

**N.P.R.C. Decree
No. 15**



Sierra Leone

1995

The Franchise and Electoral Registration Decree, 1995 Short title.

Being a Decree to make provision for the registration of electors for the purposes of presidential, parliamentary and local authority elections.

[14th December, 1995] Date of Commencement.

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

PART I — PRELIMINARY

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

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

"day" means any weekday, excluding a Sunday or a public holiday;

"designated officer" means any person appointed by the Electoral Commission to perform functions related to any election, as herein defined;

"election" means any election for the President of Sierra Leone, the ordinary membership of Parliament or the membership of a local authority;

"elector" means any person whose name is on the Register of Electors referred to in section 27;

"Electoral Code of Conduct" means the Electoral Code of Conduct prescribed by law;

Decree No. 1 of 1994. "Electoral Commission" means the Interim National Electoral Commission established under section 2 of the Interim National Electoral Commission Decree, 1994, or such other body as may from time to time be established to register voters;

"field registrar" means a person appointed as such under section 18;

Act No. 20 of 1973. Cap. 75. Cap. 79. "local authority" means the City Council of Freetown established under the Freetown Municipality Act, 1973, or any Rural Area Council, Rural District Council or Village Committee established under the Rural Area Act, or any District Council constituted

Cap. 76.

under the District Councils Act, or the Sherbro Urban District Council established under the Sherbro Urban District Council Act; or the Bo Town Council established under the Bo Town Council Act, or any Town Council established under the Townships Act;

Cap. 80.

Cap. 295.

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

"observer" means any national or international observer of the electoral process registered with the Electoral Commission;

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

"provisional list" means the provisional list of electors referred to in section 17;

"Register of Electors" means the register referred to in section 27;

"registration area" means an area prescribed by the Electoral Commission within a ward or a Chiefdom for the purposes of voter registration under this Decree;

"Registration Officer" means a person appointed as such under section 8; and includes an Assistant Registration Officer appointed under section 9;

"Revising Officer" means a person appointed as such under section 8;

"voter" means any person who votes at an election;

(3) Without prejudice to subsections (1) and (2), the Electoral Commission may, by order specify places, other than the areas referred to in those subsections, for the purposes of the registration and voting of such electors as may be specified in such order.

6. Subject to section 7, every Chiefdom Councillor is entitled to vote at the election of a Paramount Chief member of Parliament under paragraph (a) of subsection (1) of section 74 of the Constitution and shall also be entitled to vote in the election of ordinary members of Parliament.

Chiefdom Councillors and election of Paramount Chief members of Parliament.

7. No person shall be registered as an elector or, having been registered as such, shall be entitled to vote at any election if he is —

Disqualification of electors.

(a) a non-citizen;

(b) a lunatic within the meaning of any law in force in Sierra Leone;

(c) disqualified from being registered as an elector or voting under any law in force in Sierra Leone relating to offences connected with elections; or

(d) serving a sentence of imprisonment.

PART IV — PROCEDURE FOR REGISTRATION OF ELECTORS

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

Appointment of Registration Officers and Revising Officers.

(2) Any appointment under subsection (1) or any termination thereof, shall be notified in the *Gazette*, and shall specify the ward or wards in respect of which such appointment or termination shall apply.

13. Within the period of fifteen days specified in section 12, every person who is entitled to be registered as an elector in any ward shall present himself to the Registration Officer and shall produce to the Registration Officer such evidence as may be necessary to establish his eligibility to be so registered.

Notice of claim for registration.

14. (1) In establishing his eligibility for registration as an elector, a person may present to the Registration Officer —

Registration Officer to examine qualifications.

- (a) a birth certificate or other such document issued under the authority of an enactment;
- (b) a naturalisation certificate, or
- (c) a statutory declaration giving particulars of his birth.

(2) A Registration Officer shall examine any document or testimonial evidence presented to him and, if satisfied with the validity of the document or the sufficiency of the testimonial evidence, shall register the person concerned.

(3) A person who is qualified to be registered as an elector under this section, shall be registered in a form containing the particulars prescribed in Form B in the Second Schedule, but designed in a manner determined by the Electoral Commission and shall be given a voter registration card by the Registration Officer.

(4) Any person wishing to vote as an elector in any election shall present the voter registration card referred to in subsection (3).

15. (1) The Registration Officer may, after considering an application for registration made under section 14, refuse to register the person if the Registration Officer is satisfied that he is not qualified for registration.

Refusal to Register an elector.

(2) Where a Registration Officer refuses under subsection (1) to register any person, he shall —

- (a) make a record of his refusal, the reason for it and the date of the refusal and sign the record; and

- (b) inform the person that he may, in accordance with section 19, appeal against the refusal to the Electoral Commission.

Records of statements made by persons refused registration.

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

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

Exhibition of provisional list of electors.

Form C of Second Schedule.

17. Within eight days after the expiry of the date fixed under section 12 for the registration of electors, the Electoral Commission shall compile a provisional list of all electors registered for each ward and shall, by Government Notice in Form C in the Second Schedule, specify the places within that ward where a copy of the provisional list shall be exhibited by the Electoral Commission for the review of the public:

Provided that if it becomes necessary or expedient, the provisional list or any part thereof may be exhibited in any sub-ward to which it relates.

Powers of Commission, field registrars, etc. in compiling provisional list.

18. (1) For the purpose of compiling provisional lists under section 17, the Electoral Commission may —

- (a) appoint field registrars in order to have a house to house or other sufficient inquiry made as to the persons entitled to be registered and such field registrars may perform such other duties connected with the registration of electors as may be assigned to them by the Electoral Commission; and

- (b) inspect existing Rate Books, Local Tax Assessment Lists and all other similar records relating to any area or ward; and any officer of a local authority or other person having the custody of any such records shall afford the Electoral Commission every facility as may be required.

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

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

(6) Where by any decision of the court, any decision of the Revising Officer is reversed or altered so as to require an alteration or correction in a provisional list of the Register of Electors, the Revising Officer shall forthwith alter or correct such list of the Register accordingly and shall sign his name after the words "altered (or corrected) on Order of the High Court dated the day of 19....." which he shall write on the list of the Register against every such alteration or correction.

Right to vote not affected by pending appeal.

25. The right of any person whose name is for the time being on a Register of Electors to vote at an election shall not be prejudiced by any appeal pending under section 24, and any vote given at an election in pursuance of that right, shall be as good as if no such appeal were pending and shall not be affected by the subsequent decision of the appeal.

Settlement of lists.

26. The provisional lists in respect of any ward shall be finally settled and signed by the Revising Officer and such lists shall be delivered by him to the Registration Officer within five days from the date on which such Revising Officer first commenced to hold his inquiry and to revise such lists.

Register of Electors.

27. (1) Upon delivery to him of the list as revised by the Revising Officer, the Registration Officer shall, within such period as the Electoral Commission may by Government Notice direct, cause the revised list to be kept, ward by ward, in a register to be known as the Register of Electors, beginning with every name in each ward and continuing in regular series to the last name in each ward.

(2) The Register of Electors for the time being in force in any ward shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote at the election of the President of Sierra Leone; an ordinary member of Parliament or, as the case may be, the election of member of a local authority to represent that ward.

PART V — GENERAL PROVISIONS

28. (1) An employee of the Electoral Commission shall not, in the performance of his duties, be subject to any direction or control of any government official, party official or otherwise, apart from the Electoral Commission. Obligation of impartiality.

(2) Any employee of the Electoral Commission who contravenes subsection (1) and any person who causes that employee to commit such contravention shall each be liable, on summary conviction, to a fine of five hundred thousand leones or to imprisonment for a term of two years or to both such fine and imprisonment.

29. (1) The National Provisional Ruling Council, on the recommendations of the Electoral Commission, may make regulations for giving effect to this Decree. Regulations.

(2) The Electoral Commission may make regulations for the accreditation of observers to the registration processes prescribed under this Decree.

30. The Franchise and Electoral Registration Act, 1961 is hereby repealed. Repeal of Act No. 44 of 1961.

SECOND SCHEDULE

FORM A

(Section 12)

FRANCHISE AND ELECTORAL REGISTRATION DECREE, 1995

REPUBLIC OF SIERRA LEONE

INTERIM NATIONAL ELECTORAL COMMISSION

NOTICE TO ELECTORS

Every person who is entitled to be registered as an elector in Registration Area

Number in Chiefdom/Ward

..... of Province/Western

Area is required to present himself/herself to the Registration Officer during the

registration period from the day of 19

to the day of 19

Date

.....
Registration Officer.

SECOND SCHEDULE

FORM C

(Section 17)

FRANCHISE AND ELECTORAL REGISTRATION DECREE, 1995

REPUBLIC OF SIERRA LEONE
INTERIM NATIONAL ELECTORAL COMMISSION

REVIEW OF VOTERS REGISTER 19.....

NOTICE IS HEREBY GIVEN THAT IN ACCORDANCE WITH SECTION 17(1) of the Franchise and Electoral Registration Decree, 1995, list of Electors of each Ward have been compiled. These lists contain the names of persons qualified to be registered under Section 13. The lists will be exhibited at the following Centres with effect from

..... to 19.....
in the Western Area and the Provinces :—

DISTRICT

CHIEFDOM/WARD.....

REGISTRATION AREA NO.

EXHIBITION AREA

EXHIBITION CENTRE at the following addresses —

1

2

3

4

5

6

Anyone whose name has been omitted or claims to have his/her name inserted in the List shall within Five (5) days after the Exhibition of such copy or part thereof apply or present himself/herself to the Interim National Electoral Commission or its designated officer to have his/her name inserted in such copy as provided in Section 19 (1) of the Decree.

Any Elector can object to the inclusion of any name as provided in section 19 (2) of the Decree.

.....

Registration Officer.

SECOND SCHEDULE

FORM D

(Section 19(1))

FRANCHISE AND ELECTORAL REGISTRATION DECREE, 1995

SERIAL NUMBER

REPUBLIC OF SIERRA LEONE
INTERIM NATIONAL ELECTORAL COMMISSION

REGISTRATION OF VOTERS

NOTICE OF OMISSION FROM PROVISIONAL LIST

To: THE REGISTRATION OFFICER

.....

I hereby give you notice that I object to
the omission of my name from the Provisional List of Electors for Registration
Area No. in Chiefdom/Ward
and I claim the right to have my name inserted in the said List as an elector on the
following grounds and on the basis of the particulars stated below:—

.....

.....

DATED this day of 19

Witness to mark

Signature (or mark)

SECOND SCHEDULE

FORM E

(Section 19 (2))

FRANCHISE AND ELECTORAL REGISTRATION DECREE, 1995

SERIAL NUMBER

REPUBLIC OF SIERRA LEONE
INTERIM NATIONAL ELECTORAL COMMISSION

REGISTRATION OF VOTERS

NOTICE OF OBJECTION TO RETENTION OF NAME
IN A LIST AS AN ELECTOR

To: THE REGISTRATION OFFICER

.....

I of

being a person whose name appears as an elector in the Provisional List for
Registration Area No. in Chiefdom/Ward

..... hereby give notice that I object to the name of
..... whose particulars are listed
below being retained in that list as an Elector on the grounds that :—

.....
.....

DATED this day of 19

Witness to mark

Signature (or mark)

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

SECOND SCHEDULE

FORM F

(Section 19 (2))

FRANCHISE AND ELECTORAL REGISTRATION DECREE, 1995

SERIAL NUMBER

REPUBLIC OF SIERRA LEONE
INTERIM NATIONAL ELECTORAL COMMISSION

REGISTRATION OF VOTERS

NOTICE TO PERSON OBJECTED TO

To:

I of

being a person whose name appears as elector in the Provisional List for
Registration Area No. in Chiefdom/Ward

..... hereby give notice that I object to your name and particulars
listed below being retained in that list as an Elector on the grounds that :—

.....
.....

And that you will be required to prove your qualification at the time of the revising
of the said List.

DATED this day of 19

.....
Witness to mark

.....
Signature (or mark)

MADE AND ISSUED this 12th day of December, 1995.

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