



Republic of Liberia
NATIONAL ELECTIONS COMMISSION
(NEC)



TUBMAN BLVD., SINKOR - P. O. BOX 2044
 MONROVIA, LIBERIA

DECISION OF THE BOARD OF COMMISSIONERS

Decision Number: 2005 – 52

Subject: The Board of Commissioners decides the following regarding recounts and ties.

Reference:

Time, Date of Meeting:

Meeting Number:

Commissioners Present: Chairman Johnson-Morris
 Co-Chairman Fromayan
 Commissioner Brownell
 Commissioner Chelley
 Commissioner Boyenneh
 Commissioner Sackor
 Commissioner Weedor

The Board of Commissioners decided:

To unanimously adopt the attached document entitled Automatic Recount of Votes and Drawing of Lots for purposes of the October 11, 2005 Presidential and General elections.

Commissioners in Support:

1. Chair, Johnson-Morris *[Signature]*
2. Co-Chair, Fromayan *[Signature]*
3. Comm. Brownell *May T. Brownell*
4. Comm. Chelley *[Signature]*
5. Comm. Sackor *[Signature]*
6. Comm. Boyenneh *[Signature]*
7. Comm. Weedor _____

Commissioners Opposed:

1. Chair, Johnson-Morris _____
2. Co-Chair, Fromayan _____
3. Comm. Brownell _____
4. Comm. Chelley _____
5. Comm. Sackor _____
6. Comm. Boyenneh _____
7. Comm. Weedor _____

Automatic Recount of Votes and Drawing of Lots.

The following procedures shall apply (a) to determine when a recount of votes must be held and (b) to determine who is elected to any office, where the number of valid votes cast received by those candidates who receive the highest number of votes falls within the range specified below or (c) to establish who has been elected to office, in the event candidates contesting for the same office receive an equal number of valid votes cast, resulting in a tie.

Recount of Votes in a Close Election and In the Event of a Tie.

Presidential Candidates: Recounts shall automatically be held, in the case of Presidential candidates, where the difference between any of the three candidates who receive the greatest total number of valid votes cast is *two hundred (200)* or less.

Senatorial Candidates: Recounts shall automatically be held, in the case of candidates for the Senate, where the difference between any of the three candidates in the same county who receive the greatest total number of valid votes cast is *fifty (50)* or less.

House of Representative Candidates: Recounts shall automatically be held, in the case of candidates for the House of Representatives, where the difference between the two candidates in the same district who receive the greatest total number of valid votes cast is *fifty (50)* or less.

Recounts shall be conducted by Electoral Magistrates at their respective County Tally Centers, once it has been established that any of the conditions requiring a recount of votes pertain.

Manner of Resolving Ties With Respect to Presidential Candidates.

Where it is established that a situation exists between the three candidates who received the greatest number of valid votes cast for President in the first round of an election, such that is not possible to declare which two candidates should participate in the second round of elections, the National Elections Commission shall, as soon as practicable after a determination of the final results, schedule a special public meeting which these candidates shall be required to attend.

In the presence of the candidates and a member of the Liberian Inter Religious Council, the NEC Chair shall determine which two candidates shall stand for election in the second round of elections by the drawing of lots, as described below. A public announcement of the results shall be made immediately.

Where a second ballot is conducted in a run-off election held pursuant to Section 1.2 of The Electoral Reform Law that results in the candidates receiving an equal number of valid votes cast, the National Elections Commission shall, after a determination of

the final results, schedule a special public meeting as soon as practicable which these candidates shall be required to attend.

In the presence of the candidates and a member of the Liberian Inter Religious Council, the NEC Chair shall determine the winning candidate by the drawing of lots, as described below. A public announcement of the winning candidate shall be made immediately.

Manner of Resolving Ties in Senate Elections.

Wherever in any county it shall appear from the tally that a tie exists between any of the three candidates who received the greatest number of valid votes cast, such that it is not possible to declare who was elected the Senator of the First Category or the Senator of the Second Category in that county, the National Elections Commission shall, as soon as practicable after a determination of the final results, schedule a special public meeting which these candidates shall be required to attend.

In the presence of the candidates and a member of the Liberian Inter Religious Council, the NEC Chair shall determine the winning candidate by the drawing of lots, as described below. A public announcement of the winning candidate shall be made immediately.

Manner of Resolving Ties in House of Representatives Elections.

Wherever in any district it shall appear from the tally that a tie exists between the two candidates who received the greatest number of valid votes cast, such that it is not possible to declare a winner, the National Elections Commission shall, as soon as practicable after a determination of the final results, schedule a special public meeting which these candidates shall be required to attend.

In the presence of the candidates and a member of the Liberian Inter Religious Council, the NEC Chair shall determine the winning candidate by the drawing of lots, as described below. A public announcement of the winning candidate shall be made immediately.

Drawing Lots.

Drawing lots shall be the sole method used to establish who was elected for a given office where a tie exists between candidates who receive the highest number of valid votes cast. In the event there is a tie among three candidates for a particular office, any one of whom would be the winner but for the tie, more than one drawing of lots may be required to determine who was elected.

In the sole discretion of the NEC, drawing lots for different offices may be held at the same time and place, provided that a drawing of lots for each office shall be conducted separately.

Procedure for Drawing of Lots.

Drawing of lots shall be conducted as provided below.

In the presence of the candidates who are participating in drawing lots and in the presence of a member of the Liberian Inter Religious Council, the Chair of the NEC shall cause the names of the candidates participating in the drawing to be printed or typed in bold print on slips of paper or cards that are identical in every respect. These slips shall then be placed in envelopes that are identical in every respect, so that it is impossible to distinguish between them and when the envelopes are sealed, it is not possible to read the names.

The envelopes containing the names of the candidates participating in drawing lots shall be placed in a transparent container to allow all present to see there are no markings on the envelopes. Should it be necessary to conduct more than one drawing of lots at the same time, the transparent container may be marked with the title, *Presidential Drawing, Senatorial Drawing or House of Representatives Drawing* corresponding to the drawing of lots for the office at issue.

In the presence of all present, the Chair of the NEC shall shake the container vigorously once the envelopes are inside. Then the Chair of the NEC shall ask a legally blind person to draw one of the envelopes from the transparent container, open it and ask the member of the Supreme Court witnessing the drawing to state the name of the candidate written on the slip inside. The envelope and the slip shall be shown to the candidates who were participating in drawing lots, to verify that the name announced is that which is written thereon.

The Chair of the NEC shall declare the candidate whose name is on the slip as the winner of the drawing. Where there is a tie among three or more candidates for an office, the Chair of the NEC shall declare which candidates shall be elected to office by repeatedly drawing lots.

Where the Chair of the NEC is not present, the responsibilities shall be undertaken by the Co-Chair of the NEC or another Commissioner, if both the Chair and the Co-Chair of the NEC are unable to conduct the drawing of lots.