



Republic of Liberia
NATIONAL ELECTIONS COMMISSION

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BY-ELECTION REGULATIONS
FOR DISTRICT #1, LOWER LOFA COUNTY

December 29, 2016

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PART I

Section 1: Citation

This Document shall be cited as the 2017 Lower Lofa County, District # 1 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 election to fill a vacancy in the Legislature pursuant to Article 37 of the 1986 Liberian Constitution;
- (iii) “Commission” means the National Elections Commission (NEC);
- (iv) “Candidate” means any person nominated or endorsed by a political party, coalition or alliance, or person applying to the Commission to stand as an Independent candidate;
- (v) “Domicile” means the residence in the constituency of an aspirant or candidate who seeks elective public office in which he/she lives and pays taxes;
- (vi) “Residence” means the place where an aspirant or candidate lives;
- (vii) “Alliance” means any alliance accredited by the Commission to participate in elections pursuant to Section 8.5 of the New Elections Law of 1986;
- (viii) “Coalition” means any coalition accredited by the Commission to participate in elections pursuant to Section 8.5 of the New Elections Law of 1986;
- (ix) “Political Party” means any political party registered as such by the Commission;
- (x) “Campaign” means canvassing for votes;
- (xi) “The NEC” means the National Elections Commission;

Section 3: Application of Regulations

These Regulations shall apply to the 2017 District #1, Lower Lofa County By-Election.

PART II

Section 4: Voter Registration

- 4.1 All qualified citizens who are in possession of valid voter registration cards, shall upon production thereof, be entitled to use such cards to vote in the By-Election.
- 4.2 The Commission may decide to replace lost, damaged or destroyed voter Registration Cards. In such event, the Commission shall inform the voters through the offices of the Elections Magistrates.

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, in addition to any other requirements laid down by the 1986 Constitution, Statutory Laws, Regulations, Guidelines, Code of ethics by the Commission, shall have a functioning office in the electoral constituency or district.

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 representative, 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 twenty-five (25) years for the House of Representatives;
 - 6.1.3 Be domiciled in the district/constituency 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 A candidate of a political party, alliance or coalition 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\$5,000.00.
- 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;
 - 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 the sworn declaration or affidavit, an aspirant shall submit together with his/her application for registration a certified or notarized copy of each of the following:
- 6.3.1 Birth Certificate/ Passport;
 - 6.3.2 National Driver's license (if any);
 - 6.3.3 Voter Registration Card;
 - 6.3.4 Bank statement or any other official document reflecting his/her address;
 - 6.3.5 Tax clearance as a regular taxpayer;
 - 6.3.6 Any other documentation containing information which the Commission may request to verify the authenticity of the aspirant's claim of 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 the 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 the Constitution of Liberia, relevant statutory laws, Part IV, Section 6 of these Regulations, and Guidelines may apply for registration to contest the By-Election as an independent candidate.
- 8.2 Any person aspiring to stand as an Independent candidate shall have a functioning office in the electoral constituency or district which he/she seeks to represent.
- 8.3 In the case of an independent candidate, he/she shall present proof of deposit of and maintenance of a bank balance of Five Thousand United States Dollars (US\$5,000.00) 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 the 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.
- 9.3 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;

Section 10: Application Procedure for Independent Candidates

- 10.1 Any person who satisfies the qualifications criteria as laid down in the Constitution of Liberia, relevant statutory laws, these Regulations, and Guidelines, and who intends to stand for the elective office of the Legislature shall, together with payment of the prescribed application fee, shall pick up a

nomination package from the NEC, fill in and submit same to the NEC before the close of the nomination period;

- 10.2. The provisions of Section 9.3 of these regulations shall also apply to all aspirants independent candidates.

Section 11: Application Fees

- 11.1 An application fee of Five Hundred United States Dollars (US\$500.00) or its Liberian Dollar equivalent shall be payable directly to a bank designated by the Commission by each aspirant wishing to contest the By-Election.

Section 12: Verification and Determination Procedures for all Candidates

- 12.1 The Commission shall, upon receipt of an application by an aspirant/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 aspirants/candidates, in order to ascertain that the candidate meets the requirements under the Constitution, the New Elections Law, and these Regulations.
- 12.3 In the event that an application is defective, the Commission shall afford the aspirant/candidate an opportunity to rectify the defect(s) in his/her application provided that the rectification(s) can be made before the close of the nomination period. 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 aspirants/candidates in writing of its decision to accept or reject the aspirant/candidate's application to contest the By-Election. 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.
- 12.5 The Commission shall publish the names of all candidates accepted to contest the By-Election.

Section 13: Withdrawal of Nomination/Application/Candidature

- 13.1 Any political party, alliance or coalition or its aspirant/candidate, or an independent candidate may withdraw a nomination/application. Such withdrawal shall be effected by the aspirant/candidate by completing and submitting the prescribed form in person to the NEC designated Nomination Center before the close of the Nomination period.
- 13.2 In the event of the nomination of a candidate by a political party, alliance or coalition being withdrawn before the close of the nomination period 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 NEC prescribed form. The new aspirant/candidate shall submit all required forms and documents to the Commission as required under these Regulations before the close of the nomination period.

- 13.3 Where a candidate has been approved, such candidate may be withdrawn only under the joint signatures of the National Chairman & National Secretary General of the party, alliance or coalition, and the candidate by not later than twenty-four (24) hours before publication of the Final List of candidates. An independent candidate shall notify the Commission in writing of his/her decision to withdraw as a candidate. No independent candidate, party, alliance, coalition or candidate of such party, alliance or coalition may withdraw an approved candidate 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, including 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 headquarters of the district. 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 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 Representative in excess of the Liberian Dollar equivalent of Four Hundred Thousand United States Dollars (US\$400,000.00); 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 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 Compiled Codes of Conduct for Organizations 2014: Political Parties, Accredited Alliances, Coalitions, and Independent Candidates; Non-Governmental Organizations; Observers(Local And International); Press Union of Liberia(PUL); are hereby adopted and applicable in their entirety for this By-Election.

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.

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 29TH DAY OF DECEMBER, 2016.


Hon. Davidetta Browne Lansanah
COMMISSIONER


Hon. Boakai Amadu Dukuly
COMMISSIONER


Hon. Jonathan K. Weedor
COMMISSIONER

Cllr. Jeanette Ebba-Davidson
COMMISSIONER



Hon. Samuel Z. Joe
COMMISSIONER

Cllr. Sarah M. Toe
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Cllr. Jerome G. Korkoya
CHAIRMAN