



Republic of Liberia
NATIONAL ELECTIONS COMMISSION

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SENATORIAL
BY-ELECTION REGULATIONS

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PART I

Section 1: Citation

These Regulations shall be cited as the 2018 Senatorial By-Election Regulations.

Section 2: Definitions

In these Regulations, unless the context otherwise indicates:

- (i) “Application” means a request by a political party, coalition, or alliance, and any aspirant candidate, to the Commission to stand in a By-Election;
- (ii) “By-Election” means any election other than a general or special election as provided for under the provision of Article 37 of the 1986 Constitution and to otherwise include election called for the purpose of filling vacancies created as a result of unexpired term in an election position other than the Presidency and the Vice Presidency;
- (iii) “BOC” means the Board of Commissioners of the National Elections Commission;
- (iv) “Commission” means the National Elections Commission (NEC);
- (v) “Candidate” means any person nominated or endorsed by a political party, coalition or alliance, and anyone applying to the Commission to stand as a candidate; “aspirant candidate” shall have the same meaning;
- (vi) “Domicile” means the residence in the constituency of an aspirant or candidate who seeks elective public office in which he lives and pays taxes;
- (vii) “Residence” means the place where an aspirant or candidate lives;
- (viii) “Alliance” means any alliance accredited by the Commission to participate in elections;
- (ix) “Coalition” means any coalition accredited by the Commission to participate in elections;

- (x) “Political Party” means an association with a membership of not less than five hundred (500) qualified registered voters in at least each of any six (6) counties. The activities of a political party which has met the minimum registered requirements laid down by the Elections Commission by filing with said Elections Commission, its articles of
- (xi) incorporation and by-laws in the Archives of the Republic of Liberia shall include canvassing for votes on any public issue, or in support for a candidate for elective office;
- (xii) “Independent candidate” means a person seeking electoral post or office with or without his own organization, acting independently of a political party.
- (xiii) “Campaign”, means canvassing for votes;
- (xiv) “The NEC”, means the National Elections Commission;

Section 3: Application of Regulations

This Regulation for By-Election shall apply only to Senatorial By-Elections;

PART II

Section 4: Voter Registration

- 4.1 All qualified citizens who registered as voters, and are in possession of valid voter registration cards, shall, upon production thereof, be entitled to use such cards to vote in the By-Elections.
- 4.2 In the event of loss or destruction of the registration card, and after proof has been established, the registrar shall issue a new card for a minimum fee of five (\$5.00) dollars to be paid in the Internal Revenue. The VR Card Replacement Exercise will be carried out at the Bong and Montserrado Counties’ Election Magisterial Offices and, the public will be informed concerning the date and time for the VR Cards Replacement Exercise.

PART III

Section 5: General Provisions Relating to Political Parties, Alliances, Coalitions and Independent Candidates

- 5.1 All existing political parties, coalitions, alliances and eligible citizens shall be entitled to contest the By-Election.
- 5.2 Any person who is qualified for elective public office, whether or not he/she is a member of any political party, shall have the right to apply to the NEC for registration to stand in the By-Election as an independent candidate, provided that such candidate shall have a functioning office in the County in addition to satisfying any other requirements laid down by the 1986 Constitution, Statutory Laws, NEC's Regulations, Guidelines and Code of ethics;

PART IV

Section 6: Qualifications for Office and Proof of such Qualifications

- 6.1 Any person, in order to be accepted to stand for office as a Senator, in addition to any other qualifications required for the office of Legislator as provided for in the 1986 Constitution, and the 1986 New Elections Law, shall:
 - 6.1.1 Be a citizen of Liberia;
 - 6.1.2 Have attained the age of thirty (30) years for the Senate;
 - 6.1.3 Be domiciled in the county to be represented not less than one year prior to the time of the By-Election;
 - 6.1.4 Be a regular taxpayer;
 - 6.1.5 If he/she is a candidate running on the ticket of a political party, alliance or coalition, the endorsing coalition, party or alliance must present proof of a bank balance of \$10,000USD or its Liberian Dollars equivalent.
 - 6.1.6 In the case of an independent candidate, he/she shall display proof of deposit of maintenance of a bank balance of US\$10,000.00.
- 6.2 Each aspirant candidate is required to submit a separate sworn declaration or affidavit together with his/her application for nomination, attesting to:
 - 6.2.1 His/her citizenship;
 - 6.2.2 His/her domicile;-3-
 - 6.2.3 His/her actual, regular and principal place of residence during the period of one year immediately preceding the date of the By-Election.

- 6.3 In addition to this sworn declaration or affidavit, aspirant candidate shall submit together with his/her application for registration a certified or notarized copy of each of the following:
- 6.3.1 Passport or National or international driver's license (if any);
 - 6.3.2 Bank statement or any other official document reflecting his/her address;
 - 6.3.3 Tax clearance as a regular taxpayer (income or property taxes);
 - 6.3.4 Any other documentation containing information which the Commission may in its sole discretion request to verify the authenticity of the aspirant candidate's claim to being qualified for the office sought.
- 6.4 Any person aspiring to stand as a candidate shall satisfy each and every one of the criteria set out in Part IV, Section 6 herein to be considered as a candidate.

PART V

Section 7: Nomination of Candidates of Political Parties, Alliances and Coalitions

- 7.1 Parties, alliances and coalitions shall not be required to hold local conventions for the nomination of candidates. The National Executive Committees shall, in consultation with the Local Committees, effect the nomination of their candidates.
- 7.2. Each party, alliance and coalition shall nominate one candidate only for each By-Election.
- 7.3 Acceptance of applications for nomination, whether re-nomination, or new nomination shall be subject to all the eligibility criteria including but not limited to those provided for under the Constitution of Liberia, relevant statutory laws and other Regulations, Guidelines, Code of Conduct of Political Parties and Independent Candidates promulgated by the NEC. Only upon meeting all these requirements shall a candidate stand for the office he/she seeks.

Section 8: Independent Candidates

- 8.1 Any person who satisfies the qualifications criteria laid down in Part IV, Section 6 of these Regulations, may apply for registration as an independent candidate in the By-Election.

- 8.2 Any person aspiring to stand as an Independent candidate shall have a functioning office in the county which he/she seeks to represent.
- 8.3 In the case of an independent candidate, he/she shall display proof of deposit of and maintenance of a bank balance of Ten Thousand United States Dollars (US\$10,000.00) or its equivalent in Liberian Dollars.
- 8.4 Acceptance of applications for registration shall be subject to all the eligibility criteria including but not limited to those provided for under the Constitution of Liberia, relevant statutory laws and other regulations promulgated by the NEC. Only upon meeting all these requirements shall a candidate stand for the office he/she seeks.

Section 9: Nomination Procedures for Candidates of Political Parties, Alliances, and Coalitions

- 9.1 A registered political party, alliance and coalition, intending to contest By-Election, shall, together with payment of the prescribed application fee, pick up the nomination package containing all relevant nomination forms including endorsement forms which shall be filled in by both the candidate and the party (National Chairman/National Secretary General) and submit same to the NEC before the close of the nomination period.
- 9.2 Letters of intent from each candidate so nominated stating his/her willingness to serve when elected, together with the sworn declarations or affidavits and documents listed in Sections 6.2 and 6.3 of these Regulations and which shall be submitted to the Commission not later than the close of the nomination period, except where the situation contemplated in Section 12.3 arises, in which event the provisions of that section shall apply.
- 9.3 The nomination of a candidate for elective public office by or on behalf of a political party which is a member of an accredited coalition or alliance shall not be accepted by the Commission unless that political party had earlier notified the Commission of its withdrawal from the alliance or coalition, not less than ten (10) weeks before election. In the event of such notice being received by the Commission less than ten weeks before election, the Commission shall require the affected party and the candidate to show cause why the nomination of the candidate should not be rejected at a hearing to be held not later than seven (7) days of receipt of the relevant notice of withdrawal by the Commission.

- 9.4 The Commission may reject any application for the elective office sought which does not meet the qualification and criteria specified in the Constitution or the New Elections Law of 1986, and which does not meet any of the requirements laid down in these By-Election Regulations, subject to any such aspirant candidate first being afforded an opportunity to remedy the defect(s) in his/her application in accordance with the procedure set out in Section 12.3.

Section 10: Application Procedure for Independent Candidates

- 10.1 Any person who satisfies the qualifications criteria and other requirements laid down in these regulations, whether or not such person is a member of any political party, and who intends to stand for the elective office of the Legislature shall, together with payment of the prescribed application fee, pick up a nomination package, fill in and submit same to the NEC and, which package shall contain in part the following information: The full name of the aspirant candidate, his/her age, address, sex, occupation, previous positions held (if any), and details of the qualifications required for the office sought as provided for in Section 6 of these Regulations, the Constitution and the New Elections Law.
- 10.2. The provisions of Section 9.4 of these regulations shall also apply to all aspirants independent candidates.

Section 11: Application Fees

- 11.1 An application fee of Seven Hundred fifty United States Dollars (US\$750.00) or its Liberian Dollar equivalent shall be payable directly to a bank designated by the Commission by all political parties, alliances, coalitions and independent candidates which nominate candidates for members of the Senate for the By-Elections.

Section 12: Verification and Determination Procedures for all Candidates

- 12.1 The Commission shall, upon receipt of an application by a candidate, and a Letter of Intent by an independent candidate, issue a written and dated notice of receipt thereof.
- 12.2 The Commission may take all lawful steps which it deems necessary, including the holding of hearings, to verify the accuracy of the information and documentation submitted by aspirant candidates, in order to ascertain that the candidate meets the requirements under the Constitution and the New Elections Law. A political party, alliance, coalition or aspirant candidate, as the case may be, shall afford full cooperation to the Commission in the verification process.

- 12.3 In the event that an application is defective, the Commission shall afford the candidate an opportunity to rectify the defect(s) in his/her application by notifying the candidate of such defect(s) upon the Commission's receipt of said application. All candidates shall have up to the end of the nomination period to correct any error(s) or deficiency(ies) in his/her application.
- 12.4 The Commission shall notify all aspirant candidates in writing of its decision to accept or reject the request to stand for office on a date to be determined by the Commission.
- 12.5 In the event of the Commission rejecting the request of an aspirant candidate to stand for office, it shall notify the candidate and the party, alliance, coalition and as the case may be, of the reasons for rejection. An aspirant whose application has been rejected may appeal the NEC's decision to the Supreme Court within three (3) days of the NEC's determination.
- 12.6 The Commission shall publish the names of all candidates accepted to stand for office in the media.

Section 13: Withdrawal of Nomination/Application/Candidature

- 13.1 Any political party, alliance or coalition or its candidate, or an independent candidate may withdraw a nomination/application. Such withdrawal shall be effected by the Aspirant Candidate completing and submitting the prescribed form in person to the designated Central Nomination Center no later than seven (7) days after the last day for receiving nominations. (Note: The prescribed withdrawal form is available in the office of the Magistrate of Elections in the county where the By-Election is to be held).
- 13.2 In the event the nomination of a candidate by a political party, alliance or coalition is withdrawn consistent with Section 13.1 above either by the candidate himself/herself or the political party, alliance or coalition, such political party, alliance or coalition may endorse/nominate another candidate for the seat to be contested, by submitting the prescribed form, containing the name of the new candidate and the details and information required under the provisions of Section 6 and Section 9.1 of these regulations. The new candidate shall submit all required forms and documents to the Commission, including the Letter of Intent referred to under Section 9.2 of these regulations not later than the time provided herein for withdrawal consistent with the Candidate Nomination procedures for Bong and Montserrado Counties' Senatorial By-Elections.
- 13.3 Where a candidate has been approved, such candidature may be withdrawn only under the joint signatures of the head (National Chairman & National Secretary General) of the party, alliance or coalition, and the candidate by not later than the time provided for under Section 13.1 above and before the publication of the Final List of candidates.

In the case of an independent candidate, his/her signature shall be sufficient notice of such withdrawal. No independent candidate, party, alliance, coalition or candidate of such party, alliance or coalition may withdraw an approved candidature after the Final List of candidates has been published by the NEC.

Section 14: Death or Incapacity of a Candidate

- 14.1 In the event of the death or incapacity of a candidate of a political party, alliance or coalition after the publication of the Final List of Candidates and after the ballot papers have been printed, the affected political party, alliance or coalition may nominate another candidate in accordance with the provisions of Section 9 of these regulations, which shall apply in their entirety to a candidate so nominated, subject to all qualification criteria and other requirements laid down in the Constitution, the New Elections Law, and these Regulations being met by the candidate so nominated. Any votes cast for the deceased or incapacitated candidate shall be transferred to and regarded as having been cast for the candidate so nominated.
- 14.2 In the event of the death or incapacity of an independent candidate, any votes cast for him/her shall be registered as invalid; but if said candidate wins, a new election shall be held.

Section 15: Obligations of Political Parties, Alliances and Coalitions

- 15.1 All Registered political parties, alliances and coalition shall be required to establish and maintain at least one functioning and furnished local office in the County. These offices shall be available for inspection by the Commission during the process of a By-Election.

Section 16: Disclosure of Assets and Liabilities and Account of Elections Expenses

- 16.1 Each Political Party, alliance or coalition shall maintain an updated bank account with a balance not less than Ten Thousand United States Dollars (US\$10,000.00) or its equivalent in Liberian Dollars.
- 16.2 All candidates shall submit to the Commission a detailed statement of assets and liabilities, which shall reflect the value of the assets, the source of all funds, and any other assets, liabilities and expenditure, as required by the Constitution and Sections 7.1 to 7.4 inclusive, of the 1986 New Elections Law.
- 16.3 The aforesaid statement must be submitted not later than thirty (30) days prior to the holding of the By-Election as required by Article 83(d) of the Constitution.

- 16.4 All candidates shall submit to the Commission, accounts of their election expenses not later than fifteen (15) days after the announcement of the results of the By-Election.

Section 17: Limitation on Funding of Political Parties, Alliances, Coalitions and Candidates Accountability and Limitations on Elections Expenses

- 17.1 The provisions of Article 83(d) of the Constitution and of Chapter 7, Sections 7.1 to 7.4 inclusive, of the 1986 New Elections Law (or any amendments thereto), relating to contributions to political parties or candidates, the restrictions on the remittance of funds from outside the country to political parties, alliances or coalitions or independent candidates, the limitation of election expenses, and the establishment of a banking account by political parties, alliances, coalitions shall be strictly adhered to.
- 17.2 Election expenses shall not be incurred or authorized by any candidate and/or a party, alliance or coalition for the office of the Senate in excess of the Liberian Dollar equivalent of Six Hundred Thousand United States Dollars (US\$600,000.00); Failure to adhere to this requirement constitutes an election offense punishable under the provisions of Section 10.7 of Chapter 10 of the 1986 New Elections Law (As Amended).

PART VII

Section 18: Campaign Period and Matters Incidental Thereto

- 18.1 The Commission shall determine, publish and announce the date when official campaign shall open and close. The campaign period shall commence upon such publication and announcement.
- 18.2 No political party, alliance, coalition or candidate shall commence campaign until the campaign has been officially declared open by the Commission.
- 18.3 No political party, alliance, coalition, or candidate shall continue to campaign beyond the closing date of the campaign period.
- 18.4 Failure to comply with the provisions of Section 18.2 above shall constitute an election offense punishable under the provisions of Chapter 10 of the 1986 New Elections Law.
- 18.5 Activities of political parties, alliances, coalitions and independent candidates shall not extend beyond the boundaries of Liberia.
- 18.6 The official campaign period shall end at midnight twenty-four (24) hours before the By-Election Day.

Section 19: Complaints and Appeal

- 19.1 The provisions of the NEC's Regulations on Complaints & Appeal and NEC's Elections Hearing Procedures both regulations promulgated by the National Elections Commission May 6, 2016 are adopted for the purpose of this By-Election.

Section: 20 Guidelines and Codes of Conduct

- 20.1 The Guidelines and Code of Conduct for Representatives of Political Parties, Accredited Alliances, Coalitions, and Independent Candidates of 2017, the Code of Conduct of the National Elections Commission of 2017, the Code of Conduct for Observers of 2017, the Liberian Political Parties Code of Conduct of 2017, and the Election Coverage Code of Conduct of the Press Union of Liberia, as amended are adopted for the purpose of the By-Election.
- 20.2 The provisions of these Guidelines and Codes shall apply in their entirety to By-Elections.

Section 21: Effective Date

These Regulations shall enter into force immediately upon their publication by the Commission and shall be binding upon all candidates, political parties, alliances, coalitions and, independent candidate contesting the By-Election, and members of such parties, alliances or coalitions.

Section 22: Revision and Amendment

These Regulations may be revised or amended at any time by the Commission. All such revisions or amendments shall be published by the Commission, and shall become effective immediately upon such publication.

DONE UNDER OUR HANDS AND SEAL OF THE NATIONAL ELECTIONS COMMISSION (NEC), ON THIS 12TH DAY OF MARCH, 2018.

Hon. Boakai Amadu Dukuly, Esq.
COMMISSIONER

Hon. Davidetta Browne Lansanah
COMMISSIONER

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COMMISSIONER

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