparation, therefore for the 5\textsuperscript{th} July 2008 Local Government elections, the NEC had to pass regulation by Statutory Instrument for the demarcation of ward boundaries. The Ward Boundary Delimitation Regulation (Constitutional Instrument No 2 of 2008) was passed and published on the 17\textsuperscript{th} January 2008.

**Justification for drawing new wards prior to the 2008 Local Government elections**

NEC’s justification to redraw ward boundaries afresh prior to the 5\textsuperscript{th} July 2008 Local Government elections was based on the following reasons:

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\textsuperscript{88} Section 1 of the Public Elections Act, 2012 defines “ward” as “one of the areas into which Sierra Leone is divided for the purpose of registration and includes such chiefdoms designated as wards by the Electoral Commission.” Section 14 of the same Act, 2012 states “For the purpose of registering electors for the voters of the President of Sierra Leone, Members of Parliament and members of a local council, the Electoral Commission may, by statutory instrument, divide Sierra Leone into wards” Sub Section 14 (2) of the same Act states “The Electoral Commission may, from time to time divide any ward into such registration areas (hereinafter referred to as sub-wards) as it thinks necessary for the proper execution of its duties”.

\textsuperscript{89} A “Ward” means an area within a locality which is delineated and designated by the National Electoral Commission for the purpose of electing a Councillor to a local council (part 1 preliminary of the Local Government Act 2004)
• Local council ward boundaries were last drawn in 1956, with some amendments made here and there by Public Order Notices;

• A complete review of the then existing ward boundaries (including the said amendments) had not been done to take care of population differences since 1972, when District Councils were abolished. Because of limited timeframe and the non-availability of accurate population data, through a population census, the 2004 Local Government elections were conducted using the old wards.

• Because of the disparity of population then in each ward, the old wards were not applicable to conduct the 2008 Local Government elections. Thus, the need to draw new wards with roughly equal population.

**Stages in the electoral boundary delimitation process**

Given that, electoral boundary delimitation is a process that is arduous, technical, time consuming and expensive, it is thus necessary to carry on the demarcation exercise in stages.

The following stages used in the 2006 and 2008 delimitation process by Dr. Lisa Handley (UNDP hired delimitation expert for NEC), in collaboration with NEC and Statistics Sierra Leone, are worthy of note\(^{90}\):

**Stage 1: Action by Parliament**

In order to determine the population quota to be used in dividing the country into either constituencies or wards (i.e. the number of persons that must be in any particular constituency or ward), there is need to determine the total population of the country and the total number of Members of Parliament or Councillors. The 1991 Constitution requires that there shall be no fewer than 60 Members of Parliament\(^{91}\). However, neither the Public Elections Act, 2012 nor the Local Government Act, 2004 has any provision establishing a definitive number of wards or assigning the responsibility to anyone or body for determining the number of wards. Thus the first task of the boundary delimitation authority (i.e. the NEC) is to request Parliament to establish a definitive number of either Members of Parliament (MPs) or Councillors as the case may be.

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\(^{90}\) Electoral boundary delimitation in Sierra Leone: Report of first mission, September 2005 by Dr. Lisa R. Handley (pages 4 - 11)

\(^{91}\) Section 74 (2) states: The number of Members of Parliament to be elected pursuant to paragraphs (a) and (b) of subsection (1) shall not be less than sixty.
Stage 2: Establish a methodology and collect necessary information for delimiting electoral boundaries

The establishment of a methodology for delimiting electoral boundaries to avoid inconsistency and manipulation or “gerrymandering” before the start of the process itself cannot be overemphasized. Prior to the demarcation of electoral boundaries the NEC must establish a methodology for the delimitation process. The methodology must include the designation of criteria to be taken into account when drawing the boundaries and a formula for allocating Parliamentary and Councillor seats to each district or local council area, respectively.

In short, the methodology must include:

- predetermined delimitation criteria to be used in drawing electoral boundaries;

- the adoption of a seat allocation formula for allocating Parliamentary or local council seats to each district and each of the 19 local councils, using population equality as the paramount consideration;

- the collection of data necessary for the delimitation process.

The above are explained further below:

(i) Predetermined delimitation criteria to be used in drawing electoral boundaries

The paramount consideration in the demarcation of electoral boundaries is population equality, as far as reasonably possible. However, the 1991 Constitution (section 38 (3)) further establishes the following criteria for consideration by NEC.

- Means of communication;
- Geographical features;
- Population density;
- The distribution of different communities;
- The areas and boundaries of the chiefdoms and;
- Other administrative or traditional areas.
(ii) Allocation of Seats to districts or Local Councils (Seat Allocation Formula)

In addition to the above, a formula for allocating parliamentary or local council seats to districts and local councils, respectively must be agreed upon and publicized prior to the delimitation process.

In her report (see footnote 88) Dr. Lisa Handley, describes three common methods used for apportioning seats on the basis of population. They are only mentioned here briefly:

- The rounding method;
- Adjusted population quota method, and;
- The highest remainder method)

According to Dr. Lisa Handley “the most logical choice for apportioning ... seats” is the highest remainder method (i.e. ranking of fractional remainders). It is therefore recommended for NEC for consistency sake, as this was the method used during the 2006 and 2008 constituency and ward boundaries delimitation process, respectively.

In order to use the highest remainder method:

- first calculate the population quota (by dividing the total population of Sierra Leone by the approved total number of approved seats to be delimited, nationwide); then;

- divide the population of each district or locality by the population quota in order to obtain what is called the representation quotient (in the form of a whole number and a fraction, as there is no rounding up);

- next, each district or locality (i.e. local council) is awarded with a number of seats equal to the whole number in its representation quotient;

- then rank the fractional remainders of the representational quotient, from largest to lowest;

- the remaining seats (if there are any) are finally assigned in rank order until all seats are allocated to each district or locality.

92 The Local Government Act, 2004 defines a locality as “the administrative area of a local council and includes a district, town, city or metropolis” (Part 1 – preliminary)
(iii) **Collection of Data necessary for the delimitation process**

As indicated above, the determination of the current population of Sierra Leone is necessary for the calculation of the population quota and the apportioning of seats to districts or local councils. In other words, for NEC to be able to fairly divide Sierra Leone into electoral districts it must know the country’s total population (at least the estimated population if there are no latest census figures), as well as the number of inhabitants in every locality, City, Town, Section and village, where possible. Also of importance for the delimitation process are digitized (i.e. Computer readable) maps.

**Stage 3: The actual delimitation of electoral boundaries**

The actual drawing of the electoral boundaries (for either constituencies or wards) is the next stage in the electoral boundary delimitation process. Once seats have been assigned to the respective districts or local councils (localities) using the population quota, NEC will then proceed with the practical division of the country into constituencies or wards as the case may be. The delimited electoral areas must correspond with the approved number of seats, nationwide. Based on its population and the other factors already mentioned, each demarcated area must have clearly defined territorial units comprising Chiefdom, section(s), or census enumeration areas (E.A’s).

Given that there are no Chiefdoms in the Western Area (i.e. Freetown and its environs); it is recommended that NEC should use, as building blocks for the electoral districts, Chiefdom sections in the provinces, and “census sections” in the case of the Western Area and other urban areas. For the purpose of the 2004 Housing and Population census, the sections were divided by Statistics Sierra Leone (SSL) into Enumeration Areas (E.A’s) and may comprise part of a village, a whole village or many villages in the rural areas or “census sections” in the case of urban areas. The E.A’s were delineated to lie wholly within sections. That is, they do not cut across sections. The advantage of using sections is that nearly all of them have clearly defined boundaries that are known by their inhabitants.

Because of the variations in population sizes in the various Chiefdom sections (and invariably in each of the 149 provincial chiefdoms), and “census sections” in the urban areas and the Western Area, there might be need to split up some chiefdoms, or sections with large populations and join them up with those of smaller populations up to the agreed population quota and deviation range. The splitting or joining up of sections to form an electoral district is a result of the fact that the population of some sections
will not be up to the agreed population quota. The need to have electoral districts with equitable population equal to the population quota, as far as is reasonably practicable cannot be overemphasized. All demarcated constituencies or wards in each administrative district or locality respectively, must have the same number of inhabitants as nearly equal to the population quota as is reasonably practicable.

Establishment of a percentage deviation range

NEC may only depart from the strict application of the population quota in order to take into account, among others, the already mentioned factors under stage 2. In order to achieve this, NEC must prior to the delimitation process, agree on a percentage deviation range, plus or minus, the population quota. The percentage deviation range must indeed be part of the established methodology. Again, for the sake of consistency (and in accordance with internationally acceptable standards), a 25% deviation range is recommended. It is worthy to note, however, that the splitting or joining up of sections to form the electoral districts must be done against the background that each demarcated area must have a “continuous territory”. Therefore, only sections that are next to each other (i.e. contiguity of sections) can be joined together to form an electoral district (of course taking into consideration the agreed factors).

Stage 4: Public consultations with stakeholders on the delimited electoral boundaries

For the electoral boundary delimitation process to be meaningful, in terms of its credibility and the acceptance of its outcome by nearly all the stakeholders for whom it was intended, the election management body must make the issues of transparency and public consultations of the affected stakeholders an essential component of its electoral policy. Given that the electoral boundaries already delimited in stage 3 are provisional; it is advisable that NEC submits the provisionally drawn constituencies or wards to stakeholders (Political Parties, Local Councils, Civil Society groups, the Media) for their comments, prior to submitting them to Parliament for approval. However, NEC must ensure that the comments from the various stakeholders must be restricted to the agreed and publicized delimitation criteria.

Though NEC is not legally bound to accept the recommendations emerging from the public consultations, it is further recommended that such comments are considered and amendments made where necessary, under the law. This is necessary, if the public consultations are to be meaningful and the outcome of the delimitation process accepted. The public consultation process should include the opportunity for stakeholders,
including the public, to submit oral or written comments and objections about the boundaries, both in public meetings and directly to the NEC. In addition, persons or bodies aggrieved by the delimitation process must also be given the opportunity to present their grievances to the Commission and amends made where necessary, under the law.

**Stage 5: Parliamentary approval of electoral boundaries**

The delimited electoral districts, including any amendments made after the public consultations, will still be provisional until approved by Parliament. NEC must now send the draft new electoral districts to Parliament for approval. Here again, it is recommended that NEC first hold prior discussions with the appropriate Parliamentary Committee before finally submitting the delimited electoral districts to the entire membership of the House.

**Stage 6: Publication of approved electoral districts**

Once the new electoral districts have been approved by Parliament, the respective boundaries of each electoral district, including the component parts (i.e. meets and bounds), will be gazetted and finally publicized well ahead of the voters registration and nominations processes. This is to allow new electors to register in the constituencies or local council areas where they intend to vote or contest, or allow registered electors to transfer their registration to areas where they are ordinarily resident; and to finally give political parties and prospective candidates sufficient time to familiarize themselves with their new electoral areas.

**Conclusion**

It has been stated that electoral boundary delimitation is a complex and a politically sensitive process. Because of this the boundary delimitation authority should be independent and the process done in a transparent, fair and impartial manner. The boundary delimitation process should be done within the stipulated legal framework, rules and procedures and allowing maximum stakeholder and public input and participation. Finally, there should be provision for appeals against decisions concerning the boundary delimitation process.
BOUNDARIES DELIMITATION FORMULAE

CONSTITUENCY BOUNDARIES DELIMITATION FORMULA, 2006

Parliamentary Seats Allocation To Districts, Using Highest Remainder Method

Table: 1

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<td>North</td>
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<td>265758</td>
<td>5.9806</td>
<td>5</td>
<td>1</td>
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<td>North</td>
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<td>453746</td>
<td>10.2111</td>
<td>10</td>
<td></td>
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</tr>
<tr>
<td>North</td>
<td>Bonthe</td>
<td>347197</td>
<td>7.8134</td>
<td>7</td>
<td>1</td>
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</tr>
<tr>
<td>South</td>
<td>Bo</td>
<td>463668</td>
<td>10.4344</td>
<td>10</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>South</td>
<td>Moyamba</td>
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<td>5.8715</td>
<td>5</td>
<td>1</td>
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<tr>
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<td>Pujehun</td>
<td>228392</td>
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<td>Western Area</td>
<td>Rural</td>
<td>174249</td>
<td>3.9213</td>
<td>3</td>
<td>1</td>
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<tr>
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<td>Urban</td>
<td>772873</td>
<td>17.3928</td>
<td>17</td>
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<td>Total</td>
<td></td>
<td>4,976,871</td>
<td></td>
<td>106</td>
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<td>112</td>
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Source: NEC
Table 2

<table>
<thead>
<tr>
<th>Single-Member Ward Councils</th>
<th>Total number of single-member wards</th>
<th>Total number of councillors to be elected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kailahun District council</td>
<td>29</td>
<td>29</td>
</tr>
<tr>
<td>Kenema District Council *</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Kono District council</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Bombali District Council</td>
<td>27</td>
<td>27</td>
</tr>
<tr>
<td>Kambia District Council</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Koinadugu District council</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Port Loko District council</td>
<td>34</td>
<td>34</td>
</tr>
<tr>
<td>Tonkolili District Council</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>Bo district Council</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>Bonthe District Council</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>Moyamba District Council</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Pujehun District council</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>Western Area Rural District Council</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Freetown City Council</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>374</strong></td>
<td><strong>374</strong></td>
</tr>
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</table>

Source: NEC
### Table 3

<table>
<thead>
<tr>
<th>Multi-Member Wards Councils</th>
<th>Number of multi-member wards</th>
<th>Total number of councillors to be elected</th>
<th>Allocation of seats by wards</th>
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</thead>
<tbody>
<tr>
<td>Kenema City Council</td>
<td>3</td>
<td>12</td>
<td>Ward 30-4 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 31-4 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 32-4 seats</td>
</tr>
<tr>
<td>Kenema District Council*</td>
<td>5</td>
<td>10</td>
<td>Ward 34-2 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ward 38-2 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 48-2 seat</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ward 55-2 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 58-2 seats</td>
</tr>
<tr>
<td>Koidu/ New Sembehun City Council</td>
<td>3</td>
<td>15</td>
<td>Ward 62-3 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 63-4 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 64-8 seats</td>
</tr>
<tr>
<td>Makeni City Council</td>
<td>3</td>
<td>15</td>
<td>Ward 89-7 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 90-4 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 91-4 seats</td>
</tr>
<tr>
<td>Bo City Council</td>
<td>3</td>
<td>18</td>
<td>Ward 230-8 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 231-5 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 232-5 seats</td>
</tr>
<tr>
<td>Bonthe Municipality Council</td>
<td>3</td>
<td>12</td>
<td>Ward 259-3 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 260-5 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ward 261-4 seats</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>20</strong></td>
<td><strong>82</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Kenema District Council has a mixture of Single-member wards (24) and multi-member wards (5); bringing the total of elected councillors in the District to 34, elected from a total of 29 wards.

**Source:** NEC
Chapter 11

FRANCHISE AND VOTER REGISTRATION PROCESS

This chapter examines the right to vote and be voted for, the development of the franchise in Sierra Leone and the steps in the compilation of a voters register.

Meaning and types of franchise

The word *franchise* (or suffrage), refers to the constitutional right given to qualified adult citizens of a particular country to vote (and be voted for) at all national and local government elections (including referenda). The body of qualified voters in a country is called the *electorate*.

There are generally two main types of franchise, namely: *limited* (or restricted) *franchise*, and the *unlimited franchise*, better called the universal adult suffrage. Limited franchise exist in countries where the right to vote is given only to certain people who possess certain qualifications in respect of race, sex, education or property. This type of franchise existed in apartheid South Africa. Unlimited franchise, on the other hand, literally means that the right to vote is given to every citizen in a country. In practice, however, this is not so. In most countries, the right to vote is given to all registered adult citizens, aged 18 years and above, of sound mind, who have not been found guilty of any offences against the electoral law, and who are not serving any jail sentence.

The practice in most democratic countries (including Sierra Leone) is to adopt the principle of universal suffrage. By this we mean, the right to vote is given to all qualified adults, both male and female, on equal terms and without qualifications (except criminals, lunatics and so forth). The principle of universal suffrage was extended to the whole of Sierra Leone by the 1961 Constitution. The adult or voting age differs from one country to another. In many Commonwealth countries the voting age is 18 years. Under the 1991 Constitution of Sierra Leone voting age was lowered from 21 years to 18 years.

As indicated in the above definition of franchise, eligible voters also have the right to stand as candidates in all national and local government elections. However, in some countries the candidature age may be higher than the voting age. For example, while section 31 of the 1991 Constitution of Sierra Leone makes the voting age 18 years and above, Section 41 provides that “no person shall be qualified for election as president unless he ... has attained the age of 40 years...”
Historical Background to the Development of the Franchise in Sierra Leone

As already noted, the establishment of advisory bodies and later, representative institutions by the British in pre-independent Sierra Leone, gave rise first to quasi-political organizations which later changed to political parties, that agitated for political representation. However, participation or representation into the then Colony government was initially restricted to either European Officials or other nominees of the colonial government. In other words, franchise in the early days of colonial rule was restricted. For instance, the Legislative Council that had been established by the 1863 Constitution, made laws for the Protectorate, even though its people had no direct representation in it. There was no concession to the principle of representation, especially for the protectorate people during this time. This situation continued until 1924 when Governor Slatter introduced a new Constitution. The principle of election was provided for under this constitution (for instance 3 members were elected from the Colony to the Legislative Council, while 3 Paramount Chiefs were nominated to sit in the said council). However, under the 1924 Constitution franchise was restricted to people of the Colony of Freetown and the Rural Electoral Districts of the Colony. Literacy in English and Arabic, and the possession of a certain amount of income and property were the main qualifications. One author, W.E.F Ward, noted this, thus: “to be qualified to sit as an elected member, you had to be at least twenty-five years old to be a registered elector... possess £250 (pounds sterling) worth of property in Freetown, or £100 (pounds sterling) worth in the rural district. Public servants were not allowed to sit”93. There was no voting right in the Protectorate of Sierra Leone during this time.

Electoral Changes: The Keith-Lucas Commission

In an attempt to move towards universal suffrage, the British appointed in July 1954 a special Commission, known as the Keith-Lucas Commission, with the following mandate:

“to examine the electoral systems all over the country, and to report on the question whether to extend the franchise in the Colony and to extend the Colony’s electoral system to the protectorate”94

The Commission, which had representatives from both the Sierra Leone Peoples Party (SLPP) and the National Council of the Colony of Sierra Leone

94 Ibid (p206)
(NCSL), recommended an extended and a more direct franchise than what had existed before. The franchise used to elect members of the legislature was widened, and a new electoral system introduced in the Protectorate. Because of the recommendations of the Keith-Lucas Commission, minimum property or financial qualifications were now required for the possession of the franchise in the Colony. Moreover, in the Protectorate franchise was given to all male taxpayers who were 21 years old, and to all women taxpayers who were literate and owned property. By 1956 the Legislative Council was renamed **House of Representatives** comprising 58 members (out of this membership 14 and 25 were to be directly elected from the Colony and Protectorate, respectively). The introduction of the principle of direct elections in the 1956 Constitution (following the recommendations of the Keith-Lucas Commission on electoral reform) thus allowed “westernized leaders” to henceforth directly appeal to the voters during elections, without going through the traditional Protectorate chiefs. The fundamental basis, therefore, of the recommendations of the Keith-Lucas Commission was a wider franchise for election to the House of Representatives and the introduction of a new electoral system in the Protectorate. Thus, it prepared the stage for universal adult suffrage in Sierra Leone.

The 1957 elections were conducted based on the new electoral system. Voting by secret ballot was introduced throughout the country. The principle of universal adult suffrage, which had been introduced in 1960 in the Freetown municipal elections, was included in the Independence Constitution of 1961. Voting age, as had already been mentioned, was reduced from 21 years to 18 years by the 1991 Constitution.

**Overview of Voters Registration:**

The registration of voters constitutes a major feature of the electoral process of democratic countries. It is the main instrument of enfranchisement in many Commonwealth countries. This means, persons whose names are not in the voters register will not be allowed to vote in an election for which a register is needed. However, this is not to say that elections may not be conducted in the absence of a voters register. The elections that led to the Zimbabwean independence (formerly Southern Rhodesia) in 1980 and the 1994 democratic elections in South Africa (which resulted in the demolition of the Apartheid system) are two examples of elections conducted without official voters registers. However, as already stated, in many Commonwealth nations the pattern followed is the compilation of an up-to-date and comprehensive register of voters for public elections i.e. Presidential, Parliamentary and Local Government elections.
The activities and tasks involved in compiling a credible voters register are examined in some detail in this chapter.

**Legal framework for voter registration**

*The need for a Legal Framework for the registration of voters*

Since the registration of voters is a core element in the electoral process, it is normal for some democratic countries to make important electoral provisions in their constitutions relating to the preparation of a credible voters register (especially the qualifications for voter registration). Some provisions may be entrenched in order to prevent easy amendment by using the ordinary parliamentary procedure. While the provisions contained in the constitution may only deal with the basic framework for voters registration, major procedural details and time limits will be covered in a separate Electoral or Registration Act passed in Parliament. Also, specific rules and regulations for the exercise may be made pursuant to the electoral laws by either the Election Management Body (with responsibility for conducting voters registration) or in some countries by authorities in the ministry responsible for election matters i.e., the Ministry of Internal Affairs. These rules and regulations may be made in order to fill any existing gaps in the law.

A proper legal framework is necessary for the successful implementation of the voters registration exercise. For example, the house-to-house method used in the collection of data for the compilation of a register implies that a registrar may have to enter the premises of potential voters and get information from them, such as age and nationality. This may be difficult without a proper legal framework.

As indicated above, the special legislation for the voter registration exercise may specify or give details on, but not limited to, the following:

**A. Qualifications for registration, which may include:**

- the attainment of a specific age (e.g. 18 years and above in Sierra Leone);
- nationality, and;
- residential status in a given electoral area (i.e. the principle of ordinary residence) and;
B. Disqualifications, which may include:

- non-citizenship,
- serving sentence as a result of electoral malpractice, or
- insane persons.

Other areas which may be dealt with in the law may include the:

- registration period,
- the method of registration (i.e. whether house-to-house approach, or fixed registration centre approach);
- the type of registration (i.e. whether registration is periodic or continuous, or whether registration is voluntary or mandatory);
- procedures to be used in the registration process;
- the right to claim for inclusion in the register;
- objection to the inclusion of certain names in the register, and
- documentary and non-documentary proofs for registration.


**Meaning of, and guiding principles for, Voters Registration**

Voters registration is the exercise of recording the names and certain selected particulars (like age, sex, etc) of all qualified citizens in a given country (or electoral area, like constituency or ward), so as to enable them vote at an election for which a voters register is needed, under the law. The compilation of the register is usually done before the conduct of the election. The final list or register of voters or electors prepared after the voters registration exercise is called the Final Voters Register (FVR) or Final Register of Electors (FRE).

After the registration exercise, registered voters would be assigned to designated polling centres or polling stations to cast their ballots on polling day. In Sierra Leone, the same registration centres where qualified Sierra Leoneans register are also used as polling centres or polling stations i.e. you vote where you registered.
Registration of voters is compulsory or mandatory in some countries, as in Australia and Denmark. In such countries, it is the responsibility of the state, or the body responsible for the registration of voters to inform them not only the qualifications and disqualifications to register, but also to set up the necessary administrative machinery for the process. On the other hand, registration is voluntary in some countries. In other words, it is not binding on eligible persons to register as electors, such as in the United States of America and Sierra Leone. It is still, however, the responsibility of such states (or the bodies responsible for registering eligible citizens) to ensure that a fairly reasonable and non-discriminatory opportunity is given to all eligible persons to register to prevent “the administrative exclusion of otherwise eligible voters”.95

**Purposes of voter registration/ Importance of the voters register**

Any useful discussion about voters registration should include the purposes of the exercise itself; or better still, the importance of the final product of the voters registration exercise i.e. the voters register. Three major purposes of voters registration have been suggested by William Kimberling.96 They are as follows:

1. To prevent electoral fraud.
2. To identify all qualified voters.
3. To support other functions of the electoral system.

A brief explanation of the above topics follows below:

**o Prevent electoral/voter fraud**

Most modern democracies require that any eligible voter is given one vote in any particular election. This means that each voter is registered in only one electoral area or polling station, where he or she is supposed to vote. In Sierra Leone, multiple registration and impersonation are prevented by the use of voter registration cards with the voter’s photograph and by the use of the electoral stain on one of the fingers of the voters, or by the use of the modern biometric technology or with the voters photograph on the final

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95 Administration and Cost of Elections (ACE) project. [Historical Review of Voter Registration](https://www.democratization.org/content/publications/historical-review-voter-registration) in ACE Project.

voters register. All of those are meant to prevent electoral fraud or personation.

- **To identify all qualified voters and enable them to vote at an election**

A fundamental purpose of the voters registration exercise is to first identify, prior to the date of an election, all those who are qualified to vote, and then to enable them vote in an election for which a voters register is authorized by law.

As the main instrument of enfranchisement, a voters registration exercise enables issues regarding the eligibility criteria to vote to be decided in an appropriate and systematic way prior to the actual polling This will prevent disputes in the voting stations, and thereby allow the polling process to proceed smoothly.

- **To support other functions of the electoral system**

Voters registration is essential for supporting other aspects directly connected with the electoral process, as the following:

- The existence of an up-to-date voters register will ensure that qualified voters cast their votes in the correct constituency, or ward, and in the correct polling station; thereby allowing the polling process to go on smoothly.

- It will determine the logistical input necessary for many aspects of the electoral process. In other words, the collected data may be very useful in the planning of all logistical operations for the electoral process. Such planning will ensure that there are, for example, enough polling stations and ballot papers in the constituencies, wards, or in areas where there is a concentration of voters.

- Finally, the register of electors may also be used for purposes not in direct relationship with the electoral process of a country. Besides a few groups of adults who are disenfranchised (like criminals and lunatics, etc.) the voters register contains the eligible adult population of a country. Thus in some countries, the voters register may be used for the selection of people who are needed to serve as jurors in criminal trials in superior courts. Besides, as in Australia for example, party agents and Members of Parliament may use copies of the voters register to make contacts with their supporters and constituents.
It is necessary to point out that a voter registration exercise is not without its difficulties. For example, voters registration may be both time-consuming and costly, especially if the exercise is done from scratch. The merits, however, of having an up-to-date voters register far out-weigh the demerits.

**VOTER REGISTRATION SYSTEMS AND METHODS**

5. **Voter Registration Systems**

The process of preparing voters register differs from country to country depending on the existing law relating to the voters registration exercise. This is true especially for the type of system and the actual method of registration used.

**Voters’ registers are prepared using any one of the following systems:**

a) **Periodic registration system**

Under this system the voters register is prepared at a certain period with an identifiable start date and end date. It is usually prepared immediately before an election. Using this system, new voters registers are prepared for each election and therefore they do not need to be updated. This system was used in Sierra Leone before 2007.

**The following are some of the advantages of the periodic registration system.**

- Because the register is developed in the period immediately before the election, it can be comprehensive and up-to-date.
- The registration exercise is usually a highly focused event and might lead to stimulating the interest of the voters in the election for which the register is prepared. This is possible only when the event is preceded by a properly planned voter education and publicity campaign.
The system is not without disadvantages. Amongst such disadvantages are:

- A comparatively shorter period may be provided for the registration exercise. For example, the period for collecting data under the Public Elections Act 2012 in Sierra Leone is 15 days. Such short time frame usually places much pressure on the support areas like the field personnel and the data entry department. However, the National Electoral Commission of Sierra Leone (the body responsible for, among others, the registration process) is empowered under the law to enlarge the time for each electoral event.

- The periodic registration system may be both time consuming and costly, especially when the exercise has to be done from scratch.

- In some countries only citizens who are within the country during the period of registration can register. This is especially true for Sierra Leone where there are no mechanisms put in place for citizens outside the country to register.

b) Continuous registration system

Under this system, registration of voters is continuous; in some cases using a regular timetable, say once a year. The register produced under the continuous registration system is continuously updated and maintained, as there is no need to produce a register for every election. Information on the prepared register is frequently updated to include those persons who have reached the stipulated voting age, or have become naturalized citizens, or to reflect change of name because of marriage or the change of residential address. Updating the register may also lead to the removal of the names of those persons who have died or are no longer eligible for registration. The system is used in the United Kingdom. In Sierra Leone, the 2007 voters register used to conduct the 2007 Presidential and Parliamentary elections, was updated in 2008 prior to the 5th July Local Government Elections. Between January and March 2012, the Electoral Commission used the biometric technology to register eligible Sierra Leoneans for the 2012 multiple
elections (i.e Presidential, Parliamentary and Local Council Elections), with a view to the continuous update of the final voters register for subsequent elections.

**Continuous registration has the following merits**

- There is no need to prepare a fresh register for every election, as the finalized register will be updated and used for all elections until such a time when it shall be cancelled. Thus, the problems of time constraints and pressure encountered under the periodic registration system are not faced under this system.

- Under this system, persons who have reached the stipulated registration age, have the opportunity to be included in the register. Updating the register can be undertaken through the revision process of the previous register. Continuous registration is, therefore, flexible.

- The system allows the public inspection of the register at all times, instead of at a specific period called exhibition period in Sierra Leone.

**Continuous registration system is not without defects, like the ones below:**

- Because the register is continuously updated, the system may be much more difficult to administer than the periodic registration system. This is because continuous registration system demands the setting up of permanent administrative machinery e.g. a data entry system with computers and personnel with required technical skills. This may be costly for election management bodies in some emerging democracies.

- There is no direct and immediate focus link between registration and an election. This may cause voter apathy.

**Civil registry system**

Another approach used in the preparation of a voters register is by using the civil register. It has been defined as ‘the centralised, continuous and coordinated maintenance of a population’s relevant data by legitimate agents of government’. In some European countries, like Denmark, the information or data collected on all their citizens and maintained in a permanent register of their population (civil register) is used to prepare voters register. But such a civil register must have the required information on people who are eligible
to vote before used as a voters register e.g. age, nationality, gender. Such a civil register is usually prepared by another agency or department of government (e.g. a national secretariat), and often using a system of national identity cards.

**The civil registry (or register of population) system has the following advantages:**

- The preparation of the voters register may be cost effective, especially when the cost is not borne by the election management body (or body responsible for preparing the register), but by another department.
- The register can be updated regularly as and when necessary.

**Disadvantages of a civil register**

- A major disadvantage of the civil registry system is that it may undermine the independence of the election management body (with responsibility for preparing voters register). This is because this body may be heavily dependent on another agency of government for data that is valuable for the credibility of the elections. This dependence may affect the integrity of the registration.

- Updating the civil registry (or population register) on a regular basis may also be difficult and costly. This system may be complicated to administer.

- Where civil register is used, e.g. Nicaragua, the fear of enlistment in the army caused some families, particularly from the middle class, to pay for elimination or alteration of civil books.

- Confidentiality of centralised data can be compromised, if not fully protected.
6. **Methods of voters registration**

This refers to the various methods used in the gathering of information or data for inclusion in the voters register. Like the registration system, the methods by which voters can be registered may differ from country to country. The following are a number of methods, which may be used to register qualified voters:

**a) Door-to-Door Canvassing (or house-to-house approach)**

Using this approach, field registrars or registration personnel will be required to visit every dwelling house, institution, household or the “floating population” and register every eligible person found. This method was used in Sierra Leone since independence in 1961 up to the conduct of the 1996 Presidential and Parliamentary elections. It is the method used in Jamaica. It is also called the canvass system. Even though the door-to-door approach may require the careful selection and proper training of a large number of registration personnel, it can be an effective way of reaching potential voters. Depending on the integrity of the field personnel, this method may also lead to the inclusion in the register of names of people who do not exist.

**b) Fixed Registration Centre Approach**

Using this approach sufficient number of fixed registration centres or points can be established for a specified period, and qualified persons are invited to register. These registration centres are staffed by registration officers and field registrars. Using this approach every eligible person will have to present himself or herself for registration at the designated registration centre closest to his/her area of residence. This was the method used in Nigeria for the registration of voters for the 1999 elections (i.e. during the
transition from military rule to a democratically elected civilian government). This method has been used in Botswana and Ghana, and in Sierra Leone since 2002.

The fixed registration centre method has the following advantages, among others.

- This method allows for transparency; as every potential voter may have to physically present him/her self to the registration personnel in the presence of other potential voters in the queue, and observers.
- The centres could easily be used as polling stations on polling day and so the voters will know where they are to vote on election day (i.e. using the principle you vote where you register).
- Every elector will register at the centre closest to his or her place of residence or work place.
- Every registered voter will easily vote at the centre where he or she registered.
- This method will minimize, if not eliminate, the stuffing of registers with names of people that are non-existent.
- It enhances women participation in the registration system and the electoral process.

The fixed centre registration method, if not well publicized, has the disadvantage of leaving out, otherwise, eligible voters e.g. citizens with disability, house bound elderly or sick person admitted at hospitals.

Also, the distance to the centres if not carefully determined, may discourage potential registrants; as some may not be able to walk long distances to go to centres that are too far away.

c) Application For Registration By Mail

Another method used in some countries to gather information for the purpose of compiling a register of electors is to allow qualified persons to apply for registration by mail. Under this method, registration forms maybe sent to voters by mail, which should be completed and returned to a
specified address. This is the method used in some parts of Malaysia. Eligible persons may also be given the opportunity to deposit registration application documents at registration centres without having to be physically present for a face-to-face interview.

**d) Updating an Old Register of Electors**
Voters registration may also be done through updating an existing voters roll. This may be done during a revision exercise whereby the register of electors is updated through the deletion of obsolete information of some voters, and the inclusion of new relevant information. It also involves registering young people as soon as they are qualified to vote, and deleting the names of voters who have died, or of persons who have moved to another electoral district. This may be done using the computer or using the traditional manual method.

**e) Other Methods**
- Various other methods or approaches may be used to gather information from the public for inclusion in a voters roll. For instance, using their personal knowledge, political parties and local community leaders may be asked to accompany registration personnel for the purpose of compiling a list of eligible persons in their local community.
- Registration forms may also be made available to local council offices, libraries, post offices where they could be collected by persons who may have been missed during the door-to-door visit and by other methods. Nevertheless, these approaches have to be carefully monitored if political bias and cheating are to be avoided.
- Registration takes place on election day in some states of the USA.

None of the systems and procedures examined above can be identified as the best one to ensure credible elections in a country. However, whatever system and approach is used for registration, it is necessary for the exercise to be
adequately publicized. Furthermore, adequate safeguards must be provided to ensure that qualified persons who present themselves are registered, and that those who are not qualified under the law are left out.97 The real question is which method results in a more accurate voters’ register.

**Stages in the voters registration exercise**

1. **Preparatory activities**

Adequate preparation is vital for the success of a voter registration exercise. The vital aspects of a Voter Registration exercise are treated under the following topics:

- **Preparation of election budget and source of funding**

It is necessary for a comprehensive budget to be prepared for the exercise. In some cases the voters registration budget is part of a comprehensive elections budget (especially when a new register has to be prepared from scratch before an election), which has the other components. In some countries like Sierra Leone, the National Electoral Commission prepares the budget, while in others it is prepared by the department or ministry responsible for the registration exercise, e.g. the Ministry of interior.

The provision of adequate funds and the timely procurement of all voter registration equipment, materials and other supplies (especially if a new register is to be prepared) are central to the successful implementation of the voters registration programme. The government is usually the provider of nearly all the funds for the exercise. In emerging democracies, funding

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97 Carl W Dundas ‘Dimensions of free and fair elections’(1994) p70
may also be sought from the international community, especially when the election for which the register is to be compiled attracts significant international attention. The 1996 and 2002 voters registration exercises in Sierra Leone (leading to the election which resulted in the replacement of the military regime by a democratically elected government, and the election following the immediate end of the rebel war, respectively).

- **Procurement of registration materials**
  The procurement process largely concerns the buying, both from within and outside the country, of all voters’ registration materials and equipment, at comparatively reasonable costs, without which the exercise will not be implemented. Some of the voters registration materials and equipment include: up-to-date election technologies, bio-metric equipment, bar-codes equipment, digital cameras, serialized voters registration forms, scanning and computer equipment, indelible ink, pens and pencils, hard boards, registration area maps, satchels.

- **Voter education on registration**
  In developing countries where a high percentage of the voting population is either illiterate or disillusioned with their political systems; or better still, where there is a high degree of unfamiliarity among voters with the voting procedures, it is necessary to include timely voter awareness programmes as part of the overall planning scheme for an election. By voter education in relation to the registration process, we simply mean the process of teaching potential voters about all major aspects of the registration process such as: the requirements and procedures of the registration of voters, and the procedures involved in the exhibition of provisional registers and revision
exercises. The main objective of a well defined and planned voter-education programme is, among others, to provide general information on the electoral process to the citizens, and thus encourage those who have reached the prescribed voting age (i.e. 18 years and above) to go out and register; and vote in large numbers on polling day. In order for voter-education programmes to be meaningful to the election process, they should be made to be completely neutral, non-partisan and limited to providing general information to all concerned about the country's electoral process.

7. Recruitment, Training and deployment of Voters registration Personnel

Recruitment

A voters registration exercise requires the careful selection, recruitment and training of a large number of personnel, especially field staff. In practice the selection, recruitment and appointment of registration personnel usually rests with the District Elections Officers (DEOs) in the respective districts. They may be supervised by other senior officials and the Electoral Commissioners. The personnel required for the voter registration exercise, include the following: - Registration Officers, Revising Officers, field registrars, editors, data entry operators, and supervisors. These registration personnel are recruited on a temporary basis from all walks of life in the country, including: university lecturers, members of the teaching profession, administrators from government departments, members of civil society groups, National and International consultants may also be recruited to carry out some technical aspects of the voter registration exercise. The appointment (or termination) of some of the above named officers like
registration and revising officers has to be publicized in the Gazette specifying their areas of operations.

**Personnel of the voters’ registration exercise**
The following are some of the major functions performed by some of the personnel involved in the voters registration exercise:

**Registration officer**
A registration officer is a person appointed, under the law, to prepare or compile a register of electors. He/she is responsible, among other things, for the publication of notices for the registration exercise, the actual conduct of the voters registration exercise and overseeing the hearing of claims and objections for his/her voter registration area. In accordance with the Public Election Act, 2012 his/her appointment or termination has to be Gazetted, specifying the voter registration area in respect of which such appointment or termination shall apply.

**Registrar or Enumerator**
The field officer, who actually goes into the field and record the names and any other relevant particulars of all persons who are qualified to vote in an election.

**Revising Officer**
A revising officer is a person who is also appointed to revise the register of electors. Among the functions of the revising officer are:

- To delete from the provisional voters list the name of any elector who is proved to be dead;
- To make any necessary correction on the provisional list of electors;
- To insert on the provisional list of electors the names of eligible persons who have claimed to be registered in the manner prescribed by the law;
- To transfer an elector’s name and all the required information about him or her, from one voting area to another, on the written application of the elector.
Exhibition Clerk
This is the clerk that is physically present at the exhibition centre. He is responsible for the display of the provisional list of electors at the centre, and for receiving completed forms from persons in respect of claims for registration and objections to registration.

Training
Training of registration personnel is also central to the successful implementation of a voters registration exercise. It is thus against the background that the National Electoral Commission (NEC) ensures that all categories of registration staff receive proper formal training before the commencement of the registration of voters.

It is advisable that the training of registration personnel is cascaded i.e. done in batches. The first batch to be trained should consist of a small number of personnel called key trainers. This training is called the training of trainers. The trainers will then in turn train other registration personnel, like field registrars, revising officers, etc. These trainings, which may last for few days, may be decentralized. The contents of the training courses must be embodied in training manuals to be distributed, with other training materials, to all training participants.

In a bid to make the registration process transparent and credible, it is advisable to allow political party agents and civil society groups to take part in the training exercise; or brief them later in the registration process. It is also necessary for such agents and groups to observe the registration process, with a view of reporting any irregularities.
Deployment of field personnel
The deployment of field registrars may take place soon after the training sessions to ensure the retention of skills and knowledge acquired for field exercises. Deployment must be preceded by the distribution of registration materials. It is recommended that in the case of the house- to- house approach, field staff must be assigned to areas with which they are familiar. The system should ensure that each house – hold is visited, particularly in informal settlements.

8. Data collection and compilation activities

Data Collection Activity

The data collection activity (i.e. the enumeration activity) and compilation of the collected data of the registrants’ are probably the two main components of the voters registration exercise. They are crucial to the voters registration exercise. It must, therefore, be stated that if there are major faults in any one of the two activities, the voters register prepared out of the faulty data will be defective. Such a faulty register will, therefore, not be acceptable to the stakeholders in the electoral process. However, in some cases it is easy to manage the defects in the compilation of data, especially when they are detected early enough, than those defects emanating from the data collection. This is because problems emanating from the latter activities (i.e. data collection) may demand “fresh investment in time and resources to rectify.”

98 Mr. Hubert Akumiah, IFES S/L Information and Technology Consultant attached to the National Electoral Commission of Sierra Leone, during the 2002 Voters registration exercise.(also Director of IT Department, Electoral Commission of Ghana).
Planning Process

Whatever method of registration is chosen, the collection of data is the beginning of the actual process of the registration of voters. It is necessary for the National Electoral Commission to determine, during the planning process, the type of data or information to be collected and included in the voters register. The designing of the registration forms will be influenced by, among others, the data or information to be collected from potential voters. Amongst the data/information needed are:

- Last name (Surname or family name);
- First and middle names;
- Sex (Male or Female);
- Date of birth (Day, Month Year);
- Address;
- Occupation;
- Information or parents of registrants;

Other important decisions to be taken during the planning process include: the type of technology to be used in data capturing e.g. biometric technology; the estimation of how many people may be registered and the type of forms to be printed. Of course, the expected number of potential voters will determine the number of forms to be printed and materials to be bought. The following are amongst the types of forms to be printed: registration forms, daily accounting forms (to allow a system of accounting for all forms, and the number of potential voters registered each day or week), tracking forms (used to track, for example, missing forms).
**Fieldwork**

The data collection activity follows next. Again whatever method of approach used, every potential registrant has to identify himself/herself properly by presenting necessary information and documentary proofs, and then complete the (required) forms, where necessary. It must be emphasized that the registration period and procedures must be adequately publicized, and all the operational methodologies should be in consonance with the rules and regulations under the law. People who are refused registration must be informed about the reasons why they are refused, and they must be informed about an appeal procedure in case they want to make use of it.

The conclusion of the fieldwork is to be followed by the return of all completed registration forms to the appropriate authorities, at the regional or central office that is responsible for data processing.

**9. Collection, Compilation and Processing of Voters Data**

Before the conclusion of the field work, all modalities(equipment, staff and procedures) for the processing of voters registration data must have been put in place by the department or unit in charge (i.e. Data Centre). Once the enumeration period is over and all registration forms are completed, the registration officers(or any other appropriate authority) must put in place and implement a system of collection of forms and audit trail(i.e. accounting for the completed forms). For instance, completed registration forms should be collected from the field regularly. In addition, an inventory of completed forms collected from the field and turned over to the collectors, should be taken to ensure that no form is missing.
This will be followed by the data processing stage. Since the data processing stage is also very crucial to the registration process, proper supervisory procedures must be put in place if the crude manipulation of data by unscrupulous staff is to be avoided. For instance, the removal of the records or data of some eligible individuals will mean that such individuals’ names will not be included on the voters list. This further means the disenfranchisement of eligible citizens in an election for which the voters register is been prepared. There is, therefore, the need for the thorough crosschecking of information entered in the computer at the end of each stage of the process, with the information contained on each form.

In some instances, some of the technical staff needed for the data processing exercise may not be available at the central office of the election management body. Thus, there is the need for the employment of ad-hoc staff with the technical skills. The following are among the data processing personnel that may be involved in the data processing exercise: sorting personnel, editors, supervisors, data control officers and computer programmers. It is important to note that, like the staff involved in the fieldwork (enumerators), the data processing staff must be efficient and show a high degree of integrity at every stage of the process. The printing of the preliminary list of voters will follow the completion of the data entry and processing exercises or Provisional Voters Register (PVR).
10. **Compilation of provisional voters register (PVR)**

**Printing the preliminary voters register**

Whatever method of approach used in the registration process, there is the possibility of registering some individuals who are not qualified, while the names of qualified prospective voters may also be omitted. There is also the further possibility of field officers making mistakes on the registration forms e.g. the names of voters may be spelt incorrectly. Moreover, some individuals may be aggrieved because the registration officer in charge has refused them registration. Therefore, some procedures are needed to ensure the production of an accurate final voters register that is all-inclusive and generally acceptable.

One such procedure is to print a preliminary list or register that will be made available for checking. The Public Elections Act, 2012 of Sierra Leone (and Legislation of other Commonwealth countries) has provisions for the printing and publication of a draft voters register which can be made available for public scrutiny to prospective voters, political parties and other stakeholders. The printed draft register is commonly called the Provisional Voters Register (PVR), or preliminary voters list.

There are also provisions in the electoral legislation for aggrieved persons who have been refused registration to make appeals; and for registered electors whose names have been omitted to make requests to registration officers for the inclusion of their names in the register. In addition, an opportunity exists in the Electoral Laws for persons who doubt the eligibility of individuals whose names appear on the PVR, to object to the registration of such persons. But such objection must be supported by concrete evidence in an open way (preferably in a revision court) by appropriate officials. Sufficient time should be allowed for solving matters relating to objections, omissions etc, before printing the final voters register. In addition, the system should be such that multiple registrations are detected and expunged.

11. **Exhibition of the Provisional Voters’ Register (PVR)**

If the printing of the Provisional Voters Register (PVR) is to be meaningful, provisions should be made for its publicity (i.e. as a way of checking the accuracy of the voters register). The publication of the PVR must be as wide as is practicable. In other words, the printed list (or draft register) must be displayed in as many public places or centres as is practicable.

The method of publication of the PVR should take the form of, among others, announcements indicating all the public places or centres within each ward or electoral district where a copy of the list of all registered
potential voters will be exhibited for public inspection. The reasons for the publication of the PVR must also be stated publicly.

The following are among the reasons for the printing and public display of the PVR:

- It gives political parties, registered electors and interested persons an opportunity to inspect such lists and check for their names or the names of their relatives or friends.
- It allows for the insertion on the list, using the appropriate procedure, of those names of qualified potential voters which have been omitted.
- The printing and public display of the PVR has the advantage of making registered electors and political parties feel a sense of participation in pre-election activities;
- The feedback from the exhibition of the PVR (especially the comments and useful suggestions regarding the correctness of the voters register) gives opportunity to the National Electoral Commission to correct possible errors on the PVR, or keep them to an acceptable minimum.

**Rejections, Objections and Revision procedures**

Procedures are usually put in place to deal with matters relating to rejections, omissions, objections and revision exercises.

- **Rejections**

  During the registration exercise, certain persons may be aggrieved due to the refusal of a field registrar or enumerator to register them on the grounds of not being eligible or otherwise. Also depending on the legal provision in force in certain countries, agents of political parties observing the field registration process may object to the registration of certain persons who they believe are not qualified. Whatever be the basis of refusal for registration, provisions must be made for aggrieved persons to appeal. Every effort must, however, be made to ensure that all qualified persons who wish to be registered are registered within the law.

- **Omissions, Claims and corrections.**

  Following the inspection of the PVR, people who claim to have registered during the period scheduled for registration, but whose names were omitted on the list(omissions), should be given the opportunity to apply for inclusion on the draft register. Under the Public Elections Act, 2012 of Sierra Leone, provisions are made for any person who has actually registered, but whose name has been omitted from the PVR, to make a claim to the National Electoral Commission (or its appointed agents) to have his/her name included in the list.
Persons whose names were misspelt, or certain information about them (e.g. age, address) were incorrect on the PVR, may also apply for corrections. The procedure for dealing with claims and omissions differs from country to country depending on the legislation that is in force. A certain period is usually stipulated for the making of the claims.

♦ Objections

The inclusion of provisions in the electoral legislation for the objection of certain persons whose qualification for registration are in doubt, but whose names appear on the PVR, is a useful step in the attempt to produce an accurate voters register. As in the case of persons who have been refused registration, the grounds for objections must be made known to persons objected to by the objector. The grounds for objections are usually based on the legal qualifications for registration or residential qualifications. Provision is made in some laws establishing who should carry the burden of proof i.e. either the objector or the person being objected to. Besides, the appropriate authorities, usually in a revising court, must resolve matters relating to objections and rejections openly. It must be clearly stated in the laws whether the person making the objection or the one being objected to may appear in person before the revising court or with a lawyer.

♦ Revision inquiries

The procedures for dealing with matters relating to claims (omissions) rejections and objections may differ from country to country depending on the jurisdiction in force. The Public Elections Act, 2012 make provisions for the settlement of claims and objections in a revising court. Thus, the expiry of the exhibition exercise is immediately followed by the publication of a list of all those claiming to have their names included in the PVR. All objections will also be publicized by the National Electoral Commission. The publication of the said lists of omissions, claims and objections will be followed (after a stipulated time) by a public inquiry called revising court to be held in each ward or electoral district by a revising officer. The revising court settles matters relating to omissions, claims to register and objections. The public inquiry / revising court, aims at receiving and disposing of claims and objections. It is helpful in the attempt to produce a voters register that is acceptable to all stakeholders in the electoral process.

During the public inquiry (revision court), all claims and objections will be publicly heard and determined by the Revising Officer. As
indicated earlier, some laws make provisions for an objector to appear before the revising court either in person or be represented by a counsel. In theory, the Revising Officer will go through the PVR and will insert on any page the name of any person who is proved to have registered, but whose name is not on the list. The name of any person who, it is confirmed, is either dead or is not qualified to be registered will also be struck out. The Revising Officer will then sign against any name inserted or struck out in the PVR (In practice the inclusion and striking of names is done at the National Electoral Commission Data Centre).

12. **FINAL VOTERS REGISTER (FVR)**

At the end of the revising activities, the production of the Final Voters Register (FVR) will then begin immediately. No amendment will, however, be made on the FVR during this period. The final voters register will be kept until polling day.

**Structure of the Final Voters Register (FVR) and its maintenance**

The structure of the Final Voters Register (FVR) may take different forms, depending on the laws in the country relating to the compilation of a voters register. The National Electoral Commission should take certain decisions before the register is finally prepared e.g. whether each register will be prepared based on the electoral divisions (e.g. wards or constituencies), or administrative divisions (e.g. districts, provinces or local government units); or whether to write down the names of the electors alphabetically or otherwise.

If the decision is to prepare a separate register for each electoral division, then the voters will have to be registered under their respective electoral divisions. The voters register will therefore be compiled in accordance with the various wards, constituencies or even polling stations in the country - this may be referred to as the **“building block for larger units”**99 method.

The voters register may also be arranged using the **“street file”** system, under which each voter is linked to a particular street in each town or village or chiefdom.

Information on the register may be maintained centrally by computers or CD ROM; or its maintenance may be decentralized at regional or district level, with each regional or district office maintaining a separate register for that region or district.

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99 Tim Pickering, Australia Electoral Commission, in a paper titled *Execution of Registration*; delivered at the Commonwealth Election Management Programme, Windhoek Namibia.
CHAPTER 12

CANDIDATE NOMINATIONS PROCESS

Introduction

The nomination of candidates to contest public elections is an important aspect of democratic elections. If the process and procedures relating to the nomination of candidates for a particular type of election are not properly and impartially followed, such act will negatively affect the integrity of the election for which the said nomination was conducted. The candidate nomination process for a public election should, therefore, be free, fair, transparent and in accordance with the relevant electoral laws of the country.

Therefore, abuses of the nomination procedures like the deliberate and forceful prevention of prospective candidates from attending nomination centres, so as to present their nomination documents, with the intention of allowing a particular candidate to go unopposed and thus to be declared duly elected, should not be tolerated. Penalties for such malpractices must, therefore, be made severe.

The nomination procedures may differ from one country to another and from one type of election to the other, depending on the legislation and type of electoral system used.

Date and Time for Nomination of Candidates

Following the declaration of date for a public election (i.e. Presidential, Parliamentary, or Local Government election) by proclamation, the Electoral Commission shall declare and publish, by government notice, the day(s) when the nomination of candidates shall take place. The day(s) appointed for nomination of candidates for parliamentary elections “shall not be more than sixty and less than thirty days before the day appointed for voting in the elections”. The Commission will specify in the public notice the particular place and time where the nominations will take place.

Overview of the Nomination Process for Parliamentary and Local Council Elections

Every prospective candidate for a public election (including Paramount Chief Members of Parliament elections) must be nominated in writing in forms printed by the Electoral Commission (EC). The nomination form, containing the name of the nominated prospective candidate (who must be a Paramount Chief for Paramount Chief Members of Parliament elections)
must be signed by the candidate him/her self and three other persons nominating him/her in the presence of two adult witnesses.

The nominators must be registered electors in the electoral area in which the candidate intends to contest. Nominators for Paramount Chief Members of Parliament (PCMP) must be Chiefdom Councillors elections from one of the chiefdoms in the district which the candidate intends to represent in parliament.

**Publication of List of Provisionally nominated Candidates**

After the delivery of completed nomination forms to the Returning Officer, he/she shall publish the names of all nominated candidates and their nominees (as list of provisionally nominated candidates). The notice published by the Commission, will also request any elector from the relevant electoral area (constituency or ward) to lodge (within a specific period) with the Commission any objection against any of the provisionally nominated candidates. The grounds for objections are indicated else where in this chapter.

**Objections to Nomination of Candidates**

In accordance with the Public Elections Act 2012, any elector in the electoral area from which a candidate is contesting has the right to object to the nomination of any candidate concerning his or her qualification or otherwise. The objector must indicate the ground(s) for objections. The Returning Officer (RO), after receiving an objection, shall make enquiries into the reasons for objection. The RO may also inquire into any other matter he/she may consider necessary concerning any candidate against whom an objection has been lodged. He shall decide on the validity of the objection made against any nominated candidate. Where the Returning Officer (RO), is convinced that the candidate objected to is not qualified to contest an election, either as a Member of Parliament or a Councillor (i.e. an objection is upheld), such candidate will be disqualified from contesting and informed accordingly (or inform the concerned political party).

However, where an objection is rejected (i.e. dismissed) in accordance with the law, the objected candidate shall contest the election. Any candidate who is aggrieved by the decision of the Returning Officer (RO) may appeal to the High Court. The decision of the Returning Officer (RO) shall be final. It may only be questioned in a petition in the High Court.

After the disposal of objections, the Electoral Commission shall then publish, by government notice, the final list of nominated candidates contesting the elections.
NOMINATION PROCEDURES FOR CANDIDATES FOR MEMBERS OF

PARLIAMENT

The following are the nomination procedures and relevant legal framework for candidates for Parliamentary and Local Council elections.

ELIGIBILITY CRITERIA FOR PARLIAMENTARY ELECTIONS

(Reference: The 1991 Constitution of Sierra Leone Sections 75 and 76)

A candidate for Parliament can either contest as a political party candidate, or contest as an independent candidate. Parliamentary candidates must meet the following eligibility criteria:

a) must be a citizen of Sierra Leone (not a naturalised citizen);

b) must be at least twenty one years old;

c) must be a registered voter;

d) must be able to speak and read the English language “with a degree of proficiency sufficient to enable him to take an active part in the proceedings of Parliament”

Disqualifications for Membership of Parliament are found in Section 76 of the 1991 Constitution of Sierra Leone.

PROCESS OF NOMINATION

(Reference: The Public Elections Act 2012: Section 60).

Documents required for the nomination process

a) Completed and signed Parliamentary candidate nomination form and Code of Campaign Ethics;

b) Photograph of the candidate;

c) The prescribed and approved nomination fee.

d) Voter registration card to show proof of registration.

e) Proof of payment of the prescribed nomination fee.

Source: NEC-100 The process of developing candidate nomination procedures for 2007 Parliamentary and Presidential elections in Sierra Leone (and the procedures for nomination of Local Government Candidates elections 2008), written by a team of NEC staff and International Advisors. Lead Writer: Magnus Ohman, Programme Manager and Elections and Political processes Advisor, IFES (The NEC staff were led by M.N. Conteh author of this book, who was then the Chief of Procedures and Training Unit).
Nomination Steps

a) The nomination of a Parliamentary candidate must be in writing in the form prescribed by the Public Elections Act, 2012, as amended

b) Completed and signed nominations forms must be submitted to the Returning Officer in the district in question before 5.00pm of the last day for the delivery of the nominations papers.

c) Three electors from the electoral area (constituency) for which a potential candidate intends to contest shall nominate every candidate. No candidate shall be nominated in more than one election area. The three nominators must all sign the nomination form for Ordinary Member of Parliament in the place indicated.

The nominated candidate should indicate whether he/she is contesting either as a political party candidate or as an independent candidate. In accordance with the law, a candidate will only be nominated as standing for a particular political party if he/she is included on the Political Party List of endorsed Parliamentary Candidates submitted by that political party to the NEC. The list, which must be signed by the National Chairperson and the National/General Secretary shall contain the following details of each candidate:

- Name of the candidate (surname, first name and initials for middle name(s))
- Date of birth
- Voter ID number, and
- Constituency

d) The candidate is required to deposit with the Returning Officer a prescribed non refundable fee or deposit a paying slip issued by or the Bank officials of a designated bank for the candidate in respect of that sum. The Returning Bank Officer will issue an official receipt.

e) The nominated Parliamentary candidate is required to accept and sign the Code of Election Campaign Ethics prepared by the NEC as a condition for acceptance of nominations papers.
f) The voter registration identity cards of the Parliamentary candidate and the three persons who nominated him/her must be presented to verify that they are electors.

g) Candidates are expected to present their nominations in person, so that their photographs could be taken by NEC to be printed on the ballot papers for the election. Should a candidate not be able to appear in person, he/she must ensure that four of his/her recent colour photographs of passport size with a white background must be included with the nomination documents.

**Independent parliamentary candidates**

Any person whose name is not on any of the aforementioned list submitted by any political party will be nominated as an independent candidate. No candidate shall be nominated in more than one constituency. Each nominated independent candidate will choose a symbol to be placed on the ballot paper next to his/her name. Only the symbols included on a list provided by the NEC are available to the independent candidates. Each candidate can only use one symbol in a constituency. The candidates will chose symbols in the order in which they presented their nomination papers. Once the candidate has chosen a symbol, the number of that symbol will be noted on the nomination paper.

**POSTING OF PROVISIONALLY NOMINATED CANDIDATES**

(Reference: The Public Elections Act, 2012, section 60)

After submission of nominations, the Returning Officer shall post the names of candidates (and in relevant cases his/her party) and names of the electors nominating him/her by pasting the information in a conspicuous place in the district in question.

**OBJECTIONS AND APPEALS**

(Reference: Public Elections Act 2012, Section 63)

Any elector in the electoral area (constituency) in question may file an objection to the nomination of a Parliamentary candidate any time after the posting of the list of nominated candidates. Objections must be filed in person with the Returning Officer of the District using the prescribed form, which will be available with the Returning Officer.
Common Grounds for Objections

(Reference: The 1991 Constitution of Sierra Leone: Section 76 and The Public Elections Act, 2012: Section 63)

- Nominations Papers are not filled out correctly (i.e. not filled in accordance with the Public Elections Act 2012);
- Candidate is not a citizen of Sierra Leonean (or is a naturalised citizen);
- Candidate is not a registered elector;
- Candidate is not twenty one years of age or older;
- One or more of the nominators are not qualified to be nominators;
- Deposit not paid;
- Candidate is not qualified to be a Member of Parliament under section 76 of the 1991 Constitution.

Decision of an Objection

The Returning Officer shall decide on an objection within the time specified in the NEC Public Notice

Appeals


Any candidate aggrieved with the decision of the Returning Officer has the right to appeal to the NEC Headquarters in Freetown, within a specified time, using the prescribed NEC form. The NEC will give a decision on any appeals received also within a specified time. The decision of the Returning Officer (and in the case of an appeal) the NEC’s decision regarding appeals can only be appealed against by way of an electoral petition through the High Court, usually after the polls.

Publication of the Final List of Candidates

(Reference: The Public Election Act, 2012: Section 67)

As soon as decisions on any appeals regarding candidate nominations for parliamentary elections are made, the NEC will publish the full names, addresses and occupations of the candidates and of their nominators (and where appropriate their parties). This will be done by Government Notice.
and by other appropriate manner in the electoral area not later than ten (10) days before polling day.

It should be noted that, if only one candidate is nominated after the close of nominations, then no election will be held and that candidate will be declared duly elected by the Returning Officer.

**DEATH OF A Nominated Candidate**

(Reference: The Public Elections Act, 2012: Section 66)

In the event of the death of a Parliamentary candidate prior to election day, the Returning Officer shall withdraw the notice of the poll (i.e. cancel the election) and report the matter to NEC. The National Electoral Commission shall then declare a new election day in the constituency in question and the appropriate nomination procedures shall start afresh.

**Withdrawal Of Nominated Candidate**

(Reference: The Public Elections Act, 2012: Sections 64 & 65)

Any Parliamentary candidate may withdraw his/her nomination by signed notice in writing (and endorsed by the political party to which he/she belongs) and delivered by him/her to the Retuning Officer. However, such a withdrawal shall not be accepted if it will result in there being no candidate to contest the election in the constituency.

**Nomination Procedures For Candidates For Local Council Elections**

**Eligibility Criteria**

(Ref Local government Act, 2004 Section 6)

A candidate for either the election of Chairperson/Mayor or Councillor must meet the following eligibility criteria:

a) must be a citizen of Sierra Leone (not a naturalised citizen);
b) must be at least twenty one years of age;
c) must be a registered elector (and resident in the ward/locality in which he/she seeks election);
d) must have paid all taxes and rates in that locality;
e) must not be an employee of a Local Council, a Member of Parliament, the Judiciary, Republic of Sierra Leone Armed Forces (RSLAF), National Electoral Commission (NEC), Sierra Leone Police (SLP) or the Civil Service, unless they show evidence of resignation from their posts before the date of the election.
f) Must not be a Paramount Chief, a Chiefdom Speaker or a Minister.
A candidate for Chairperson or Councillor may contest either on behalf of a political party, or as an independent candidate.

**PROCESS OF NOMINATION**

It must be noted that no person can be nominated in more than one ward/locality, nor by more than one political party. Also in accordance with NEC regulations, no person can contest in both elections (i.e. Councillor and Chairperson elections at the same time).

**Documents Required**

a) Completed and signed Local Government candidate nomination form and Code of Campaign Ethics;

b) Photograph of the candidate;

c) The prescribed and approved nomination fee;

d) Voter registration card showing proof of registration;

e) A rates, local tax receipt or tax clearance certificate indicating payment of taxes and rates in the locality.

**Nomination Steps**

a) The nomination of a Local Council candidate must be in writing in the form prescribed by the Public Elections Act, 2012;

b) Completed and signed nominations forms must be submitted to the Returning Officer in the district in question within a specified period;

c) The nominated candidate should indicate whether he/she is contesting either as a political party candidate or as an independent candidate. In accordance with the Public Elections Act, 2012, a candidate (whether for Chairperson/Mayor or Councillor election) will only be nominated as standing for a particular political party if he/she is included on the Political Party List of endorsed Candidates submitted by that political party to the NEC. The list, which must be signed by the National Chairperson and the National/General Secretary shall contain the following details of each candidate:

- Name of the candidate (surname, first name and initials for middle name(s));
- Date of birth;
- Voter ID number; and
- Ward.
d) Any candidate whose name is not on any list submitted by any political party will be nominated as an independent candidate. No person can be nominated in more than one ward.

Each nominated independent candidate will choose a symbol to be placed on the ballot paper next to his/her name. Only the symbols approved by NEC shall be available for selection by independent candidates; and one candidate in each ward can only use each symbol. The candidates will chose a symbol in the order that they presented their nomination papers. Once the candidate has chosen a symbol, the number of that symbol will be noted on the nomination paper.

e) Every candidate shall be nominated by three electors from the electoral area (locality for Chairperson Candidates, or ward for Councillor Candidates) in which he/she seeks to contest the election. No candidate is allowed to be nominated for more than one ward or locality or for both elections (i.e. Chairperson/Mayor election or Councillor election), The three nominators must all sign the nomination form of Local Government Candidate in the place indicated.

f) In accordance with the public Elections Act, 2012, a candidate is required to deposit with the Returning Officer a prescribed non-refundable fee or deposit a written receipt issued by or on behalf of the Bank Manager of a designated Bank, received for the candidate in respect of that sum). The Returning Officer will issue an official receipt.

g) The candidate is required to accept the Code of Election Campaign Ethics prepared by the NEC as a condition for acceptance of completed nominations forms.

h) The voter registration identity cards of the candidate and the three persons who nominated him/her must be presented to the Returning Officer to verify that they are electors.

i) Candidates must present their nominations in person.
POSTING OF PROVISIONALLY NOMINATED CANDIDATES

(Reference: The Public Elections Act 2012, (PEA) section 60 subsection 7)

After submission of nominations, the Returning Officer shall post the names of candidates (and in relevant cases his/her party) and names of the electors nominating him/her by pasting the information in a conspicuous place in the ward or locality in question.

OBJECTIONS AND APPEALS

(Reference: The Public Elections Act 2012, Section 63)

Any elector in the electoral area (ward or Locality) in question may file an objection to the nomination of a local council candidate any time after the posting of the list of nominated candidates. Objections must be filed in person with the Returning Officer of the District using the prescribed form, which will be available with the Returning Officer.

Common Grounds for Objections

(Reference: The 1991 Constitution of Sierra Leone: Section 76 and the Public Elections Act 2012: Section 63)

- Nomination Papers are not filled out correctly (i.e. not filled in accordance with the Public Elections Act, 2012);
- Candidate is not a citizen of Sierra Leone (or is a naturalised citizen);
- Candidate is not a registered elector (or is an elector but not in the ward in which he/she seeks to contest);
- Candidate is not twenty one years of age or older;
- One or more of the nominators are not qualified to be nominators;
- Deposit not paid;
- Candidate is not qualified to be a councillor under section 6 of the Local Government Act, 2004.

Decision on an Objection and Appeals

(Ref: The PEA, 2012 Section 63)

The Returning Officer shall decide on an objection within a specified period. Only an aggrieved candidate not satisfied with the decision of the Returning Officer to uphold an objection against him/her has the right to appeal. The
appeal should be sent to the NEC Headquarters in Freetown within a specified period, using the prescribed NEC form. Objectors who have had their appeals against the candidacy of nominated candidates rejected cannot appeal to the NEC and should therefore direct their challenge to the High Court. The NEC will give a decision on any appeals received within a specified period. As already stated, objectors have the right to petition the result to the High Court, as do aggrieved candidates whose appeals to the NEC have been dismissed.

**PUBLICATION OF THE FINAL LIST OF CANDIDATES**

*(Ref: The Public Elections Act, 2012, Section 67)*

As soon as decisions on any appeals regarding Local Council nominations are made, and in any case not later than ten (10) days before the election date, the NEC will publish the full details of names, position, affiliation and ward/locality of the candidates. This has to be done by Government Notice, and by any other appropriate manner in the ward or locality, as the case may be.

**DEATH OF A NOMINATED CANDIDATE**

*(Ref: The PEA, 2012, Section 66)*

In accordance with NEC procedures, in the event of the death of a Chairperson or Councillor candidate not less than 10 days prior to Election Day, the political party will be given the opportunity to nominate a new candidate. The elections will still take place in that ward/locality on the date declared for polling. However, for practical reasons, it will not be possible to replace the name of the party’s candidate on the ballot paper. In the case of the death of an independent candidate, no substitution will be allowed and the election will proceed.

However, where a candidate for a Local council election dies within less than 10 days prior to election day, the Returning Officer shall withdraw the notice of the poll and report the matter to the Electoral Commission. The Commission shall then appoint a new election day in the electoral area in question and the appropriate procedures shall start afresh.

**WITHDRAWAL OF NOMINATED CANDIDATE**

*(Ref: The PEA, 2012 Sections 64, 65)*

Any candidate for a Local council election may withdraw his/her nomination in writing signed (and endorsed by the political party to which he/she belongs) and delivered by him/her to the Returning Officer. However, such
withdrawal shall not take effect if it would result in there being no candidate to contest the election in the ward or locality.

As in the other nominations process already described, if only one candidate is nominated after the close of nominations then no election will be held and that candidate will be declared duly elected by the NEC.

OVERVIEW OF THE NOMINATION PROCESS FOR PRESIDENTIAL CANDIDATES

A political party must nominate only one candidate for presidential election. Independent presidential candidates (i.e. candidates not belonging to any political party) shall not be allowed to contest. The Chief Electoral Commissioner/Chairperson of the National Electoral Commission (NEC) shall be the National Returning Officer (NRO) in a Presidential election. A candidate for presidential election must be nominated in writing in a form specified by the Public Elections Act 2012. The nomination form must be signed by the following:

- The Presidential candidate;
- The designated running mate (or Vice President to be);
- Three executive members of the political party nominating the presidential candidate.

The time and place of delivery of the nomination forms are usually specified in a Public Notice released by the NEC. The signed nomination forms of the Presidential candidate will be handed over to the National Returning Officer. Two statutory declaration forms signed separately by the Presidential candidate and his/her designated running mate (or Vice President to be), must also be delivered to the NRO. No presidential candidate will be allowed to contest the presidential election unless he/she has paid to the NRO a non-refundable fee, or show proof of payment to a designated bank in respect of the candidate.

PUBLICATION OF PROVISIONALLY NOMINATED PRESIDENTIAL CANDIDATES, OBJECTIONS AND APPEALS

Following the delivery of nomination forms to the National Returning Officer (NRO) by the Presidential candidate, he/she shall publish a public notice in the Gazette, which will contain the following information:

- the full name, address and occupation of each nominated presidential candidate;
- the name of the political party to which each candidate belong; and,
• the names, addresses and occupations of the three Executive members of each political party that nominated the respective nominated presidential candidates.

Also, to be included in the Gazette notice, mentioned above, is an invitation requiring any citizen of Sierra Leone to lodge an objection (if any) against the nomination of any Presidential candidate. Any objection shall be lodged with the Supreme Court (within seven days of the publication of the list of provisionally nominated candidates). The Supreme Court shall decide on the validity of an objection within 30 days following the lodging of the objection. The decision of the Supreme Court is final. Where the Supreme Court invalidates the nomination of a presidential candidate due to an objection, the Presidential candidate concerned will be disqualified from contesting the Presidential election for which the nomination was made.

Where a nominated presidential candidate dies before polling day, the party that nominated the deceased candidate will (within a specified period following such death) nominate another person to be its new presidential candidate.

The National Returning Officer shall declare a presidential candidate duly elected to the office of the President if after the close of nominations he/she is the only nominated candidate for the presidential election. Such a candidate is referred to as unopposed candidate.

NOMINATION PROCEDURES FOR PRESIDENTIAL ELECTIONS

Eligibility Criteria

(Reference: The Constitution of Sierra Leone 1991, Sections 41, 42 & 75 and the Public Elections Act 2012, Section 44)

Presidential candidate(s) must meet the following eligibility criteria:

a) must be a member of a registered political party;

b) must be nominated by a registered political party;

c) must be a citizen of Sierra Leone;

d) must not be less than forty years of age:

e) must be a registered elector;

f) must be otherwise qualified to be elected as a Member of Parliament;

\[101\] Ibid (source NEC)
Process of Nomination

(Reference: The 1991 Constitution of Sierra Leone, Section 42 and the Public Elections Act 2012, Sections 45 & 44)

Documents required

a) Completed and signed Presidential candidate nomination form and Code of Election Campaign Ethics;
b) Completed and signed Statutory Declaration forms must be submitted; by both the Presidential and the Vice-President candidates;
c) The prescribed nomination fee;
d) Voter registration cards showing proof of registration.

Nomination steps

a) Nominations forms must be submitted to the National Returning Officer (i.e. the Chief Electoral Commissioner/Chairperson of the National Electoral Commission) at a place and time specified in the public notice for nomination.
b) Nomination forms of a Presidential candidate must be submitted by the candidate him/herself to the Returning Officer; and his/her picture will then be taken by NEC
c) The Nomination of a Presidential candidate must be in writing in the form prescribed by the Public Elections Act, 2002;
d) The submitted nomination form for Presidential Candidate must include the name of the candidate designated for the office of Vice-President;
e) The submitted nomination form must be signed by three executive members of the political party nominating the Presidential candidate;
f) The Presidential candidate, his/her nominators and the designated Vice-President must all sign the nomination form in the presence of two adult witnesses, who must sign in the place indicated on the prescribed nomination form. Both the Presidential and the Vice-Presidential candidates must individually submit a Statutory Declaration, which must also be signed by either a Commissioner of Oaths, Justice of the Peace or a Magistrate.
g) Each Presidential candidate must bring a Nomination Declaration Form signed by the National Chairperson and the National/General Secretary
of the political party nominating him/her. This is an indication that both the Presidential candidate and designated Vice-President candidate are members of the party in question, and that the political party has nominated them for these positions.

h) Each Presidential candidate is required to deposit with the Returning Officer a non-refundable prescribed fee, or present a paying slip signed by bank officials of a designated bank. The Returning Officer will issue an official receipt;

i) The Presidential candidate is required to accept and sign a Code of Election Campaign Ethics prepared by the NEC as a condition for acceptance of nomination forms.

j) The voter registration identity cards of the Presidential and Vice-President candidates and of the three executive members of the political party, which nominated the Presidential candidate, must be presented to verify that they are electors.

**Publication of Provisional List of Candidates**

(Reference: The Public Elections Act 2012 Section 47,)

After the end of the prescribed nomination period for the Presidential Election, the National Returning Officer will immediately publish the provisional list of nominated Presidential candidates by Government Notice and any other appropriate means for NEC. The provisional list will detail their full names, addresses, and occupations. This notice will in addition contain the following information;

- Name of the political party to which each Presidential candidate belong;

- Name, addresses and occupations of the three executive members of the political party, which nominated each Presidential candidate.

**Objections**

(Reference: The Public Elections Act 2012: Section 32, subsection 2)

Any Sierra Leonean citizen has the right to object to the Supreme court the nomination of a Presidential candidate, within seven days of
the publication of the provisional list of nominated Presidential candidates.

**Common Grounds for Objections**


- Nomination form not filled out correctly;
- Statutory Declarations forms are not filled out correctly;
- One or more of the nominators are not qualified to be nominators;
- Incorrect particulars of a candidate or his/her nominators as required by law;
- Candidate is not a Sierra Leonean citizen or is a naturalised citizen;
- Nominated Presidential candidate and designated Vice have not been nominated by a political party;
- Presidential candidate not forty years of age or older
- Candidate is not qualified to be a Member of Parliament in accordance with section 76 of the 1991 Constitution;
- Deposit not paid.

**Decision on an objection**

(Reference: The Public Elections Act 2012: Section 47)

*The Supreme Court shall give a decision within thirty days of the objection being lodged.*

**Publication of Final List of Candidates**

Where there are no objections to the provisionally nominated Presidential candidates, the NEC will publish the final list of candidates immediately after the end of the seven-day objection period. But where there is any objection, the final list will be published immediately after the Supreme Court has made its ruling(s). However, the printing of the Presidential ballot papers would begin immediately after the close of nomination without prejudice to any pending objections lodged with the Supreme Court.
DEATH OF A CANDIDATE

(Reference: The 1991 Constitution of Sierra Leone, Section 42 and The Public Elections Act 2002: Section 48)

In the event of the death of either a Presidential or a Vice-Presidential candidate prior to polling day, the NEC will re-open nominations for the deceased candidate's political party, within seven days from the date of the death of the candidate. This is to allow the party to nominate a new Presidential or Vice-Presidential candidate as appropriate. A new date for the Presidential Election will be set.

ELECTION OF A SOLE CANDIDATE

(Reference: The 1991 Constitution of Sierra Leone, Section 42 and The Public Elections Act 2012: Section 49)

Where only one candidate is nominated after close of nomination or should a candidate withdraw, leaving only one candidate for the vacancy, no election will be held and the sole remaining candidate will be declared President.
CHAPTER 13

POLLING PROCESS

INTRODUCTION

This chapter examines pre-polling and polling day activities under three broad headings; namely:

- Preparations for polling day activities;
- Polling day activities;
- Counting and tabulation of votes.

Each of these headings is in turn subdivided into major election tasks.

1. PREPARATIONS FOR POLLING DAY ACTIVITIES

   Preparation of Election Budget, the Procurement of Election Materials and Supplies

Adequate preparation is significant to the successful execution of polling day activities. The preparation of an election budget and the adequate funding of the entire electoral process are key factors, among others, in the successful implementation of an election programme. The budget for the electoral process (including polling day activities and other segments of the electoral process e.g. voters registration) is prepared by the Electoral Commission. After its preparation, the budget is submitted to the Government of Sierra Leone, which is the provider of nearly all the funds necessary to execute an election programme. However, funding assistance may be sought from donor agencies; especially if the election for which funds are being solicited attracts significant international concern e.g. a post-conflict election. The prepared budget for the election may include, inter-alia, budget for the procurement of election materials, equipment and other supplies, printing of ballot papers and the payment of honoraria or salaries for the temporary election staff recruited to carry out the polling exercise.

The timely procurement of election materials and supplies is significant to the successful implementation of an election programme. Procurement process involves the buying of a whole range of items like different types of election forms, envelopes, printing of ballot papers and notices, ballot boxes, indelible ink, stamp pads, lamps, rulers, pens, pencils, seals for ballot boxes. Procurement of election materials, which are usually grouped into sensitive and non-sensitive, is not an easy task. It involves the making of considerable groundwork on the following: the determination of the appropriate volume or quantity of each election item required, to avoid
excesses or shortages; the local availability of each required election item in sufficient number; and the quality of the items and their costs. The answers got from the groundwork will determine the quantity of the items to be bought within or outside the country. It has been stated that one significance of the voters registration exercise is the fact that it determines the quantum of logistical input necessary for many aspects of the electoral process. In other words, the total number of registered voters will significantly help the election management body (the Electoral Commission) to determine the quantity of each election material needed for polling.

**Recruitment of Elections Personnel**

The delivery of good quality election services to the electorate on polling day depends on, inter-alia, an efficient election personnel, all of whom must realize the need to be impartial throughout the election process. By virtue of the provisions contained in the Public Elections Act 2012, the Electoral Commission has the overall responsibility to appoint election staff who, in its opinion, are fit to carry out the conduct of elections in all the electoral regions, districts, constituencies or wards in Sierra Leone, as the case may be. Such election personnel should, however, not be candidates or political party activists. The personnel required for the conduct of election include: the National Returning Officer, who by law should be Chairman of the Electoral Commission; Regional Returning Officers; District Returning Officers; and as many Assistant Returning Officers as are required. Moreover, the Commission shall appoint as many people as required to act as Presiding Officers and Polling officials. It should be noted that, the total number of election personnel required to conduct a public election would depend on, among others, the total number of registered voters, and the total number of polling stations. It should further be noted that the recruitment of election staff for the conduct of election may not always be an easy task. This is because it may sometimes prove difficult to get persons who are actually neutral or impartial. The Electoral Commission must therefore use the “search approach” in its drive to recruit elections personnel. In other words, the Commission (through its District Electoral Officers), must carefully search for persons who are not political activists, and are ready to execute their electoral functions independently and impartially. Election personnel are usually recruited from among lecturers from the university and teacher training colleges; Principals or Head teachers of schools; other members of the teaching profession who are present all over the country; civil servants from Government departments, and the general public.

Besides the election personnel mentioned above, each political party contesting the election may appoint two Polling Agents as its representatives
at each polling station or counting centre. Each political party making the above appointments is, by law, required to send in writing a notice of the respective appointments made to the relevant District Returning Officer at least three days before the day of the election. The District Returning Officer will then inform the relevant Presiding Officers. The names, addresses of the polling and counting agents, including the polling stations to which they have been assigned should be included in the notice sent to the District Returning officer. The appointment of representatives of political parties is important for the holding of transparent, free and fair elections. The functions of the various categories of election staff will be dealt with later in this chapter. It should be noted that all the election personnel mentioned above are appointed only for the conduct of specific elections (i.e. either, general elections, or bye-elections, or local authority elections). Their services would, therefore, be terminated once the election for which they were recruited is ended.

**Training of Elections Personnel**

In order to ensure that the recruited election personnel deliver efficient election services to the voters on voting day, the Commission must ensure that all categories of election staff receive formal training, soon after their appointment, or before the commencement of voting. Like the training programme of voters registration personnel discussed earlier, the training programme of the elections personnel named above may be cascaded into at least three broad categories, namely: the training of trainers, the training of Presiding Officers and the training of other Polling officials below the Presiding Officers. The preparation of training manuals and other materials (like aide memoirs) for all categories of staff precedes these training sessions. The purpose of the training manuals is to make sure that election staff knows before hand operational details and election rules to be applied on polling day. The manuals may also contain election offences that may be committed by election staff.

The training of trainers is designed to train key trainers who will in turn train middle level election officials like Presiding Officers, who will in turn train other polling staff on polling day operations. The training of Presiding Officers and Polling Assistants is usually an enormous task. It means training thousands of officials who will be physically present at every polling station on election day. During the training programmes, Presiding Officers and other Polling officials will be trained on the functions they are expected to perform in their respective polling stations, immediately before, during and after voting. They are also taught what to do during the counting of votes. Each of the above training programmes may last for a few days. A proficiency test may be conducted for the trainees at the end of each
training programme. The trainees who perform poorly in the proficiency test may have their appointments revoked.

It is advisable to organize special training programmes for political party agents and elections observers on pre-polling and polling day operations.

**Functions of the Various Polling Day Staff**

Election staff (or personnel) means all the personnel engaged lawfully in the delivery of elections services to the electorate either before polling or on polling day and thereafter. The duties of the personnel responsible for the conduct of elections in Sierra Leone are similar to those performed by other election staff in many Commonwealth countries.

**Returning Officer**

A Returning Officer (R.O) is a person appointed by law to oversee the actual conduct of a specific election, either in the whole country or in some part of the country, like a region, district or constituency, as the case may be. Besides being responsible for the actual conduct of an election, a Returning Officer may perform the following duties:

- Administrative duties: - the publishing of nomination notices and election notices in the electoral areas assigned to him or her.
- Nomination exercise: to take nominations of candidates wishing to contest the election for which the RO is in charge.
- Recruitment, training and deployment of polling day personnel: - In some countries, the RO supervises the recruitment, training and deployment of Polling day personnel in his/her area of operation.
- The Returning Officer may collect election logistics from the District Elections Officer for distribution to the Presiding Officers and Polling Assistants of the respective polling stations in his or her election area.
- Supervision of Counting process and return winning candidates duly elected.

The assignment of a Returning Officer ends once the election, for which he or she was appointed, ends.

**Assistant Returning Officer (A.R.O)**

An Assistant Returning Officer (A.R.O.) is a person appointed by law, to assist the R.O. in the performance of the latter's responsibilities. The A.R.O. is thus under the supervision of the Returning Officer (R.O).

**Presiding Officer (P.O)**

The Presiding Officer (P.O) is a person appointed by the Electoral Commission to be in charge of a particular polling station on polling day. He
or she is responsible for the actual conduct of the election in the polling station assigned to him or her. A Presiding Officer is also responsible to supervise all the polling staff and organize the voters assigned to his or her polling station. He or she will keep order in the Polling station.

**Polling Assistant (P.A.)**

A Polling Assistant (P.A.) is a person also appointed by the National Electoral Commission to assist the P.O. of a particular polling station in the discharge of his/her polling duties in that polling station. The P.A. is therefore under the direction of the P.O.

**Counting Officer (C.O)**

A Counting Officer is a person who is charged with the responsibility of counting the votes at a polling station, constituency or electoral region, following the close of poll. The National Electoral Commission also appoints him or her. In practice, the presiding officer serves as counting officer.

**Polling Agent (P.A.)**

A polling Agent is a person appointed, according to law, by a political party or candidate at each polling station, counting and results collation centre. In practice, the polling agent serves as the counting agent. The main functions of a Polling/counting agent are -

- to detect impersonation in the polling station where he/she is assigned;
- to draw the attention of the P.O. to any illegal practice that may occur at the polling station while voting is in progress or at the counting or results collation centre;
- to observe the counting process at the counting centre and;
- to notify the counting officer (or his political party) of any irregular practice that may occur during the counting of votes.

**Selection of Polling Stations**

The selection of adequate polling stations that are located in areas that are free from all kinds of threats or intimidation to voters is also an important element in the organization and the delivery of efficient elections services to the electors on polling day. For the conduct of elections, the Public Elections Act, 2012 (Section 70, subsection 2a) states that - The Electoral Commission shall:

“Provide the number of polling stations that may be required in each electoral area and allot the voters within each electoral area to the polling stations in such manner as it thinks most convenient:”
A polling station is an area designated for the exercise of casting votes on polling day. It is thus, collectively all the electors whose names are registered in that designated area, security, election staff and agents of political parties/candidates contesting the elections; all of whom are lawfully assigned to that designated voting area. In Sierra Leone, the previous practice, after the voter registration exercise, was to assign voters to specific polling stations where they are expected to cast their votes on polling day. However, when using the fixed centre approach, the practice is to turn the registration centres, where voters registered during the voters registration exercise, into polling stations. The common principle is “where you register is where you vote on polling day”. The law further requires the National Electoral Commission, to inform voters about the location of each polling station and the persons entitled to vote there. In order to proceed smoothly, it is recommended that each polling station must have a smaller number of voters to avoid any possibility of delay and confusion on the day of voting. The number of voters that may be assigned to each polling station is between 400 – 500, though some stations may have more or less than 500 voters.

The preparation of elections logistics and the selection of polling stations are some of the professional responsibilities of the District Elections Officers. It is usually the practice to use public buildings, including school premises as polling stations. In areas where public buildings and school premises, are inadequate or not available, the alternative is to hire or rent private lots (open air) as polling stations. The selection of private premises and lots may sometimes be time consuming and difficult. For instance, house owners may fear the eruption of election violence which may lead to the burning of houses etc. Besides, care must be taken to ensure that the owners of private premises or open air spaces earmarked to be used as polling stations are not political party activists or officials of any of the political parties contesting the election. Another factor, which is usually considered in the selection of polling stations, is the geography of the electoral area (e.g. hilly or riverine areas). In addition, in rural areas efforts should be made to ensure that voters do not walk unreasonable long distances to vote. It must be noted that the total number of registered voters, among other factors, will determine the total number of polling stations to be selected. Under the law, each polling station shall be staffed by the National Electoral Commission with adequate polling staff and equipped with election materials necessary for the conduct of an election on polling day (e.g. ballot boxes, copies of the register of electors, ballot papers, etc.).
Voter Education

In developing countries where a high percentage of the voting population is either illiterate, or apathetic and disillusioned with their political systems; or where there is a high degree of unfamiliarity with the voting procedures, it is necessary to include voter education (or awareness) programmes as part of the overall planning scheme for an election. In such situations, the need to sensitize and teach potential voters about major aspects of the electoral process (e.g. the requirement and procedures for the registration of voters, polling day procedures, including the procedures involved in the counting of ballots) cannot be overemphasised. In addition, a well-defined and planned voter-education programme should provide general information on the electoral process to the citizens. Indeed, a well-planned and implemented voter education programme will encourage those who have reached the prescribed voting age (or above it) to go out to register and when so registered as electors, to go out and vote in large numbers on polling day. This will consequently reduce invalid ballots (i.e. incorrectly marked and rejected ballots).

Voter Education programmes may be organised for the entire voting population in a country; target specific audiences as the apathetic or cynical voters, the disadvantaged voter (e.g. the illiterate or persons with disabilities), and the first-time voters who are apprehensive of the crowd, or the process, etc. Voter-education programmes should therefore be designated to generate the voters confidence in the electoral process. In order for voter-education programmes to be meaningful to the election process, they should be made to be completely neutral, non-partisan, and limited to providing general information to all concerned about the country’s electoral process.

Preparation and Distribution of Polling Day Logistics

The preparation and timely distribution of polling day materials (i.e. election logistics) are also central to the organization and delivery of efficient election services to the Voters. It is part of the functions of the District Elections Officers and their support staff to pack and distribute elections logistics to the Presiding Officers and Polling Assistants deployed at their respective polling stations. Polling day materials include ballot boxes, ballot papers, indelible ink, seals for ballot boxes, endorsing ink, inkpads, register of electors. For the conduct of elections, it is the responsibility of the National Electoral Commission to transport all elections materials and election staff to the respective polling stations.
Election Campaign

Political campaigning (i.e. the canvassing for votes) is a major function of political parties in any true democratic country. Indeed, it is during election campaign periods that political parties sell out their political programmes to the electorate. In Sierra Leone, election campaign by political parties will officially begin following a proclamation by the National Electoral Commission to that effect. After the close of nominations, NEC shall determine and declare, by Government Notice, a campaign period during which campaigning by political parties and independent candidates may begin and end. The acceptance of a code on election campaign ethics, prepared by the Commission, by all political parties and independent candidates is a pre-requisite for the acceptance of their nomination forms. In practice, political parties begin their campaigns immediately after the declaration of a date for a public election (i.e. Presidential, Parliamentary or Local Government). In other words, unofficial political campaigns by political parties begin well before the declaration by NEC of the campaign period, in accordance with Section 148 of the Public Elections Act, 2012. Because political campaigning prior to the declaration of the campaign period is a violation of the Public Elections Act, political parties usually refer to such political activity as “political sensitization” or “meet and thank the people tours”. Naturally, election campaign by Political Parties usually will acquire speed as the election date draws nearer. For elections to be free and fair, all Political parties and independent candidates contesting an election (i.e. the ruling party and those in opposition) must be assured of a level playing field. In other words, all Political parties and Independent candidates contesting an election must be given the opportunity to campaign nation-wide, and must have an unhindered access to the state-owned media. Political parties must therefore be allowed to go about their election campaign without any threat or hindrance either by the law enforcement agents, the government or by the various local authorities. Political parties, however, have the duty to observe election rules and cooperate with the Electoral Commission. Election campaigns may take the form of house-to-house campaign visits, political rallies, radio and television discussions. However, the parties need to inform the law enforcement agents and local authorities before holding political meetings. Election campaign practically ends the day prior to voting.

2. POLLING DAY ACTIVITIES

On polling day, the Presiding officer of each polling station and his/her staff are required to perform a number of duties for the success of the days (or days) voting operations. The following people are expected to be at each of the polling station on voting day(s):
the Presiding officer (who, as we already know, is in charge of all the operations at the Polling station);
- Polling Assistants (2 or 4); i.e. Voter Identification Officer, Ballot Paper Issuer; Polling station queue controllers.
- Electors who are assigned to a particular polling station;
- Police Officer(s) assigned to a Polling station;
- political party/candidate agents assigned to the polling station;
- authorized election observers and monitors (if any);
- any other persons authorized by law to be there.

Presiding Officers, their staff and all those present at the polling station are expected to work and behave according to established regulations in the polling stations.

**Opening of the Polling Station**

It is important that election materials to be used on polling day should be transported to the polling station in good time before the opening of the poll. It is advised that every Presiding Officer (PO) and staff should visit their polling stations one day before the day declared for voting, to familiarise themselves with their stations. Polling stations are to be opened simultaneously throughout the country on the day of voting at seven ‘O’ clock in the morning. It is of major importance for all Presiding officers and their Polling Assistants to open their respective polling stations on time, to allow the registered electors to begin voting at the appointed time. It is also of importance for agents of political parties or candidates to be at their designated polling stations on time, to witness the opening procedures before the start of polling. It should be noted that it is not incumbent on the Presiding officers to wait for polling agents when it is time to open the polling station.

Immediately before the start of voting, the Presiding officer assigned to each of the polling stations must open and show each ballot box empty to all those who are lawfully present at the polling station; after which he/she shall, close and apply ballot box seals on each ballot box. By this time, it is expected that the polling station has been organized and equipped with all materials needed to conduct the poll (i.e. ballot boxes, ballot papers, register of electors, etc.) The Voting screen (or booth) in which the electors are expected to mark their ballot papers should be well placed or organised to ensure the secrecy of the ballot. The ballot boxes, however, should be openly placed in full view of Presiding officers and all those who may be lawfully present at the polling station. One ballot box is used for all the parties or candidates. During this time, canvassing at the polling station or the display of anything (besides elections notices) which indicates support for any political party or candidate contesting the election is disallowed. When the
Presiding officer is satisfied that the preliminary procedures described above are over, then the polling station shall be declared open. All polling day staff are now expected to be ready to receive voters to cast their votes. Voters are expected to be in organised queues, which are controlled by polling centre/station queue controllers.

**Voting Process**

**Manner of Voting**

Voting is by secret ballot and begins at 7:00am, and ends at 5:00pm. Where Presidential and Parliamentary elections are conducted simultaneously on the same day, 1 Presiding officer (PO) and a number of Polling Assistants (PA’s) are expected to technically treat the voters. Voting procedure at each polling station involves broadly two major steps:

a) Procedures involved with screening (or identification of voter) to check eligibility and prevent multiple voting;

b) Procedures involved with issuing ballot papers to voters, marking of ballots by voters and depositing marked ballots into the respective ballot boxes.

The following are the steps (not necessarily in any logical order):

- Each voter shall present his/her voter’s registration or identification card (voter ID card) to the Presiding Officer at the polling station where he/she was registered;

- Inspection of the left thumb of the voter (by the Voter Identification officer) to ascertain that the voter has not already voted;

- Checking the register (by the Voter Identification Officer) to make sure that the name of the elector is in it and that such elector has not already voted.

- Ticking against the elector’s name on the register, by the Voter Identification Officer.

- Having satisfied that the elector has not already voted, the Ballot Paper Issuer will tear off a ballot paper from the book of the ballot papers, stamp the back with the validation stamp provided;
The Ballot Paper Issuer must impartially explain to the voter the method of voting, before handing the ballot paper to him/her;

Having received the ballot paper, the voter will go alone to the voting screen and mark the ballot for the candidate of his/her choice. The mark may be a tick or thumb print. Since voting is by secret ballot, a voter is not allowed to put a mark on the ballot paper that may identify him/her e.g. his/her signature.

The voter will then leave the voting screen with the ballot papers folded in such a way that no one may know the party or candidate for whom the mark was made. The folded paper will be placed in the appropriate ballot box in full view of every one present at the polling station.

The left index finger of the elector will be marked with the electoral stain called indelible ink.

An elector who is incapacitated by blindness or any other physical disability and thus unable to cast his/her vote all by him/herself, such a voter must be allowed to be accompanied by another voter of his/her own choice who must then help the physically challenged person to vote.

Moreover, an elector who is likely to be unable to be physically present on polling day at the polling station where he/she is entitled to vote, due to valid official reasons, may apply (in an approved form) to the Returning officer, at least 15 days before election day, for a certificate of authorization to vote at another polling station, other than that in which he/she was registered. Such electors may include election officials, transferred Civil Servants and other public servants, members of the Sierra Leone Police and the Army.

In addition, if a voter spoils the ballot by placing a mark for a party (or a candidate) which is not of his/her choice, then the voter shall return the spoilt ballot paper to the Presiding officer. The Presiding officer will after satisfying him/herself that the voter’s case is genuine, provide him/her with another ballot paper. The word “CANCELLED” must be written across the face of the ballot paper, which shall be kept in a separate envelope provided for that purpose.
CLOSING OF THE POLL

The official time for closing of Polling station is five ‘O’ clock in the afternoon. However, the Presiding officer shall only declare the poll closed after all the registered voters present inside the polling station, or waiting in the queue outside the polling station, have cast their votes. At the expiration of the voting hours, (i.e. after the last registered voter waiting in the queue has voted) the Presiding officer will immediately close the polling station, and thus stop receiving any more voters. Following the closing of the polling station, the Presiding officer, in full view of all those persons who are lawfully present in the polling station, shall perform the following duties:

a) Seal the ballot boxes with seals given to him by the National Electoral Commission, so as to prevent the introduction of any additional ballot paper into them;

b) Put into separate packets or envelopes the following: any authorisation certificate he has received, the unused and spoilt ballot papers put together; the marked copies (or part of them) of the Register of electors; and all the counterfoils of used ballot papers, or any other document authorised by law.

After placing all the above documents into separate packets, the Presiding Officer must, prepare or fill all forms (Ballot Papers Account forms etc. which were given to him/her by the Commission) indicating, under separate headings the total number of ballot papers given to him, the total number of spoilt ballot papers; and the total number of electors issued with ballot papers as marked in the register of electors. The presiding officer will then count the ballots at the polling station in the presence of all persons who are lawfully to be present at the counting of the votes.

3. COUNTING, AND TABULATION OF VOTES AND ANNOUNCEMENT OF RESULTS

Counting of votes may be regarded as the climax of the entire election process. It may occur at a time of considerable excitement or heightened tension between those contesting the elections. The process of counting votes may either be simple and straightforward, or be a bit complex, depending on the electoral system that is followed in the country and the legal provisions made to that effect. For example, while the process of counting may be simple under the first-past-the-post system with a single member constituency, it may tend to be a somewhat complex and tedious exercise under the proportional representation with a transferable (or distribution) vote system. However, whatever the system used, the exercise
of counting must be transparent and in accordance with the laid down rules.

Procedure for Counting Of Votes

Under the electoral laws of Sierra Leone, counting of the ballots in all public elections (Presidential, Parliamentary, Local Government elections and referendum) must take place at each polling station, in full view of persons who are required by law to be present at the counting centre. The persons who may be present at the vote counting exercise at each polling station are the Counting Officer (who was also the Presiding officer of the Polling station), Counting Assistants, Polling staff, Counting Agents (who are representatives of candidates and political parties) and Election Observers (if any). The procedures for counting votes are summarised as follows: immediately after the close of the poll, the Presiding officer of each polling station (in his/her capacity as a counting officer) must separately deal with the votes for each election (presidential and Parliamentary), if a number of Public elections were simultaneously held on the same day. The Counting officer must do the following in the presence of all those persons mentioned earlier:

- Open each ballot box for each election (if more than one was held) and empty it;
- Do the necessary reconciliations (i.e. how many ballots received as against how many in the ballot box, how many spoiled or rejected).
- Count the number of votes cast for each political party or candidate separately.

Rejection of Void Ballot Papers

The basic elements of counting of votes also include, the rejection by the Counting officer of void ballot papers (i.e. ballot papers which are rejected during the counting process); and all ballot papers, if any, not supplied by the National Electoral Commission to the electors. However, it must be emphasised that the rules dealing with the rejection of ballot papers during the counting exercise must be applied impartially. A ballot must be declared valid once the intention of the elector is ascertained. Under the Electoral laws of Sierra Leone a ballot paper will be declared void by the Counting officer as a result of one or more of the following reasons:-

- All ballot papers(if any) not supplied by the Presiding officer for use at his/her polling station must be rejected and declared void;
• If (according to NEC rules or the Law) a ballot paper does not have the official mark (i.e. not stamped by the ballot issuer) which has been prescribed by the National Electoral Commission, it shall be rejected;

• A ballot paper that has written on it either the name of the voter, or any other mark like a signature by which the voter could be identified (other than a tick or finger print) will be rejected. This is to uphold the principle of secrecy of the ballot;

• A ballot paper which has no mark for any political party or candidate; or if it is so improperly marked that it becomes impossible to accurately determine for which political party or candidate that ballot was cast, it will be declared void or rejected;

• The Counting officer, as the case may be, will also reject a ballot paper with a mark for more than one political party or candidate.

The Counting officer shall write the word “Rejected” on any ballot paper, which has not been counted. A Counting agent may, however, object to the decision of the Counting officer to reject a ballot. The words “rejection objected” shall be added on any rejected ballot paper, if any rejection has been raised to the decision of the counting officer. Any counting agent may also request the counting officer to have a recount of the votes.

Duties of the Counting Officer after the Counting of Votes

Following the conclusion of the counting of votes, the counting officer must seal up, in separately prepared envelopes, the valid ballot papers cast for each political party or candidate, and those ballot papers rejected. The counting officer will then prepare a statement of the result of the poll for each election (if more than one was held) in a prescribed form detailing, inter-alia, the number of valid votes cast for each political party or candidate. The Presiding/Counting officer and Counting Agents must sign the statement. Sufficient number of copies of the statement of the result of the poll shall be prepared and signed for distribution to the following: -

• The National Returning Officer
• The Regional Returning officer
• The District Returning officer
• Each Counting Agent present at the poll;
• The Presiding/Counting officer him/herself;
The reason for the generous distribution of the above copies is to prevent fraud. In the event, for instance, where the ballot box is lost or tampered with after leaving the polling station, certified copies of the results would still be in the possession of some responsible persons. In addition, one statement of result shall be posted at the polling station.

The Counting officer shall then place into the ballot box the sealed envelopes containing the counted ballots, the rejected ballots and such other election documents as may be required by the National Electoral commission. The Counting officer shall then close the ballot box and fix seals on it. All sealed ballot boxes and election equipment shall finally be delivered to the District Returning Officer/or District Elections Officer.

Certification and Publication of Election Results

After receiving all the statements of results of the poll from the Presiding/Counting officers, each District Returning Officer must compile a summary of all the statements of the results from the polling stations in his/her electoral district. The summary will show the number of votes cast for each political party or candidate for each election (again, where more than one was conducted on the same day). Sufficient copies, as may be required, of the summary of all the statements of result will be certified (or signed) by each District Returning Officer and sent to the respective Regional Returning officers. Each Regional Returning officer will further compile and certify (i.e. sign) his own summary of all the results received from the various District Returning Officers for onward transmission to the National Returning officer. Certified or signed copies of the compiled summaries of all the results may be supplied to any election observer or Counting Agents present at the offices of the District Returning Officers and Regional Returning officers.

Upon his/her receipt of the above-mentioned summaries, the National Returning Officer (who, as already indicated elsewhere, is the Chairperson of the National Electoral Commission) shall cause the said summaries of all the results received from the various Regional Returning Officers to be tallied and compiled. The National Returning Officer must declare the results of the election or elections, as the case may be. Following the declaration of the results, the National Electoral Commission must immediately formally publish the results so declared in the manner prescribed by law. Once the results of the elections (or election) have been declared and published, the Commission shall keep in a secure place all the statements of the polls and all other documents relating to the elections. The declaration and official publication of the election result signifies the end of the election period, except otherwise if there are election petitions.
However, during the 2007 and 2008 Sierra Leone National and Local Government elections, all statements of results were sent to the National Electoral Commission Headquarters Data Centre for processing and compilation in the presence of Political Parties representations. After completion the Chief Electoral Commissioner and Chairperson of NEC, who is the National Returning Officer, certified and announced the results.
Chapter 14


Introduction

The following is a verbatim reproduction of the Operation Plan of the NEC for the 2007 Presidential and Parliamentary (including Presidential run-off) elections. The reader is introduced to the activities connected with national elections in Sierra Leone.

Background.

In accordance with the 1991 Constitution of Sierra Leone, Presidential and Parliamentary elections are scheduled to take place on 11 August 2007. Under the Constitution, the Sierra Leone National Electoral Commission (NEC) is the sole authority in charge of preparing and conducting these National Elections. This plan details how the NEC will carry out the polling, counting, tallying and announcement of results for the 11 August 2007 elections.

1. **Overview.** Following the completion of the voter registration process, the focus of the NEC is now on the preparations for polling day, the actual polling day itself, and the counting, tallying and announcement of the results. This plan provides a detailed overview of the polling and counting operations. The successful development and execution of this plan ensures that:

   - all the necessary, interdependent activities and tasks will be identified and sequenced;
   - these activities meet all legal deadlines outlined in the elections law, NEC guidelines and procedures; and
   - Responsibilities for the various tasks are assigned.

2. **Components of the plan.** This operational plan outlines the objectives and strategy of the NEC for the polling and counting operations. The primary elements of this plan include the following:

**Objectives and strategies**

   - Objectives and strategy
   - Legal and organizational framework
   - Voter registration
3. **Objective.** The primary objective of the NEC, under this plan, is to prepare and manage a credible and transparent polling and counting process which meets international standards for democratic elections.

4. **Key Stakeholders.** In this context, the NEC will work with all stakeholders of the electoral process, including the Government, political parties, candidates, civil society organizations, the security forces and most importantly the voters. In addition, the NEC will work closely with the various international partners including UNDP, UNIOSIL, Irish Aid, DFID, The European Commission, IFES and USAID who are providing financial and technical assistance to the process.

5. **Strategy.** Polling and counting will be conducted throughout Sierra Leone at polling centers on 11 August 2007. All eligible Sierra Leoneans who have registered with the NEC will vote at the same polling centers for which they have registered.

6. **Key Electoral Phases.** In order to adequately conduct a credible electoral process several major electoral activities must take place. These have been grouped into several phases as follows:
   - Legal and Organizational Framework (including delimitation of electoral constituencies)
   - Voter Registration
   - Preparations for polling and counting (including nomination of candidates)
   - Polling, counting, tallying and announcement of results
• Retrieval of materials

A brief outline of the preparations for and the actual conduct of the Presidential and Parliamentary elections, will be provided in this plan; but in the event of a run off more detailed instructions will be issued later. Details of preparations for and the actual election for Paramount Chief Members of Parliament will be dealt with in a separate instruction to be issued by the NEC.

Legal and organizational framework

Legal Framework.

The Constitution of Sierra Leone (1991) and the Electoral Laws Act, 2002 (repealed and replaced with the Public Elections Act, 2012) form the basis for the legal framework for the 2007 Sierra Leone electoral process. In addition, the demarcation of electoral constituencies, as carried out by the NEC and approved by Parliament according to the constitution, provides additional parameters for the electoral process.

Regulations.

In addition to the legal framework, the process is governed by regulations issued by the NEC Board of Commissioners.  

*Eligibility to Vote.* Only those eligible voters who have registered with the NEC during the voter registration process will be able to cast their votes on polling day.

*Candidate Eligibility.*

The eligibility criteria for both the Presidential and the Parliamentary elections are contained in the Constitution of Sierra Leone and the Electoral Laws Act 2002 (repealed and now replaced with the Public Elections Act, 2012).

*President.*

In order to run for the position of President a candidate must be a Sierra Leone citizen of not less than 40 years of age, must be a member and be nominated by a political party and must be a registered voter.

*Parliament.*

Candidates for Parliament must be citizens of Sierra Leone, have attained the age of 21, be a registered voter and must be able to speak and read the English language.
Presidential election.

Elections for the office of President shall be conducted under the rule that no candidate will be elected unless he/she has received fifty-five per cent of the valid votes. If no candidate obtains fifty-five per cent in the first ballot, a second ballot shall be conducted. The two candidates with the highest number of valid votes in the first round shall be designated to participate in the second round. The candidate who obtains the majority of the valid votes in the second round will be elected.

Members of Parliament elections.

Elections for Members of Parliament shall be conducted under a simple majoritarian system, using single member electoral constituencies. The candidate who obtains the highest number of valid votes in each electoral constituency will be elected.

Constituencies.

In accordance with its constitutional mandate, the NEC demarcated 112 electoral constituencies in 2006. The boundary delimitation process was carried out in accordance with the constitutional provision which requires the population in each constituency to be “as nearly equal to the population quota as is reasonably practicable…” in order for there to be equality of representation.

Organizational Framework.

With regard to the organizational framework, the NEC has been reformed and re-structured. Below is an outline of the current structure and functions of the various components of the NEC as well as future recruitment phases required to carry out the polling and counting processes.

The National Electoral Commission

The Sierra Leone National Electoral Commission (NEC) consists of two components:

- The Board of Commissioners
- The Administrative Secretariat.

Board of Commissioners.

The Commission is made up of five electoral commissioners appointed by the President after consultation with the leaders of all the registered political parties and approval by Parliament. The Board of Commissioners (BOC) consists of a Chief Electoral Commissioner, the Chairperson, who is the head and spokesperson of the NEC and four members.

The BOC is an oversight and policy-making body, responsible for the overall supervision and control of the process of the elections. It is responsible for the preparation, organization and the adoption of all necessary measures to ensure the freedom and fairness of the elections. This includes overseeing the work of its operational/technical branch, the Administrative Secretariat,
receiving and dealing with electoral complaints, challenges, and disputes, and making an overall assessment of the electoral process.

**Administrative Division.**

In order to fulfill its objectives, the NEC has established an Administrative Secretariat, which is headed by the Executive Secretary and is responsible for all activities relating to the preparation and conduct of the electoral process. The division has a structure organized at the headquarters and district levels. Each office is responsible for the planning and administration of the process at its respective level, following the guidelines prepared by the national headquarters. At the national headquarters, established in Freetown, the Administrative Secretariat has two departments Administration and Operations.

**Administration.**

The Administration Department is responsible for ensuring that effective and efficient administrative support is provided to the NEC for its day-to-day running and for the successful implementation of all electoral operations. The Director of Administration has overall responsibility for the management and activities of its various units: Human Resources, Finance, Budget, and Procurement.

**Operations.**

The Operations Department is responsible for developing the general electoral operational plan, as well as ensuring its implementation. The Director of Operations has overall responsibility and oversees the strategies and activities of its various sections: Field Coordination, Procedures and Training, Citizen Outreach, Data Management, External Relations and Logistics.

**Field Coordination.**

The Operations Department will provide assistance to and oversee the work of the various district offices through the field coordination unit. In this context, the field coordination unit, working in close cooperation with the district offices, will provide support in ensuring all activities comply with NEC procedures, operational plans and timelines.

**District Electoral Offices.**

The NEC has established 14 electoral offices at the district level. A District Electoral Officer (DEO), who reports to the Executive Secretary through the Director of Operations, heads each district electoral office. Each district office is responsible for the planning and administration of the process at the district level, following the guidelines prepared by the national headquarters. Other staff include an Assistant District Electoral Officer, Training Officer, Voter Education Officer and Logistics Officer.
Constituency Election Monitors.

NEC Constituency Election Monitors will assist district offices prepare and carry out the polling and counting operations. The Constituency Election Monitors are, for the most part, former Registration Center Monitors whose functional title has been modified to reflect their new responsibilities. Working in teams of two, the 268 Constituency Election Monitors will assist the DEO with the recruitment and training aspects of polling and counting, as well as with voter education. Each team of monitors will also be responsible for monitoring a number of polling centers during polling and counting; ensuring procedures are properly carried out, and providing logistical support. The specific responsibilities include:

- Assist with the recruitment of polling staff;
- Train the Polling Centre Managers, Presiding Officers and Voter Identification officers under his/her area of responsibility;
- Collect election materials from District Elections Office for further distribution to the Polling Centres under his/her supervision before the commencement of polling;
- Supervise activities in the Polling Centres in their area of responsibility and attend to problems and ensure that correct polling and counting procedures are followed;
- At the end of Polling/Counting, organise the collection of election results and materials and ensure their safe return to the District Election Office;
- Carry out any other tasks as requested by NEC.

Polling Staff.

The NEC will recruit over 37,000 temporary polling staff to conduct polling and counting. The specific responsibilities will be detailed later in this plan.

Recruitment of NEC Staff, including women candidates.

The process to be followed for recruitment of all staff will be according to procedures issued by the human resources unit of the administration department of NEC HQ. Advertisement notices, application forms, interview records and recommendation forms will be developed and issued by the human resources section. For recruitment to be carried out at district level, guidelines will be issued from NEC HQ detailing the timeframes, procedures and logistical arrangements. A guideline, which will detail the process, procedures and timeline for the recruitment of polling staff, will also be issued.

The NEC has maintained a policy of promoting employment possibilities for Sierra Leonean women in the electoral process. The NEC will make all reasonable efforts to encourage, promote and facilitate the recruitment of women for all positions.

Persona non-grata.

Any persons involved in fraudulent practices during previous elections or during the voter registration process are banned from employment with the NEC. Lists of such persons have been distributed to all NEC offices which will be involved in recruitment.
International Electoral Assistance

UN Electoral Assistance Team.

The United Nations electoral assistance team will provide advice, assistance and capacity building to the NEC in all key areas of the electoral operation. It will also continue to assist the coordination of other international assistance such as the National Democratic Institute (NDI) and IFES.

UN District Electoral Advisers.

Providing technical assistance to each of the NEC District electoral offices are two UN District Electoral Advisers (DEAs) with responsibilities for operations and training/voter education.

Voter Registration

Registration Overview.

Voters will be required to register with the NEC in order to be able to cast their ballot on polling day. To this end, the NEC is proposing to field approximately 2,200 voter registration teams throughout the country. The registration teams will be static and there will be no mobile registration teams. Some registration teams will, however, register at two and possibly three locations. Voters will still be required to attend at a voter registration center and registration teams will not visit individual or small numbers of voters to carry out registration. Each registration team will be able to register a maximum of 2,000 eligible voters, but it is expected that on average a team will register less than 1,500 voters. The number of registration locations and their location will be finalized by the district electoral offices. Following registration, a period of claims and objections will follow, which will allow for the production of the final voters roll.

Purpose of Voter Registration.

In order for the NEC to successfully fulfill its mandate of administering the 2007 Sierra Leone Elections, it must ensure that all eligible voters have been provided with a reasonable opportunity to vote. Since the 2004 local election, there has not been any updating of the register of electors, and in the face of changing demographics of the voter population, the register of electors had been rendered obsolete. In addition, with the demarcation of new electoral constituencies, the NEC needed to ensure that the register of electors for each of the 112 new constituencies contains only the names of the voters who are eligible to vote in each respective constituency. Given the above the NEC decided to carry out a new voter registration exercise for the 11 August 2007 elections.
Summary of voter registration.

The voter registration process took place from 26 February to 18 March 2007. During the voter registration process 2740 voter registration teams were deployed throughout the country. Following the conclusion of the voter registration process all data collected from the voter registration centers was inputted into a central database and preliminary voters rolls containing all the names of those who had registered were produced for each registration center.

Exhibition.

Following production, the preliminary voter’s rolls were exhibited at each registration center. All registered voters were given the opportunity to confirm that their name were on the roll, that the details were correct, to make a claim for inclusion if their names were not on the roll and to object to the names of other registered voters whom they believed were not eligible to vote. The exhibition process took place from 21 May to 25 May 2007.

Inquiry process.

During the voter registration process, any person who applied to register but was refused was issued with a rejection form. Anyone who was issued with a rejection form was entitled to appeal to the NEC for his/her application to be reconsidered. Decisions on appeals, objections and claims were made during the inquiry process which took place from 28 to 29 May 2007.

Final Voters Roll. During the process of exhibition just over 900,000 people viewed the registration rolls. There were 17,513 applications for corrections, 2,213 applications for claims for inclusion and 47 objections. There were also 9 successful appeals. Following decisions and the required modifications to the registration roll the final registration roll was prepared for polling day.

Preparations of Electoral Participants

Involvement of Stakeholders.

It is in the interest of all and sundry, working for truly transparent and credible elections, that all the players in this electoral process are well-informed and motivated to ensure participation. The NEC seeks to involve all stakeholders in the process through the provision of timely and accurate information and regular coordination meetings.

Voter Education and strategy.

Voter turnout on polling day will depend on a number of factors, e.g. from the weather to the impact of voter education efforts. The NEC will use various methodologies and materials to inform the electorate about the process and to promote the involvement of the various stakeholders. The Voter/Civic Education campaign as such will become a joint undertaking of the donors and funding agencies, the NEC and its advisers, civil society organizations, the media
and other implementers, contributing their share to impart knowledge and information to the beneficiaries of this exercise.

The public information and voter education campaigns will be carried out at a national and a local level. A variety of materials will be distributed to district electoral offices for the local level public information campaign. Materials and media to be used will include posters, banners, billboards, radio programmes and fact sheets.

**Staffing.**

The NEC HQ has a dedicated outreach unit which is responsible for developing the various strategies, messages and materials required for its campaign. Each district electoral office also has a dedicated voter education officer who will plan the voter education campaign at the district level. In addition, the Constituency Election Monitors will assist the voter education campaign in their respective constituencies. They will at various stages distribute voter education and public information materials and carry out face to face voter education activities.

**Key Messages.**

Key messages, which will be disseminated by the NEC, will include:
- The importance of the electoral process in general and of casting one’s vote;
- The need to carefully keep and bring the voter registration card on polling day;
- The location of polling centers;
- The dates and times of the polling process;
- The steps of the polling process in the polling stations;
- Who the Presidential candidates and Parliamentary candidates for each constituency are;
- The results of the elections.

**Target Audience.**

The Voter/Civic Education campaign is to reach as broad an audience as geographically possible. The diversity of the population in terms of ethnicity, language, religion, customs and traditions and resources will be carefully considered in the development and production of materials and messages for dissemination. Education and information activities will be adapted to the group targeted for coverage.

**Political Parties, independent candidates and the nomination process**

Political parties are among the most important actors of the current electoral process. The NEC is regularly briefing party representatives on relevant information regarding the electoral process and will continue to maintain regular contact with them in order to ensure the transparency of the process. In particular, the NEC will brief political parties on the polling and counting procedures and on the candidate nomination procedures and requirements for submission of nominations. During the campaign period and on polling day, the NEC will follow up on any complaint of non-compliance with the Political Party Code of Conduct. The NEC will also accredit political
party agents to monitor the polling and counting processes, and will provide them with the guidelines for their activities.

According to the electoral law, a citizen may submit his or her name as an independent candidate for Parliament. Independent candidates are not permitted for the Presidential election. The NEC develops the procedures for nomination of independent candidates, makes them public, and informs the public at large of the calendar for nominations. The NEC will brief any person interested on the procedures and will provide the forms for nomination to whoever requires them. Independent candidates will also have a right to appoint agents to monitor polling and counting.

**Electoral observers.**

National and international electoral observers are important elements of the process of ensuring the integrity, transparency and legitimacy of the elections. The NEC will invite and accredit national and international groups or organizations that wish to deploy electoral observers. The NEC will register as electoral observers persons representing these organizations, and will provide them with relevant information regarding the electoral process.

**Media.**

Mass Media are natural partners in the efforts of the NEC to disseminate accurate information and relevant and effective messages to the Sierra Leone population. The NEC will act as the focal point for all media information related to the electoral process and will hold regular press conferences with the media. The NEC will also establish a media center in the run up to the polling day. The media center will make available information on the process on a continuous basis, including the results of the elections.

**Women.**

The NEC is committed to carrying out a series of concrete actions to promote the participation of women in the electoral process, not only as candidates and voters, but also as electoral administrators. They include actions in the following areas:
- Integration, through active recruitment, of women in the NEC,
- Special efforts on capacity-building directed to women and women’s groups,
- Gender awareness in all aspects of the work of the NEC, in particular through public information efforts, ensuring gender sensitive timing for all briefing and information activities, guaranteeing that all materials produced are gender oriented, avoiding sexist messages or sexist images, and producing and distributing gender-sensitive messages and images.

**Political Campaign period and code of election campaign ethics**

The political campaign will commence on 10 July 2007 and end on 9 August 2007. The NEC will inform political parties and candidates of the requirements in terms of holding demonstrations or processions during the political campaign.
In accordance with Part IX of the Electoral Laws Act 2002 the following political activities, in addition to activities normally associated with political campaigns, may be carried out by political parties and candidates:

- Publish books, magazines, brochures, pamphlets, flyers, posters, signs and other similar materials;
- Make use of the press, radio, television and other media forms; and,
- Carry out various political activities within the limits of the law.
- No candidate or political party shall, in the election campaign:
- Insult or defame another candidate or political party;
- Abuse or engage in the improper use of Government property for political propaganda purposes; and,
- Campaign in public offices or educational institutions during working hours or hours of instruction.

The NEC published, and distributed to all political parties, a Code of Election Campaign Ethics on 8 June 2007. The Code provides details of what activities are permitted and which activities are not permitted during the political campaign. The campaign code of ethics will be signed by all candidates, is binding and any breach could result in prosecution in the Electoral Offences Court. Each political party, as represented by the candidate who will subscribe to the code must instruct party officials, members and supporters to observe the code.

Polling and Counting Preparations

- Voting Overview.

Voting is to take place in the same locations, polling centers, for which the voter is registered, in a one-day operation. Each center will have one or more polling stations, according to the number of voters registered. Based on the estimated voter population and accessibility criteria, it is expected that there would be approximately 6,000 polling stations grouped in up to 3,600 polling centers. Counting will take place in the polling stations immediately following the close of the polls. Results will be collated at the constituency, then at the district level, communicated to the NEC in Freetown, where the final results will be collated and then announced.

Preparations for the polling and counting events will require a massive coordinated effort. All materials will need to be in place in time for the commencement of the polling operation, staff will need to be well trained to carry out the process, polling centers will need to be confirmed and prepared, voters and other stakeholders will need to be informed of polling locations and procedures, and security arrangements and contingency plans will need to be developed and in place.
• Preparations.

In order for all these preparations to be carried out successfully it is essential that each major preparation required for the process is clearly defined, that the separate tasks within each are also clearly defined and that responsibilities and timelines are clear to all. Details of all major preparations, tasks, responsibilities and timelines are provided below. The main preparations required include:

- Nomination of candidates
- Definition and procurement of materials
- Preparation, receipt and storage of materials
- Movement of materials
- Preparation of NEC facilities
- Confirmation and preparation of polling centers
- Communications planning
- Definition of procedures, guidelines and plans
- Definition of polling/counting staff responsibilities
- Recruitment and payment of polling/counting staff
- Training of polling staff
- Voter information campaign

Nomination of Candidates

• Presidential and Parliamentary Nominations.

Only individuals who are members of a registered political party and nominated by a political party can stand in the Presidential election. In the Parliamentary election, 112 ordinary Members of Parliament shall be elected: one from each constituency. Candidates for ordinary Members of Parliament can be nominated by a registered political party or stand as an independent candidate. A person can only be nominated in one constituency, and each party can only nominate one person per constituency. Parties will submit their approved list of candidates to the NEC prior to the commencement of the nomination process to ensure the above.

• Submission of Nominations.

Nomination papers for the Presidential election will be submitted at the NEC HQ in Freetown, directly to the Chief Electoral Commissioner, and nominations for Parliament will be submitted at the NEC district offices, directly to the District Electoral Officers.

• Nomination Procedures.

Detailed procedures and guides have been produced by the NEC and briefings provided to political parties to ensure all requirements are clear before the nomination processes start. Training on nomination procedures has been provided to NEC district staff. Nomination procedures and guides are available from the NEC HQ and district offices.
Key dates in the nomination process.

Below is a summary of the key dates and activities relating to the Presidential and Parliamentary candidate nomination process. Nominations will close at 5 pm on the relevant date.

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 June</td>
<td>Publication of Government Notice on the Nomination Process</td>
</tr>
<tr>
<td>8 June</td>
<td>Publication of Code of Election Campaign Ethics</td>
</tr>
<tr>
<td>26 June</td>
<td>Submission of approved list of candidates by political parties to NEC</td>
</tr>
</tbody>
</table>

2 - 6 July        Parliamentary Nomination Period

3 – 7 July        Presidential Nomination Period

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 July</td>
<td>Posting of Provisionally Nominated Parliamentary Candidates</td>
</tr>
<tr>
<td>8 July</td>
<td>Provisional list of Presidential Candidates published</td>
</tr>
<tr>
<td>14 July</td>
<td>Publication of final lists of Parliamentary Candidates</td>
</tr>
<tr>
<td>14 July</td>
<td>Publication of final list of nominated Presidential Candidates</td>
</tr>
</tbody>
</table>

12. Following the closing of the nomination periods, the periods for objections and decisions on objections, the ballot papers will be prepared and transmitted to the printers for production.

Definition and Procurement of Materials

Material Requirements.

There are several categories of materials required for this process: ballot papers, polling materials, counting materials, tally room materials, training materials, voter information materials and support materials. Detailed material requirements and specifications were prepared for all these items and the procurement process is underway. Particular attention was placed on ensuring that all materials would be protected from climatic conditions, particularly the rains. Delivery timeframes for these materials are outlined later in this plan under material and equipment movement schedules.
Sensitive and Non-sensitive Materials.

Electoral materials are categorized as either sensitive or non-sensitive. Sensitive materials are those materials that, due to their specific nature and in the event of damage or loss, could seriously affect the election operation. Non-sensitive materials are those materials needed to perform the election process and that, in the event of damage or loss, could be replaced in a short period of time, and would not jeopardize the operation.

Support Materials.

In order to ensure the success of the polling and counting operations various support materials will need to be in place. These support materials include vehicles for movement and communications equipment. These materials will be dealt with later in this plan.

Sensitive Materials

These consist of ballot papers, forms, ink, stamps, ballot boxes and numbered seals to be used on polling day. In most cases, these materials will be pre-packed into kits which contain all the materials required to carry out specific aspects of the process. Due to their sensitive nature, security arrangements will need to be in place prior to their arrival at the district level and throughout the period of the electoral process. Guidelines on required handling and security arrangements will be issued by NEC HQ prior to their delivery. Careful tracking of the collection, movement and delivery of these materials will also need to be carried out. Forms will be delivered with the materials to ensure that this process is carried out according to approved procedures. Details of these procedures and the various forms required for tracking all movements will be contained in guidelines to be developed later. A brief description of the various materials is provided below.

- **Ballot Boxes.**

  One ballot box per election will be supplied to each polling station. There will therefore be two ballot boxes at each polling station. Numbered, tamper evident ballot box seals will be included in the polling station kits.

- **Final Voters Roll.**

  Each polling station within a polling center will receive its own specific voters roll. The voters roll for each polling station will contain the names of all voters allocated to that particular polling station. The combined lists will included all voters eligible to vote at that center according to those that registered for the center.
• **Polling station kits.**

Each polling station will be issued one polling station kit. The polling station kit will include all non-sensitive items required to carry out the polling and counting processes in a polling station. This includes all stationery, equipment and some of the forms required.

• **Polling Center Kits.**

Each polling center will be issued with a polling center kit. The kit will include all items required for setting up and managing the center including materials for establishing queue control systems and all sensitive materials required for the center.

• **Ballot Papers.**

In total there are 113 different ballot papers, one Presidential and 112 different Parliamentary ballot papers. There will be two types of ballot papers at each polling station. At all polling stations, throughout the country, there will be the same ballots for the Presidential Election. At all polling stations within the same constituency there will be the same ballots for the Parliamentary Elections. Each type of ballot paper will be of a different color. The Presidential ballot will be purple and the Parliamentary ballots blue. The number of ballot papers to be issued to a polling center will depend on the number of polling stations at the center. Each polling station will be issued with 600 Presidential ballots and 600 Parliamentary ballots. Extra ballot papers, for each election, may also be issued to some polling centers where necessary. These ballot papers and any movement of ballot papers from polling station to polling station will be carefully controlled and documented by the presiding officers, according to instructions contained in the polling procedures.

Each set of ballot papers will be produced in books of 100 with numbered stubs and then bundled and shrink-wrapped into packs of 600. The ballots will be printed in color to allow for party symbols and photos of candidates. Ballots will also have a security mark placed during printing. Special attention will be paid to the packing of the ballots to ensure they arrive at the polling stations undamaged.

**Non-Sensitive Materials**

These are the stationery and other polling and counting materials not deemed to be sensitive. While these materials are not classified as sensitive, it is expected that they will be stored alongside the sensitive materials in order to pre-empt any possible mishaps. In most cases, they will be stored and delivered in either the polling center or polling station kits. These will also be returned to the district electoral office, or a storage facility at constituency level, at the completion of the polling and counting processes for possible re-use during a run-off election if that is necessary.
• Voting screens.

In order to ensure the integrity of the process, sufficient voting screens will be delivered to all polling places which will facilitate efficient, orderly and secret voting.

• Training Kits.

In order to ensure that all staff are adequately trained in the polling and counting processes and familiar with the materials to be used on polling day, training kits will be supplied for all training sessions. These training kits will include samples of materials and forms to be used during polling and counting.

• Voter Information Materials.

Various voter information materials will be produced immediately prior to polling and distributed throughout Sierra Leone. The materials will focus on the key messages relating to polling and counting and will be distributed to district offices and polling centers. Messages will include how to mark a ballot paper correctly, the process in the polling stations, what each ballot paper looks like, and what will be and will not be permitted in the vicinity of polling centers.

Preparation, Receipt and Storage of Materials

• Storage Facilities.

Storage facilities will be prepared to receive electoral materials at all stages. These storage facilities will be in Freetown, at the district level, at the constituency level and at the polling center level. All these storage facilities must be in place and prepared to receive materials before any materials are delivered.

• Security.

Prior to the delivery of sensitive materials to any NEC storage facilities, security arrangements will be in place. The Sierra Leone Police, in addition to its mandate for law and order, has the primary responsibility for the provision of security for the electoral process and for the logistics and security assessments associated with that responsibility. At each level the respective NEC office will liaise closely with the police to ensure that the necessary preparations are carried out and the required security presence is in place prior to the arrival of materials. The precise arrangements for each storage facility will be worked out at a later date through coordinated security planning.

• HQ Storage Facilities. The NEC has secured a warehouse facility in Freetown, in close proximity to the NEC HQ, to facilitate the central storage and distribution of polling and counting materials. Given the sensitive nature of the materials that will be stored at the warehouse guidelines for security and access to the warehouse will be issued by NEC HQ operations. Any additional storage requirements in Freetown will be identified by the Western Urban district office as soon as possible to secure and prepare these facilities.
• **Receipt of Materials.**

The majority of materials to be used for polling and counting will be sourced from outside Sierra Leone. Upon arrival in country all materials will be checked to ensure quality and that the correct quantities have been received. The materials will then be transported, under security, to the NEC warehouse. The same procedures will be used for materials sourced inside Sierra Leone and for the voters rolls, which will be printed in Sierra Leone by the NEC Data Centre.

• **Packaging of Materials.**

Some of the materials will arrive to the NEC warehouse already pre-packed into kits and other materials will arrive in bulk and therefore will need to be prepared per district or packed into kits.

• **Packing Plan.**

In order to ensure that the correct materials are packed for and arrive at the correct polling center it is essential that a detailed and precise packaging plan is developed. The plan will identify clearly exactly what materials are required for each polling center and how the process of packaging will be managed to ensure accuracy and efficiency. In general terms the process will involve an assembly line system with several quality control checks at several stages along the way.

• **Polling Center Kits.**

Polling Center Kits will be packed into kit boxes at the NEC warehouse. All kits/boxes will be lockable. In addition to all the materials required to set up and manage a polling center, a number of other items will be packed into these trunks. These will include the ballot papers, voters rolls, and polling center specific forms for all polling stations in that center. In general, center-specific items will be packed into the polling center kits, and therefore polling center kits can only be delivered to specific polling centers. As they contain sensitive materials, they need to be carefully secured at all times.

• **Polling station kits.**

The polling station kits will include all general non-sensitive items required for the polling station staff to carry out polling and counting in the polling station. Items packed into the polling station kits will not be polling-station specific, and therefore any polling station kit can be delivered to any polling station in the country. Items specific to individual polling stations, such as ballots and voters rolls, will be packed into the polling center kits.

• **Labeling of Materials.**

The complexity of the material packaging and delivery process requires that, at all stages, the identification of kit contents is a straightforward and transparent process. The packing plan will
have identified what materials need to be packaged into each kit: the process will ensure that packaging is carried out correctly, and once the kits are packed, they will be clearly labeled for contents so that all involved parties are confident that the correct items have been delivered and are in place. The labeling of all kits will be clearly defined as part of the packing plan and will be maintained throughout the various stages of delivery. Careful tracking procedures will also be developed as part of the packing plan.

- **District-level Storage.**

The district electoral offices will determine the secure storage areas to be used for the storage of polling and counting materials at the district level. All district offices have office space and sea containers available for storage, but in some cases additional storage space will be required. In most cases police stations or schools will be used. The locations of these additional locations will be confirmed before delivery of any sensitive materials. The district electoral offices will also determine any secure storage requirements at the constituency level and for the polling centers. During the finalization of polling centers, the district electoral office should ensure that there are adequate facilities for secure storage at or near all centers. Where there is a need for minor improvements or locks to secure the facilities, HQ logistics should be notified as soon as the final selections are made. These secure locations must also be prepared prior to the arrival of the sensitive polling materials. Further details of preparations required will be forthcoming in the guideline on movement planning.

- **Constituency Storage.**

Prior to the delivery of materials to polling centers, it may be necessary or prudent to move some electoral materials to intermediate storage locations. Once again, these locations need to be identified and a facility/structure identified and secured. Responsibility for these activities rests with the district electoral office through the Constituency Election Monitors. Due to limited resources available, it is not possible for sea containers to be provided for these locations. In most cases, it is expected that these locations will be schools.

- **Storage at Polling Centers.**

In many cases, it will be necessary to store electoral materials at polling centers prior to polling day. Specific requirements in this regard and security arrangements that need to be put in place will be detailed later in the guideline on movement planning.

- **Checking kits at district.**

All materials will be delivered to the districts allowing sufficient time for checking that the correct materials have been delivered and for correcting any mistakes if necessary. As mentioned all materials will be carefully labeled to facilitate this process.
• **Materials to be Stored.**

Approximate dimensions and weights of materials to be delivered to each district will be contained in the guideline on movement planning. This will facilitate the planning of storage and movement.

**Movement of Materials**

**Movements.**

Given the deplorable conditions of the Sierra Leone infrastructure and the scheduling of the elections during the rainy season, it will be a major challenge to ensure all materials arrive at the correct polling centers on time and undamaged in order to commence polling as scheduled. In addition, the results and all materials will need to be retrieved following the conclusion of counting.

**Movement Planning.**

In order to ensure all materials arrive as scheduled, coordinated and timely planning will need to be carried out. In addition, in order to ensure the necessary resources are available and contingencies are in place, all involved partners, particularly the NEC, police and Military will be involved in the planning process from the very beginning. All partners will be involved at central and at local levels.

**Movement Plans.**

Movement plans will be drawn up for transporting all materials to the districts from NEC warehouse, and for transporting materials from the district electoral storage areas to the polling centers and for the retrieval of all materials. These movement plans will identify how all materials will be moved, what resources will be required, the timeframes for these movements and contingencies.

**Movement Guideline.**

Detailed guidelines have been drawn up by NEC HQ and distributed to district electoral offices to assist the process of developing these movement plans. The guideline will assist the district offices to plan all movements and to clearly identify all resources required for these movements.

**District Movement Plans.**

Preliminary movement plans are currently being developed by each district electoral office. These plans will include arrangements for the movement of training materials to training facilities, for the movement of polling and counting materials to centers, for the collection of materials and results at the conclusion of counting, for transmission of results to NEC HQ, for similar deployment and collection activities for any run-off election required, and for final retrieval of materials at the end of the process. District electoral offices must ensure that all
movements and deliveries conform to the calendar attached to this plan. These movement plans should include a contingency element and will be discussed with the field coordination team. It is anticipated that final district movement plans will be completed by the middle of July 2007.

Resource Requirements.

The very considerable volume of materials that need to be transported, the wide geographical spread of polling locations and the relatively short timeframe available for all these movements necessitates that a massive amount of logistical resources are available. It also requires that different resources will be used for different movements. These resources will include large trucks, 4x4 vehicles, boats and air support.

Trucks.

Depending on the capacity of trucks available, up to 50 large trucks will be required for polling. These vehicles will be required for approximately 1 month. These trucks will be required for movements from the airport to the warehouse, to the districts and in some cases to assist delivery to polling centers. The RSLAF assisted the NEC with large trucks during the voter registration exercise. Discussions are ongoing between the NEC and the RSLAF to secure additional trucks for polling. Contingency plans are also in place to rent additional trucks if required.

4x4 Vehicles.

For the most part materials will be delivered to polling centers using 4x4 vehicles. As in voter registration there will be 133 4x4 vehicles assigned to the Constituency Election Monitor teams, which will be used during preparations for polling. Immediately prior to polling day itself the number of vehicles will be increased. It is estimated that up to 266 vehicles will be required for approximately 1 week around Election Day. Requirements will be finalized upon completion of district movement plans. The procurement process for these vehicles has commenced and will be finalized once exact requirements have been finalized.

Boats.

Centers requiring delivery and retrieval by boats have already been identified and the process of securing boats is underway. It is estimated that 161 polling centers will have their material delivered by boat. Boats will be booked in advance to ensure availability.

Air Support.

Polling centers requiring air support have been identified and coordinates have already been logged. Approximately 139 polling centers will require air support for delivery and retrieval. Deliveries will be scheduled well in advance of polling to ensure contingencies can be activated in advance of polling day.
Finalization of Requirements.

Resource requirement planning for all movements has therefore already commenced and will be finalized once district movement plans have been finalized. The process of securing all the required resources has also already commenced. A detailed national movement plan, including resource requirements, is expected to be completed towards the middle of July 2007.

Security.

Security for the packaging and transport of materials will be organized by the Logistics Section. An outline of the delivery schedule is provided below. Exact delivery dates and times will be issued later from NEC HQ in the form of an instruction. This instruction will also detail security arrangements required.

Polling and Counting Materials Movement Schedule.

The Logistics Section will be responsible for planning and coordinating the movement of all equipment and materials from HQ to district electoral offices. A summary of the key scheduled movements of materials and equipment is outlined below. Strict quality control will be used in the preparation of all materials and kits; nonetheless, materials will be delivered allowing sufficient time for further quality checks and for rectification of any errors before onward delivery to polling centers. More detailed movement schedules providing precise schedules for each district will be issued later by the NEC logistics section.

<table>
<thead>
<tr>
<th>Date</th>
<th>Materials</th>
<th>Movement</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 July</td>
<td>Polling staff recruitment packages</td>
<td>Sent to districts</td>
</tr>
<tr>
<td>11 July</td>
<td>Warehouse materials</td>
<td>Arrival in Freetown</td>
</tr>
<tr>
<td>18 July</td>
<td>Training kits</td>
<td>Arrival in Freetown</td>
</tr>
<tr>
<td>19 July</td>
<td>Training kits</td>
<td>Sent to districts</td>
</tr>
<tr>
<td>23 – 25 July</td>
<td>Voting screens, ballot boxes, polling station kits and polling center materials</td>
<td>Arrival in Freetown</td>
</tr>
<tr>
<td>25 – 31 July</td>
<td>Voting screens, ballot boxes and polling station kits</td>
<td>Sent to districts</td>
</tr>
<tr>
<td>25 – 31 July</td>
<td>Voters rolls</td>
<td>Transported to warehouse Freetown</td>
</tr>
<tr>
<td>1 August</td>
<td>Ballot papers</td>
<td>Arrival in Freetown</td>
</tr>
<tr>
<td>6 – 9 August</td>
<td>Polling center kits</td>
<td>Sent to districts</td>
</tr>
<tr>
<td>7 – 9 August</td>
<td>Polling materials</td>
<td>Sent to centers requiring air support</td>
</tr>
<tr>
<td>7 – 10 August</td>
<td>Polling materials</td>
<td>Sent to polling centers</td>
</tr>
<tr>
<td>11 August onwards</td>
<td>Results</td>
<td>From polling centers to district office</td>
</tr>
</tbody>
</table>
11 August onwards  | Polling materials  | From polling center to district office (or constituency storage location)
12 August onwards  | Results           | From district office to National tally center

**Unscheduled Movements.**

The NEC HQ Logistics Section will also be responsible for coordinating unscheduled movements of both materials and personnel to and from districts.

**Preparation of NEC Facilities**

**Operations Center.**

The NEC operations center will serve as the focal point for communications between the NEC HQ, and the NEC field offices. All communications, verbal, hard copy and electronic, should, as far as possible, be routed through the Operations Center which will be staffed by the field coordination team under the management of the Director of Operations. The Operations Center will have all the required information to enable it to track progress with preparations for polling and counting, the activities on polling day and progress with the count. Maps, tracking tools, contact data and operational plans for all districts will be in place in the operations center. Data on electoral materials to be supplied to each district, polling center distribution, locations, codes and registered voters will also be in place. The operations center will provide guidance and instructions to district offices and assistance with problem solving when the need arises. The Operations Center will be equipped with all the required equipment and materials to enable it to carry out this function. In particular, communication and IT equipment will be in place and tested prior to polling to ensure that all required systems are operational. All contact details, means of communication and details of scheduled communications will be communicated to district electoral offices well in advance of polling day. The Operations Center will also assist the Tally Center with any problems with communications during the tallying of results.

**Data Processing Center.**

Following any amendments to the preliminary voters roll, the Data Center will prepare the final voters roll for all polling centers. Following the printing of these rolls, the Data Center will be transformed into the National Tally Center.

**Tally Center.**

At the conclusion of polling each polling station will count the ballots for each election. These results will be sent to the National tally center, at the NEC HQ, where the results for the Presidential and for each constituency election will be tallied. Plans for the staffing, equipping,
preparation, and the various procedures to be used for the Tally Center will be completed in plenty of time for test runs of systems and databases prior to the commencement of counting.

**Media Center.**

A media center will be established by the NEC in the run up to polling. The center will be used for briefings and for the provision of information to the media and also to observers. It will also be used by the National Elections Commission to announce the electoral results.

**Preparation of Polling Centers**

**Polling Centers and polling stations.**

According to the legal framework and procedures governing the electoral process, all registered voters cast their ballots at the polling center for which they registered. Therefore, in principle, every registration center becomes a polling center for the actual polling itself. Within any particular polling center, there will be a number of polling stations where a predefined number of voters will cast their ballots. Polling centers can have a single polling station or a number of polling stations, but will not generally have more than four. The final number of voters registered at that location determines the number of polling stations at a particular center. A polling station is a location at which a single team of polling officials work together to issue ballot papers to voters on polling day.

**Voters per Polling Center.**

Initial plans for the voter registration exercise allowed for a maximum of 2,000 voters per polling center. Due to the lack of buildings in many areas, particularly in Freetown, there were many cases where more than one registration team had to operate in the same building. This resulted in a significant number of cases where very high numbers of people were registered at the same location. Due to realities on the ground there is no limit to the number of voters at a polling center. Particular attention will be paid to very large centers to ensure adequate preparations are made prior to polling day. The planning parameters used to calculate the number of polling stations in a polling center are shown in the following table:

<table>
<thead>
<tr>
<th>Voters</th>
<th>Number of Polling stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 550</td>
<td>1</td>
</tr>
<tr>
<td>551 to 1100</td>
<td>2</td>
</tr>
<tr>
<td>1101 to 1650</td>
<td>3</td>
</tr>
<tr>
<td>1651 to 2200</td>
<td>4</td>
</tr>
<tr>
<td>2201 to 2750</td>
<td>5</td>
</tr>
</tbody>
</table>
Consolidation of Voter Registration Centers.

Following the conclusion of the voter registration process, a review of registrations per location and the appropriateness of registration center locations was carried out in Freetown. Whilst there were many registration teams in Freetown there were much less registration locations as a number of teams often operated at the same location. The NEC therefore decided that each location, regardless of how many registration teams operated at the location, would become a polling center. In addition some locations that were used for voter registration were deemed to be inappropriate for use as polling centers. These cases were merged into the nearest appropriate polling center location. Following a full review the number of centers was reduced from 365 to 198. For the most part voters in Freetown will vote at exactly the same location where they registered. In the small number of cases where there has been a change, the NEC will inform the effected voters.

Additional polling locations.

During the voter registration process there were instances where it was felt that people wishing to register had been required to travel too far in order to be registered. At the conclusion of the registration process each district office reviewed the registration center locations and made proposals for additional locations to alleviate the problem of distances. In total 132 new polling locations were approved by the NEC.

Satellite polling centers.

These new polling locations will be referred to as satellite polling centers. The voters roll from the parent polling center, that is the center where people actually registered, will also be available at the satellite polling center thus enabling voters to cast their ballots at the center which is in close proximity to where they live.

Polling centers per district.

Following the consolidation of centers, the establishment of satellite polling centers and using the parameters outlined above, the final number of polling centers and polling stations per district were calculated as outlined at the end of this plan. (See Annex 2 Polling Centers, Polling Stations and Staffing Requirements per District)

Confirmation of polling center locations.

With the consolidation of centers, the identification of satellite center requirements and the calculations for the number of polling stations required at each polling center, district offices are required to confirm the appropriateness for polling of the premises used for registration. Where these premises are not appropriate, mainly because they do not have sufficient rooms to cater for
the required number of polling stations, the district office need to choose an appropriate location as close to the registration center as possible. District offices are in the process of confirming all polling center locations and this process will be completed on 11 July 2007.

Polling Center Coding.

The registration center codes used during voter registration will be retained and used for the polling center in the same location during the polling process. In the case of consolidation, the code for only one of the registration teams will be used as the polling center code (for tracking and results purposes) but the other registration team codes will be used to confirm that voters are at the correct location to vote. Polling staff at these locations will be trained to ensure they can provide the necessary assistance to voters. In the case of a center which has changed location the same code will be used. Each satellite polling center will be issued with a new polling center code. All codes will be verified with district offices prior to the delivery of any materials. The accuracy of the codes will be vital for the electoral process as they will be the key for ensuring all materials are delivered to the correct polling center.

Communications Planning

Definition of Communications Requirements.

In order for all arrangements to be in place and for the NEC HQ to be able to track the progress with preparations for polling and counting and progress during the processes themselves, it will be necessary to clearly define the communications required, the schedule and the mode for each communication.

Communications Plan.

A communications plan will be developed by NEC HQ which will clearly define all scheduled communications required during the process. The plan will also define how unscheduled communications are to be managed. The communications plan will be managed by the Operations Center at NEC HQ. The plan will also define the various contingencies to be used.

Communications Prior to Polling.

The NEC HQ will need to track all preparations prior to polling in order to keep the various stakeholders informed and if necessary react to unforeseen circumstances. These communications will focus on confirming that all preparations are progressing as scheduled and that contingencies have been activated where necessary. The required communications will be clearly defined and scheduled in the communications plan.

Communications for Polling.

The communications plan will define what communications are required on polling day. Due to the high number of polling centers and the difficulties associated with holding an election during the rainy season it will not be possible to have regular communications from all centers on
polling day. District offices will assist the identification of those centers where all scheduled communications will not be possible. Alternative methods and schedules will be developed for these polling centers.

**Communications for Counting.**

The communications plan will also define what communications are required for counting and the schedule for these communications. Alternative methods and schedules will be developed where necessary.

**Communications Equipment.**

In preparation for polling and counting it will be necessary to ensure that sufficient and appropriate communications equipment are in place to facilitate all scheduled and vital communications. As previously mentioned, an operations center at NEC HQ will be equipped with various communication systems and equipment. All district offices and electoral officers responsible for polling centers will also need to be equipped with the necessary equipment. The polling and counting communications plan will provide district offices with guidance to define exactly their communication equipment requirements. NEC HQ in cooperation with the UN Electoral Assistance team will coordinate the sourcing and delivery of all required equipment.

**Definition of Procedures, Guidelines and Plans**

**Procedures Development.**

The procedures covering the polling and counting processes play a vital function. The procedures are based on the legislative framework governing the electoral process and are the technical guidelines governing both polling and counting. The procedures also provide the rules specific to both processes, and it is therefore important that they are detailed, clear, and consistently applied. In addition to the procedures, forms will be developed which will aid the process of accuracy and consistency and ensure proper tracking of all stages of the processes. All procedures will be approved by the Board of Commissioners. In order to ensure the required consistency, more detailed procedures manuals will be developed which will be issued to all district and to all polling and counting staff. These manuals describe all aspects of the processes in detail and exactly how each task is to be carried out.

**Polling and Counting Procedures Manuals.**

Details contained in the polling and counting procedures manuals will include who is entitled to vote and the documentation required to do so. They also detail the role of each staff member in the process, how the process will be managed in each polling station – from the identification of each voter, to issuing of ballots, to voting and to exiting from the polling station. The purpose of and process for each document to be filled out will also be detailed. The manuals will also detail who are allowed to enter the polling stations and what their role is. Procedures or procedures
manuals will be issued to all staff as appropriate. A procedure for the consolidation of results at the polling center level will also be produced.

Guidelines and Plans.

A number of plans will be developed to deal specifically with key aspects of the electoral operation. In addition, while many of the plans and preparations required can be formulated at HQ there is a need for district office input in the development of many plans. Guidelines will be developed to assist the district offices to develop their own plans and to provide input into national plans. These guidelines and plans will include:

- Procurement plan
- Material packing plan
- Guideline on movement planning (and security requirements)
- National movement plan
- Training plan
- Guideline on finalization of polling centers
- Polling and counting communications plan
- Instruction on recruitment of polling and counting staff
- Guideline on queue control planning

Definition of Polling Staff Responsibilities.

Polling Station Staff Structure.

Each polling station will consist of the following 5 staff:

<table>
<thead>
<tr>
<th>Station Staff Member</th>
<th>Area of Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presiding Officer</td>
<td>- Manage the assigned polling station</td>
</tr>
<tr>
<td></td>
<td>- Supervise other polling staff during polling hours to ensure the integrity and procedural accuracy of the polling operation</td>
</tr>
<tr>
<td></td>
<td>- Be responsible for counting the ballots at the polling station</td>
</tr>
<tr>
<td></td>
<td>- Ensure that all documentation required for the polling station is completed correctly</td>
</tr>
<tr>
<td>Identification Officer</td>
<td>- Verify the presence of each voter on the Final Voters Roll (FVR)</td>
</tr>
<tr>
<td></td>
<td>- Ensure that eligible voters do not have ink already applied to their finger</td>
</tr>
<tr>
<td>Ballot Paper Issuer</td>
<td>- Issue the ballots to the voter and directs the voter to a vacant</td>
</tr>
</tbody>
</table>
Polling Station Staff Member | Area of Responsibility
--- | ---
Ballot Box Controller | - Guard the ballot boxes to ensure that all voters deposit their ballots (and no other unauthorized materials) in the appropriate ballot box  
- Direct the voters to the exit of the polling centre  
- Ensure that the voter’s finger is inked immediately after voting and before leaving the polling station
Polling Station Queue Controller | - Control the entrance and exit of the polling station so that only authorized persons enter the polling station,  
- Ensure that voters leave the polling station immediately after voting  
- Ensure that the queue is maintained in an orderly manner throughout the day

**Counting Staff.**

Polling station staff will also carry out the counting of the ballots in their polling station. No additional staff will be recruited for this exercise.

**Polling Center Staff Structure.**

In addition to the polling station staff there will also be polling center staff. Every polling center with two or more stations will have a polling center manager. In addition polling centers will have polling center queue controllers according to the below parameters.

<table>
<thead>
<tr>
<th>Stations</th>
<th>Number of polling center queue controllers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 or 3</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>6 – 10</td>
<td>5</td>
</tr>
<tr>
<td>more</td>
<td>8</td>
</tr>
</tbody>
</table>
There are a number of polling centers in Freetown which have a very high number of polling stations. These centers will have a deputy polling center manager in addition to the polling center manager.

**Polling center staff responsibilities.**

The polling center staff responsibilities are listed below.

<table>
<thead>
<tr>
<th>Polling Center Staff Member</th>
<th>Area of Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polling Center Manager</td>
<td>➢ Train Polling Station staff</td>
</tr>
<tr>
<td></td>
<td>➢ Oversees the arrangements in and around Polling Center and Polling Stations (including all security arrangements)</td>
</tr>
<tr>
<td></td>
<td>➢ Ensures distribution of election materials to the stations and retrieval to the district offices</td>
</tr>
<tr>
<td></td>
<td>➢ Completes General Return Form</td>
</tr>
<tr>
<td>Polling Center Queue Controller</td>
<td>➢ Manage overall queue control at the polling centre</td>
</tr>
<tr>
<td></td>
<td>➢ Assist voters, directing them to their correct polling stations</td>
</tr>
</tbody>
</table>

**Recruitment and Payment of Polling Staff**

**Overall Polling Staff Levels.**

Precise numbers for polling staff levels have been determined using the above parameters. In total there will be a requirement for 37,260 polling staff.

**Recruitment of Polling Staff.**

District electoral offices will identify and select candidates for their respective polling centers. The process of recruitment will be carried out in accordance with NEC recruitment procedures. An Operational Instruction on the modalities and responsibilities for recruitment will be issued from NEC HQ. The process will involve advertisement, testing, making selections and completing the necessary paperwork. The district electoral offices will be responsible for ensuring all the required paperwork is submitted to the NEC HQ. The recruitment process will take place from 9 to 23 July 2007.

**Assignment.**

As far as possible polling staff will be recruited from the locality where they will work on polling day. If this is not possible all attempts will be made to recruit from the electoral constituency in which they will work. Details will be provided in the aforementioned instruction.
Women applicants.

The NEC has maintained a policy of promoting employment possibilities for Sierra Leonean women in the electoral process. District electoral offices are encouraged to identify as many women candidates as possible.

Contract dates.

All polling staff will be paid a lump sum, irrespective of the number of days they are actually required to work, depending on their job title. The lump sum will cover their training and the days they work. Precise details of start dates, terms and conditions of contracts and rates of pay will be finalized later and communicated through the instruction on the recruitment of polling and counting staff.

Payment of Polling Staff.

The details of the payment process for polling staff will be confirmed in the operational instruction on recruitment. However, the proposed process is as follows:
- the payment rate for all positions will be confirmed,
- contract details will be finalized,
- contracts and any additional paperwork will be signed in the districts,
- NEC HQ will transfer funds to District office bank accounts no later than 11 August, 2007,
- the Constituency Election Monitors will carry out payments at the recruitment locations on 16 August 2007,
- the payment received records will be forwarded to NEC HQ for verification and records.

Training of Polling Staff

Training Strategy.

Operational training for the polling process will be carried out using the cascade or pyramid model of training, with training taking place at HQ, district, constituency and polling center levels. The HQ and district training teams will, in addition to the training they provide, monitor the subsequent training sessions at the district and constituency levels and provide any required assistance. A training plan for polling has been developed by the Training Section at NEC HQ and is summarized below.

HQ Training.

Training at HQ will be carried out in a number of stages. Initially the HQ training team will develop the training materials and modules required. The HQ training team will then train the district training teams (consisting of the District Training Officers and UN District Training Advisers) in Freetown. This training will be both on training techniques and on polling and counting procedures, including all aspects of polling and counting from set up of polling centers.
and stations, to polling itself, to form completion, to preparations for counting, to counting and retrieval of materials. All HQ staff will also be briefed on polling and counting procedures.

**District Training.**

The district training team is responsible for ensuring all NEC Constituency Election Monitors and polling staff are well trained and fully competent in all aspects of their work. They will provide the initial training to the Constituency Election Monitors who will then train the polling center managers, presiding officers and voter identification officers. The polling center managers will then train the remaining polling staff. The district training team will also monitor the training provided by the monitors and polling center managers and, where necessary, assist with this training.

**Polling Staff Training.**

All polling staff will receive in-depth training in all aspects of the polling and counting processes to ensure they can effectively carry out all aspects of both processes in an efficient, accurate, and transparent manner. In some cases, polling staff will need to be deployed to difficult to access polling centers in advance of the scheduled training for polling staff. In these cases, the polling staff will be trained alongside the polling center managers, presiding officers and identification officers.

**Training Schedule.**

Exact timings for all training sessions will be issued later from the NEC Training Section. A summary of key scheduled training sessions is outlined below.

<table>
<thead>
<tr>
<th>Dates</th>
<th>Participants</th>
<th>Trainer</th>
<th># Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>17, 18 July</td>
<td>HQ training section trainers</td>
<td>NEC HQ Trainers and UN Advisers</td>
<td>2 days</td>
</tr>
<tr>
<td>22, 23, 24 July</td>
<td>District Training Officers and UN District Training Advisers</td>
<td>NEC HQ trainers</td>
<td>3 days</td>
</tr>
<tr>
<td>27, 28, 29 July</td>
<td>Constituency Election Monitors</td>
<td>District training teams</td>
<td>3 days</td>
</tr>
<tr>
<td>31 July, 1, 2 Aug 4, 5, 6 August</td>
<td>PC Managers, Presiding Officers and Voter Identification Officers</td>
<td>Constituency Election Monitors</td>
<td>3 days</td>
</tr>
<tr>
<td>10 August</td>
<td>Remaining polling staff</td>
<td>Polling Center Managers</td>
<td></td>
</tr>
</tbody>
</table>
Training materials.

All staff required to carry out polling and counting training will be provided with training materials. The training kits will include samples of all materials and forms to ensure comprehensiveness of training. This material will both assist the trainer to carry out the training and also assess the effectiveness of the training. Training kits will be delivered according to the polling and counting material and equipment movement schedule outlined earlier in this plan.

Staff Deployment.

After receiving training, polling staff will be ready to be deployed to their polling centers. In most cases polling staff will make their own way to their designated polling centers. Where staff would otherwise have difficulty reaching their polling center, such as difficult to access polling centers, District offices will have identified assistance will be provided by NEC. Districts offices will have identified these cases and the number of staff requiring assistance during their movement planning.

Voter Information Campaign

Voter Information.

Immediately prior to polling, the focus of information and education efforts will be on the precise information that voters will need to fully participate in the polling process.

Key Messages.

The key messages at this stage of the information campaign will include:

- The exact locations of all polling centers,
- The opening hours of polling centers,
- Reminders that all voters must have their voter registrations to vote,
- The two type of ballot papers,
- How to mark the ballot papers,
- The process within polling centers and polling stations.

Preparations for Counting and Tallying of Results

Counting.

Counting will take place at each polling station following the conclusion of polling. All materials and personnel will be in place prior to polling. Following the completion of the count at each polling station, the polling center manager will check all polling station results and complete a
general return for the polling center. Following this process the results and all materials will be transported to the district electoral office.

**Tallying.**

Following the receipt of results at the district offices, the results for each polling station will be sent to the National Tally Center at the NEC HQ. The Tally Center will have been prepared in advance of polling itself. The National Tally Center will compile the results for both elections and prepare the final results for all elections.

**Polling Operations.**

Polling and counting preparations will for the most part be completed prior to polling day. On polling day, therefore, the focus of NEC activities will be on the polling and counting processes themselves, as detailed in the various procedures, instructions and guidelines. A brief summary of the polling and counting operations is outlined below;

**Preparations prior to polling.**

Polling center managers and polling station presiding officers will have jointly planned the layout of the polling centers well in advance of polling day. Plans for queue control will also have been prepared and discussed with the security forces and in some cases temporary barricades will have been prepared. The presiding officers will also have planned the layout of their polling stations including the directional flow of voters and the location of observers and agents. Preparations immediately prior to commencement of polling. Immediately prior to the commencement of polling, the staff will sign a code of conduct (oath of secrecy), ballot paper serial numbers will be recorded, the ballot boxes will be prepared and the polling officials will vote, regardless of whether they are on the list for that polling station or not. Observers, agents and members of the security forces will also be allowed vote if they are on the voters list for that polling station.

**Overview of Polling Process**

**Commencement of Polling.**

Polling will commence at 0700h exactly. The polling process itself is straight forward. Voters will be allocated to specific polling stations, in roughly equal numbers, within the polling center for which they registered. The allocation of voters will be made based on a numerical split according to their voter number allocated during the voter registration process. For example voters whose voter id numbers begin with the numbers 10 to 14 may be allocated to one polling station, voters whose voter number begin with the numbers 15 to 17 may be allocated to the next and so on until all voters have been assigned to a polling station. Each polling station will be clearly marked to identify which voters have been allocated to each. Upon arrival at the polling center, voters will be assisted by the Polling Center Queue Controller or any of the Polling Station Queue Controllers to identify the polling station where they are to vote.
Voting.

Upon entry into the polling station, voters will be checked for ink, for eligibility, for identity, the list will be checked to confirm that they are at the correct polling station and if all is in order, they will be issued with ballot papers. Following their marking of the ballots, they will deposit the ballots in the ballot boxes, their finger will be inked, a hole will be punched on the registration card and they will leave the polling station and polling center.

Exceptional Cases.

In some cases there may be problems with people in possession of voter registration cards but whose names are missing from the lists or whose details are not completely in accordance with the details on the list. There will be other cases where registered voters are no longer in possession of their voter registration cards. Cases such as these will be fully dealt with in the polling procedures.

Closing of Poll. At exactly 1700h the polling station queue controller ensures that all voters have joined the queue. Any voters arriving after this time will not be allowed to vote. Polling continues until all voters in the queue have voted. After the last voter has voted, the presiding officer will seal the slots of each ballot box, allowing the observers and agents present to make a record of the seal numbers.

Security at Polling Centers

An outline of security arrangements for polling centers will be provided later in this plan. Each polling center will have specific arrangements based on the need and assessments by the security services.

Suspension of Polling

The polling center manager may decide to suspend polling if the polling center is threatened by riot, violence, or any other event which makes orderly polling impossible or endangers the lives of staff, voters or any other personnel at the center or threatens the security of the ballot boxes. The polling center manager may accept advice from the security forces to suspend polling or may act on his/her own initiative. If the security forces advise the suspension of polling the polling center manager must seriously consider their advice. Unless he/she has a very good reason they must follow this advice.

As soon as possible after suspending polling, the polling center managers must inform their district electoral office. If they are unable to communicate themselves they will request the assistance of the security forces. Any suspensions must be communicated up the line to the Operations Center at NEC HQ. If the reason for suspension no longer applies the polling station will reopen and this fact should again be communicated up the line to the NEC HQ.
Counting, Tallying and Announcement of Results

Preparations for Counting.

At the conclusion of polling and prior to the commencement of counting, the polling staff will prepare the layout of the polling station for the count. The presiding officer will complete the presiding officer’s form which records the ballot papers issued, the number of spoiled, discarded and unused ballot papers for each election and which calculates the total number of ballot papers issued by the polling station for each election. The polling station staff will prepare the polling station to allow for an efficient and transparent counting process. Observers and agents should clearly be able to see all stages of the process without interfering with the process. A separate table should be prepared away from the counting table where the results of each election will be recorded.

Overview of the Counting Process.

The ballots for the Presidential election will be counted first, followed by the Parliamentary Election. The first stage of the counting process will involve sorting the ballots in each ballot box and transferring any ballots which were placed in the wrong ballot box into the correct box. The ballots in each ballot box will then be reconciled with the number of ballots issued to voters. Following reconciliation, the actual count will take place according to the schedule outlined above. The results for each election will then be recorded and the provisional results for that polling station announced. Each party/candidate representative may copy the results from the results displayed at the station. Following the count at each polling station the polling center manager will check the results to ensure all calculations have been made correctly. The polling center manager will also calculate the results for the center as a whole and complete the polling center manager’s return. All polling and counting materials will then be carefully packed according to the instructions contained in the counting procedures.

Transmission of Results

Where possible, primarily in Freetown and other large population centers, the materials will be safely transported to the district storage facility and the results to the district electoral office as soon as the count is finished. In more remote locations all materials will be stored overnight in the polling center. The Polling Center Manager and one Presiding Officer will stay with the material at all times. For these remote locations, the following morning, 12 August 2007, the Constituency Election Monitors will collect the materials and the results for each polling center and bring them to the district electoral office. The district electoral office will display the results from each of the polling center manager’s return. The results from each polling station will then be transmitted to the NEC Tally Center in Freetown. For polling centers that are difficult to access or are accessible only by helicopter, the means of collection will be finalized during the movement planning process. Details of these movements will be finalized well in advance of polling.
Tallying and Announcement of Results

Following receipt of the results at the Tally Center in Freetown, the results for all elections will be tallied. These will be the official results for all elections. Before any final results are announced, any complaints will be investigated and considered by the Board of Commissioners. If necessary NEC HQ will issue orders for recounts to the district offices. The final results are expected to be announced around 23 August 2007.

Retrieval of Materials

Polling Center Materials: As mentioned above, following the conclusion of the counting at the polling stations all materials must be carefully packed and returned to the district electoral office. The NEC Constituency Election Monitors will be responsible for ensuring that all materials are safely returned to the district electoral office.

District electoral office Reconciliation of Materials: In addition to the result sheets, the remaining materials need to be carefully checked. All used ballot papers and forms need to be carefully stored in case of a need for recount or other check. In addition, many of the polling and counting materials need to be carefully reconciled so that stocks available for a possible run off are known in advance. Instructions for reconciliation and storage will be issued from the Operations Center at a later date. Materials from the kits that will be required for the possible run-off election will be detailed later by the Logistics unit.

Electoral Security

Security Coordination.

Responsibility for security for the electoral process rests with the Sierra Leone Police (SLP), in cooperation with the Office of National Security. The SLP has appointed a National Elections Liaison Officer, who will ensure overall coordination on security matters with the NEC Director of Operations. At the district level, the District Electoral Officer will have responsibility for coordination of security matters, with the advice of the UN CEA-Operations. Planning will be facilitated by regular coordination meetings both at the national and the district levels and constant updates to operational plans and scheduled movements.

Security Planning.

A guideline will be issued later from the NEC HQ outlining key issues for national security planning and providing guidance for district electoral offices to formulate, in cooperation with district-level security services, their district level security plans. A summary of the main areas to be covered, and the guiding principles which will operate when formulating the plans, will follow.
Security Assessments.

NEC facilities involved in the polling and counting processes and requiring consideration under security planning include facilities at the national, district, constituency and polling center levels. All facilities will require security assessments from the security services and appropriate measures will be taken based on any recommendations. Key issues to be considered will be the use to which the facility will be put, the duration for which the facility will be functional, the location of the facility, the condition of the facility, personnel attending the facility and materials to be stored at the facility.

NEC Facilities.

It is anticipated that NEC offices and warehouses at national and district levels will require only civilian security guards employed by the NEC when sensitive materials are not being stored on the premises. When sensitive materials are being stored at these locations there may be an additional requirement for an armed security presence at NEC facilities.

Field Activities.

During the preparations phase, there will be several field activities throughout Sierra Leone, including the finalization of preparations at polling centers, recruitment, training and voter education activities. Security arrangements will be facilitated by the Sierra Leone Police and other security agencies through the District Electoral Officers.

Polling Center Security.

For polling centers during hours of operation security services will be required to patrol on a regular basis if no permanent police presence is possible at all locations. In areas and locations that are deemed to be sensitive and at larger polling centers permanent presence of police officers will be necessary. Where there is a shortfall of police personnel other security agencies will be requested to assist.

Polling Material Security.

Sensitive polling and counting materials will be delivered to the polling centers in lockable trunks. In most cases outside Freetown these materials will be delivered at least one day prior to the commencement of polling. In Freetown detailed and precise movement plans will be developed which will allow materials to be delivered the day before or on the morning of the election with sufficient time for familiarization and set up. Where materials need to be stored overnight, they will be secured, and the polling center manager and one presiding officer will stay with the materials and will be in possession of the keys.

Transportation of Materials. In general transportation of non-sensitive materials do not require a security escort. Nonetheless, where possible, the security services will be informed prior to any movements in order to facilitate safe and unimpeded movements. For the transportation of sensitive materials security escorts will be required. For delivery of sensitive materials to the
central warehouse and delivery of polling materials to the district electoral offices, the necessary security measures and escorts will be arranged by the Police National Liaison Officer in coordination with the NEC Director for Operations.

Contingency Plans

The general situation, unpredictability with regard to weather conditions, the state of the infrastructure and the possibility of a run-off election require that contingency plans be developed in a number of areas.

Transportation.

In order to deal with possible problems with weather and infrastructure contingency plans will be developed to ensure that all materials will be delivered to and retrieved from polling centers on time. Contingency plans will anticipate possible problems and delays and will ensure that alternative means of delivery are available for such situations.

Preparations for Run-Off Election.

In order to ensure that all preparations are in place to deal with the possibility of a run-off, election planning for this eventuality has already commenced. The procurement process for the additional materials required for a run-off election has already been activated. A separate instruction will be finalized in the near future outlining how the run-off election will be organized.

Presidential Run-Off Election

Announcement.

At the time of the announcement of the final official results of the 11 August elections, the NEC will also announce whether there will be a run-off election for President and vice-President and if required when the run-off will take place.

Date.

The run-off election, if required, is provisionally scheduled to take place at all polling centers on 6 September 2007. Voters will cast their ballots at the same locations where they voted in the first round. Polling will take place from 07.00 to 17.00 hrs.

Preparations.

As mentioned earlier, a specific instruction will be issued detailing preparations required for the run-off and the dates when these preparations will be required. Below is a summary of the preparations that will be required.
Materials.

Many of the materials used in the first round will again be needed for the run-off election. These will include the ballot boxes, the voting screens and much of the stationary. The HQ logistics section will issue clear instructions prior to the delivery of materials for the first election which will clarify which materials need to be available for the run-off election. The instruction will also detail how material is to be packaged, following the conclusion of the count, and how the material will be reconciled at each district storage facility. Additional materials will be supplied from NEC HQ based on requirements at each district. This additional material will include stationary, run-off election ballots, new voters’ rolls and forms.

Storage and Movement of materials.

Storage and movement requirements will be the same as for the first round election. District offices must ensure that storage facilities are well maintained to receive materials after the first round, consolidate new materials and deliver for the run-off. It is expected that the count and thereafter the retrieval of materials will be considerably quicker for the run-off election.

Recruitment and payment of staff.

Staff for the run-off election will be the same staff as for the first round. Only where staff have not performed adequately or were involved in mal-practice will new staff be recruited.

Training of staff.

One day training sessions will take place for the run-off election. The same pyramid model, as was used for the first round election, will be used. Training will take place at HQ, in the districts, at the constituency level and finally at polling centers.

Overview of polling and counting.

The polling and counting processes will be similar to the processes used for the first round election. A different finger on the other hand will be inked for each voter. All processes will be detailed in a run-off election polling and counting procedure.

Security.

The same security arrangements that were in place for the first round will again be put in place for the second round.

Communication.

Communications required and the mode for each communication will be detailed in the polling and counting communications plan.
Tallying and announcement of results.

Results will be tallied in a similar manner to how it was carried out in the first round election. The announcement will be made by the NEC Board of Commissioners once final results have been certified.

Retrieval of materials.

All materials will be retrieved from all polling centers at the conclusion of the counting. Materials will be brought back to the district storage facility for consolidation and final return to the NEC central storage location. Some materials may be retained at the district offices. Details will be provided by HQ Logistics section in the instruction on preparations for the run-off election.

Timeline.

Precise dates for all activities required for the run-off election will be provided in the instruction to be issued later. Some estimated key dates are listed below.

<table>
<thead>
<tr>
<th>Key Activity</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Selection of polling staff</td>
<td>16 August, 2007</td>
</tr>
<tr>
<td>Arrival of ballot papers</td>
<td>30 August, 2007</td>
</tr>
<tr>
<td>Deployment of materials to polling centers</td>
<td>2 – 4 September, 2007</td>
</tr>
<tr>
<td>Training for polling staff</td>
<td>5 September, 2007</td>
</tr>
<tr>
<td>Run-off election</td>
<td>6 September, 2007</td>
</tr>
<tr>
<td>Retrieval of materials</td>
<td>6 September onwards</td>
</tr>
<tr>
<td>Results announced</td>
<td>12 September, 2007</td>
</tr>
</tbody>
</table>

Source: National Electoral Commission of Sierra Leone, Freetown, June 2007
Glossary of Selected Terms

The definitions of the electoral (and related) terms contained in this book reflect only the meanings, which have relevance to the electoral process.

1. **ACT**: A law made in parliament.

2. **BALLOTS**: Specially designed papers (on which the names, photos or symbols of candidates or political parties are printed) given to voters by Presiding Officers to vote for a candidate(s) or a political party on polling day.

3. **BALLOT BOX**: A voting box designed purposely to receive and hold ballots (papers or tokens or envelopes) cast by voters at each polling station.

4. **BYE-ELECTION**: An election conducted in an electoral area to fill a vacancy in Parliament or a Local Council.

5. **CANDIDATE**: Any person nominated to contest an election in a particular electoral area. In the case of PR list system, any person whose name is included in a list of persons prepared by a political party and presented to the voters, through the Electoral Commission, to contest an election.

6. **CHIEFDOM COUNCILLORS LIST**: A Gazetted list of selected taxpayers and other office holders in a chiefdom with responsibility to elect Paramount Chief Members of Parliament and Paramount Chiefs at chiefdom level.

7. **CLAIM**: An application or request made by an eligible voter seeking to have his or her name included in the provisional list of voters.

8. **CONSTITUENCY**: A demarcated electoral area for the purpose of sending representatives to parliament.

9. **CONSTITUTION**: An agreed body of fundamental laws, principles, customs or conventions according to which a country is governed.

10. **DECENTRALIZATION**: The process by which the “central government transfers some of its powers and resources to local government bodies for
them to perform executive, administrative and regulatory functions in their areas of authority”102

11. **DELIMITATION OF CONSTITUENCY**: The drawing up of electoral constituencies, according to law, for the purpose of sending representatives to parliament.

12. **DELIMITATION OF WARDS**: The drawing up of local council wards for the purpose of electing councillors to a local council e.g. District or Town Councils

13. **DEMOCRACY**: A type of political system by which the decision(s) of the majority of citizens through free and fair elections is paramount.

14. **DEMOCRATIC PROCESS**: the practice of putting democratic principles and values into operations e.g. the operation of genuine multi-party system, free and fair elections, free press, the rule of law, etc.

15. **DISENFRANCHISE**: To take away the right to vote (and be voted for) from an individual.

16. **ELECTIONS**: An exercise during which voters express their political preference for a political party candidate(s) or independent candidate(s).

17. **ELECTOR**: Any person whose name is on the voters register.

18. **ELECTORATE**: All the qualified voters in a country.

19. **ELECTORAL COMMISSION**: The body responsible for the organization, conduct and supervision of all public elections.

20. **ELECTORAL CODE OF CONDUCT**: Regulations made to regulate the conduct of political parties, their agents and supporters before, during and even after the elections.

21. **ELECTORAL COLLEGE**: A body of persons elected to further elect (or choose) the peoples representatives.

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102 Dr. Kwadwo Afari-Gyan. The Ghanaian Constitution: An Introduction (p89)
22. **ELECTION EXPENSES**: Expenses incurred either before, during and after the conduct of a public election.

23. **ELECTORAL LAWS**: Laws made by parliament (or any other authorised body) to deal with all election issues. They include rules and regulations made by Statutory Instruments or delegated legislation.

24. **ELECTION MATERIALS**: All materials needed for the organization and conduct of an election (e.g. ballot boxes, ballot papers etc). They include both sensitive and non-sensitive materials.

25. **ELECTION OBSERVERS**: A group of people (or organizations), whether national or international, who observe all or certain aspects of the electoral process taking place in a given country.

26. **ELECTION OFFENCE**: An action or practice that is declared illegal by the electoral laws of a given country e.g. multiple registrations and voting, impersonation, etc. are election offences in Sierra Leone.

27. **ELECTORAL PROCESS**: The entire process relating to the preparations, for, and conduct of public elections e.g. covering, among others, the registration of voters, campaigning by political parties, polling and counting procedures.

28. **ELECTORAL QUOTA**: The number obtained by dividing the total number of voters in a given country by the number of constituencies into which that country is divided.

29. **ELECTORAL ROLL**: A register containing the names (and any other relevant information, like addresses, sex) of electors.

30. **ELECTORAL THRESHOLD**: The minimum number of votes to be attained by a political party before it can participate in the sharing of seats in parliament.

31. **ELIGIBLE CANDIDATE**: Any person who is qualified, under the law (or traditional and customary practices in a given chiefdom), to contest a public election or Paramount Chieftaincy election.
32. **ELIGIBLE VOTER:** A person qualified, by law, to be registered as an elector; and thus to vote at an election.

33. **EXHIBITION CENTRE:** A specified area in a town, ward or chiefdom for the public display of the provisional list of electors.

34. **EXHIBITION OF PROVISIONAL LIST OF ELECTORS:** The public display at specified centres of the preliminary list of electors for correction, objections, etc.

35. **FIRST – PAST – THE – POST SYSTEM:** An electoral system by which the candidate who polls the highest number of valid votes cast (even if only a minority of the total votes cast are received) in an electoral area during an election wins;

36. **FRANCHISE:** The right given to qualified citizen to vote (and be elected) at elections.

37. **FREE AND FAIR ELECTION:** Election for which every qualified citizen is given an opportunity to be registered as an elector and, when so registered, is allowed to cast his or her vote freely without any intimidation and in complete secrecy; while political parties and candidates are also allowed to contest without hindrance.

38. **GENERAL ELECTIONS:** National elections in which voters elect their national leader(s) and or their representatives in parliament.

39. **GERRYMANDERING:** The deliberate drawing of constituencies to give political advantage to a particular party or candidate. This was first practiced in 1821 in the state of Massachusetts (U.S.A.) by Governor Elbridge Gerry.

40. **INDEPENDENCE OF THE ELECTORAL COMMISSION:** This means the impartiality of the election management body in the conduct of public elections and referenda.

41. **LEVEL PLAYING FIELD:** The guaranteeing of equal opportunity to all political parties and candidates contesting an election.
42. **LIST SYSTEM**: A type of proportional representation system by which all political parties taking part in an election prepare lists of their candidates, for submission to the electorate. The candidates are ranked on each list in the order in which the seats will be distributed. Voters vote for party lists and not for individual candidates.

43. **LOCAL GOVERNMENT**: A local authority set up by law to provide certain basic services for people living in a specified locality e.g. City, Town and District Councils in Sierra Leone.

44. **LOCAL GOVERNMENT ACT**: A law made in Parliament that deals with local governance through elected local councils.

45. **LOGISTICS FOR THE ELECTORAL PROCESS**: All necessary provisions and equipment (e.g. finance, stationery, transportation, election materials) needed to organize and conduct an election.

46. **MANIPULATION OF THE ELECTORAL PROCESS**: A deliberate attempt (either by the government/or any other political party with the connivance of election officials or the Election Management Body) to improperly influence the entire election process, to the disadvantage of other competing forces.

47. **MEMBER OF PARLIAMENT (M.P.)**: Any person elected to parliament to represent voters of a particular constituency.

48. **MULTI-MEMBER CONSTITUENCY**: An electoral area (or constituency) where two or more representatives are elected.

49. **MULTI-MEMBER WARD**: A local council ward where two or more candidates are elected to represent their members in the council.

50. **MULTI-PARTY SYSTEM**: A political system where in there are two or more political parties competing for power.

51. **NOMINATION**: This is the process by which qualified persons who intend to contest elections (local council, Presidential, Parliamentary elections, etc) are selected, and their names and symbols printed on the official ballots.
52. **Nomination Day**: Any day appointed for the nomination of candidates intending to contest an election.

53. **Nomination Paper**: A printed form used for the purpose of nomination of a candidate for an election.

54. **Objection**: A written protest made by an elector against another elector whose name appears on the provisional list of electors, with a view to having the latter’s name (i.e. the name of the person objected to) struck out of the said list for one valid reason or the other.

55. **Official Mark**: A special mark (provided to the Presiding Officer for each polling station) used to stamp (or mark) each ballot paper before being issued to a voter.

56. **Official Seal**: An equipment provided to a Presiding Officer for the purpose of sealing ballot boxes (and envelopes containing other election materials) immediately after the close of polls.

57. **Omission**: The omission (or non-inclusion) of the name of a qualified elector from the provisional list of electors.

58. **Ordinary Residence**: The home or place of residence where a qualified elector normally resides, and to which he or she returns regularly after a temporary absence.

59. **Paramount Chief**: Any eligible person who hails from a recognized Ruling House and appropriate lineage, and has been duly elected by the gazetted chiefdom councillors in a given chiefdom and recognized by the appropriate authority.

60. **Paramount Chief Member of Parliament (PCMP)**: A member of parliament elected by Chiefdom Councillors from amongst Paramount Chiefs in Sierra Leone.

61. **Personation**: An election offence committed by a person who attempts to vote (or votes) unlawfully in another elector's name.
62. **Polling Booth**: An enclosed designated area in a polling station designed for the marking of ballot papers by voters, before depositing them in a ballot box.

63. **Polling Day**: Any day appointed for the casting of ballots.

64. **Polling Station**: An area designed for the exercise of casting ballots on polling day.

65. **Population Quota**: The minimum number of persons who must be in any constituency (or ward). It is obtained by dividing the total population of a country by the total number of constituencies (or MPs) into which that country is divided.

66. **Provisional/Preliminary List of Electors**: The list of qualified electors compiled immediately following the expiry of the date fixed for the voter’s registration exercise. It is this list that will later become the final voters register following the making of claims, objections and corrections to it.

67. **Proxy Voting**: An opportunity given by law to an identified elector to vote on behalf of an absentee elector. An elector who is given the opportunity to vote by proxy on behalf of an absentee elector should do so at the same polling station where both of them (i.e. the absentee elector and the elector voting by proxy) are required to vote, and at the same time when he/she is casting his/her own ballot.

68. **Recount**: The counting for the second or more times of all votes cast for each candidate (or political party) in one or more polling stations.

69. **Referendum**: A public election in which voters express their preference for certain political issues put before them by a democratic government e.g. one party system or multi-party system.

70. **Register of Electors**: A comprehensive list of all eligible voters in an electoral area.

71. **Registration Area**: An area within a town or ward divided by law for the purpose of registering the names of qualified voters.
72. **REGISTRATION FORMS**: The printed forms used for the voter registration exercise.

73. **REGISTRATION OF VOTERS**: An exercise of compiling a list of all persons who are qualified by law to vote at an election.

74. **REJECTED BALLOT PAPER**: A ballot paper though genuinely issued to a voter by a presiding officer and deposited in the ballot box, yet it cannot be counted; because either it is unmarked, or if marked at all the counting officer cannot tell for which candidate it was cast.

75. **REVISING COURT**: A public inquiry (or electoral court) held by a Revising Officer (with quasi-judicial functions) for the purpose of hearing electors’ claims, rejections, objections etc.

76. **REVISION OF REGISTER OF ELECTORS**: A public exercise whereby the voters register is updated as a result of the deletion of the names of electors who have died, (or transferred to another area) and the inclusion of the names of other qualified electors.

77. **SECRET BALLOT**: An exercise whereby a voter expresses his or her Political preference in secret to avoid intimidation and victimization. This is expressed in Sierra Leone by putting a mark (ie a tick or thumb print) against the name or symbol of the voter’s candidate or political party in complete secrecy; and then depositing the marked ballot paper in the ballot box in full view of every one.

78. **SINGLE-MEMBER CONSTITUENCY**: A constituency where only one representative is elected.

79. **SINGLE-MEMBER WARD**: A local council ward where only one candidate is elected to represent his/her people in the council.

80. **SINGLE TRANSFERABLE VOTE**: An electoral system by which the excess votes of voters first choice candidates (i.e. all votes above the required quota) are transferred to their second or third choice candidates who have not attained the necessary quota.

81. **SPOILT BALLOT PAPER**: A ballot paper (though handed over to a voter) that was not cast because it was either spoilt by the voter inadvertently or mistakenly marked.
82. **STATEMENT OF THE RESULT OF POLLS:** A record of the polls for each candidate (or political party) as sent in by each Presiding/Counting officer. The results are recorded by each Presiding/Counting officer on specially printed forms.

83. **SUFFRAGE:** The right to vote at elections.

84. **SUPPLEMENTARY LIST OF VOTERS:** A list of voters whose names are not included in the register of electors. It is prepared following the public display of the preliminary list of voters.

85. **SYMBOL:** A sign or figure chosen by each candidate or political party for the purpose of contesting an election.

86. **TALLY SHEETS:** Printed forms distributed to counting agents by the counting officer for the purpose of recording the votes of their respective candidates, while they are being called.

87. **TENDERED BALLOT:** An unusual ballot cast by an aggrieved elector in whose name some one had voted. It is thus not counted as a normal vote.

88. **TREATING:** The practice of providing food, drinks and other entertainment to voters for the purpose of influencing their votes.

89. **TRIBAL AUTHORITY LIST (T.A. LIST):** A gazetted list of selected tax payers and other office holders in chiefdom, who are responsible for electing Paramount Chief Members of Parliament and Paramount Chiefs at chiefdom level.

90. **UNIVERSAL ADULT SUFFRAGE:** The right to vote (and be voted for) in public elections given to all qualified adult citizens (both male and female) of a country.

91. **UNUSED BALLOT PAPERS:** Ballot papers not issued to any voter during an election.

92. **VALID BALLOT PAPERS:** Ballot papers rightly marked by voters and deposited into the ballot box, according to law.

93. **VOID BALLOT PAPERS:** Ballot papers rejected (i.e. not counted) according to the electoral laws of a country.
94. **VOTER**: Any person who casts ballots at an election

95. **VOTER EDUCATION PROGRAMME**: A special teaching or sensitization programme meant to educate potential voters on all aspects of the elections.

96. **WARD**: An electoral area divided, according to law, for the purpose of the election of Councillors to a local authority. It can be an area in a town or a whole chiefdom.
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