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**PROPOSED ELECTORAL REFORMS
SUBMITTED BY THE NATIONAL ELECTIONS COMMISSION (NEC)
FOR ENACTMENT BY THE NATIONAL TRANSITIONAL
LEGISLATIVE ASSEMBLY (NTLA)**

**A LAW TO SUSPEND ARTICLE 83(b) OF THE CONSTITUTION OF
LIBERIA AND TO PROVIDE FOR THE ELECTORAL SYSTEMS
TO BE UTILIZED IN THE 2005 ELECTIONS**

WHEREAS, in an effort to resolve the prolonged civil crisis in Liberia, the international community in June 2003 convened a conference on Liberia in Akosombo and Accra, Ghana;

WHEREAS, the said conference was attended by the then Government of Liberia (GOL), the Liberians United for Reconciliation and Democracy (LURD), the Movement for Democracy in Liberia (MODEL), political parties, civil society organizations and other stakeholders;

WHEREAS, as a result of the said conference a Peace Agreement referred to as the Comprehensive Peace Agreement (CPA) was signed by the parties on 18th August 2003 in Accra, Ghana;

WHEREAS, Article XVIII (1) of the CPA recites the agreement of all parties to the CPA that the present electoral system in Liberia shall be reformed;

WHEREAS, Article XVIII (2a) of the CPA mandates the National Elections Commission (NEC) to operate in conformity with UN standards, in order to ensure that the rights and interests of Liberians are guaranteed and that the elections are organized in a manner that is acceptable to all;

WHEREAS, the National Elections Commission (NEC) held a consultative meeting with the political parties, civil society organizations, and other stakeholders from June 7 to 8, 2004, which was followed by subsequent extensive consultations with the said stakeholders, which continued until the date of submission of this Bill to the NTLA;

WHEREAS, due to logistical and practical constraints, it is considered inappropriate to apply an absolute majoritarian system, as prescribed by

Article 83(b) of the Liberian Constitution, in relation to the election of senators and members of the House of Representatives;

WHEREAS, following extensive consultations with the stakeholders, there was a clear preference for a simple majoritarian system for the election of senators, and in relation to the election of members of the House of Representatives, a preference was shown for the single non-transferable vote system;

NOW THEREFORE: the under-mentioned reform is hereby proposed:

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Constitutional provision: **Article 83 (b)**

“All elections of public officers shall be determined by an absolute majority of the votes cast. If no candidate obtains an absolute majority in the first ballot, a second shall be conducted on the second Tuesday following. The two candidates who received the greatest numbers of votes on the first ballot shall be designated to participate in the run-off election.”

The said subsection of Article 83(b) of the Constitution is suspended and a new law enacted with the following provisions, which read thus:

SECTION TWO: THE ELECTORAL SYSTEM TO BE USED FOR THE 2005 PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS:

“Elections to the office of President and Vice President of the Republic of Liberia shall be conducted on a two-round electoral system. The first round shall be determined by an absolute majority of the valid votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Tuesday following the first ballot. The two candidates who obtain the highest number of valid votes at the first ballot shall be designated to participate in the run-off election. The candidate who obtains the majority of the valid votes cast at the second ballot is elected. Each voter shall have one vote.”

SECTION THREE: THE ELECTORAL SYSTEM TO BE USED FOR THE SENATORIAL ELECTIONS OF 2005:

“Elections for the office of Senator of the Republic of Liberia shall be based on a simple majoritarian system. The two candidates who obtain the highest and second highest numbers of valid votes cast in the county shall be elected. Each voter shall have one vote.”

SECTION FOUR: THE ELECTORAL SYSTEM TO BE USED FOR THE ELECTIONS TO THE HOUSE OF REPRESENTATIVES IN 2005:

“Elections for membership of the House of Representatives of the Republic of Liberia shall utilize the county based Single Non-Transferable Vote (SNTV) system. In each county the candidates who receive the highest number of votes shall be elected to fill the seats allocated to the said county. Each voter shall have one vote.”

A LAW TO SUSPEND ARTICLE 80(d) OF THE 1986 CONSTITUTION OF LIBERIA AND TO PROVIDE FOR THE NUMBER OF ELECTORAL CONSTITUENCIES IN THE REPUBLIC

WHEREAS, it is unlikely that a national census will be conducted prior to the 2005 elections;

WHEREAS, it is an internationally accepted standard that each representative in a parliament should represent an approximately equal number of registered voters;

NOW THEREFORE: the under-mentioned reform is hereby proposed:

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Constitutional provision: Article 80(d)

“Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the Legislature shall prescribe in keeping with population growth and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred.”

The said subsection of Article 80(d) of the Constitution is suspended and a new law enacted with the following provisions, which read thus:

SECTION TWO: NUMBER OF MEMBERS IN THE HOUSE OF REPRESENTATIVES

“For the 2005 elections, the number of members in the House of Representatives shall be fixed at sixty four.”

SECTION THREE: NUMBER OF REGISTERED VOTERS IN EACH CONSTITUENCY

“Each member of the House of Representatives shall represent an approximately equal number of registered voters, and each county shall have a number of seats allocated to it in accordance with this provision. Each county is a multi-member constituency”

A LAW TO SUSPEND ARTICLE 52(c) OF THE CONSTITUTION OF LIBERIA

WHEREAS, a substantial number of Liberian citizens fled the country as a result of war, civil disorder or human rights abuses;

WHEREAS, it is considered appropriate to allow all qualified Liberians desiring to contest the Presidency and Vice-Presidency, whether or not they have resided in Liberia for ten years prior to the 2005 elections;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Constitutional Provision: Article 52 (c)

“No person shall be eligible to hold the office of President or Vice-President, unless that person is resident in the Republic ten years prior to his election, provided that the President and Vice President shall not come from the same county.”

SECTION TWO:

“Article 52 (c) of the 1986 Liberian Constitution is hereby suspended.”

SECTION THREE:

“The President and the Vice-President shall not come from the same county.”

A LAW TO SUSPEND ARTICLE 30(b) OF THE LIBERIAN CONSTITUTION

WHEREAS, a substantial number of Liberian citizens have been displaced from their home communities as a result of war, civil disorder or human rights abuses;

WHEREAS, it is considered appropriate that any qualified Liberian citizen be eligible to become a member of the Legislature, whether or not he or she has been domiciled in the county or constituency to be represented for at least one year prior to the 2005 elections;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Constitutional Provision: Article 30(b)

“Citizens of Liberia who meet the following qualifications are eligible to become members of the Legislature; be domiciled in the county or constituency to be represented not less than one year prior to the time of the election and be a taxpayer,”

SECTION TWO:

“Article 30(b) of the 1986 Liberian Constitution is hereby suspended.”

A LAW TO SUSPEND PART OF ARTICLE 78 OF THE 1986 LIBERIAN CONSTITUTION RELATIVE TO THE REQUIREMENT THAT A POLITICAL PARTY MUST HAVE A MEMBERSHIP OF NOT LESS THAN FIVE HUNDRED QUALIFIED VOTERS IN EACH OF AT LEAST SIX COUNTIES

WHEREAS, since the adoption of the 1986 Constitution, the number of counties in the Republic has increased from nine to fifteen;

WHEREAS, the membership of a political party in Liberia should reflect ethnic and geographic balance so as to be an instrument of national unity;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Constitutional Provision, Article 78 (part to be suspended)

“A “political party” shall be an association with a membership of not less than five hundred qualified voters in each of at least six counties.”

SECTION TWO:

“That part of Article 78 of the 1986 Liberian Constitution which is quoted in Section 1 above is hereby suspended.”

SECTION THREE:

“A political party shall be an association with a membership of not less than five hundred qualified voters in each of at least 12 counties of Liberia.”

SECTION FOUR:

“The Law enacted in lieu of part of Article 78 of the Constitution in Section three above, shall not apply to existing registered political parties.”

A LAW TO PROVIDE FOR BUDGETARY APPROPRIATIONS FOR THE NATIONAL ELECTIONS COMMISSION

WHEREAS, the timely approval and disbursement of funds to NEC is essential for the proper and effective organization and conduct of the 2005 elections;

WHEREAS, to ensure that the independence of NEC is not perceived to be compromised, it is considered necessary for budgetary appropriations to be made directly by the National Transitional Legislative Assembly to NEC;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: ELECTION EXPENDITURE TO BE CHARGED ON THE NATIONAL REVENUE:

“The election expenditure and the recurrent expenditure of the National Elections Commission (including salaries and allowances of the employees) shall be a charge upon the National Revenue of the Republic of Liberia.”

SECTION TWO: SUBMISSION OF ANNUAL BUDGET AND ESTABLISHMENT OF ACCOUNT BY NEC:

“(a) The NEC shall submit an annual budget to the NTLA for consideration and approval.

(b) Upon approval, the Chairman of the NTGL shall cause the funds to be paid quarterly, in a timely manner, according to the planned expenditure, into an account established by NEC.”

SECTION THREE: PUBLICATION OF ANNUAL PLAN AND AUDITED ACCOUNTS:

“(a) The NEC shall publish annually an updated strategy, together with an annual plan to which shall be attached the funding provision for that year, as agreed with the Budget Bureau; and,

(b) At the end of each year, the NEC shall publish an annual report and an externally audited set of accounts, which shall relate to its achievements and activities against the annual plan.”

SECTION FOUR: ESTABLISHMENT OF FINANCE AND AUDIT COMMITTEE:

“The NEC shall establish a Finance and Audit Committee to oversee spending and provide assurance of regularity and propriety.”

A LAW TO AMEND THE DEFINITIONS CONTAINED IN SECTION 1.2 OF THE NEW ELECTIONS LAW 1986

WHEREAS, amendments are required to a number of the definitions in section 1.2 of the New Elections Law 1986;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior legislation: Section 1.2 of the New Elections Law 1986;

“Except when the context or a specific of provision of law otherwise requires, the following terms, when used in this title, shall have the following meanings ascribed to them in this Section:

(a) “Commission” shall refer to the Elections Commission of the Republic of Liberia.

(b) “Ecom” shall be the abbreviation used to refer to the Elections Commission.

(c) “Political Party” shall refer to 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 the said Elections Commission, its articles of 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.

- (l) “Constituency” means a delineated area of a defined population which is qualified to have one representative in the National Legislature.
- (p) “Voting Precinct” means an area designated in a constituency where not less than a thousand registered voters may assemble for the purpose of casting their ballots during an election.
- (w) “Commissioner” means any of the five-member Commission.”

SECTION TWO:

“Section 1.2 of the New Elections Law 1986 is hereby amended by deleting the existing sub-sections 1.2(a), (b), (c), (l), and (p), and inserting in their stead the following;

“Section 1.2: Definitions: Except when the context or a specific of provision of law otherwise requires, the following terms, when used in this title, shall have the following meanings ascribed to them in this Section:

- (a) “Commission” shall refer to the National Elections Commission of the Republic of Liberia.
- (b) “NEC” shall be the abbreviation used to refer to the National Elections Commission.
- (c) “Political Party” shall refer to an association with a membership of not less than five hundred (500) qualified voters in each of at least twelve (12) counties of Liberia. The activities of a political party which has met the minimum registered requirements laid down by the Elections Commission by filing with the said Elections Commission, its articles of 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.
- (l) “Constituency” means the whole of the country when referring to the Presidential election, and means each of the fifteen counties in the country when referring to the elections for the Senate and House of Representatives.
- (p) “Voting Precinct” means a designated area containing no more than 2,000 registered voters.
- (w) “Commissioner” means any of the seven-member Commission.”

A LAW TO AMEND SECTION 3.3 OF THE NEW ELECTIONS LAW 1986 TO PROVIDE FOR THE REGISTRATION AND VOTING OF DISPLACED PERSONS AND RETURNEES WITHIN LIBERIA FOR THE 2005 ELECTIONS

WHEREAS, a substantial number of Liberian citizens have been displaced and/or exiled as a result of war, civil disorder or human rights abuses;

WHEREAS, to the extent that it is reasonably and practicably possible, efforts should be made to ensure that eligible Liberian citizens who are either internally displaced persons or returning refugees, are able to exercise their right to vote;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Legislation: Chapter 3: Registration of Voters: Sub-Chapter A: General Provisions;

“Chapter 3 Sub-Chapter A of the New Elections Law 1986 is hereby amended, by adding sub-section 3.3(A) as set out in section 2 below, to be inserted immediately after sub-section 3.3.”

SECTION TWO:

“Section 3.3(A): Internally displaced persons/returning refugees:

The NEC is hereby authorized to adopt any administrative and operational measures (such measures may include but shall not be limited to measures relating to the time, place and procedure for registration), which, in its discretion, it deems to be necessary, appropriate or expedient, in order to facilitate the registration and voting of those Liberians who are qualified to register to vote under sub-section 3.1 of the New Elections Law 1986, who have been displaced from their home community, or are returnees who had previously been exiled, as a result of war, civil disorder or human rights abuses.”

A LAW TO AMEND CHAPTERS THREE (3), FOUR (4), FIVE (5) AND TEN (10) OF THE NEW ELECTIONS LAW TO OFFER IMPROVED ACCESS TO VOTERS WITH DISABILITIES

WHEREAS, the NEC is desirous of offering facilities at registration and voting centres for persons with disabilities;

WHEREAS, NEC is aware that every Liberian citizen shall have the right to good quality election service; and

WHEREAS, the NEC wishes to facilitate access to all registration and voting centres:

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Legislation: Chapter 3, Registration of Voters, section 3.2

“Place or Center of Registration: Not later than two (2) weeks before the first day of registration, the Commission shall publicly advertise by printed notices in newspapers where feasible, by posters, placards and by radio and television broadcast and by any means, the lists of the location of places for registration centers in the local communities involved.”

SECTION TWO:

“Section 3.2 of the New Elections Law 1986 is hereby amended by adding two subsections **3.2(b) and (c) and re-numbering the existing section 3.2 as 3.2(a)**, thus:

SUBSECTION 3.2(b) “Registration officers shall give preference to persons with disabilities at registration centers.”

SUBSECTION 3.2(c) “The location and arrangement of the registration centers shall, to the extent which is reasonably and practicably possible, be accessible to persons with disabilities.”

SECTION THREE: Prior Legislation: Chapter 4 Conduct of Elections; Section 4.2 (1)

“Polling Places: The Commission shall designate Polling Places in each constituency to serve the voting precincts. A change of Polling Place after due designation, may be made by the Commission or giving at least forty-eight (48) hours notice to the voters affected thereby.”

SECTION FOUR:

“Section 4.2(1) of the New Elections Law 1986 is hereby amended by re-numbering the existing subsection as 4.2(1) (a) and adding two subsections 4.2(1) (b) and 4.2(1) (c) as follows:

SUBSECTION 4.2(1) (b) “Polling officers shall give preference to persons with disabilities at the polling places.”

SUBSECTION 4.2(1) (c) “The location and arrangement of the Polling Places shall, to the extent which is reasonably and practicably possible, be accessible to persons with disabilities.”

SECTION FIVE: Prior Legislation: Chapter 5 Voting, section 5.8 **Casting of ballot: Assistance to Unlettered and Physically Incapacitated.** “A voter who is unlettered or physically incapacitated of voting may request assistance of a helper to mark his ballot in the presence of an election officer. The Clerk shall enter on the register opposite the name of such assisted voter, the reason for such assistance. The one assisting the voter shall retire with him in an unoccupied compartment along with an election officer and at his direction, help in the preparation and marking of his ballot and return the ballot paper properly folded for deposit in the official ballot box.”

SECTION SIX:

“Section 5.8 of the New Elections Law 1986 is hereby amended by deleting the existing section and inserting in its stead the following;

SECTION 5.8 Casting of Ballot: Assistance to Unlettered and Physically Incapacitated: “A voter who is unlettered or incapacitated may request the assistance of a person of his/her choice to mark his/her ballot in secret, provided that the person giving assistance shall be a registered voter. The Clerk shall enter on the register opposite the name of the assisted voter, the reason of such assistance. The one assisting the voter shall retire with him/her in an unoccupied compartment and, at the direction of the voter, help in preparation and marking of his/her ballot paper and return the ballot paper properly folded for deposit in the ballot box.”

SECTION SEVEN: Prior Legislation: Chapter 10 Election Offences: Section 10.1

“**Acts Constituting Malfeasance:** The following acts shall constitute malfeasance, punishable under this chapter:

- (a) Influencing or attempting to influence the results of any election;
- (b) Omitting or refusal to sign the register or any other document which is required to be signed in connection with any election without just cause;
- (c) Committing or attempt to commit any act designed to defeat the intention of a voter; and,
- (d) Unlawful disclosure of any knowledge officially acquired touching the vote of any voter.

Any election officer, or any person required to sign a register as provided in sub-section (b) or who does any of the acts above is guilty of an election offence and is punishable by a fine of not more than One Thousand (\$1,000.00) Dollars or imprisonment for not more than six months or both.” is hereby amended at 10.1(d) to read as follows:

SECTION EIGHT

“Section 10.1(d) of the New Elections Law is hereby amended by deleting the existing sub-section and inserting in its stead the following;

SUBSECTION 10.1(d) “Unlawful disclosure of any knowledge officially acquired touching the vote of any voter, or acquired through assisting a person with disabilities pursuant to Chapter 5 Section 5.8 of the New Elections Law.”

A LAW TO AMEND SECTION 4.1(2) OF THE NEW ELECTIONS LAW 1986 TO PROVIDE THAT THE NUMBER OF REGISTERED VOTERS IN ANY VOTING PRECINCT SHALL NOT EXCEED TWO THOUSAND

WHEREAS, it is proposed that the number of registered voters in any voting precinct shall not exceed two thousand;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior legislation: Section 4.1(2) of the New Elections Law 1986;

“Section 4.1(2): The number of registered voters in every precinct shall be approximately equal, and unless the Commission in any particular case so

determine, the number of registered voters in any precinct shall not exceed one thousand (1000).”

SECTION TWO: Section 4.1(2) of the New Elections Law 1986 is hereby amended to read as follows:

“Section 4.1(2): The number of registered voters in every precinct shall be approximately equal, and unless the Commission in any particular case so determine, the number of registered voters in any precinct shall not exceed two thousand (2000).”

A LAW TO AMEND SECTION 4.2 OF THE ELECTIONS LAW TO EMPOWER NEC PRESIDING OFFICER TO PRESIDE OVER THE COUNTING OF BALLOTS AT THE POLLING PLACE

WHEREAS, for the purpose of administrative efficiency, transparency and practicality, it is proposed that a NEC Presiding Officer presides at the voting and counting at each polling place, and assumes all other functions of the sheriff as contained in the New Elections Law 1986;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Legislation: Sections 2.22, 2.25, 4.2(6), 4.8, 4.9, 4.13, 5.4, 5.6, and 10.15 of the New Elections Law 1986.

SECTION TWO: The New Elections Law 1986 is hereby amended as follows:

“Wherever the word “Sheriff” appears in the New Elections Law 1986, the same shall be deleted and replaced with the words “NEC Presiding Officer”

A LAW TO AMEND SECTION 4.2(3) OF THE ELECTIONS LAW TO PROVIDE FOR TRANSPARENT BALLOT BOXES THAT CAN BE SEALED

WHEREAS, the use of seals on ballot boxes as opposed to locks and keys offers greater security protection from tampering, thereby fostering greater confidence and credibility;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Legislation: Polling Places: section 4.2(3) of the New Elections Law 1986;

“Each polling place shall be provided with a ballot box or boxes, which shall have lock and key and a clerk for receiving the ballot papers”

SECTION TWO:

Section 4.2(3) of the New Elections Law 1986 is hereby amended to read as follows:

“Each polling place shall be provided with a transparent ballot box or boxes, which can be sealed.”

A LAW TO AMEND SECTION 4.10 OF THE NEW ELECTIONS LAW 1986 TO ENABLE ELECTIONS OBSERVERS AND OTHER PERSONS AUTHORISED BY NEC TO BE PRESENT AT POLLING PLACES

WHEREAS, it is appropriate for elections observers and other persons authorised by NEC to be present at the polling place to observe and monitor the conduct of the 2005 elections;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior legislation: Section 4.10 of the New Elections Law 1986;

“Section 4.10: Persons present at polling places: No one other than the elections officers, the party representatives appointed under paragraph 2, section 4.9, or members of the Police Force on duty at the polling place, and voters voting or about to vote shall be permitted to enter or remain in a polling place during the polling.”

SECTION TWO:

“Section 4.10 of the New Elections Law 1986 is hereby amended by deleting the existing section and inserting in its stead the following;

Section 4.10: Persons present at polling places: No one other than the elections officers, the party representatives appointed under paragraph 2, section 4.9, or elections observers, police officers or other persons accredited or authorised by the NEC, and voters voting or about to vote shall be permitted to enter or remain in a polling place during the polling.”

A LAW TO AMEND SECTION 4.14 OF THE NEW ELECTIONS LAW 1986 RELATING TO ENDORSEMENT OF ELECTIONS TALLY

WHEREAS, it is proposed that a NEC Presiding Officer presides at the counting of ballots at the polling place;

WHEREAS, for the purposes of practicality and efficacy, it is proposed that the requirement for the Commission to count the ballots be deleted;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior legislation: Section 4.14 of the New Elections Law 1986;

“Section 4.14: Endorsement of Elections Tally:

When the Magistrate of Elections has received or been notified of the tally of the votes cast at each polling center in accordance with the registrar prepared after the tally at polling places, he shall total all the votes cast in each constituency and endorse each tally. He shall forward the writ forthwith to the Commission and not later than the date for return endorse thereon under section 4.3 of this Chapter and notify the Commission by telegraph, of otherwise of the tally.

The Commission shall collect all the tabulated results from every constituency received from the Magistrates; count the ballots and announce the returns of the elections not later than fifteen (15) days after the day of election.”

SECTION TWO: Section 4.14 of the New Elections Law 1986 is hereby amended to read as follows:

“Section 4.14: Endorsement of Elections Tally:

When the Magistrate of Elections has received or been notified of the tally of the votes cast at each polling center in accordance with the registrar

prepared after the tally at polling places, he shall total all the votes cast in each constituency and endorse each tally. He shall forward the writ forthwith to the Commission and not later than the date for return endorse thereon under section 4.3 of this Chapter and notify the Commission by telegraph, or otherwise of the tally.

The Commission shall collect all the tabulated results from every constituency received from the Magistrates; and announce the returns of the elections not later than fifteen (15) days after the day of election.”

A LAW TO AMEND SECTION 4.15 OF THE NEW ELECTIONS LAW 1986 RELATING TO HOW ELECTIONS RESULTS ARE DETERMINED

WHEREAS, due to logistical and practical constraints, it is considered inappropriate to apply an absolute majoritarian system, as prescribed by SECTION 4.15 of the New Elections Law 1986, in relation to the election of senators and members of the House of Representatives;

WHEREAS, following extensive consultations with the stakeholders, there was a clear preference for a simple majoritarian system for the election of senators, and in relation to the election of members of the House of Representatives, a preference was shown for the single non-transferable vote system;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior legislation: Section 4.15 of the New Elections Law 1986;

“Section 4.15: Elections Results How Determined: All elections of public officers shall be determined by an absolute majority of the votes cast. If no candidate obtains an absolute majority in the first ballot, a second shall be conducted on the second Tuesday following. The two candidates who received the greatest numbers of votes on the first ballot shall be designated to participate in the run-off election and the candidate who then obtains a majority vote shall be declared elected.”

SECTION TWO:

“Section 4.15 of the New Elections Law 1986 is hereby deleted and replaced with sections 4.15(a), (b), and (c) as set out below;

“Section 4.15(a): Elections to the office of President and Vice President of the Republic of Liberia shall be conducted on a two-round electoral system. The first round shall be determined by an absolute majority of the valid votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Tuesday following the first ballot. The two candidates who obtain the highest number of valid votes at the first ballot shall be designated to participate in the run-off election and the candidate who obtains the majority of the valid votes cast at the second ballot is elected.”

“Section 4.15(b): Elections for the office of Senator of the Republic of Liberia shall be based on a simple majoritarian system. The two candidates who obtain the highest and second highest numbers of valid votes cast in the county shall be elected.”

“Section 4.15(c): Elections for membership of the House of Representatives of the Republic of Liberia shall utilize the county based Single Non-Transferable Vote (SNTV) system. In each county the candidates who receive the highest number of votes shall be elected to fill the seats allocated to the said county.”

A LAW TO AMEND SECTION 5.1 OF THE NEW ELECTIONS LAW 1986 RELATING TO WHO MAY VOTE

WHEREAS, for the purposes of practicality and expediency, it is considered that a voter should vote in the voting precinct of the constituency in which he/she is registered;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior legislation: Section 5.1 of the New Elections Law 1986;

“Section 5.1: Who May Vote: Except one who has been judicially declared to be incompetent or of unsound mind, or who has been barred from voting as a result of his conviction and imprisonment for an infamous crime which disenfranchised him as a voter and has not been restored to full citizenship, a Liberian citizen with a valid registration card may vote at any election in the

voting precinct of the constituency in which he/she is registered or if he/she produces a valid registration card in any other voting precinct in the same constituency.”

SECTION TWO:

“Section 5.1 of the New Elections Law is hereby amended by deleting the existing section and inserting in its stead the following;

Section 5.1: Who May Vote: Except one who has been judicially declared to be incompetent or of unsound mind, or who has been barred from voting as a result of his conviction and imprisonment for an infamous crime which disenfranchised him as a voter and has not been restored to full citizenship, a Liberian citizen with a valid registration card may vote at any election in the voting precinct of the constituency in which he/she is registered.”

A LAW TO AMEND SECTION 5.2 OF THE NEW ELECTIONS LAW 1986 RELATING TO WHERE TO VOTE

WHEREAS, Section 3.1 of the New Elections Law 1986 provides that every voter shall be allowed to vote only in the constituency where he/she is registered;

WHEREAS, Section 3.1 and Section 5.2 are inconsistent;

WHEREAS, for the purposes of practicality and expediency, it is considered that a voter should vote in the voting precinct of the constituency in which he/she is registered;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior legislation: Section 5.2 of the New Elections Law 1986;

“Section 5.2: Where To Vote: A Liberian citizen with a valid Registration Card other than an election for the President or Vice President where a voter may vote in any constituency in the Country, or for a Senator where a voter may vote in any constituency in the Country, a registered voter shall vote only in the constituency in which he is registered; for municipal election only registered voters in the municipality; for Paramount chieftaincy

elections, only registered voters within the chiefdom; for clan chieftaincy election only registered voters within the clan and for general town chiefs only the registered voters within amalgamated towns.”

SECTION TWO:

“Section 5.2 of the New Elections Law is hereby amended by deleting the existing section and inserting in its stead the following;

Section 5.2: Where To Vote: A Liberian citizen with a valid Registration card shall vote only in the constituency in which he/she is registered.”

A LAW TO PROVIDE FOR THE DELETION OF SECTION 5.5 OF THE NEW ELECTIONS LAW 1986 RELATING TO ABSENTEE VOTING

WHEREAS, due to practical and logistical constraints, absentee voting is not considered to be feasible;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Legislation: Section 5.5 of the New Elections Law 1986;

“Section 5.5: Absentee Voting: A registered voter who is absent from the country during an election and wishes to vote shall request the Commission registered mail for an absentee ballot forty-five (45) days before an election. Absentia votes shall be directed directly to the Commission by registered mail for inclusion into the result of the elections.”

SECTION TWO:

“Section 5.5 of the New Elections Law 1986 is hereby deleted.”

A LAW TO AMEND SECTION 7.3 OF THE NEW ELECTIONS LAW 1986 RELATING TO THE LIMITATION OF ELECTION EXPENSES

WHEREAS, Section 7.3 of the New Elections Law 1986 provides the maximum amounts beyond which election expenses shall not be incurred or authorized by a candidate;

MINDFUL of the devaluation of the Liberian Dollar;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior legislation: Section 7.3 of the New Elections Law 1986;

“Section 7.3: Limitation of Election Expenses:

Expenses per candidate:

1. Elections expenses shall not be incurred or authorized by a candidate beyond the following amounts:

(a) For President in excess of \$2,000,000.00

(b) For Vice President in excess of \$1,000,000.00

(c) For a Senator in excess of \$600,000.00

(d) For a Representative in excess of \$400,000.00

(e) For any other elective public office, in excess of \$75,000.00

2. Application and Registration Fees:

Application and Registration fees of aspirants and candidates for any elective public office shall not exceed Five Hundred (\$500) Dollars. The Elections Commissions shall in its guidelines and regulations allocate such fees in accordance with the category of the elective public office sought.”

SECTION TWO: Section 7.3 of the New Elections Law 1986 is hereby amended to read as follows:

“Section 7.3: Limitation of Election Expenses:

Expenses per candidate:

1. Elections expenses shall not be incurred or authorized by a candidate beyond the following amounts:

(a) For President in excess of Two Million United States Dollars (US\$2,000,000.00).

(b) For Vice President in excess of One Million United States Dollars (US\$1,000,000.00).

(c) For a Senator in excess of Six Hundred Thousand United States Dollars (US\$600,000.00).

(d) For a Representative in excess of Four Hundred Thousand United States Dollars (US\$400,000.00).

(e) For any other elective public office, in excess of Seventy Five Thousand United States Dollars (US\$75,000.00).

2. Application and Registration Fees:

Application and Registration fees of aspirants and candidates for any elective public office shall not exceed Five Thousand United States Dollars (US\$5,000). The Elections Commission shall in its guidelines and regulations allocate such fees in accordance with the category of the elective public office sought.”

A LAW TO AMEND CHAPTER 8 OF THE NEW ELECTIONS LAW 1986 TO ALLOW REGISTERED POLITICAL PARTIES TO FORM ALLIANCES AND COALITIONS

WHEREAS, Chapter 8 of the New Elections Law 1986 provides for the merger and consolidation of political parties but does not provide for alliances or coalitions;

WHEREAS, political parties may wish to utilize alliances or coalitions as a flexible arrangement;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior legislation: Chapter 8 of the New Elections Law 1986;

SECTION TWO:

“Chapter 8 of the New Elections Law 1986 is hereby amended by inserting the following as section 8.5, immediately after section 8.4;

“Section 8.5: Alliances and coalitions: Registered political parties may be allowed to form alliances or coalitions. The procedure for forming alliances and coalitions shall be prescribed by the NEC.”

A LAW TO AMEND CHAPTER TEN OF THE 1986 ELECTIONS LAW TO MAKE THE MAXIMUM FINE FOR AN ELECTION OFFENSE 25,000.00 LIBERIAN DOLLARS AND TO AUTHORIZE NEC TO ESTABLISH THE MAXIMUM FINE AND PENALTY FOR EACH ELECTION OFFENSE

WHEREAS, Chapter 10 of the Elections Law provides definitions for electoral offences and penalties ranging from one hundred dollars to ten thousand dollars;

MINDFUL of the devaluation of the Liberian Dollar;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior Legislation: **NEW ELECTIONS LAW: Chapter 10: Election Offences.**

“Chapter 10 of the New Elections Law 1986 is hereby amended by the deletion of all provisions and references which are inconsistent with sections two and three below.”

SECTION TWO:

The National Elections Law 1986 is hereby amended to add the following as section 10.27;

“Section 10.27: Penalty in general: The maximum fine for any election offence shall be LD\$25,000.00.”

SECTION THREE:

The National Elections Law 1986 is hereby amended to add the following as section 10.28;

“Section 10.28: The National Elections Commission (NEC) is hereby authorized to establish the minimum and maximum penalty and fine for each electoral offence.”

SECTION FOUR: Section 10.4 (Bribery) of the New Elections Law 1986 is hereby amended by the addition of the following:

“In addition to the foregoing penalty, anyone guilty of bribery shall be disqualified from holding any elective public office in the Republic of Liberia, or from voting in any elections held under this law for a period of seven years.”

SECTION FIVE: Section 10.5 (Undue influence) of the New Elections Law 1986 is hereby amended by the addition of the following;

“In addition to the foregoing penalty, anyone guilty of the aforementioned acts shall be disqualified from holding any elective public office in the Republic of Liberia, or from voting in any elections held under this law for a period of seven years.”

SECTION NINE: Section 10.18 (Stirring Up Unrest and Rebellion in Lieu of Protest After Declaration of Election Results) of the New Elections Law 1986 is hereby amended by the addition of the following:

“In addition to the foregoing penalty, any person who is guilty of stirring up unrest and rebellion in lieu of protest after declaration of election results shall be disqualified from holding any elective public office in the Republic of Liberia or voting in any election held under this law for seven years.”

A LAW TO AMEND SECTION 10 OF THE NEW ELECTIONS LAW 1986 RELATING TO THE ELECTION OFFENSE OF FRAUDULENT REGISTRATION

WHEREAS, the New Elections Law 1986 makes no provision in relation to fraudulent registration;

IT IS HEREBY ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA) OF THE REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

SECTION ONE: Prior legislation: Chapter 10 of the New Elections Law 1986.

SECTION TWO: Chapter 10 of the New Elections Law 1986 is hereby amended by re-numbering the existing Section 10.2 (Offences in Relation to Registration Cards) as Section 10.2(2), and by inserting the following as Section 10.2(1) immediately after Section 10.1:

“Section 10.2(1): Offences in Relation to Fraudulent Registration:
Any person who does any of the following acts shall be guilty of an election offence:

- (a) Making a false statement to an Elections Officer at any point during the voter registration process
- (b) Impersonating another person when applying to register to vote

- (c) Registering or attempting to register to vote more than once in relation to an election
- (d) Any other fraudulent act relating to voter registration”