

Amended by N.P.R.C. Decree
No. 13 / 1996 (SPL-18 sub-section 1)

N.P.R.C. Decree
No. 17



1995

Sierra Leone

The Presidential Elections Decree, 1995

Short title.

Being a Decree to provide for the election of the President of the Republic of Sierra Leone and for other connected purposes.

[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—

“Commission” means the Interim National Electoral Commission;

Act No. 6 of 1991.

“Constitution” means the Constitution of Sierra Leone, 1991;

Decree No. 7 of 1995.

“political party” means an association registered as a political party under the Political Parties Decree, 1995;

“presidential candidate” means a person standing as a candidate in a presidential election;

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

“Presiding Officer” means any person appointed as such under subparagraph (a) of section 12 and includes an Assistant Presiding Officer;

“public election” means a presidential, parliamentary or local government election;

Act No. 14 of 1962.

“the Act” means the Electoral Provisions Act, 1962.

PART II—ELECTION TO FILL VACANCY IN OFFICE OF PRESIDENT

Commencement.

2. This Decree shall be deemed to have come into operation on the 14th day of December, 1995.

Time for presidential election.

3. (1) There shall be a presidential election to fill any vacancy occurring in the office of President under paragraph (a) of subsection (1) of section 49 of the Constitution or in such other circumstances as may be prescribed.

- (c) not less than forty years of age; and
- (d) otherwise qualified to be elected as a member of Parliament.

Returning Officer in presidential election.

5. The Returning Officer in a presidential election shall be the Chairman of the Commission.

Voters in presidential election.

6. Any person being a citizen of Sierra Leone and registered in Sierra Leone as a voter for the purposes of any public election is entitled to vote in a presidential election.

PART III—NOMINATION AND OTHER PROCEDURES FOR PRESIDENTIAL ELECTION

Form of nomination of presidential candidate.

7. (1) The nomination of a presidential candidate shall be in writing in the form prescribed in the First Schedule and shall be subscribed by—

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

Act No. 6 of 1991.

(2) A person shall not be qualified to be designated as a candidate for the office of Vice-President if he does not have the qualifications specified in subsection (2) of section 4.

(3) The nomination papers of a presidential candidate shall be delivered by the candidate to the Returning Officer on such day and at such time and place as may be prescribed by the Returning Officer by order published in the *Gazette* and shall be accompanied with two statutory declarations in the form prescribed in the Second Schedule, made separately by the presidential candidate and the candidate designated by him for the office of Vice-President.

(2) The *Gazette* notice referred to in subsection (1) shall direct that any citizen of Sierra Leone may lodge an objection, if any, against the nomination of a presidential candidate but that such objection shall be lodged with the Supreme Court within seven days of the publication of the *Gazette* notice.

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

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

Political party
to nominate
fresh
candidate.

10. Where at a presidential election a presidential candidate dies before polling begins, the party which nominated him shall, within seven days of such death, nominate another candidate.

Election of
unopposed
candidate.

11. A candidate in a presidential election shall be deemed to have been duly elected to the office of President and shall be declared as such by the Returning Officer if he is the only candidate nominated for election after the close of nomination.

Appointment
of Presiding
Officers and
Polling
Assistants by
Commission.

12. After the appointment of the day under section 3 for the holding of a presidential election, the Commission shall, by notification in the *Gazette*, appoint such persons as it may think fit, other than a candidate for election, to be —

- (a) the Presiding Officer who shall be in charge of the polling in a polling station; and
- (b) Polling Assistants under the direction of the Presiding Officer.

Manner of
poll etc.

13. (1) Pursuant to section 36 of the Constitution, the poll at every presidential election shall be by secret ballot.

(2) Subject to this Decree and the Interim National Electoral Commission Decree, 1994, the voting at every presidential election shall be under the general supervision of the Commission.

Decree No.
I of 1994.

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

Time for
polling.

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

15. (1) After the expiration of the time fixed for polling, the votes shall be counted; and each Presiding Officer shall, as soon as possible after the votes have been counted, certify to the Returning Officer the result of the counting, stating the number of valid votes cast in favour of each presidential candidate.

Declaration of
election result.

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

16. (1) No person shall be elected as President unless at the presidential election he has polled in his favour not less than fifty-five per cent of the valid votes cast.

Election of
candidate after
poll.

(2) If a candidate is not duly elected under subsection (1), the two candidates with the highest number or numbers of votes shall go forward to a second election which shall be held within fourteen days of the announcement of the result of the previous election, and the candidate polling in his favour the higher number of votes cast shall be declared President.

17. The Returning Officer shall, after declaring the result of a presidential election under section 11 or section 16, as the case may be—

Certificate of
election and
publication of

(a) issue to the successful candidate a certificate of election in the form prescribed in the Third Schedule; and

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- (b) as soon as possible, cause the results of the election to be published in the *Gazette* and in such other manner as he may think fit.

Assumption of office by elected candidate.

18. (1) A person elected to the office of President under section 11 or section 16, as the case may be, shall subject to subsection (2), assume that office on the date upon which he is declared elected by the Returning Officer or upon the date that his predecessor's term of office expires, whichever is the later.

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

Challenge of election of President.

19. (1) Any person who is a citizen of Sierra Leone may challenge the validity of the election of the President by petition to the Supreme Court within seven days after the declaration of the result of a presidential election under subsection (2) of section 15.

(2) A declaration by the Supreme Court that the election of the President is not valid shall be without prejudice to anything done by the President before the declaration.

Election Petition Rules.

20. (1) The Rules of Court Committee may make Rules of Court for the practice and procedure for petitions to the Supreme Court—

- (a) objecting to the nomination of a presidential candidate under subsection (2) of section 9;

or

- (b) challenging the election of a President under section 19.

(2) Until any rules are made under subsection (1), the procedure to be followed in relation to the presentation and hearing of a petition under this section shall be as provided in the Election Petition Rules, 1986, which shall be read and construed with such modifications and adaptations as are necessary to give effect to this section.

PART IV—MISCELLANEOUS PROVISIONS

21. (1) Subject to this section, the provisions of the Act, specified in subsection (3) relating to the election of the ordinary members of Parliament, shall apply to a presidential election.

Application of provisions of Act No. 14 of 1962.

(2) The provisions of the Act as applied by subsection (1) shall, in relation to a presidential election, have effect with such modifications, adaptations and exceptions as may be necessary to give effect to the provisions of the Constitution relating to presidential elections and also to this Decree and any other enactment.

(3) The provisions of the Act applied by subsection (1) are the following:—

Act. No. 14 of 1962.

section 2, subsections (2), (3) and (4) of section 10, subsection (1) of section 22, subsection (2) of section 22 other than subparagraphs (e) and (f) thereof, section 23, subsections (1), (3) and (4) of section 24, sections 26, 27, 28, 29, 31 and 32, subsections (1) and (2) of section 33, sections 34, 35, 36, 37, 38, 39, 40 and 42, sections 45, 47 and 48 subsection (1) of section 49, section 50, section 68, sections 70, 71 and 72, section 73, sections 74 to 83 and Forms D and E in the First Schedule.

22. Unless otherwise prescribed by this Decree, the penalty for any offence under this Decree, including offences arising under the provisions of the Act applied by section 21, shall be a fine of not less than five hundred thousand leones and not more than ten million leones or by imprisonment for a term not less than three years and not more than ten years.

Offences and penalties under Decree.

23. The Commission may, with the prior approval of the National Provisional Ruling Council, make regulations not being inconsistent with this Decree—

Commission to make regulations.

(a) for prescribing any matter required to be prescribed under this Decree; or

(b) which are necessary or expedient to give effect to this Decree.

24. The Presidential Elections Act, 1985 is hereby repealed.

Repeal.
Act No. 1 of 1985.

FIRST SCHEDULE

PRESIDENTIAL ELECTIONS DECREE, 1995 (Section 7 (1))

NOMINATION PAPERS OF PRESIDENTIAL CANDIDATE

Date of Presidential Election:

1. I, the undersigned, am the Presidential Candidate to whom this nomination paper relates and I hereby certify that I am willing to stand for election to the office of President of the Republic of Sierra Leone.
2. I also hereby state that I am qualified and not disqualified for election to the office of President of the Republic of Sierra Leone in accordance with the statutory declaration attached hereto as Annexure I.
3. My designated candidate for the office of Vice-President of the Republic of Sierra Leone is

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

Full name of presidential candidate

Address

Occupation

Date

.....
Signature of Presidential Candidate.

.....
Signature of Designated Vice-President.

We the undersigned, are the three executive members of the

(State name of political party nominating candidate)

which has nominated the above presidential candidate.

Full name

Address

Occupation

Office held in above political party.....

Date

Signature

Full name

Address

Occupation

Office held in above political party.....

Date

Signature

Full name

Address

Occupation

Office held in above political party.....

Date

Signature

This nomination paper was completed and signed in our presence.

(1) Name.....Address

(2) Name.....Address

Signature of witness (1)

Signature of witness (2)

Received by me ato'clock on the.....day
of19.....

(Signed).....

Returning Officer.

Note:—The Presidential Candidate and his nominators must all sign in the presence of the two witnesses who must be of full age and who must sign in the place indicated.

SECOND SCHEDULE

(Section 7 (2))

**STATUTORY DECLARATION OF
PRESIDENTIAL/VICE-PRESIDENTIAL CANDIDATE**

I,
do solemnly and sincerely declare that:—

1. I am a citizen of Sierra Leone.

2. I have attained the age of forty years.

3. I am registered as a voter with registration number.....
.....

4. (i) I have paid all my taxes; or

(ii) I have made arrangements satisfactory to the appropriate authority
for the payment of my taxes.

(Delete where inapplicable)

5. I have not been adjudged or otherwise declared to be of unsound mind or detained as a criminal lunatic under any law in force in Sierra Leone.
6. I have not been convicted—
 - (i) for an offence involving fraud or dishonesty; or
 - (ii) for any offence punishable by death; or
 - (iii) for an offence relating to or connected with election under a law in force in Sierra Leone at any time.
7. I am not a person disqualified from practising a profession in terms of paragraph (g) of subsection (1) of section 76 of the Constitution.
8. I am not under sentence of death imposed on me by any court.
9. I am not disqualified to be registered as a voter under the provisions of any law relating to public elections.
10. I am not disqualified for election by any law in force in Sierra Leone by reason of my holding or acting in any office the functions of which involve a responsibility for or in connection with the conduct of an election or any responsibility for the compilation or revision of any electoral register.
11. I am not a member of any commission established by the Constitution, or, member of the Armed Forces of the Republic, or a public officer, or an employee of a corporate body established by an Act of Parliament or out of funds appropriated by Parliament or the National Provisional Ruling Council.
12. I am not a chief.
13. I am not otherwise disqualified from standing for the election by any law in force in Sierra Leone.

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

valid votes were cast in favour of the candidate
at that election; (Presidential Candidate)

AND WHEREAS
(Name of person elected)

therefore received the highest of the valid votes cast in the election;

AND WHEREAS I have accordingly in pursuance of subsection (2) of section 15
of the Decree, declared
(Name of person elected)

..... to have been elected President;

NOW, THEREFORE, in exercise of the powers conferred on the Returning Officer
by paragraph (a) of section 17 of the Presidential Elections Decree, 1995, I hereby
certify that
(Name of person elected)

has been duly elected President of the Republic of Sierra Leone at the Presidential
Election of
(Year of election)

DATED this day of, 19.....

.....
Returning Officer.

MADE and ISSUED this 17th day of January, 1996.

BRIGADIER JULIUS MAADA BIO
Chairman,
National Provisional Ruling Council.