



Republic of Liberia
National Elections Commission (NEC)



Guidelines on the Determination of Objections and Appeals against Rejection

8 July 2005

PREAMBLE

WHEREAS, Article 89 of the January 6, 1986 Constitution of the Republic of Liberia established the Elections Commission as an autonomous public Commission;

WHEREAS, Section 2.9(a) of the 1986 Elections Law empowers the Elections Commission to formulate and enforce electoral guidelines;

WHEREAS, the National Elections Commission, successor to the Elections Commission, was reconstituted by the Comprehensive Peace Agreement signed in Accra, Ghana, on 18th August 2003;

WHEREAS, the Comprehensive Peace Agreement mandates that the electoral system in Liberia be reformed in order to ensure that the rights and interests of all Liberians are guaranteed, and that the elections are organized in a manner that is acceptable to all;

NOW THEREFORE:

The National Elections Commission hereby promulgates the following guidelines pertaining to the determination of objections and appeals against rejection:

I. Definitions

Appeal against rejection – means an appearance before the Magistrate of Elections by an individual who has been denied registration and is in possession of a rejection form.

Objector– means an individual who disputes the inclusion of a name on the Provisional Voter's Roll (PVR).

Objection – means a request by an individual to remove a name from the PVR made during the Exhibition period of 30 June – 2 July 2005.

Commission – means the National Elections Commission.

II. Determination of Objections

A) When Both Parties are Present

Objections are received at the Exhibition Center by the Exhibition Officer during the Exhibition period and forwarded to the Magistrate of Elections for determination.

The determination of objections should be made by the Magistrate of Elections during the determination period of 11 – 13 July 2005, provided, however, that all determinations shall be made within thirty (30) days of their receipt.

Any individual may object to the continuance of a name on the PVR by stating reason of ineligibility in the prescribed form to be transmitted to the Magistrate of Elections for determination.

The Magistrate of Elections will first establish the identity of both the Objector and the person objected to.

The Magistrate of Elections will explain the grounds for the objection.

The Objector, having the burden of proof, must supply acceptable evidence in support of the Objection.

The person objected to shall then have the opportunity to refute the Objection or offer acceptable evidence to the contrary.

If the Magistrate of Elections determines that the Objection is invalid, the findings shall be made public and the name in question shall remain on the Voter's Roll.

If the Magistrate of Elections determines the Objection is valid, the person objected to shall be informed that his/her name will be removed from the Voter's Roll and of the right to appeal. Where the magistrate of elections determines that a name shall be removed, the Voter Registration card shall be retrieved and retained until all appeals have been exhausted.

B) When Person Objected to is Absent

If at the time of determination the person being objected to is absent, the Magistrate of Elections shall proceed with the determination of the case.

The Magistrate of Elections will first establish the identity of the Objector.

The burden of proof rests with the Objector, who must provide acceptable evidence to support the Objection.

If the Magistrate of Elections determines that the Objection is invalid, the findings shall be made public and the name in question shall remain on the Voter's Roll.

If the Magistrate of Elections determines the Objection is valid, the person objected to shall be informed by public notice of the determination to remove the name from the Voter's Roll and of the right to appeal. Where the Magistrate of Elections determines that a name shall be removed, the Voter Registration card shall be retrieved and retained until all appeals have been exhausted.

C) When Objector is Absent

In the event the Objector is not present, the Magistrate of Elections will make a determination based upon the evidence submitted when the Objection is received. The burden of proof shall remain with the Objector.

III. Determination by the Magistrate of Elections of Appeals against Rejection

Individuals whose application for registration was rejected and who possess a valid rejection form and who have not already been registered shall have the opportunity to have their appeal determined during the determination period of 11-13 July 2005.

Based on the reason for rejection indicated on the form, the Magistrate of Elections shall determine the validity of the rejection.

The Magistrate of Elections shall make a determination based on the evidence submitted, with the person rejected having the burden of proof.

The person rejected may meet the burden of proof by producing one of the following:

- a. Two registered voters as witnesses; or
- b. A traditional chief as a witness; or
- c. A valid Liberian passport; or
- d. A birth certificate; or
- e. A certificate of naturalization; or
- f. A certificate of renunciation of a second nationality.

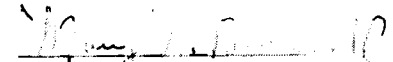
If the Magistrate of Elections determines the person is eligible for registration, that person will be registered immediately and the name included on the Voter's Roll.


IV. Appeals

Any appellant aggrieved by a decision of the Magistrate of Elections shall have the right to file a written appeal to the Commission within seven (7) days of receiving notice of the Magistrate of Elections' decision.

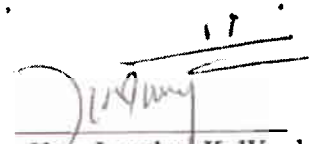
Any appellant aggrieved by a decision of the Commission shall have the right to appeal to the Supreme Court within seven (7) days of receiving notice of the Commission's decision.

Any decision by the Supreme Court shall be final.


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